IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 10-CV-24597-JORDAN/O'SULLIVAN

NAKED, LLC, Plaintiff(s), v. CHURCH & DWIGHT CO., INC., Defendant(s).	JURY DEMAND

PLAINTIFF'S RESPONSE TO CHURCH & DWIGHT'S COUNTERCLAIMS

Plaintiff Naked, LLC ("Naked") hereby responds to Church & Dwight Co., Inc.'s ("Church & Dwight") Counterclaims, served on April 20, 2011, states as follows:

PARTIES

1. Church & Dwight is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at Princeton, NJ 08543.

Response:

Admitted.

2. On information and belief, Naked, LLC ("Naked") is a limited liability company having a principal place of business at 50 South Pointe Drive, Miami Beach, FL 33139.

Response:

Admitted.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this counterclaim pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and 1367, and the Declaratory Judgment Act, 28 U.S.C. §§2201 and 2202.

Response:

Admitted.

4. This Court has personal jurisdiction over Plaintiff and Counterclaim-Defendant.

Response:

Admitted.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391 and 28 U.S.C. §1400(b).

Response:

Admitted.

COUNTERCLAIM I

Declaratory Judgment of Non-Infringement of U.S. Patent No. 5,855,206

6. Church & Dwight restates and incorporates by reference Counterclaim Paragraphs 1-5 as if fully set forth herein.

Response:

Naked restates and incorporates by reference its responses to paragraphs 1-5 of the Complaint as if fully set forth herein.

7. There is an actual, substantial, and continuing justiciable controversy between Church & Dwight and Plaintiff and Counterclaim-Defendant Naked regarding the infringement, validity, and enforceability of the '206 Patent.

Response:

Admitted.

8. Church & Dwight has not infringed, directly or indirectly, any valid and enforceable claim of the '206 Patent, either literally or under the doctrine of equivalents.

Response:

Denied.

9. Church & Dwight has not willfully infringed any valid and enforceable claim of the '206 Patent.

Response:

Denied

10. Church & Dwight is entitled to a declaration that it does not infringe any valid and enforceable claim of the '206 Patent.

Response:

Denied

COUNTERCLAIM II

Declaratory Judgment of Invalidity and/or Unenforceability of U.S. Patent No. 5,855,206

11. Church & Dwight restates and incorporates by reference Counterclaim Paragraphs 1-10 as if fully set forth herein.

Response:

Naked restates and incorporates by reference its responses to paragraphs 1-10 of the Complaint as if fully set forth herein.

12. There is an actual, substantial, and continuing justiciable controversy between Church & Dwight and Plaintiff and Counterclaim-Defendant Naked regarding the validity and enforceability of the '206 Patent.

Response:

Admitted.

13. The claims of the '206 Patent are invalid, void, and/or unenforceable for failure to comply with the statutory prerequisites of Title 35 of the United States Code, including, without limitation, one or more of §§ 101, 102, 103, 112, 116, 132, and/or 256.

Response:

Denied.

14. The '206 Patent is also unenforceable by reason of Plaintiff and Counterclaim-Defendant's unclean hands and/or patent misuse in attempting to enforce the '206 Patent in bad faith, knowing that the '206 Patent is invalid, unenforceable, and/or not infringed by Church & Dwight.

Response:

Denied.

15. Church & Dwight is entitled to a declaration that all claims of the '206 Patent are invalid, void, and/or unenforceable.

Response:

Denied.

PRAYER FOR RELIEF

Naked denies that Church & Dwight is entitled to any relief on its counterclaims.

Dated: May 11, 2011

Respectfully submitted,

/s/Timothy J. Haller

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 11, 2011 the foregoing **PLAINTIFF'S RESPONSE TO CHURCH & DWIGHT'S COUNTERCLAIMS** was filed electronically with the Clerk of Court pursuant the Court's CM/ECF procedures. Notice of this filing will be sent to all parties by the Court's electronic filing system.

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/Timothy J. Haller
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