UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WBIP, LLC, Plaintiff, v. KOHLER CO., Defendant.	Civil Action No. 1:11-cv-10374-NMG

PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIMS

Plaintiff WBIP, LLC ("WBIP") Answers Defendant Kohler Co.'s ("Kohler's") Counterclaims as follows:

PARTIES

1. Admitted.

2. Admitted.

JURISDICTION AND VENUE

3. WBIP Admits that this Court has subject matter jurisdiction over Kohler's counterclaims. Any and all remaining allegations of paragraph 3 are denied.

4. Admitted.

5. Admitted.

COUNT I: DECLARATION OF NON-INFRINGEMENT

6. See WBIP's responses to paragraphs 1-5 above, which are incorporated herein by reference.

7. Denied.

8. Admitted.

9. Denied that Kohler is entitled to such a Declaration.

COUNT II: DECLARATION OF INVALIDITY

10. See WBIP's responses to paragraphs 1-9 above, which are incorporated herein by reference.

11. Denied.

12. Denied.

13. Denied that Kohler is entitled to such a Declaration.

EXCEPTIONAL CASE

14. See WBIP's responses to paragraphs 1-13 above, which are incorporated herein by reference.

15. If WBIP prevails, WBIP contends that this case is exceptional under 35 U.S.C. § 285. If Kohler prevails, then denied that this case is exceptional under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WBIP denies that Kohler is entitled to any of the requested relief and denies any allegations in Kohler's prayer for relief.

Respectfully Submitted,

Dated: August 22, 2011

/s/ David A. Simons

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon counsel of record.

/s/ David A. Simons
David A. Simons (BBO # 638740)