

1. Defendant admits paragraph 1 correctly characterizes the Complaint but denies that the Vilber products identified in the complaint infringe the '516 patent.

2. Defendant lacks sufficient information to admit or deny the allegations of paragraph 2 and therefore denies them.

3. Admitted.

JURISDICTION AND VENUE

4. Admitted.

5. Admitted.

6. Defendant admits that Scintica is a corporation organized and existing under the laws of Texas with its principal place of business in the city of Webster in this District. Solely for purposes of this action, Defendant does not contest personal jurisdiction.

7. Scintica admits that it maintains its headquarters and conducts business in this District. Solely for purposes of this action, Defendant does not contest personal jurisdiction. Scintica denies that it has committed acts of infringement and denies any remaining allegations in paragraph 7.

8. Solely for purposes of this action, Defendant does not contest venue in this District.

THE PATENT-IN-SUIT

9. Defendant admits that the '516 patent is entitled "Excitation

Light Source Assembly,” that it issued on December 2, 2014, and that Exhibit A to the Complaint appears to be a true and correct copy of the patent-in-suit. Defendant denies that the ’516 patent was duly and lawfully issued. Defendant lacks sufficient information to admit or deny the remaining allegations of paragraph 9 and therefore denies them.

FACTUAL BACKGROUND

10. Defendant lacks sufficient information to admit or deny the allegations of paragraph 10 and therefore denies them.

11. Defendant lacks sufficient information to admit or deny the allegations of paragraph 11 and therefore denies them.

12. Defendant lacks sufficient information to admit or deny the allegations of paragraph 12 and therefore denies them.

13. Defendant lacks sufficient information to admit or deny the allegations of paragraph 13 and therefore denies them.

14. Denied.

15. Denied.

16. Defendant lacks sufficient information to admit or deny the allegations of paragraph 16 and therefore denies them. Defendant affirmatively alleges that it was not incorporated until 2020 and was not the company that communicated with Plaintiff in 2019.

17. Denied.

18. Defendant lacks sufficient information to admit or deny the allegations of paragraph 18 relating to Vilber and therefore denies them. Defendant denies the remaining allegations of paragraph 18. Defendant affirmatively alleges that it was not incorporated until 2020 and was not the company that communicated with Plaintiff in 2019.

19. Defendant admits that it has sold in the United States certain products made by Vilber. Defendant denies the remaining allegations of paragraph 19.

20. Defendant admits Plaintiff's counsel attempted to communicate with Defendant regarding the '516 patent in April 2021. Defendant lacks sufficient information to admit or deny the allegations of paragraph 20 relating to Vilber and therefore denies them. Defendant denies the remaining allegations of paragraph 20.

COUNT I
ALLEGED INFRINGEMENT OF THE '516 PATENT

21. Defendant incorporates the preceding paragraphs of this Answer as if set forth fully herein.

22. Regarding paragraph 22, Defendant responds that the '516 patent speaks for itself.

23. Denied.

24. Defendant admits that the Newton 7.0 products depicted in

paragraph 24 share certain similarities. Defendant denies the remaining allegations of paragraph 24.

25. Defendant denies that it has infringed the '516 patent and denies that the Complaint evidences infringement. Defendant lacks information sufficient to admit or deny the remaining allegations of paragraph 25 and therefore denies them.

26. Denied.

27. Denied.

28. Paragraph 28 purports to quote from the document that Plaintiff attached as Exhibit B to its Complaint. Defendant responds that the document speaks for itself.

29. Denied.

30. Denied.

31. Denied.

32. Paragraph 32 purports to quote from the document that Plaintiff attached as Exhibit B to its Complaint. Defendant responds that the document speaks for itself. Defendant denies the remaining allegations of paragraph 32.

33. Denied.

34. Paragraph 34 purports to quote from the document that Plaintiff attached as Exhibit B to its Complaint. Defendant responds that the

document speaks for itself. Defendant denies the remaining allegations of paragraph 34.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Paragraph 39 purports to quote from the document that Plaintiff attached as Exhibit B to its Complaint. Defendant responds that the Document speaks for itself. Defendant denies the remaining allegations of paragraph 39.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Regarding paragraph 45, Defendant admits that it was not granted an express license from Plaintiff but denies it was required to obtain a license and denies it has infringed the '516 patent.

PLAINTIFF'S PRAYER FOR RELIEF

46. Defendant denies that Plaintiff is entitled to any of the relief sought by its Complaint, including but not limited to the relief requested in

sections 1-7 of its Prayer for Relief.

AFFIRMATIVE AND OTHER DEFENSES

Without assuming any burden of proof that Defendant would not otherwise bear, Defendant asserts the following affirmative and other defenses. Defendant expressly reserves the right to allege additional defenses as they become known through discovery or otherwise.

NON-INFRINGEMENT

Defendant has not infringed, directly or indirectly, any valid and enforceable claim of the '516 patent.

INVALIDITY

The '516 patent is invalid for failure to comply with one or more of the requirements of Title 35 of the United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112, and the rules, regulations, and laws pertaining thereto.

PROSECUTION HISTORY ESTOPPEL

Plaintiff's allegations are barred in whole or in part under the doctrine of prosecution history estoppel.

LACK OF PROVISIONAL RIGHTS

To the extent Plaintiff claims provisional rights, it is not entitled to damages arising out of alleged provisional rights of the '516 patent because it

cannot and does not meet the requirements of 35 U.S.C. § 154(d).

WAIVER, ESTOPPEL, AND UNCLEAN HANDS

Some or all of Plaintiff's claims are barred by the doctrines of estoppel, waiver, and/or unclean hands.

LIMITATION OF DAMAGES

Any damages recoverable in this case are limited by 35 U.S.C. § 286.

MARKING

To the extent that Plaintiff, its predecessors-in-interest, and/or its licensees failed to properly mark any of its relevant products with the asserted '516 patent as required by 35 U.S.C. § 287 or otherwise give Defendant proper notice of its allegations that Defendant's actions infringe the '516 patent, Defendant is not liable for any of the allegedly infringing acts performed before it received actual notice of the alleged infringement.

ENSNAREMENT

To the extent that Plaintiff asserts infringement under the doctrine of equivalents, its claims are barred because any such asserted claim scope would ensnare the prior art.

DISAVOWAL/DISCLAIMER

Plaintiff's claims and embodiments of the '516 Patent are precluded or limited by the doctrines of disavowal and/or disclaimer.

LICENSE

Plaintiff's claims are barred or limited by the doctrine of implicit or explicit license.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays for the following relief:

A. The Court enter judgment in favor of Defendant denying all relief requested by Plaintiff in this action and dismissing Plaintiff's Complaint with prejudice;

B. The Court find that Plaintiff's conduct in prosecuting this case makes this an exceptional case under 35 U.S.C. § 285 and that as a result, Plaintiff be ordered to pay Defendant's attorneys' fees and costs incurred with this civil action; and

C. The Court award such further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Defendant respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

Dated: September 26, 2022

/s/ John R. Emerson

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**ATTORNEYS FOR DEFENDANT
SCINTICA, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2022, I caused a true and correct copy of the foregoing to be served on all counsel of record via the Court's CM/ECF System.

/s/ Shawn M. Perry