

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALMONDNET, INC. and INTENT IQ, LLC,

Plaintiffs,

v.

MEDIAOCEAN LLC, FLASHTALKING
INC., and INNOVID CORP.,

Defendants.

C.A. No. 25-cv-406-MN

JURY TRIAL DEMANDED

**DEFENDANTS MEDIAOCEAN LLC, FLASHTALKING INC., AND INNOVID CORP.'S
ANSWER TO PLAINTIFFS' COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Mediaocean LLC (“Mediaocean”), Flashtalking Inc. (“Flashtalking”), and Innovid Corp. (“Innovid”) (collectively, “Defendants”) hereby file this Answer to Plaintiffs AlmondNet, Inc. and Intent IQ, LLC’s (collectively, “AlmondNet” or “Plaintiffs”) Complaint for Patent Infringement (the “Complaint”). Except as expressly admitted below, Defendants deny each and every allegation set forth in the Complaint. Any factual allegation admitted below is admitted only as to the specific admitted facts, and not as to any purported conclusions, characterizations, implications, or speculations that might follow from the admitted facts. Defendants respond to the numbered paragraphs of the Complaint as follows:

RESPONSE TO ALLEGATIONS REGARDING INTRODUCTION AND PARTIES¹

1. Paragraph 1 contains allegations to which no answer is required. To the extent any response is required, Defendants admit that U.S. Patent Nos. 11,949,962 (the “’962 Patent”), 8,566,164 (the “’164 Patent”), and 8,595,069 (the “’069 Patent”) (collectively, the “Asserted

¹ For the Court’s convenience, Defendants have generally incorporated the phrasing of section titles that appear in the Complaint. Defendants do not necessarily agree with the characterization of such section titles and do not waive any right to object to those characterizations.

Patents”) are asserted in this action. Defendants admit that the Complaint filed by AlmondNet purports to state a civil action for patent infringement under the Patent Laws of the United States, 35 U.S.C. §1 *et seq.*, including 35 U.S.C. § 271, but denies any grounds therefor. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 1 of the Complaint and therefore deny those allegations.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Complaint and therefore deny those allegations.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Complaint and therefore deny those allegations.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Complaint and therefore deny those allegations.

5. Defendants admit only that Mediaocean is a limited liability company organized under the laws of the state of Delaware, having a principal place of business at 120 Broadway, 8th floor, New York, NY 10271. Defendants deny any remaining allegations in Paragraph 6 of the Complaint.

6. Defendants admit only that Flashtalking is a corporation organized under the laws of the state of Delaware, having a principal place of business at 120 Broadway, 8th floor, New York, NY 10271. Defendants deny any remaining allegations in Paragraph 6 of the Complaint.

7. Defendants admit only that Innovid is a corporation organized under the laws of the state of Delaware, having a principal place of business at 120 Broadway, 8th floor, New York, NY 10271. Defendants deny any remaining allegations in Paragraph 6 of the Complaint.

RESPONSE TO ALLEGATIONS REGARDING JURISDICTION AND VENUE

8. Defendants admit that this court has subject matter jurisdiction over the claims asserted in this action but deny that there are any grounds therefor.

9. Defendants admit that this court has personal jurisdiction over Defendants in this action but deny that there are any grounds therefor.

10. Defendants admit that venue is proper in this District for Mediaocean, Flashtalking, and Innovid, and admits Mediaocean, Flashtalking, and Innovid are incorporated under the laws of the State of Delaware.

RESPONSE TO FACTUAL ALLEGATIONS

11. The allegations in Paragraph 11 of the Complaint do not set forth any factual allegation to which a response is required. To the extent a response is required, Defendants deny those allegations.

12. Defendants admit only that Exhibit 1 of the Complaint purports to be a letter that AlmondNet sent to Mediaocean, on or around July 24, 2019, alleging infringement of the '069 and '198 patents, but Defendants deny that there are grounds to support AlmondNet's allegations of infringement. Defendants also admit only that the language quoted in Paragraph 12 of the Complaint appears in Exhibit 1 and Exhibit 2 of the Complaint. Defendants deny the remaining allegations in Paragraph 12 of the Complaint.

13. Defendants admit only that Exhibit 3 of the Complaint purports to be a letter that AlmondNet sent to Mediaocean, on or around October 25, 2019, alleging infringement of the '069 and '198 patents, but Defendants deny that there are grounds to support AlmondNet's allegations of infringement. Defendants deny the remaining allegations in Paragraph 13 of the Complaint.

14. Defendants admit only that Mediaocean acquired Flashtalking Inc. in 2021. Defendants deny that Mediaocean acquired Innovid Corp in 2024. Mediaocean completed its acquisition of Innovid Corp. in 2025.

15. Defendants admit only that Exhibit 4 of the Complaint includes the statements “Innovid will merge with Flashtalking to create a premier, global, independent, omnichannel ad tech platform” and “the combined organization will provide a broad array of complementary offerings, including ad delivery, creative personalization, measurement, and optimization across channels, including digital, social, CTV, and linear TV.” Defendants otherwise deny the remaining allegations of Paragraph 15 of the Complaint.

RESPONSE TO COUNT 1: INFRINGEMENT OF US. PATENT NO. 11,949,962

16. Defendants restate and incorporate by reference its responses to Paragraphs 1-15 as if fully set forth herein.

17. Defendants admit only that a purported copy of the '962 patent, entitled “Method and computer system using proxy IP addresses and PII in measuring ad effectiveness across devices,” and bearing, on its face, an issuance date of April 2, 2024, is attached to the Complaint as Exhibit 5. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 17 of the Complaint and therefore deny those allegations.

18. Defendants deny each and every allegation of Paragraph 18 of the Complaint.

19. Defendants deny each and every allegation of Paragraph 19 of the Complaint.

20. Defendants deny each and every allegation of Paragraph 20 of the Complaint.

21. Defendants deny each and every allegation of Paragraph 21 of the Complaint.

22. Defendants deny each and every allegation of Paragraph 22 of the Complaint.

23. Defendants deny each and every allegation of Paragraph 23 of the Complaint.

24. Defendants deny each and every allegation of Paragraph 24 of the Complaint.

25. Defendants deny each and every allegation of Paragraph 25 of the Complaint.

RESPONSE TO COUNT 2: INFRINGEMENT OF US. PATENT NO. 8,566,164

26. Defendants restate and incorporate by reference its responses to Paragraphs 1-25 as if fully set forth herein.

27. Defendants admit only that a purported copy of the '164 patent, entitled "Targeting online advertisements based on viewing or interacting with television advertisements," and bearing, on its face, an issuance date of October 22, 2013, is attached to the Complaint as Exhibit 7. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 27 of the Complaint and therefore deny those allegations.

28. Defendants deny each and every allegation of Paragraph 28 of the Complaint.

29. Defendants deny each and every allegation of Paragraph 29 of the Complaint.

30. Defendants admit only that Exhibit 1 of the Complaint purports to be a letter that AlmondNet sent to Mediaocean, on or around July 24, 2019, alleging infringement of the '069 and '198 patents, but Defendants deny that there are grounds to support AlmondNet's allegations of infringement. Defendants deny the remaining allegations of Paragraph 30 of the Complaint.

31. Defendants deny each and every allegation of Paragraph 31 of the Complaint.

32. Defendants deny each and every allegation of Paragraph 32 of the Complaint.

33. Defendants deny each and every allegation of Paragraph 33 of the Complaint.

34. Defendants deny each and every allegation of Paragraph 34 of the Complaint.

35. Defendants deny each and every allegation of Paragraph 35 of the Complaint.

RESPONSE TO COUNT 3: INFRINGEMENT OF U.S. PATENT NO. 8,595,069

36. Defendants restate and incorporate by reference its responses to Paragraphs 1-35 as if fully set forth herein.

37. Defendants admit only that a purported copy of the '069 patent, entitled "Systems and methods for dealing with online activity based on delivery of a television advertisement," and bearing, on its face, an issuance date of November 26, 2013, is attached to the Complaint as Exhibit 9. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 37 of the Complaint and therefore denies those allegations.

38. Defendants deny each and every allegation of Paragraph 38 of the Complaint.

39. Defendants deny each and every allegation of Paragraph 39 of the Complaint.

40. Defendants admit only that Exhibit 1 of the Complaint purports to be a letter that AlmondNet sent to Mediaocean, on or around July 24, 2019, alleging infringement of the '069 and '198 patents, but Defendants deny that there are grounds to support AlmondNet's allegations of infringement. Defendants also admit only that the language quoted in Paragraph 40 of the Complaint appears in Exhibit 1 and Exhibit 2 of the Complaint. Defendants deny the remaining allegations of Paragraph 40 of the Complaint.

41. Defendants deny each and every allegation of Paragraph 41 of the Complaint.

42. The allegations of Paragraph 42 of the Complaint were dismissed by order of the Court. *AlmondNet, Inc. et al. v. Mediaocean LLC et al.*, C.A. No. 25-cv-406-MN, oral order (D. Del. February 17, 2026). Therefore, the allegations in Paragraph 42 of the Complaint do not require a response. To the extent the allegations in Paragraph 42 of the Complaint require a response, Defendants deny each and every allegation of Paragraph 42 of the Complaint.

43. Defendants deny each and every allegation of Paragraph 43 of the Complaint.

44. Defendants deny each and every allegation of Paragraph 44 of the Complaint.

45. Defendants deny each and every allegation of Paragraph 45 of the Complaint.

46. Defendants deny each and every allegation of Paragraph 46 of the Complaint.

47. Defendants deny each and every allegation of Paragraph 47 of the Complaint.

RESPONSE TO PRAYER FOR RELIEF

These paragraphs set forth the statement of relief requested by AlmondNet, to which no response is required. To the extent any response is required, Defendants deny that AlmondNet is entitled to any relief, including the judgment and relief requested in its Prayer for Relief.

RESPONSE TO DEMAND FOR JURY TRIAL

This paragraph sets forth AlmondNet's request for a jury trial to which no response is required.

AFFIRMATIVE DEFENSES

Without prejudice to the denials set forth in its responses to Paragraphs 1 through 47 of the Complaint, and without undertaking any of the burdens imposed by law on AlmondNet, Defendants aver and assert the following separate defenses to the Complaint. Defendants expressly reserve the right to allege additional defenses as they become known through the course of discovery.

FIRST AFFIRMATIVE DEFENSE – NON-INFRINGEMENT

48. Defendants do not infringe (either literally or under the doctrine of equivalents), directly or indirectly (either by inducement or contributorily), any valid, enforceable claim of the Asserted Patents.

SECOND AFFIRMATIVE DEFENSE – NO WILLFUL INFRINGEMENT

49. AlmondNet is not entitled to enhanced or increased damages for willful infringement because Defendants do not infringe (either literally or under the doctrine of equivalents), directly or indirectly (either by inducement or contributorily) any valid, enforceable claim of the Asserted Patents and because Defendant has not engaged in any conduct that meets the applicable standard for willful infringement.

THIRD AFFIRMATIVE DEFENSE – INVALIDITY

50. One or more claims of the Asserted Patents are invalid for failure to comply with one or more of the conditions set forth in Title 35 of the United States Code, including, without limitation, the requirements of 35 U.S.C. §§ 101, 102, 103, 112 and any other judicially created requirements for patentability and enforceability of patents and the defenses recognized in 35 U.S.C. § 282.

FOURTH AFFIRMATIVE DEFENSE – FAILURE TO STATE A CLAIM

51. The Complaint fails to state a claim upon which relief may be granted.

**FIFTH AFFIRMATIVE DEFENSE –
FAILURE TO STATE AN EXCEPTIONAL CASE**

52. The Complaint fails to state a claim for an exceptional case under 35 U.S.C. § 285.

SIXTH AFFIRMATIVE DEFENSE – NO RIGHT TO INJUNCTIVE RELIEF

53. AlmondNet is not entitled to injunctive relief, *inter alia*, because any injury to AlmondNet is not immediate or irreparable, and AlmondNet has an adequate money remedy for any claim that it can prove.

**SEVENTH AFFIRMATIVE DEFENSE –
LIMITATION ON PATENT DAMAGES AND OTHER REMEDIES**

54. AlmondNet has not suffered and will not suffer any injury or damages as a result of the alleged conduct by Defendants in the Complaint, and AlmondNet is not entitled to any damages under 35 U.S.C. § 284.

55. AlmondNet's claims for relief are further statutorily limited in whole or in part by Title 35 of the United States Code, including 35 U.S.C. §§ 286 and/or 287, and Title 28 of the United States Code, including 28 U.S.C. § 1498. By way of example, AlmondNet's recovery for alleged infringement of the Asserted Patents, if any, is limited to any alleged infringement committed no more than six years prior to the filing of a complaint, pursuant to § 286. Defendants are not liable to AlmondNet for the acts alleged to have been performed before Defendants received actual notice that the accused devices were allegedly infringing the Asserted Patents. By way of further example, Defendants are not liable to the extent the accused products were used or manufactured by or for the United States, or to the extent accused activities were undertaken on behalf of the United States, according to at least 28 U.S.C. § 1498. AlmondNet is barred from recovering costs in connection with this action under 35 U.S.C. § 288.

EIGHTH AFFIRMATIVE DEFENSE – UNENFORCEABILITY

56. AlmondNet's claims are barred, in whole or in part, or its remedies are limited, by the doctrines of waiver, implied waiver, laches, acquiescence, unclean hands, and/or other equitable doctrines.

NINTH AFFIRMATIVE DEFENSE – PROSECUTION HISTORY ESTOPPEL

57. AlmondNet is estopped from construing a valid and enforceable claim, if any, of the Asserted Patents as infringed literally or under the doctrine of equivalents by Defendants due to amendments, admissions and/or statements made (a) to the United States Patent and Trademark

Office (USPTO) during prosecution of the Asserted Patents or related patent applications, and (b) in the specifications and claims of the Asserted Patents.

TENTH AFFIRMATIVE DEFENSE – EXPRESS LICENSE, IMPLIED LICENSE, PATENT EXHAUSTION, AND SINGLE RECOVERY RULE

58. On information and belief, AlmondNet's claims are barred, in whole or in part, by express license agreements and/or under the doctrines of implied license, patent exhaustion, or the single recovery rule. AlmondNet's claims for damages for infringement are limited or entirely foreclosed under the doctrine of patent exhaustion to the extent that allegedly infringing components and/or products are supplied, directly or indirectly to Defendants by any entity or entities having license to some or all of the Asserted Patents.

ELEVENTH AFFIRMATIVE DEFENSE – LACK OF STANDING

59. On information and belief, if AlmondNet is not the current or sole owners of the Asserted Patents, AlmondNet's claims and requested relief are barred by AlmondNet's lack of standing.

TWELFTH AFFIRMATIVE DEFENSE – DERIVATION/LACK OF INVENTORSHIP

60. Upon information and belief, the asserted claims of the Asserted Patents are invalid due to derivation pursuant to pre-AIA 35 U.S.C. § 102(f) and/or lack of inventorship pursuant to 35 U.S.C. § 101.

RESERVATION OF RIGHTS

In filing these defenses, Defendants have not knowingly or intentionally waived any applicable defenses. Defendants reserve the right to amend this Answer to include other affirmative defenses that Defendants may learn of during the course of this litigation as they become known throughout the course of discovery.

COUNTERCLAIMS

Defendants/Counterclaimants Mediaocean LLC (“Mediaocean”), Flashtalking Inc. (“Flashtalking”), and Innovid Corp. (“Innovid”) (collectively referred to as “Defendants” or “Counterclaimants”) hereby alleges the following counterclaims against Plaintiffs/Counterdefendants AlmondNet, Inc. and Intent IQ, LLC (collectively referred to as “AlmondNet” or “Counterdefendants”).

PARTIES

1. Defendant/Counterclaimant Mediaocean is a limited liability company organized under the laws of the state of Delaware, with its principal place of business at 120 Broadway, 8th floor, New York, NY 10271.

2. Defendant/Counterclaimant Flashtalking is a corporation organized under the laws of the state of Delaware, with its principal place of business at 120 Broadway, 8th floor, New York, NY 10271.

3. Defendant/Counterclaimant Innovid is a corporation organized under the laws of the state of Delaware, with its principal place of business at 120 Broadway, 8th floor, New York, NY 10271.

4. On information and belief, and based on AlmondNet’s allegations, AlmondNet, Inc. is a corporation organized and existing under the laws of the state of Delaware, having its

place of business at 37-18 Northern Blvd. Suite 404, Long Island City, NY, 11101. Intent IQ, LLC is a Delaware limited liability company, having its place of business at 37-18 Northern Blvd. Suite 404, Long Island City, NY, 11101.

JURISDICTION AND VENUE

5. Defendants seek a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202.

6. The Court has jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, 2202, and 35 U.S.C. § 100, *et seq.*

7. Venue is proper under 28 U.S.C. § 1391, and by AlmondNet's choice of forum.

8. AlmondNet has filed in this Court an action to enforce U.S. Patent Nos. 11,949,962 (the "'962 Patent"), 8,566,164 (the "'164 Patent"), and 8,595,069 (the "'069 Patent") (collectively, the "Asserted Patents").

9. On information and belief, and based on AlmondNet's allegations, AlmondNet owns the Asserted Patents.

10. Defendants have denied that it has, continues to, or will infringe, induce infringement of, and/or contribute to the infringement of, any valid and enforceable claim of the Asserted Patents.

11. Defendants have further asserted that the Asserted Patents are invalid for failure to satisfy one or more of the provisions of Title 35 of the United States Code, including 35 U.S.C. §§ 101, 102, 103, 112, and the defenses recognized in 35 U.S.C. § 282(b).

12. In view of the foregoing, a conflict of asserted rights has arisen between the parties with respect to the noninfringement and invalidity of the relevant claims of the Asserted Patents. An actual controversy therefore exists between AlmondNet and Defendants.

**FIRST COUNTERCLAIM –
DECLARATION OF NONINFRINGEMENT OF THE '962 PATENT**

13. Defendants reallege Paragraphs 1-12 as if set forth fully herein.

14. Defendants do not infringe and has not infringed, either directly or indirectly, any valid and enforceable claim of the '962 patent, either literally or under the doctrine of equivalents.

15. Defendants are entitled to a declaratory judgment that the sale, offer for sale, manufacture, importation, or use of its products does not infringe, and has not infringed, any valid and enforceable claim of the '962 patent.

**SECOND COUNTERCLAIM –
DECLARATION OF PATENT INVALIDITY OF THE '962 PATENT**

16. Defendants reallege Paragraphs 1-15 as if set forth fully herein.

17. One or more claims of the '962 patent are invalid for failure to satisfy one or more of the provisions set forth in 35 U.S.C. §§ 101 *et seq.*, including, without limitation, the requirements of 35 U.S.C. §§ 101, 102, 103, 112 and/or in view of the defenses recognized in 35 U.S.C. § 282(b), and/or one or more of the judicially created requirements for patentability.

18. Defendants are entitled to a judicial declaration that one or more claims of the '962 patent are invalid.

**THIRD COUNTERCLAIM –
DECLARATION OF NONINFRINGEMENT OF THE '164 PATENT**

19. Defendants reallege Paragraphs 1-18 as if set forth fully herein.

20. Defendants do not infringe and has not infringed, either directly or indirectly, any valid and enforceable claim of the '164 patent, either literally or under the doctrine of equivalents.

21. Defendants are entitled to a declaratory judgment that the sale, offer for sale, manufacture, importation, or use of its products does not infringe, and has not infringed, any valid and enforceable claim of the '164 patent.

**FOURTH COUNTERCLAIM –
DECLARATION OF PATENT INVALIDITY OF THE '164 PATENT**

22. Defendants reallege Paragraphs 1-21 as if set forth fully herein.

23. One or more claims of the '164 patent are invalid for failure to satisfy one or more of the provisions set forth in 35 U.S.C. §§ 101 *et seq.*, including, without limitation, the requirements of 35 U.S.C. §§ 101, 102, 103, 112 and/or in view of the defenses recognized in 35 U.S.C. § 282(b), and/or one or more of the judicially created requirements for patentability.

24. Defendants are entitled to a judicial declaration that one or more claims of the '164 patent are invalid.

**FIFTH COUNTERCLAIM –
DECLARATION OF NONINFRINGEMENT OF THE '069 PATENT**

25. Defendants reallege Paragraphs 1-24 as if set forth fully herein.

26. Defendants do not infringe and has not infringed, either directly or indirectly, any valid and enforceable claim of the '069 patent, either literally or under the doctrine of equivalents.

27. Defendants are entitled to a declaratory judgment that the sale, offer for sale, manufacture, importation, or use of its products does not infringe, and has not infringed, any valid and enforceable claim of the '069 patent.

**SIXTH COUNTERCLAIM –
DECLARATION OF PATENT INVALIDITY OF THE '069 PATENT**

28. Defendants reallege Paragraphs 1-27 as if set forth fully herein.

29. One or more claims of the '069 patent are invalid for failure to satisfy one or more of the provisions set forth in 35 U.S.C. §§ 101 *et seq.*, including, without limitation, the requirements of 35 U.S.C. §§ 101, 102, 103, 112 and/or in view of the defenses recognized in 35 U.S.C. § 282(b), and/or one or more of the judicially created requirements for patentability.

30. Defendants are entitled to a judicial declaration that one or more claims of the '069 patent are invalid.

PRAYER FOR RELIEF

WHEREFORE, Defendants requests the following relief:

A. That the Court order the Complaint dismissed with prejudice and judgment be entered in favor of Defendants;

B. That a judgment be entered declaring that the manufacture, import, use, sale, and/or offer to sell Defendants' products has not infringed, does not and will not infringe (either literally or under the doctrine of equivalents), directly or indirectly (either by inducement or contributorily) any valid, enforceable claim of the Asserted Patents;

C. That judgment be entered declaring the claims of the Asserted Patents invalid;

D. That a judgment be entered declaring that this action is an exceptional case within the meaning of 35 U.S.C. § 285, and that Defendants are therefore entitled to recover its reasonable attorneys' fees;

E. That Defendants be awarded costs, attorneys' fees, and other relief, both legal and equitable, to which it may be justly entitled; and

F. That Defendants be awarded such other and further relief as is just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38 and Local Rule 38.1, Defendants/Counterclaimants Mediaocean LLC, Flashtalking Inc., and Innovid Corp. hereby demands a trial by jury on all issues so triable.

Dated: March 6, 2026

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