

1 JASON M. KIRBY (SBN 213370)
2 KIRBY & KIRBY, LLP
3 501 W. Broadway, Suite 1720
4 San Diego CA 92101
5 Telephone: 619-487-4404

6 SCOTT D. STIMPSON (Pro Hac Vice)
7 TOD M. MELGAR (Pro Hac Vice)
8 STEVEN Z. LUKSENBERG (Pro Hac Vice)
9 SILLS CUMMIS & GROSS, P.C.
10 101 Park Avenue, 28th Floor
11 New York, NY 10178
12 Telephone: 212-500-1519

13 *Attorneys for Defendant PARK ASSIST, LLC*

14
15 **UNITED STATES DISTRICT COURT**
16 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

17 INDECT USA CORP.,

18 Plaintiff,

19 v.

20 PARK ASSIST, LLC,

21 Defendants.

Case No.: 3:18CV2409-BEN-MDD

**PARK ASSIST, LLC'S ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

JURY TRIAL DEMANDED

1 Defendant Park Assist, LLC (“Park Assist” or “Defendant”) hereby responds
2 to the First Amended Complaint for Declaratory Relief, Preliminary and Permanent
3 Injunctive Relief, and Damages (“Amended Complaint”) of Indect USA Corp.
4 (“Indect” or “Plaintiff”).

5 **NATURE OF THE ACTION**

6 1. Admitted that Park Assist filed a complaint and amended complaint in
7 this Court to address the clear infringement of United States Patent No. 9,594,956
8 (“’956 Patent”) by San Diego County Regional Airport Authority (“Airport”) and
9 Ace Parking Management, Inc. (“Ace Parking”) relating to the use and operation of
10 the parking guidance system at the San Diego International Airport’s Terminal 2
11 Parking Plaza (“Airport Parking System”) that includes an INDECT parking
12 guidance system (“Airport Litigation”). Except as expressly admitted, Park Assist
13 denies all remaining allegations of paragraph 1 of the Amended Complaint.

14 2. Denied.

15 3. Denied.

16 4. Admitted that Park Assist sent a letter to University of Texas MD
17 Anderson Cancer Center and to Hartsfield-Jackson Atlanta International Airport,
18 each dated October 4, 2018, identifying the infringement by the Airport Parking
19 System. Except as expressly admitted, Park Assist denies all remaining allegations
20 of paragraph 4 of the Amended Complaint.

21 5. Admitted that the ’956 Patent is attached as Exhibit A, and that this
22 paragraph recites Indect’s requests, but otherwise all allegations of paragraph 5 are
23 denied, including that Indect is entitled to any such relief.

24 6. Park Assist lacks information as to why Indect brought this baseless
25 and frivolous action, but denies that Park Assist has taken any action with regard to
26 the ’956 Patent other than to prevent or stop infringement of the ’956 Patent.

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1 “verifies” this or that the system is particularly “sophisticated” at least as compared
2 to the superior Park Assist technology.

3 27. Admitted that the UPSOLUT uses a camera-based sensor that at least in
4 part is utilized to determine whether a car parks in a space, otherwise Park Assist is
5 unclear on the meaning of this paragraph (e.g., “then” makes a determination, “the”
6 information, which server is being referenced, etc.), and accordingly the remaining
7 allegations of paragraph 27 of the Amended Complaint are denied.

8 28. Admitted that changes can be made to indicator lighting, including by
9 human intervention. Except as expressly admitted, Park Assist denies all remaining
10 allegations of paragraph 28 of the Amended Complaint.

11 29. Denied.

12 30. Admitted.

13 31. Denied.

14 32. Denied.

15 33. Denied.

16 34. Denied.

17 35. Denied.

18 36. Denied.

19 37. Admitted.

20 38. Admitted.

21 39. Admitted that the Airport did not use the superior Park Assist products,
22 but denied that Park Assist’s technology was not used as the Airport and Ace copied
23 and infringed upon the superior Park Assist technology and patent. Except as
24 expressly admitted, Park Assist denies all allegations of paragraph 39 of the
25 Amended Complaint.

26 40. Admitted.

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1 41. Admitted that (i) the '956 issued to Park Assist on March 14, 2017, (ii)
2 the San Diego International Airport's Terminal 2 Parking Plaza and the Airport
3 Parking System were reported to be operating as of May 18, 2018 as reported in the
4 San Diego Union Tribune website article on the Airport Parking System, dated May
5 17, 2018 (Dkt. No. 12-3 at 61-62), and (iii) the Airport's "Parking FAQ" webpage
6 stating that "Parking management services [are] provided by Ace Parking" (Dkt. 12-
7 3 at 84). Park Assist is without knowledge or information sufficient to admit or
8 deny the remaining allegations of paragraph 41 of the Amended Complaint, and
9 therefore denies each remaining allegation.

10 42. Admitted that attached to the Amended Complaint as Exhibit B is a
11 document bearing a date May 19, 2017 titled "Indect does not infringe U.S. Patent
12 No. 9,594,956 (assigned to Park Assist LLC)" ("May 19, 2017 Statement"). Park
13 Assist denies the remaining allegations of paragraph 42 of the Amended Complaint.

14 43. Admitted that the '956 Patent issued with two claims relating to a
15 method of managing a plurality of parking spaces. Except as expressly admitted,
16 Park Assist denies all remaining allegations of paragraph 43 of the Amended
17 Complaint.

18 44. Admitted.

19 45. Admitted.

20 46. Denied as the Indect System can be used to infringe the '956 Patent as
21 evidenced by the infringement by the Airport and Ace.

22 47. To the extent the allegations of paragraph 47 of the Amended
23 Complaint seek to paraphrase or characterize the content of the May 19, 2017
24 Statement, the text of the May 19, 2017 Statement speaks for itself and Park Assist
25 denies these allegations to the extent they are inconsistent with text of the May 19,
26 2017 Statement. Denied that this or any other allegation is an example of a reason
27
28

1 for non-infringement, insofar as the Indect System can be used to infringe the '956
2 Patent as evidenced by the infringement by the Airport and Ace.

3 48. Denied. The Indect System can be used to infringe the '956 Patent as
4 evidenced by the infringement by the Airport and Ace.

5 49. To the extent the allegations of paragraph 49 of the Amended
6 Complaint seek to paraphrase or characterize the content of the May 19, 2017
7 Statement, the text of the May 19, 2017 Statement speaks for itself and Park Assist
8 denies these allegations to the extent they are inconsistent with text of the May 19,
9 2017 Statement. Denied that this or any other allegation is an example of a reason
10 for non-infringement, insofar as the Indect System can be used to infringe the '956
11 Patent as evidenced by the infringement by the Airport and Ace.

12 50. Denied. Use of the Indect System can infringe the '956 Patent as
13 evidenced by the infringement by the Airport and Ace.

14 51. Denied that Park Assist made any false communication or advertising,
15 and admitted that the use of the Indect System by the Airport and Ace infringes the
16 '956 Patent. Park Assist is without knowledge or information sufficient to admit or
17 deny the remaining allegations of paragraph 51 of the Amended Complaint, and
18 therefore denies each allegation.

19 52. Park Assist is without knowledge or information sufficient to admit or
20 deny the allegations of paragraph 52 of the Amended Complaint, and therefore
21 denies each allegation.

22 53. Denied.

23 54. Denied.

24 55. Denied.

25 56. Denied.

26 57. Denied.

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1 58. Admitted that SKIDATA Inc. (“SKIDATA”) submitted and won a bid
2 in connection with the Detroit Airport using Park Assist’s superior products. Except
3 as expressly admitted, Park Assist is without knowledge or information sufficient to
4 admit or deny the remaining allegations of paragraph 58 of the Amended Complaint,
5 and therefore denies each remaining allegation.

6 59. Denied.

7 60. Admitted that Park Assist filed a complaint and amended complaint in
8 this Court against the Airport and Ace to address the clear infringement of the ’956
9 Patent. Except as expressly admitted, Park Assist denies all remaining allegations of
10 paragraph 60 of the Amended Complaint.

11 61. Denied.

12 62. Denied.

13 63. Denied.

14 64. Denied.

15 65. Denied.

16 66. Denied.

17 67. Denied.

18 68. Denied.

19 69. Denied.

20 70. Denied.

21 71. Admitted.

22 72. Denied.

23 73. The allegations in this paragraph refer to purported claim construction
24 issues. Such issues are legal conclusions that do not require a response at this time,
25 and are subject to a future claim construction proceeding by the Court. To the
26 extent a response is necessary, Park Assist denies that this paragraph provides the
27 properly phrased claim construction.

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1 74. The allegations in this paragraph refer to purported claim construction
2 issues. Such issues are legal conclusions that do not require a response at this time,
3 and are subject to a future claim construction proceeding by the Court. To the
4 extent a response is necessary, Park Assist denies that this paragraph provides the
5 properly phrased claim construction.

6 75. The allegations in this paragraph refer to purported claim construction
7 issues. Such issues are legal conclusions that do not require a response at this time,
8 and are subject to a future claim construction proceeding by the Court. To the
9 extent a response is necessary, Park Assist denies that this paragraph provides the
10 properly phrased claim construction.

11 76. This paragraph is unclear as written, but to the extent a response is
12 required, denied.

13 77. Denied.

14 78. Denied.

15 79. Admitted.

16 80. Denied.

17 81. Denied.

18 82. The allegations in this paragraph refer to purported claim construction
19 issues. Such issues are legal conclusions that do not require a response at this time,
20 and are subject to a future claim construction proceeding by the Court. To the
21 extent a response is necessary, Park Assist denies that this paragraph provides the
22 properly phrased claim construction.

23 83. Denied.

24 84. Admitted.

25 85. The allegations in this paragraph refer to purported claim construction
26 issues. Such issues are legal conclusions that do not require a response at this time,
27 and are subject to a future claim construction proceeding by the Court. To the
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1 extent a response is necessary, Park Assist denies that this paragraph provides the
2 properly phrased claim construction.

3 86. The allegations in this paragraph refer to purported claim construction
4 issues. Such issues are legal conclusions that do not require a response at this time,
5 and are subject to a future claim construction proceeding by the Court. To the
6 extent a response is necessary, Park Assist denies that this paragraph provides the
7 properly phrased claim construction.

8 87. Denied.

9 88. Admitted.

10 89. The allegations in this paragraph refer to purported claim construction
11 issues. Such issues are legal conclusions that do not require a response at this time,
12 and are subject to a future claim construction proceeding by the Court. To the
13 extent a response is necessary, Park Assist denies that this paragraph provides the
14 properly phrased claim construction.

15 90. The allegations in this paragraph refer to purported claim construction
16 issues. Such issues are legal conclusions that do not require a response at this time,
17 and are subject to a future claim construction proceeding by the Court. To the
18 extent a response is necessary, Park Assist denies that this paragraph provides the
19 properly phrased claim construction.

20 91. The allegations in this paragraph refer to purported claim construction
21 issues. Such issues are legal conclusions that do not require a response at this time,
22 and are subject to a future claim construction proceeding by the Court. To the
23 extent a response is necessary, Park Assist denies that this paragraph provides the
24 properly phrased claim construction.

25 92. The allegations in this paragraph refer to purported claim construction
26 issues. Such issues are legal conclusions that do not require a response at this time,
27 and are subject to a future claim construction proceeding by the Court. To the
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1 extent a response is necessary, Park Assist denies that this paragraph provides the
2 properly phrased claim construction.

3 93. The allegations in this paragraph refer to purported claim construction
4 issues. Such issues are legal conclusions that do not require a response at this time,
5 and are subject to a future claim construction proceeding by the Court. To the
6 extent a response is necessary, Park Assist denies that this paragraph provides the
7 properly phrased claim construction.

8 94. The allegations in this paragraph refer to purported claim construction
9 issues. Such issues are legal conclusions that do not require a response at this time,
10 and are subject to a future claim construction proceeding by the Court. To the
11 extent a response is necessary, Park Assist denies that this paragraph provides the
12 properly phrased claim construction.

13 95. The allegations in this paragraph refer to purported claim construction
14 issues. Such issues are legal conclusions that do not require a response at this time,
15 and are subject to a future claim construction proceeding by the Court. To the
16 extent a response is necessary, Park Assist denies that this paragraph provides the
17 properly phrased claim construction.

18 96. The allegations in this paragraph refer to purported claim construction
19 issues. Such issues are legal conclusions that do not require a response at this time,
20 and are subject to a future claim construction proceeding by the Court. To the
21 extent a response is necessary, Park Assist denies that this paragraph provides the
22 properly phrased claim construction.

23 97. The allegations in this paragraph refer to purported claim construction
24 issues. Such issues are legal conclusions that do not require a response at this time,
25 and are subject to a future claim construction proceeding by the Court. To the
26 extent a response is necessary, Park Assist denies that this paragraph provides the
27 properly phrased claim construction.

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1 98. The allegations in this paragraph refer to purported claim construction
2 issues. Such issues are legal conclusions that do not require a response at this time,
3 and are subject to a future claim construction proceeding by the Court. To the
4 extent a response is necessary, Park Assist denies that this paragraph provides the
5 properly phrased claim construction.

6 99. Denied.

7 100. Admitted.

8 101. The allegations in this paragraph refer to purported claim construction
9 issues. Such issues are legal conclusions that do not require a response at this time,
10 and are subject to a future claim construction proceeding by the Court. To the
11 extent a response is necessary, Park Assist denies that this paragraph provides the
12 properly phrased claim construction.

13 102. The allegations in this paragraph refer to purported claim construction
14 issues. Such issues are legal conclusions that do not require a response at this time,
15 and are subject to a future claim construction proceeding by the Court. To the
16 extent a response is necessary, Park Assist denies that this paragraph provides the
17 properly phrased claim construction.

18 103. The allegations in this paragraph refer to purported claim construction
19 issues. Such issues are legal conclusions that do not require a response at this time,
20 and are subject to a future claim construction proceeding by the Court. To the
21 extent a response is necessary, Park Assist denies that this paragraph provides the
22 properly phrased claim construction.

23 104. The allegations in this paragraph refer to purported claim construction
24 issues. Such issues are legal conclusions that do not require a response at this time,
25 and are subject to a future claim construction proceeding by the Court. To the
26 extent a response is necessary, Park Assist denies that this paragraph provides the
27 properly phrased claim construction.

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1 105. Denied.

2 106. Denied.

3 107. Admitted.

4 108. Denied.

5 109. Admitted.

6 110. The allegations in this paragraph refer to purported claim construction
7 issues. Such issues are legal conclusions that do not require a response at this time,
8 and are subject to a future claim construction proceeding by the Court. To the
9 extent a response is necessary, Park Assist denies that this paragraph provides the
10 properly phrased claim construction.

11 111. The allegations in this paragraph refer to purported claim construction
12 issues. Such issues are legal conclusions that do not require a response at this time,
13 and are subject to a future claim construction proceeding by the Court. To the
14 extent a response is necessary, Park Assist denies that this paragraph provides the
15 properly phrased claim construction.

16 112. The allegations in this paragraph refer to purported claim construction
17 issues. Such issues are legal conclusions that do not require a response at this time,
18 and are subject to a future claim construction proceeding by the Court. To the
19 extent a response is necessary, Park Assist denies that this paragraph provides the
20 properly phrased claim construction.

21 113. The UPSOLUT system meets the element of claim 1(f) of the patent,
22 and to the extent that this paragraph is implying that this or any other claim element
23 is not met by the Airport and Ace, denied. Park Assist is otherwise without
24 knowledge or information sufficient to admit or deny the allegations of paragraph
25 113 of the Amended Complaint as drafted, and to the extent this paragraph inquires
26 about features not claimed in the patent, and therefore denies each allegation.

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1 114. The Airport Parking System meets the element of claim 1(f) of the
2 patent, and to the extent that this paragraph is implying that this or any other claim
3 element is not met by the Airport and Ace, denied. Park Assist is otherwise without
4 knowledge or information sufficient to admit or deny the allegations of paragraph
5 114 of the Amended Complaint as drafted, and to the extent this paragraph inquires
6 about features not claimed in the patent, and therefore denies each allegation.

7 115. Denied.

8 116. Denied.

9 117. This paragraph is unclear. To the extent understood, admitted that the
10 Airport specifications alone do not explicitly require this feature as drafted in this
11 paragraph, but denied to the extent this paragraph is intended to imply that the
12 Airport and Ace do not infringe claim 1 of the '956 Patent.

13 118. Admitted that the Airport specifications alone do not explicitly use this
14 word, but the Indect System employed in accordance with that specification clearly
15 uses thumbnails, and denied to the extent this paragraph is intended to imply that the
16 Airport and Ace do not infringe claim 1 of the '956 Patent.

17 119. Admitted that the Airport specifications alone do not explicitly require
18 this feature, but the Indect System employed in accordance with that specification
19 clearly uses thumbnails, and denied to the extent this paragraph is intended to imply
20 that the Airport and Ace do not infringe claim 1 of the '956 Patent.

21 120. This paragraph is unclear. To the extent understood, admitted that the
22 Airport specifications alone do not explicitly require this feature as drafted in this
23 paragraph, but denied to the extent this paragraph is intended to imply that the
24 Airport and Ace do not infringe claim 1 of the '956 Patent.

25 121. Admitted that the Airport specifications alone do not explicitly require
26 this feature, but the Indect System employed in accordance with that specification
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1 clearly uses thumbnails, and denied to the extent this paragraph is intended to imply
2 that the Airport and Ace do not infringe claim 1 of the '956 Patent.

3 122. The allegations in this paragraph refer to purported claim construction
4 issues. Such issues are legal conclusions that do not require a response at this time,
5 and are subject to a future claim construction proceeding by the Court. To the
6 extent a response is necessary, Park Assist denies that this paragraph provides the
7 properly phrased claim construction.

8 123. The UPSOLUT system meets the element of claim 1(f) of the '956
9 Patent, and to the extent that this paragraph implies that this or any other claim
10 element is not met by the Airport and Ace, denied. Park Assist is otherwise without
11 knowledge or information sufficient to admit or deny the allegations of paragraph
12 123 of the Amended Complaint as drafted, including whether this paragraph
13 inquires about features not claimed in the '956 Patent, and therefore denies each
14 allegation.

15 124. The Airport Parking System meets the element of claim 1(f) of the '956
16 Patent, and to the extent that this paragraph implies that this or any other claim
17 element is not met by the Airport and Ace, denied. Park Assist is otherwise without
18 knowledge or information sufficient to admit or deny the allegations of paragraph
19 124 of the Amended Complaint as drafted, including whether this paragraph
20 inquires about features not claimed in the '956 Patent, and therefore denies each
21 allegation.

22 125. Admitted that the Airport specifications alone do not explicitly require
23 this feature, but the Indect System employed in accordance with that specification
24 clearly uses thumbnails, and denied to the extent this paragraph is intended to imply
25 that the Airport and Ace do not infringe claim 1 of the '956 Patent.

26 126. Admitted that the Airport specifications alone do not explicitly require
27 this feature, but the Indect System employed in accordance with that specification
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1 clearly uses thumbnails, and denied to the extent this paragraph is intended to imply
2 that the Airport and Ace do not infringe claim 1 of the '956 Patent.

3 127. The allegations in this paragraph refer to purported claim construction
4 issues. Such issues are legal conclusions that do not require a response at this time,
5 and are subject to a future claim construction proceeding by the Court. To the
6 extent a response is necessary, Park Assist denies that this paragraph provides the
7 properly phrased claim construction.

8 128. The UPSOLUT system meets the element of claim 1(f) of the '956
9 Patent, and to the extent that this paragraph implies that this or any other claim
10 element is not met by the Airport and Ace, denied. Park Assist is otherwise without
11 knowledge or information sufficient to admit or deny the allegations of paragraph
12 128 of the Amended Complaint as drafted, including whether this paragraph
13 inquires about features not claimed in the '956 Patent, and therefore denies each
14 allegation.

15 129. The Airport Parking System meets the element of claim 1(f) of the '956
16 Patent, and to the extent that this paragraph implies that this or any other claim
17 element is not met by the Airport and Ace, denied. Park Assist is otherwise without
18 knowledge or information sufficient to admit or deny the allegations of paragraph
19 129 of the Amended Complaint as drafted, including whether this paragraph
20 inquires about features not claimed in the patent, and therefore denies each
21 allegation.

22 130. Admitted that the Airport specifications alone do not explicitly require
23 this feature, but the Indect System employed in accordance with that specification
24 clearly uses thumbnails, and denied to the extent this paragraph is intended to imply
25 that the Airport and Ace do not infringe claim 1 of the '956 Patent.

26 131. Admitted that the Airport specifications alone do not explicitly require
27 this feature, but the Indect System employed in accordance with that specification
28

1 clearly uses thumbnails, and denied to the extent this paragraph is intended to imply
2 that the Airport and Ace do not infringe claim 1 of the '956 Patent.

3 132. Denied.

4 133. Denied.

5 134. Denied.

6 135. Denied.

7 136. Admitted.

8 137. The allegations in this paragraph refer to purported claim construction
9 issues. Such issues are legal conclusions that do not require a response at this time,
10 and are subject to a future claim construction proceeding by the Court. To the
11 extent a response is necessary, Park Assist denies that this paragraph provides the
12 properly phrased claim construction.

13 138. The allegations in this paragraph refer to purported claim construction
14 issues. Such issues are legal conclusions that do not require a response at this time,
15 and are subject to a future claim construction proceeding by the Court. To the
16 extent a response is necessary, Park Assist denies that this paragraph provides the
17 properly phrased claim construction.

18 139. The allegations in this paragraph refer to purported claim construction
19 issues. Such issues are legal conclusions that do not require a response at this time,
20 and are subject to a future claim construction proceeding by the Court. To the
21 extent a response is necessary, Park Assist denies that this paragraph provides the
22 properly phrased claim construction.

23 140. The allegations in this paragraph refer to purported claim construction
24 issues. Such issues are legal conclusions that do not require a response at this time,
25 and are subject to a future claim construction proceeding by the Court. To the
26 extent a response is necessary, Park Assist denies that this paragraph provides the
27 properly phrased claim construction.

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1 141. The UPSOLUT system meets the element of claim 1(g) of the '956
2 Patent, and to the extent that this paragraph implies that this or any other claim
3 element is not met by the Airport and Ace, denied. Park Assist is otherwise without
4 knowledge or information sufficient to admit or deny the allegations of paragraph
5 141 of the Amended Complaint as drafted, including whether this paragraph
6 inquires about features not claimed in the '956 Patent, and therefore denies each
7 allegation.

8 142. Denied.

9 143. Denied.

10 144. Denied.

11 145. Denied.

12 146. Denied.

13 147. Denied.

14 148. Denied.

15 149. Denied.

16 150. Denied.

17 151. Denied.

18 152. Denied.

19 153. Admitted.

20 154. The allegations in this paragraph refer to purported claim construction
21 issues. Such issues are legal conclusions that do not require a response at this time,
22 and are subject to a future claim construction proceeding by the Court. To the
23 extent a response is necessary, Park Assist denies that this paragraph provides the
24 properly phrased claim construction.

25 155. The allegations in this paragraph refer to purported claim construction
26 issues. Such issues are legal conclusions that do not require a response at this time,
27 and are subject to a future claim construction proceeding by the Court. To the
28

1 extent a response is necessary, Park Assist denies that this paragraph provides the
2 properly phrased claim construction.

3 156. The allegations in this paragraph refer to purported claim construction
4 issues. Such issues are legal conclusions that do not require a response at this time,
5 and are subject to a future claim construction proceeding by the Court. To the
6 extent a response is necessary, Park Assist denies that this paragraph provides the
7 properly phrased claim construction.

8 157. The allegations in this paragraph refer to purported claim construction
9 issues. Such issues are legal conclusions that do not require a response at this time,
10 and are subject to a future claim construction proceeding by the Court. To the
11 extent a response is necessary, Park Assist denies that this paragraph provides the
12 properly phrased claim construction.

13 158. The allegations in this paragraph refer to purported claim construction
14 issues. Such issues are legal conclusions that do not require a response at this time,
15 and are subject to a future claim construction proceeding by the Court. To the
16 extent a response is necessary, Park Assist denies that this paragraph provides the
17 properly phrased claim construction.

18 159. Denied.

19 160. Denied.

20 161. Denied.

21 162. Denied.

22 163. Denied.

23 164. Denied.

24 165. Denied.

25 166. Denied.

26 167. Denied, to the extent this can be understood.

27 168. Denied.

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1 169. This paragraph is unintelligible, and so denied.

2 170. Denied.

3 171. Denied.

4 172. Denied.

5 173. Denied.

6 174. Denied.

7 175. Denied.

8 176. Denied.

9 177. Denied.

10 178. Admitted.

11 179. The allegations in this paragraph refer to purported claim construction
12 issues. Such issues are legal conclusions that do not require a response at this time,
13 and are subject to a future claim construction proceeding by the Court. To the
14 extent a response is necessary, Park Assist denies that this paragraph provides the
15 properly phrased claim construction.

16 180. The allegations in this paragraph refer to purported claim construction
17 issues. Such issues are legal conclusions that do not require a response at this time,
18 and are subject to a future claim construction proceeding by the Court. To the
19 extent a response is necessary, Park Assist denies that this paragraph provides the
20 properly phrased claim construction.

21 181. The allegations in this paragraph refer to purported claim construction
22 issues. Such issues are legal conclusions that do not require a response at this time,
23 and are subject to a future claim construction proceeding by the Court. To the
24 extent a response is necessary, Park Assist denies that this paragraph provides the
25 properly phrased claim construction.

26 182. The allegations in this paragraph refer to purported claim construction
27 issues. Such issues are legal conclusions that do not require a response at this time,
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1 and are subject to a future claim construction proceeding by the Court. To the
2 extent a response is necessary, Park Assist denies that this paragraph provides the
3 properly phrased claim construction.

4 183. The allegations in this paragraph refer to purported claim construction
5 issues. Such issues are legal conclusions that do not require a response at this time,
6 and are subject to a future claim construction proceeding by the Court. To the
7 extent a response is necessary, Park Assist denies that this paragraph provides the
8 properly phrased claim construction.

9 184. Denied.

10 185. Denied.

11 186. Denied.

12 187. Admitted.

13 188. The allegations in this paragraph refer to purported claim construction
14 issues. Such issues are legal conclusions that do not require a response at this time,
15 and are subject to a future claim construction proceeding by the Court. To the
16 extent a response is necessary, Park Assist denies that this paragraph provides the
17 properly phrased claim construction.

18 189. The allegations in this paragraph refer to purported claim construction
19 issues. Such issues are legal conclusions that do not require a response at this time,
20 and are subject to a future claim construction proceeding by the Court. To the
21 extent a response is necessary, Park Assist denies that this paragraph provides the
22 properly phrased claim construction.

23 190. The allegations in this paragraph refer to purported claim construction
24 issues. Such issues are legal conclusions that do not require a response at this time,
25 and are subject to a future claim construction proceeding by the Court. To the
26 extent a response is necessary, Park Assist denies that this paragraph provides the
27 properly phrased claim construction.

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1 191. Denied.

2 192. Denied.

3 193. Denied.

4 194. Admitted that Park Assist sued infringers Airport and Ace, but
5 otherwise all allegations of this paragraph are denied.

6 195. Admitted that the reason Park Assist sued the Airport and Ace is clear,
7 in that they are infringing the '956 Patent; otherwise Park Assist denies all
8 remaining allegations of paragraph 195 of the Amended Complaint.

9 196. Admitted that Park Assist brought a complaint to address the clear
10 infringement by the Airport and Ace; otherwise all remaining allegations of
11 paragraph 196 of the Amended Complaint are denied.

12 197. Denied.

13 198. Denied.

14 199. Denied.

15 200. Denied.

16 201. Admitted that Walker has been advised of Park Assist's infringement
17 action against the Airport and Ace, and Watry may have been so advised, otherwise
18 Park Assist denies all remaining allegations of paragraph 201 of the Amended
19 Complaint.

20 202. Denied.

21 203. Denied.

22 204. Park Assist is without knowledge or information sufficient to admit or
23 deny the allegations of paragraph 204 of the Amended Complaint, and therefore
24 denies each allegation.

25 205. Denied.

26 206. Admitted that Park Assist brought a complaint to address the clear
27 infringement of the Airport and Ace, and admitted that Park Assist has informed
28

1 others of the infringement; otherwise all allegations of paragraph 206 of the
2 Amended Complaint are denied.

3 207. Denied.

4 **FIRST CLAIM FOR RELIEF**

5 208. Park Assist restates and incorporates by reference each of the responses
6 set forth above.

7 209. Denied.

8 210. Denied.

9 211. Admitted that this paragraph recites Indect's requests, but denied that
10 Indect is entitled to any such relief.

11 212. Admitted that this paragraph recites Indect's requests, but denied that
12 Indect is entitled to any such relief.

13 **SECOND CLAIM FOR RELIEF**

14 213. Park Assist restates and incorporates by reference each of the responses
15 set forth above.

16 214. Denied.

17 215. Denied.

18 216. Admitted that this paragraph recites Indect's requests, but denied that
19 Indect is entitled to any such relief.

20 217. Admitted that this paragraph recites Indect's requests, but denied that
21 Indect is entitled to any such relief.

22 **THIRD CLAIM FOR RELIEF**

23 218. Park Assist restates and incorporates by reference each of the responses
24 set forth above.

25 219. Denied.

26 220. Denied.

27 221. Denied.

28

1 222. Denied.

2 223. Denied.

3 224. Admitted that this paragraph recites Indect’s requests, but denied that
4 Indect is entitled to any such relief.

5 **JURY DEMAND**

6 Park Assist admits that Indect demands “a jury on all triable issues.” Indect’s
7 Jury Demand does not state an allegation to which a responsive pleading is required;
8 to the extent that this sentence is construed to include any such allegations and/or
9 averments, they are denied. Park Assist also demands a trial by jury.

10 **PRAYER FOR RELIEF**

11 Park Assist denies that Indect is entitled to any of the relief or any relief in this
12 action.

13 **AFFIRMATIVE DEFENSES**

14 By referring to the following as affirmative defenses, Park Assist does not
15 agree that they are affirmative defenses and Park Assist does not undertake any
16 burdens of proof that might otherwise not be required.

17 **FIRST AFFIRMATIVE DEFENSE**

18 **(Failure to State a Claim)**

19 The Amended Complaint fails to state a claim upon which relief can be granted.
20

21 **SECOND AFFIRMATIVE DEFENSE**

22 **(Good Faith)**

23 Indect’s claims are barred, in whole or in part, because Park Assist at all times
24 acted in good faith.
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26 **THIRD AFFIRMATIVE DEFENSE**

27 **(Subject Matter Jurisdiction)**

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The Court lacks subject matter jurisdiction over Indect’s claims for declaratory judgment for reasons including, but not limited to, there is no actual controversy.

FOURTH AFFIRMATIVE DEFENSE

Lack of Causal Relationship

Park Assist cannot be liable for any alleged harm that could not have been or cannot be established to have been caused by Park Assist or that is caused by intervening or superseding actions of Indect or third parties beyond the control of Park Assist including, but not limited to, any third party decisions to select the superior Park Assist products over Indect products.

DATED: August 26, 2019

Respectfully submitted,
SILLS CUMMIS & GROSS, PC

By: /s/Tod M. Melgar
Tod M. Melgar (Pro Hac Vice)
NY Bar No. 2790228
tmelgar@sillscummis.com
Scott D. Stimpson (Pro Hac Vice)
NY Bar No. 2361012
sstimson@sillscummis.com
Steven Luksenberg, (Pro Hac Vice)
NY Bar No. 4986436
sluksenberg@sillscummis.com
SILLS CUMMIS & GROSS LLP
101 Park Avenue, 28th Floor
New York, NY 10178
Telephone: 212-643-7000

Jason M. Kirby (SBN 213370)
jason@kirbyandkirbylaw.com
KIRBY & KIRBY, LLP
501 W. Broadway, Suite 1720
San Diego CA 92101

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Telephone: 619-487-1500

Attorneys for Plaintiff
PARK ASSIST, LLC