

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PROCON ANALYTICS, LLC,)	
)	
Plaintiff / Counter-Defendant,)	
)	
v.)	Case No. 3:19-cv-00201-PLR-HBG
)	JURY DEMAND
SPIREON, INC.)	
)	
Defendant / Counter-Claimant.)	Honorable Judge Reeves
_____)	

**SPIREON, INC.'S ANSWER TO
PROCON ANALYTICS, LLC'S FIRST AMENDED COMPLAINT**

Spireon, Inc. ("Spireon"), by and through counsel, answers the allegations of Plaintiff Procon Analytics, LLC's ("Procon") First Amended Complaint as follows:

1. Upon information and belief, admitted.
2. Spireon admits that it is a Tennessee corporation and that it has offices in Irvine, California and in Knoxville, Tennessee.
3. Admitted.
4. It is admitted that Spireon, through counsel in Tennessee, sent Procon a letter on April 2, 2019, expressing Spireon's concerns that Procon and its affiliated entities were or had been making, selling, and/or offering products and services that infringe at least one claim of the '598 Patent. Additionally, it is admitted that a copy of that letter is attached in Exhibit 1 to the Complaint. Spireon lacks knowledge or information sufficient to form a belief about the truth of any remaining allegations in Paragraph 4.
5. It is admitted that Spireon, through counsel in Tennessee, sent a letter to Procon Analytics on April 25, 2019, following up on Spireon's letter dated April 2, 2019, regarding the '598 Patent. It is further admitted that a copy of that letter is

attached in Exhibit 2 to the Complaint. Spireon lacks knowledge or information sufficient to form a belief about the truth of any remaining allegations in Paragraph 5.

6. Admitted.

7. Spireon admits that Procon purports to bring an action for declaratory judgment under the Declaratory Judgment Act. Spireon otherwise denies the allegations of Paragraph 7 and specifically denies that Procon is entitled to declaratory or any further relief.

8. Spireon admits that this Court has jurisdiction over this action. Spireon otherwise denies the allegations of Paragraph 8.

9. It is admitted that the Court has personal jurisdiction over Spireon in this matter.

10. It is admitted that venue is proper in this Court.

U.S. PATENT NO. 10,089,598

11. Admitted.

12. It is admitted that the application for the '598 Patent was filed on April 21, 2015, and that its serial number is 14/692,598. It is further admitted that said application was a continuation-in-part application of application No. 12/505,325, filed on July 17, 2009. Any remaining allegations in Paragraph 12 are denied.

13. It is admitted that the '598 patent includes one independent claim and fourteen total claims.

14. Paragraph 14 is a legal conclusion to which no response is required. To the extent a response is required, Spireon admits that the '598 Patent was filed on April 21, 2015 and otherwise denies the allegations of Paragraph 14.

15. Denied.

16. Paragraph 16 is a legal conclusion to which no response is required. To the extent a response is required, Spireon denies the allegations of Paragraph 16.

17. Denied.

18. It is admitted that the list of “References Cited” on the ’598 Patent contains patent documents filed or published after July 17, 2009. All other allegations in Paragraph 18 are denied.

19. Paragraph 19 is a legal conclusion to which no response is required. To the extent a response is required, Spireon denies the allegations of Paragraph 19.

20. Paragraph 20 is a legal conclusion to which no response is required. To the extent a response is required, Spireon denies the allegations of Paragraph 20.

21. Paragraph 21 is a legal conclusion to which no response is required. To the extent a response is required, Spireon denies the allegations of Paragraph 21.

PROCON’S ACTIVITIES

22. As set forth in its Counterclaims, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the ’598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 22.

23. As set forth in its Counterclaims, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the ’598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 23.

24. As set forth in its Counterclaims, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the ’598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 24.

25. As set forth in its Counterclaims, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the '598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 25.

26. As set forth in its Counterclaims, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the '598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 26.

EXISTENCE OF AN ACTUAL CONTROVERSY

27. Exhibits 1 and 2 speak for themselves. To the extent Paragraph 27 attempts to restate or characterize those Exhibits, such restatement or characterization is denied.

28. Spireon is without information belief as to which “dealers and customers” Paragraph 28 is referencing and therefore lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28. To the extent Spireon sent letters to such “dealers or customers,” such letters speak for themselves. To the extent Paragraph 28 attempts to restate or characterize those letters, such restatement or characterization is denied.

29. Paragraph 29 is a legal conclusion to which no response is required. To the extent a response is required, Spireon admits there is a justiciable controversy.

30. Denied.

COUNT 1: DECLARATORY JUDGMENT OF NON-INFRINGEMENT

31. Spireon incorporates by reference its responses to the preceding allegations.

32. Paragraph 32 is a legal conclusion to which no response is required. To the extent a response is required, Spireon admits there is a justiciable controversy. Except as admitted, Spireon denies the remaining allegations of Paragraph 32 and specifically denies that Procon is entitled to declaratory relief or other further relief.

33. Paragraph 33 is a legal conclusion to which no response is required. To the extent a response is required, Spireon admits there is a justiciable controversy. Except as admitted, Spireon denies the remaining allegations of Paragraph 33.

34. As set forth in its Counterclaims below, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the '598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 34.

35. Spireon admits that claim 1 of the '598 Patent includes the language "in response to the location device becoming communicatively coupled with the vehicle, the location device transmitting a connection notice over a network, the connection notice comprising a vehicle identifier and a location device identifier." To the extent Paragraph 35 attempts to restate or characterize the '598 Patent, such restatement or characterization is denied.

36. As set forth in its Counterclaims, Spireon believes that Procon makes, sells, and offers for sale products and services for managing vehicle inventory for dealerships that infringe on certain claims of the '598 Patent. Spireon lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 36.

37. Denied.

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