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14 Attorneys for Plaintiff  
15 HIPMUNK, INC.

16 IN THE UNITED STATES DISTRICT COURT  
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
18 OAKLAND DIVISION

16 HIPMUNK, INC,  
17 a Delaware corporation,  
18  
19 Plaintiff,  
20  
21 v.  
22 I2Z TECHNOLOGY, LLC,  
23 a Texas limited liability company  
24  
25 Defendant.

Case No. 4:12-cv-03409-PJH

**HIPMUNK, INC.’S ANSWER  
TO I2Z TECHNOLOGY, LLC’S  
COUNTERCLAIMS**

23 Plaintiff Hipmunk, Inc. (“Hipmunk”) hereby answers the Counterclaims of Defendant  
24 I2Z Technology, LLC (“I2Z”) on personal knowledge as to its own activities and on information  
25 and belief as to the activities of others, as follows:

**NATURE OF THE ACTION**

27 1. Hipmunk admits that the Counterclaims purport to state a cause of action for  
28 patent infringement against Hipmunk arising under the patent laws of the United States, Title 35

1 of the United States Code. Except as expressly admitted, Hipmunk denies the allegations of  
2 paragraph 1 of the Counterclaims.

3 2. Hipmunk admits the allegations contained in paragraph 2 of the Counterclaims.

4 3. Hipmunk admits the allegations contained in paragraph 3 of the Counterclaims.

5 **JURISDICTION**

6 4. Hipmunk admits that the Counterclaims purport to state a cause of action arising  
7 under the patent laws of the United States, Title 35 of the United States Code. Except as  
8 expressly admitted, Hipmunk denies the allegations of paragraph 4 of the Counterclaims.

9 5. Hipmunk admits the allegations of paragraph 5 of the Counterclaims.

10 6. Hipmunk admits that this Court has personal jurisdiction over it. Except as  
11 expressly admitted, Hipmunk denies the allegations of paragraph 6 of the Counterclaims.

12 7. Hipmunk admits that venue is proper in this judicial district under 28 U.S.C.  
13 §§ 1391(b) and (c) and 1400(b). Except as expressly admitted, Hipmunk denies the allegations  
14 of paragraph 7 of the Counterclaims.

15 **FACTUAL BACKGROUND**

16 8. Hipmunk admits the allegations contained in paragraph 8 of the Counterclaims.

17 9. Hipmunk admits that the face of the U.S. Patent No. 5,345,551 (“the ’551 patent”)  
18 entitled “Method and System for Synchronization of Simultaneous Displays of Related Data  
19 Sources” shows an issue date of September 6, 1994. Hipmunk lacks knowledge or information  
20 sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 9 of  
21 the Counterclaims, and on that basis denies them.

22 10. Hipmunk admits the allegations of paragraph 10 of the Counterclaims.

23 11. Hipmunk admits that the ’551 patent was assigned to I2Z on or around July 29,  
24 2011, such assignment having been recorded with the United States Patent and Trademark Office  
25 on November 22, 2011. Hipmunk lacks knowledge or information sufficient to form a belief as  
26 to the truth of the remaining allegations contained in paragraph 11 of the Counterclaims, and on  
27 that basis denies them.

28 / / /

1           12.     Hipmunk admits that it owns and operates a travel search engine that is available  
2 online at a website with the URL address <http://www.hipmunk.com> and via a software applica-  
3 tion available at Apple's iTunes Store for use on Apple iPads ("Hipmunk Website and iPad  
4 Application"). Except as expressly admitted, Hipmunk denies the allegations of paragraph 12 of  
5 the Counterclaims.

6           13.     Hipmunk admits that the Hipmunk Website and iPad Application provides  
7 ratings, reviews, and address listings for hotels in response to user searches. Except as expressly  
8 admitted, Hipmunk denies the allegations of paragraph 13 of the Counterclaims.

9           14.     Hipmunk admits that the Hipmunk Website and iPad Application include a map  
10 feature that provides hotel search results, including prices, on a map. Except as expressly  
11 admitted, Hipmunk denies the allegations of paragraph 14 of the Counterclaims and I2Z's  
12 characterization of the features of the Hipmunk Website and iPad Application.

13           15.     Hipmunk denies the allegations of paragraph 15 of the Counterclaims and I2Z's  
14 characterization of the features of the Hipmunk Website and iPad Application.

15           16.     Hipmunk denies the allegations of paragraph 16 of the Counterclaims and I2Z's  
16 characterization of the features of the Hipmunk Website and iPad Application.

17           17.     Hipmunk denies the allegations of paragraph 17 of the Counterclaims and I2Z's  
18 characterization of the features of the Hipmunk Website and iPad Application.

19                   **ALLEGED INFRINGEMENT OF U.S. PATENT NO. 5,345,551**

20           18.     Answering paragraph 18 of the Counterclaims, Hipmunk restates and incorporates  
21 by reference each answer contained in paragraphs 1-17, inclusive, as if fully set forth herein.

22           19.     Hipmunk admits that on June 21, 2012, I2Z wrote to Hipmunk asserting that  
23 Hipmunk is "infringing the '551 patent, including Claim 1 and other claims of the '551 patent."  
24 Except as expressly admitted, Hipmunk denies the allegations of paragraph 19 of the  
25 Counterclaims.

26           20.     Hipmunk denies the allegations of paragraph 20 of the Counterclaims.

27           21.     Hipmunk denies the allegations of paragraph 21 of the Counterclaims.

28     / / /

1 **PRAYER FOR RELIEF**

2 22. Hipmunk denies any and all allegations contained in the remainder of the  
3 Counterclaims and denies that I2Z is entitled to any of the relief requested in paragraphs A  
4 through E of its prayer for relief or to any other relief in any form whatsoever against Hipmunk.  
5 Hipmunk further denies each and every allegation contained in the Counterclaims to which it has  
6 not specifically responded.

7 **DEMAND FOR JURY TRIAL**

8 23. Hipmunk admits that I2Z purports to have requested a jury trial of this action.

9 **AFFIRMATIVE DEFENSES**

10 24. Hipmunk hereby asserts the following affirmative and other defenses to the  
11 claims and allegations contained in the Counterclaims. Hipmunk reserves the right to seek leave  
12 to amend its Answer to I2Z's Counterclaims to plead additional defenses and/or to supplement  
13 its existing defenses.

14 **FIRST AFFIRMATIVE DEFENSE**

15 25. I2Z's Counterclaims fail to state a claim upon which relief may be granted.

16 **SECOND AFFIRMATIVE DEFENSE**

17 26. Hipmunk has not infringed, directly or indirectly, literally or by equivalents, any  
18 valid and enforceable claim of the '551 patent.

19 **THIRD AFFIRMATIVE DEFENSE**

20 27. The claims of the '551 patent are invalid for failure to comply with one or more of  
21 the requirements of 35 U.S.C. §§ 101, 102, 103, and/or 112.

22 **FOURTH AFFIRMATIVE DEFENSE**

23 28. I2Z's claims are barred, in whole or in part, by the equitable doctrines of laches,  
24 estoppel, waiver, and/or unclean hands.

25 **FIFTH AFFIRMATIVE DEFENSE**

26 29. By reason of proceedings in the United States Patent and Trademark Office, and  
27 by reasons of amendments, disclaimers, disavowals, admissions, representations, arguments,

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