

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**VALTRUS INNOVATIONS LTD. and  
KEY PATENT INNOVATIONS LTD.**

**PLAINTIFFS,**

**v.**

**DATABANK HOLDINGS LTD.**

**DEFENDANT.**

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**CIVIL ACTION NO.: 2:24-CV-00777**

**DEFENDANT DATABANK HOLDINGS LTD.’S  
ORIGINAL ANSWER AND COUNTERCLAIMS**

Defendant DataBank Holdings Ltd. (“DataBank” or “Defendant”), by and through its undersigned counsel, hereby answers the Complaint for Patent Infringement and Jury Demand (“Complaint”) filed by Valtrus Innovations Ltd. and Key Patent Innovations Ltd. (collectively, “Plaintiffs”) dated September 25, 2024 (Dkt. 1).

**SCOPE OF DEFENDANT’S ANSWER**

DataBank’s use of headings in this Answer is for convenience only and is not an admission as to any of Plaintiffs’ allegations in the Complaint.

DataBank denies that any patent claims in this action are valid or enforceable. DataBank reserves the right to amend or supplement its Answer based on any additional facts or developments that become available or that arise after the filing of this Answer.

DataBank denies each and every allegation averred in the Complaint, whether express or implied, that is not expressly admitted below. Any factual allegation 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. DataBank further denies

that Plaintiffs are entitled to the relief requested or any other relief. DataBank answers the Complaint as follows:

**PARTIES**

1. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Complaint, and on that basis, denies them.

2. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Complaint, and on that basis, denies them.

3. DataBank admits that it is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 400 South Akard St., Suite 100, Dallas, Texas 75202. DataBank admits there are two data centers located at 8375 Dominion Parkway, Plano, Texas 75024, referred to as “DFW3” and DFW8.” DataBank admits it may be served with process through its registered agent at Cogency Global Inc., 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

**PATENTS IN SUIT**

4. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Complaint regarding U.S. Patent Nos. 6,718,277 (“the ’277 Patent”); 6,854,284 (“the ’284 Patent”); 6,868,682 (“the ’682 Patent”); 6,868,683 (“the ’683 Patent”); 6,854,287 (“the ’287 Patent”); 6,862,179 (“the ’179 Patent”); and 7,031,870 (“the ’870 Patent”) (collectively, “Patents-in-Suit”), and on that basis, denies them.

5. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Complaint, and on that basis, denies them.

6. DataBank admits that the ’227 is entitled “Atmospheric control within a building” and states on its face that it was issued on April 6, 2004. DataBank admits that what appears to be

a true and correct copy of the '277 Patent is attached as Exhibit 1 to Valtrus' Complaint. DataBank lacks sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

7. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint, and on that basis, denies them.

8. DataBank admits that the '284 is entitled "Cooling of data centers" and states on its face that it was issued on February 15, 2005. DataBank admits that what appears to be a true and correct copy of the '284 Patent is attached as Exhibit 2 to Valtrus' Complaint. DataBank lacks sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

9. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint, and on that basis, denies them.

10. DataBank admits that the '682 is entitled "Agent based control method and system for energy management" and states on its face that it was issued on March 22, 2005. DataBank admits that what appears to be a true and correct copy of the '682 Patent is attached as Exhibit 3 to Valtrus' Complaint. DataBank lacks sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

11. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint, and on that basis, denies them.

12. DataBank admits that the '683 is entitled "Cooling of data centers" and states on its face that it was issued on March 22, 2005. DataBank admits that what appears to be a true and correct copy of the '683 Patent is attached as Exhibit 4 to Valtrus' Complaint. DataBank lacks

sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

13. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Complaint, and on that basis, denies them.

14. DataBank admits that the '287 is entitled "Cooling system" and states on its face that it was issued on February 15, 2005. DataBank admits that what appears to be a true and correct copy of the '287 Patent is attached as Exhibit 5 to Valtrus' Complaint. DataBank lacks sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

15. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Complaint, and on that basis, denies them.

16. DataBank admits that the '179 is entitled "Partition for varying the supply of cooling fluid" and states on its face that it was issued on March 1, 2005. DataBank admits that what appears to be a true and correct copy of the '179 Patent is attached as Exhibit 6 to Valtrus' Complaint. DataBank lacks sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

17. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Complaint, and on that basis, denies them.

18. DataBank admits that the '870 is entitled "Partition for varying the supply of cooling fluid" and states on its face that it was issued on April 18, 2006. DataBank admits that what appears to be a true and correct copy of the '870 Patent is attached as Exhibit 7 to Valtrus' Complaint. DataBank lacks sufficient information to admit or deny the remaining allegations of this paragraph and on that basis denies those allegations.

19. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the Complaint, and on that basis, denies them.

20. DataBank admits that DataBank received a letter from Valtrus on April 1, 2024 entitled “Notice of Infringement of Valtrus Innovation Ltd.’s Patents,” and dated March 29, 2024, and that letter was addressed to DataBank’s General Counsel Daniel Yamagishi and proposed a meeting to discuss a license. DataBank denies the remaining allegations in Paragraph 20 of the Complaint.

21. DataBank admits that counsel for DataBank responded to Valtrus’ March 29, 2024 notice letter on June 14, 2024. DataBank denies the remaining allegations in Paragraph 21 of the Complaint.

#### **JURISDICTION AND VENUE**

22. Paragraph 22 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-21 as if fully set forth herein.

23. DataBank admits that the Complaint purports to set forth an action under the patent laws of the United States, Title 35 of the United States Code, but denies that it has committed any acts of infringement as alleged by Valtrus. DataBank admits that the Eastern District of Texas has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1332, and 1338(a). DataBank denies the remaining allegations in Paragraph 23 of the Complaint.

24. For purposes of this action only, DataBank admits that this Court has personal jurisdiction over DataBank. DataBank denies that it has committed any acts of infringement as alleged by Valtrus. DataBank denies any remaining allegations in Paragraph 24 of the Complaint.

25. DataBank denies the allegations in Paragraph 25 of the Complaint.

26. DataBank admits that it operates data centers in this District and the State of Texas. DataBank denies that it has committed any acts of infringement as alleged by Valtrus. DataBank denies any remaining allegations in Paragraph 26 of the Complaint.

27. DataBank does not dispute that this Court has personal jurisdiction over it for purposes of this lawsuit. The remaining allegations in Paragraph 27 state conclusions of law to which no response is required. To the extent a further response is required to Paragraph 27, Databank denies the remaining allegations.

28. For purposes of this action only, DataBank does not contest that venue is proper in this District. DataBank denies any remaining allegations in Paragraph 28 of the Complaint.

29. DataBank denies that it has committed any acts of infringement as alleged by Valtrus. DataBank admits that it operates data centers in this District. DataBank denies any remaining allegations in Paragraph 29 of the Complaint.

**FIRST CLAIM**  
**(Alleged Infringement of the ‘277 Patent)**

30. Paragraph 30 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-29 as if fully set forth herein.

31. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 of the Complaint, and therefore, denies them.

32. DataBank denies the allegations in Paragraph 32 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 32 of the Complaint demonstrates any infringement of the ‘277 Patent by DataBank.

**SECOND CLAIM**  
**(Alleged Infringement of the ‘284 Patent)**

33. Paragraph 33 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-32 as if fully set forth herein.

34. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 of the Complaint, and therefore, denies them.

35. DataBank denies the allegations in Paragraph 35 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 35 of the Complaint demonstrates any infringement of the ‘284 Patent by DataBank.

**THIRD CLAIM**  
**(Alleged Infringement of the ‘682 Patent)**

36. Paragraph 36 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-35 as if fully set forth herein.

37. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint, and therefore, denies them.

38. DataBank denies the allegations in Paragraph 38 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 38 of the Complaint demonstrates any infringement of the ‘682 Patent by DataBank.

**FOURTH CLAIM**  
**(Alleged Infringement of the ‘683 Patent)**

39. Paragraph 39 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-38 as if fully set forth herein.

40. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 of the Complaint, and therefore, denies them.

41. DataBank denies the allegations in Paragraph 41 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 41 of the Complaint demonstrates any infringement of the ‘683 Patent by DataBank.

**FIFTH CLAIM**  
**(Alleged Infringement of the ‘287 Patent)**

42. Paragraph 42 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-41 as if fully set forth herein.

43. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 of the Complaint, and therefore, denies them.

44. DataBank denies the allegations in Paragraph 44 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 44 of the Complaint demonstrates any infringement of the ‘287 Patent by DataBank.

**SIXTH CLAIM**  
**(Alleged Infringement of the ‘179 Patent)**

45. Paragraph 45 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-44 as if fully set forth herein.

46. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 of the Complaint, and therefore, denies them.

47. DataBank denies the allegations in Paragraph 47 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 47 of the Complaint demonstrates any infringement of the ‘179 Patent by DataBank.

**SEVENTH CLAIM**  
**(Alleged Infringement of the ‘870 Patent)**

48. Paragraph 48 of the Complaint does not require an answer. To the extent any response is required, DataBank repeats and realleges the responses to Paragraphs 1-47 as if fully set forth herein.

49. DataBank lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 of the Complaint, and therefore, denies them.

50. DataBank admits that DataBank received a letter from Valtrus on April 1, 2024 on March 29, 2024 entitled “Notice of Infringement of Valtrus Innovation Ltd.’s Patents,” and dated March 29, 2024. DataBank denies any remaining allegations in Paragraph 50.

51. DataBank denies the allegations in Paragraph 51 of the Complaint. DataBank further denies that the “exemplary claim chart” referenced in Paragraph 51 of the Complaint demonstrates any infringement of the ‘870 Patent by DataBank.

52. DataBank denies all allegations of willful infringement of any of the referenced claims of the ‘870 Patent.

**AFFIRMATIVE DEFENSES**

Subject to the responses above, DataBank alleges and asserts the following affirmative defenses in response to the allegations, without admitting or acknowledging that DataBank bears the burden of proof as to any of them or that any must be pleaded as defenses. In addition to the defenses described above, DataBank specifically reserves all rights to amend its Answer and assert additional defenses that become known through the course of discovery. Furthermore, DataBank

repeats and incorporates by reference each of its answers in the foregoing paragraphs as if fully set forth herein.

**FIRST DEFENSE**  
**(Non-infringement)**

DataBank does not infringe and has not infringed (literally, under the doctrine of equivalents, contributorily or by inducement) any valid and enforceable claim of the '277 Patent, the '284 Patent, the '682 Patent, the '683 Patent, the '287 Patent, the '179 Patent, and the '870 Patent (collectively, the "Patents-in-Suit").

**SECOND DEFENSE**  
**(Invalidity)**

The asserted claims of the Patents-in-Suit are invalid and unenforceable for failure to satisfy the requirements of Title 35 of the United States Code, including, but not limited to, one or more of the following: 35 U.S.C. §§ 101, 102, 103, 112 and/or 116 *et seq.* and the rules, regulations, and laws pertaining thereto.

**THIRD DEFENSE**  
**(Prosecution History Estoppel)**

Plaintiffs' claims are barred by the doctrine of prosecution history estoppel based on statements, representations, and admissions made during the prosecution of the relevant patent applications resulting in the Patents-in-Suit before the United States Patent and Trademark Office and/or during the prosecution of related patent applications.

**FOURTH DEFENSE**  
**(Equitable Defenses)**

Plaintiffs' attempted enforcement of the Patents-in-Suit against DataBank is barred by prosecution laches, estoppel, and unclean hands.

**FIFTH DEFENSE**  
**(License, Implied License and/or Exhaustion)**

Plaintiffs' claims for infringement are precluded in whole or in part (i) to the extent that any allegedly infringing products or components thereof are supplied, directly or indirectly, by any entity or entities having express or implied licenses or covenants not to sue or assert to the Patents-in-Suit, and/or (ii) under the doctrine of patent exhaustion. Additionally, Plaintiffs' claims for patent infringement are precluded in whole or in part to any direct licenses or agreements/covenants not to sue that pertain to DataBank.

**SIXTH DEFENSE**  
**(Notice, Damages, and Costs)**

Plaintiffs' claims for damages and costs are statutorily limited under 35 U.S.C. §§ 252, 286, and/or 288.

Plaintiffs' remedy for alleged infringement, if any, is limited by 35 U.S.C. § 286 to the extent Plaintiffs seek any recovery for any alleged infringing acts that occurred more than six years before the filing of the Complaint.

Plaintiffs are further barred by 35 U.S.C. § 288 from recovering costs in connection with this action by 35 U.S.C. § 288.

Plaintiffs' claims for relief are limited by the doctrines of full compensation, exhaustion, and/or first sale, and Plaintiffs is not entitled to a double recovery.

**SEVENTH DEFENSE**  
**(Failure to Mark)**

Plaintiffs' requested relief is barred, in whole or in part, for any damages arising from DataBank's alleged infringement prior to at least the date of the filing of the original Complaint due to the failure of Plaintiffs, a prior owner, and/or their licensees to comply with the marking and notice requirements of 35 U.S.C. § 287(a).

**EIGHTH DEFENSE**  
**(Ensnarement)**

On information and belief, Plaintiffs' claims are barred by the doctrine of ensnarement. Plaintiffs are foreclosed from asserting infringement under the doctrine of equivalents to the extent that the scope of such equivalent would ensnare prior art.

**NINTH DEFENSE**  
**(Not Exceptional)**

DataBank has not engaged in any conduct that would make this an exceptional case or that would entitle Plaintiffs to an award of attorneys' fees.

**TENTH DEFENSE**  
**(Failure to State a Claim)**

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

**ELEVENTH DEFENSE**  
**(Not Entitled to Injunctive Relief)**

Plaintiffs are not entitled to injunctive relief because any alleged injury to Plaintiffs is not immediate and irreparable, Plaintiffs have an adequate remedy at law, and the balance of hardships does not warrant injunctive relief.

**TWELFTH DEFENSE**  
**(Expiration)**

Plaintiffs' infringement and damages claims are barred or limited because one or more of the Patents-in-Suit has expired.

**THIRTEENTH DEFENSE**  
**(Lacks Standing)**

To the extent Plaintiffs lack all substantive rights to bring suit and to exclude others from practicing the claims of any of the Patents-in-Suit, Plaintiffs' claims are barred because Plaintiffs lack standing.

**FOURTEENTH DEFENSE**  
**(No Enhanced Damages)**

DataBank has not engaged in any conduct that constitutes willful infringement or that would otherwise entitle Plaintiffs to an award of enhanced damages under 35 U.S.C. § 284.

### **COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 13, DataBank Holdings Ltd. (“DataBank” or “Counterclaim-Plaintiff”) bring the counterclaims that follow regarding non-infringement against Valtrus Innovations Ltd. and Key Patent Innovations Ltd. (collectively, “Valtrus” or “Counterclaim- Defendants”).

### **PARTIES**

1. Counterclaim-Plaintiff DataBank is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 400 South Akard St., Suite 100, Dallas, TX 75202.

2. Counterclaim-Defendant Valtrus Innovations Ltd. is a corporation organized and existing under the laws of the Republic of Ireland, and that the address of the registered office of Valtrus Innovations Ltd. is The Glasshouses GH2, 92 Georges Street Lower, Dun Laoghaire, Dublin A96 VR66, Ireland.

3. Counterclaim-Defendant Key Patent Innovations Ltd. is a corporation organized and existing under the laws of the Republic of Ireland, and that the address of the registered office of Key Patent Innovations Ltd. is The Glasshouses GH2, 92 Georges Street Lower, Dun Laoghaire, Dublin A96 VR66, Ireland.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over DataBank’s Declaratory Judgment claims pursuant to 28 U.S.C. §§ 2201–2202 and subject matter jurisdiction over patent infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. An actual, substantial, and continuing justiciable controversy exists between DataBank and Counterclaim-Defendants. Counterclaim-Defendants filed the Complaint, Dkt. 1,

against DataBank alleging infringement of U.S. Patent Nos. 6,718,277 (“the ’277 Patent”); 6,854,284 (“the ’284 Patent”); 6,868,682 (“the ’682 Patent”); 6,868,683 (“the ’683 Patent”); 6,854,287 (“the ’287 Patent”); 6,862,179 (“the ’179 Patent”); and 7,031,870 (“the ’870 Patent”) (collectively, “the Patents-in-Suit”), with respect to which DataBank requires a declaration of its rights by this Court.

6. The Court has personal jurisdiction over Counterclaim-Defendants, including because Counterclaim-Defendants have submitted to the personal jurisdiction of this Court by filing the Complaint. The Court also has personal jurisdiction over Counterclaim-Defendants because they have sufficient minimum contacts with the Eastern District of Texas in connection with the subject matter of this dispute.

7. Venue is proper in this District as to these Counterclaims pursuant to 28 U.S.C. §§ 1291(b)-(c) and 1400(b), inter alia, at least because Counterclaim-Defendants have submitted to the venue of this Court by filing the Complaint here.

**FIRST COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the ’277 Patent)**

8. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-7 as though fully set forth herein.

9. Counterclaim-Defendants’ Complaint in this action alleges that DataBank infringes the ’277 Patent. As a result of at least the allegations contained in the Complaint, an actual and justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the ’277 Patent.

10. DataBank has not infringed and does not infringe any valid or enforceable claim of the ’277 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

11. Absent a declaration that DataBank does not infringe the '277 Patent, Counterclaim-Defendants will continue to wrongfully assert the '277 Patent against DataBank and thereby cause injury to DataBank.

12. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '277 Patent.

13. DataBank is entitled to a judgment from this Court that the claims of the '277 Patent are not infringed by DataBank.

**SECOND COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '277 Patent)**

14. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-13 as though fully set forth herein.

15. The asserted claims of the '277 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

16. Because Valtrus has asserted infringement of the '277 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '277 Patent is invalid and thus cannot be asserted against DataBank.

**THIRD COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the '284 Patent)**

17. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-16 as though fully set forth herein.

18. Counterclaim-Defendants' Complaint in this action alleges that DataBank infringes the '284 Patent. As a result of at least the allegations contained in the Complaint, an actual and

justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the '284 Patent.

19. DataBank has not infringed and does not infringe any valid or enforceable claim of the '284 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

20. Absent a declaration that DataBank does not infringe the '284 Patent, Counterclaim-Defendants will continue to wrongfully assert the '284 Patent against DataBank and thereby cause injury to DataBank.

21. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '284 Patent.

22. DataBank is entitled to a judgment from this Court that the claims of the '284 Patent are not infringed by DataBank.

**FOURTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '284 Patent)**

23. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-22 as though fully set forth herein.

24. The asserted claims of the '284 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

25. Because Valtrus has asserted infringement of the '284 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '284 Patent is invalid and thus cannot be asserted against DataBank.

**FIFTH COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the '682 Patent)**

26. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-25 as though fully set forth herein.

27. Counterclaim-Defendants' Complaint in this action alleges that DataBank infringes the '682 Patent. As a result of at least the allegations contained in the Complaint, an actual and justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the '682 Patent.

28. DataBank has not infringed and does not infringe any valid or enforceable claim of the '682 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

29. Absent a declaration that DataBank does not infringe the '682 Patent, Counterclaim-Defendants will continue to wrongfully assert the '682 Patent against DataBank and thereby cause injury to DataBank.

30. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '682 Patent.

31. DataBank is entitled to a judgment from this Court that the claims of the '682 Patent are not infringed by DataBank.

**SIXTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '682 Patent)**

32. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-31 as though fully set forth herein.

33. The asserted claims of the '682 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

34. Because Valtrus has asserted infringement of the '682 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '682 Patent is invalid and thus cannot be asserted against DataBank.

**SEVENTH COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the '683 Patent)**

35. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-34 as though fully set forth herein.

36. Counterclaim-Defendants' Complaint in this action alleges that DataBank infringes the '683 Patent. As a result of at least the allegations contained in the Complaint, an actual and justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the '683 Patent.

37. DataBank has not infringed and does not infringe any valid or enforceable claim of the '683 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

38. Absent a declaration that DataBank does not infringe the '683 Patent, Counterclaim-Defendants will continue to wrongfully assert the '683 Patent against DataBank and thereby cause injury to DataBank.

39. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '683 Patent.

40. DataBank is entitled to a judgment from this Court that the claims of the '683 Patent are not infringed by DataBank.

**EIGHTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '683 Patent)**

41. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-40 as though fully set forth herein.

42. The asserted claims of the '683 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

43. Because Valtrus has asserted infringement of the '683 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '683 Patent is invalid and thus cannot be asserted against DataBank.

**NINTH COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the '287 Patent)**

44. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-43 as though fully set forth herein.

45. Counterclaim-Defendants' Complaint in this action alleges that DataBank infringes the '287 Patent. As a result of at least the allegations contained in the Complaint, an actual and justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the '287 Patent.

46. DataBank has not infringed and does not infringe any valid or enforceable claim of the '287 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

47. Absent a declaration that DataBank does not infringe the '287 Patent, Counterclaim-Defendants will continue to wrongfully assert the '287 Patent against DataBank and thereby cause injury to DataBank.

48. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '287 Patent.

49. DataBank is entitled to a judgment from this Court that the claims of the '287 Patent are not infringed by DataBank.

**TENTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '287 Patent)**

50. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-49 as though fully set forth herein.

51. The asserted claims of the '287 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

52. Because Valtrus has asserted infringement of the '287 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '287 Patent is invalid and thus cannot be asserted against DataBank.

**ELEVENTH COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the '179 Patent)**

53. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-52 as though fully set forth herein.

54. Counterclaim-Defendants' Complaint in this action alleges that DataBank infringes the '179 Patent. As a result of at least the allegations contained in the complaint, an actual and justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the '179 Patent.

55. DataBank has not infringed and does not infringe any valid or enforceable claim of the '179 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

56. Absent a declaration that DataBank does not infringe the '179 Patent, Counterclaim-Defendants will continue to wrongfully assert the '179 Patent against DataBank and thereby cause injury to DataBank.

57. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '179 Patent.

58. DataBank is entitled to a judgment from this Court that the claims of the '179 Patent are not infringed by DataBank.

**TWELFTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '179 Patent)**

59. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-58 as though fully set forth herein.

60. The asserted claims of the '179 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

61. Because Valtrus has asserted infringement of the '179 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '179 Patent is invalid and thus cannot be asserted against DataBank.

**THIRTEENTH COUNTERCLAIM**  
**(Declaratory Judgment of Non-Infringement of the '870 Patent)**

62. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-61 as though fully set forth herein.

63. Counterclaim-Defendants' Complaint in this action alleges that DataBank infringes the '870 Patent. As a result of at least the allegations contained in the complaint, an actual and

justiciable controversy exists between DataBank and Counterclaim-Defendants concerning the infringement of the '870 Patent.

64. DataBank has not infringed and does not infringe any valid or enforceable claim of the '870 Patent literally, directly, indirectly, willfully, or under the doctrine of equivalents.

65. Absent a declaration that DataBank does not infringe the '870 Patent, Counterclaim-Defendants will continue to wrongfully assert the '870 Patent against DataBank and thereby cause injury to DataBank.

66. A substantial, immediate, and real controversy therefore exists, within the meaning of 28 U.S.C. §§ 2201 and 2202, between DataBank and Counterclaim-Defendants as to whether DataBank has infringed or infringes any claim of the '870 Patent.

**FOURTEENTH COUNTERCLAIM**  
**(Declaratory Judgment of Invalidity of the '870 Patent)**

67. DataBank realleges and incorporates by reference the allegations made in Paragraphs 1-66 as though fully set forth herein.

68. The asserted claims of the '870 Patent are invalid because they fail to comply with one or more requirements of 35 U.S.C. § 101, 102, 103, and/or 112.

69. Because Valtrus has asserted infringement of the '870 Patent against DataBank, declaratory relief is both appropriate and necessary to establish that the '870 Patent is invalid and thus cannot be asserted against DataBank.

**RESERVATION OF RIGHT TO ASSERT  
ADDITIONAL COUNTERCLAIMS AND DEFENSES**

DataBank's investigation is ongoing and discovery has not been taken. As many relevant facts are likely in the possession of Plaintiffs, DataBank reserves the right to amend, or seek to amend, this Answer, including affirmative and other defenses. DataBankt has not knowingly or

intentionally waived any applicable defenses, and reserves the right to assert and rely upon other applicable defenses that may become available or apparent throughout the course of this action

**DEMAND FOR TRIAL BY JURY**

Pursuant to Federal Rule of Civil Procedure 38(b), DataBank hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, DataBank respectfully prays for the following relief:

- a. Judgment against Plaintiffs dismissing the Complaint and denying with prejudice all relief requested in Plaintiffs' Complaint and its prayer therein;
- b. Judgment that this case is exceptional 35 U.S.C. § 285 and an award to DataBank of its reasonable costs and expenses for litigation, including attorneys' fees and expert witness fees;
- c. Judgment awarding DataBank such other relief as this Court deems just and proper;
- d. Declaratory judgment that DataBank has not infringed, directly or indirectly, or by the Doctrine of Equivalents, any claim of the Patents-in-Suit; and
- e. Declaratory judgment that the asserted claims of the Patents-in-Suit are invalid for failure to comply with 35 U.S.C. § 101, 102, 103, and/or 112 and/or 116.

Dated: December 6, 2024.

Respectfully submitted,

/s/ Brett M. Pinkus

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**ATTORNEYS FOR DEFENDANT  
DATABANK HOLDINGS LTD.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel and parties of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on December 6, 2024.

/s/ Brett M. Pinkus

Brett M. Pinkus