

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SPARK NETWORK SERVICES, INC.,	)	
	)	Civil Action No. 07 CV 570
Plaintiff,	)	
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
MATCH.COM, LP, eHARMONY.COM.,	)	
INC. AND YAHOO!, INC.	)	
	)	
Defendants,	)	

**SPARK NETWORKS SERVICES, INC.’S REPLY  
TO COUNTERCLAIMS OF DEFENDANT, eHARMONY**

Spark Networks Services, Inc. (“Spark”), for its Answer to the Counterclaim of eHarmony.com, states as follows:

**THE PARTIES**

1. eHarmony is a California corporation with its principal place of business in Pasadena, California.

**RESPONSE:** Admitted

2. Upon information and belief, SNS is an Illinois corporation with its principal place of business in Des Plaines, Illinois.

**RESPONSE:** Admitted.

**JURISDICTION AND VENUE**

3. The counterclaims are filed and these proceedings are instituted against SNS under the patent laws of the United States, 35 U.S.C. § 1, *et. seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

**RESPONSE:** Admitted.

4. This Court has original jurisdiction over the patent counterclaims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

**RESPONSE:** Admitted.

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400.

**RESPONSE:** Admitted.

6. There is an actual and justiciable controversy within the meaning of 28 U.S.C. §§ 2201 and 2202 between eHarmony and SNS with respect to whether the '467 patent is valid and has been directly or indirectly infringed by eHarmony, either literally or by virtue of the doctrine of equivalents, resulting in alleged liability for infringement thereof.

**RESPONSE:** Admitted (though Spark denies that the '467 patent is invalid or not infringed).

**FIRST COUNTERCLAIM FOR AFFIRMATIVE RELIEF**  
**(Declaratory Judgment of Invalidity)**

7. eHarmony realleges and incorporates paragraphs 1-6 of these Counterclaims as it fully set forth herein.

**RESPONSE:** Spark realleges and incorporates its responses to Paragraphs 1-6.

8. Each claim of the '467 patent is invalid for failure to comply with one or more of the conditions and requirements for patentability set forth in 35 U.S.C. §§ 101, 102, 103 and/or 112.

**RESPONSE:** Denied.

**SECOND COUNTERCLAIM FOR AFFIRMATIVE RELIEF**  
**(Declaratory Judgment of Noninfringement)**

9. eHarmony realleges and incorporates Paragraphs 1-8 of these Counterclaims as it fully set forth herein.

**RESPONSE:** Spark realleges and incorporates its responses to Paragraphs 1-8.

10. eHarmony has not infringed and is not now infringing any claim of the '467 patent either literally or under the doctrine of equivalents.

**RESPONSE:** Denied.

11. eHarmony has not and is not now inducing or contributing to the infringement of any claim of the '467 patent by others, either literally or under the doctrine of equivalents.

**RESPONSE:** Denied.

/s/ Paul K. Vickrey

Paul K. Vickrey

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **SPARK NETWORKS SERVICES, INC.'S REPLY TO COUNTERCLAIMS OF DEFENDANT, eHARMONY** was served upon the following parties on this 12th day of April, by electronic filing:

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