

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

RESTRICTED SPENDING SOLUTIONS, LLC,)	
)	
<i>Plaintiff,</i>)	Case No: 08-93-MJR
)	
v.)	
)	JURY TRIAL DEMANDED
APPLE, INC.,)	
)	
<i>Defendant.</i>)	
_____)	

**PLAINTIFF RESTRICTED SPENDING SOLUTIONS, LLC’S REPLY TO
DEFENDANT APPLE, INC.’S COUNTERCLAIMS**

Plaintiff Restricted Spending Solutions, LLC, (“RSS”) submits this Reply to Defendant Apple Inc.’s (“Apple”) Counterclaims.

GENERAL DENIAL

Unless specifically admitted below, RSS denies each and every allegation in Apple’s counterclaims.

RESPONSES TO SPECIFIC ALLEGATIONS

RSS responds to the numbered paragraphs of Apple’s counterclaims with the following like-numbered responses:

RESPONSES TO APPLE’S COUNTERCLAIMS

Nature of Counterclaims

27. RSS admits that Apple has requested a declaratory judgment that the patent-at-issue is invalid and not infringed. The remainder of Paragraph 27 calls for a

legal conclusion to which RSS is not required to respond. To the extent a response is required, RSS denies the remainder of Paragraph 27.

Parties

28. RSS is without information or knowledge sufficient to admit or deny the allegations of Paragraph 28.

29. RSS admits the allegations of Paragraph 29.

Jurisdiction and Venue

30. RSS admits that because this Court has subject matter jurisdiction over RSS's claims against Apple, it also has jurisdiction over Apple's counterclaims.

31. RSS admits that because personal jurisdiction and venue are proper for RSS's claims against Apple, that jurisdiction and venue are also proper for Apple's counterclaims.

Background

32. RSS admits that it has filed suit alleging that Apple infringes or has infringed the '064 patent. To the extent a further response is required, RSS denies the remainder of Paragraph 32.

33. RSS admits that Apple has denied infringement of the patent-at-issue, and also denied that the patent-at-issue is valid. The remainder of Paragraph 33 calls for a legal conclusion to which RSS is not required to respond. To the extent a response is required, RSS denies the remaining allegations in Paragraph 33 that the '064 patent is invalid and that Apple does not infringe or has not infringed the '064 patent.

34. Paragraph 34 calls for a legal conclusion to which RSS is not required to respond. To the extent a response is required, RSS denies the allegations of Paragraph 34.

Count I

35. RSS incorporates herein by reference its responses to Paragraphs 27-34 above.

36. Paragraph 36 calls for a legal conclusion to which RSS is not required to respond. To the extent a response is required, RSS denies the same.

Count II

37. RSS incorporates herein by reference its responses to Paragraphs 27-36 above.

38. Paragraph 38 calls for a legal conclusion to which RSS is not required to respond. To the extent a response is required, RSS denies the same.

RSS'S RESPONSE TO APPLE'S PRAYER FOR RELIEF

(a) RSS denies that Apple is entitled to any relief, including the relief recited in Paragraph (a) of Apple's counterclaims.

(b) RSS denies that Apple is entitled to any relief, including the relief recited in Paragraph (b) of Apple's counterclaims.

(c) RSS denies that Apple is entitled to any relief, including the relief recited in Paragraph (c) of Apple's counterclaims.

(d) RSS denies that Apple is entitled to any relief, including the relief recited in Paragraph (d) of Apple's counterclaims.

WHEREFORE, RSS respectfully requests that judgment be entered in favor of RSS, that the counterclaims asserted by Apple be denied in their entirety, and that this Court grant RSS all relief requested in its Complaint (*See* Docket No. 3).

Respectfully submitted,
RESTRICTED SPENDING SOLUTIONS, LLC

By its attorneys
SIMMONSCOOPER LLC

Dated: May 1, 2008

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system to those attorneys of record with an email address indicated on this 1st day of May, 2008:

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s/Paul A. Lesko

