

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
AT LEXINGTON**

iLOR, LLC	:	
	:	
Plaintiff,	:	Civil Action No. 5:07 – CV – 00109 - JM
	:	
v.	:	Judge Joseph M. Hood
	:	
GOOGLE, INC.	:	
	:	
Defendant.	:	
	:	

PLAINTIFF ILOR’S REPLY TO COUNTERCLAIM

Plaintiff, iLOR, LLC (“iLOR”), by and through undersigned counsel, for its reply to Defendant Google, Inc.’s (“Google”) Counterclaim, states as follows:

Plaintiff denies each and every allegation contained in Google’s Counterclaim that is not expressly admitted below. Any factual allegation admitted below is admitted only as to the specific admitted facts, not as to any purported conclusions, characterizations, implications, or speculations that arguably follow from the admitted facts. Plaintiff denies that Google is entitled to the relief requested or any other relief.

1. Admits that Paragraph 34 purports to plead an action for declaratory judgment of noninfringement, invalidity, and unenforceability of the ’839 patent asserted by iLOR in this action but denies that such plea should be granted.
2. Admits the allegations of Paragraph 35.
3. Admits the allegations of Paragraph 36.
4. Admits the allegations of Paragraph 37 as to the fact that this Court has subject matter jurisdiction, but denies that Google is entitled to any relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202.
5. Admits the allegations of Paragraph 38.

6. Admits the allegations of Paragraph 39.

7. Denies the allegations of Paragraph 40.

8. Denies the allegations of Paragraph 41.

9. Admits that Google is restating the allegations of paragraphs 13-33 from its Third Affirmative Defense but, as to the specific allegations, Plaintiff addresses each allegation separately in the following paragraphs.

10. Denies the allegations set forth in Paragraph 13.

11. Denies the allegations set forth in Paragraph 14.

12. Admits the allegations of Paragraph 15.

13. Denies the conclusion set forth in Paragraph 16 for lack of knowledge.

14. Admits that one or more individuals associated with iLOR, or their attorneys and/or agents were aware of some aspects of Netscape Navigator during the pendency of the '839 patent application, but otherwise denies the allegations of Paragraph 17.

15. Denies the allegations/conclusions set forth in Paragraph 18.

16. Denies the allegations/conclusions set forth in Paragraph 19.

17. Denies the conclusion set forth in Paragraph 20.

18. Admits the allegations of Paragraph 21.

19. Denies the conclusion set forth in Paragraph 22.

20. Denies the allegations/conclusions set forth in Paragraph 23.

21. Denies the allegations set forth in Paragraph 24.

22. Denies the allegations of Paragraph 25.

23. Denies the conclusion set forth in Paragraph 26.

24. Denies the statement of fact presented in Paragraph 27.

25. Denies the allegations/conclusions set forth in Paragraph 28.
26. Denies the conclusion set forth in Paragraph 29.
27. Denies the allegation/conclusion set forth in Paragraph 30.
28. Denies the allegations of Paragraph 31.
29. Denies the allegation/conclusion set forth in Paragraph 32.
30. Denies the conclusion set forth in Paragraph 33.
31. Denies the allegations set forth in Paragraph 43.

WHEREFORE, Plaintiff prays:

- (a) that Defendants take nothing by the Counterclaim and that all relief sought therein be denied;
- (b) that Plaintiff have the relief stated in its Complaint;
- (c) that Defendants' Counterclaim be dismissed with prejudice;
- (d) that Plaintiff be awarded the costs, expenses and reasonable attorneys' fees associated with Defendants' Counterclaim; and
- (e) that this Court award such other and further relief as the nature of the case may require and as may be deemed just and equitable.

By: /s/ David E. Schmit
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REPLY TO COUNTERCLAIM was electronically filed on October 19, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ David E. Schmit