

6. The allegations of paragraph 6 contain conclusions of law to which no response is required, and to the extent a response is required Blockbuster denies the allegations of paragraph 6.

7. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 7, and therefore denies same.

8. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 8, and therefore denies same.

9. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 9, and therefore denies same.

10. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 10, and therefore denies same.

11. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 11, and therefore denies same.

12. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 12, and therefore denies same.

13. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 13, and therefore denies same.

14. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 14, and therefore denies same.

15. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 15, and therefore denies same.

16. Blockbuster denies the allegations of paragraph 16.

17. Blockbuster denies the allegations of paragraph 17.

18. The allegations of paragraph 18 contain conclusions of law to which no response is required, and to the extent a response is required Blockbuster denies the allegations of paragraph 18.

19. Blockbuster admits the allegations of paragraph 19.

20. The allegations of paragraph 20 contain conclusions of law to which no response is required, and to the extent a response is required Blockbuster denies the allegations of paragraph 20.

21. The allegations of paragraph 21 contain conclusions of law to which no response is required, and to the extent a response is required Blockbuster denies the allegations of paragraph 21 that relate to Blockbuster. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 21, and therefore denies same.

22. The allegations of paragraph 22 contain conclusions of law to which no response is required, and to the extent a response is required Blockbuster denies the allegations of paragraph 22.

23. Blockbuster admits that U.S. Patent No. 5,867,799 is entitled “Information System and Method for Filtering a Massive Flow of Information Entities to Meet User Information Classification Needs” and purports to have been issued on February 2, 1999, in the names of Andrew K. Lang and Donald M. Kosak. Blockbuster denies the remainder of the allegations of paragraph 23.

24. Blockbuster admits that Lycos claims to be the owner of U.S. Patent No. 5,867,799. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 24, and therefore denies same.

25. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 25, and therefore denies same.

26. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 26, and therefore denies same.

27. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 27, and therefore denies same.

28. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 28, and therefore denies same.

29. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 29, and therefore denies same.

30. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 30, and therefore denies same.

31. Blockbuster denies the allegations of paragraph 31.

32. Blockbuster denies the allegations of paragraph 32.

33. Blockbuster admits that it provides an online DVD rental service in the United States at www.blockbuster.com. Blockbuster denies the remainder of the allegations of paragraph 33.

34. Blockbuster denies the allegations of paragraph 34 that relate to Blockbuster. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 34, and therefore denies same.

35. Blockbuster denies the allegations of paragraph 35 that relate to Blockbuster. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 35, and therefore denies same.

36. Blockbuster admits that U.S. Patent No. 5,983,214 is entitled “System and Method Employing Individual User Content-Based Data and User Collaboration Feedback Data to Evaluate the Content of an Information Entity in a Large Information Communication Network” and purports to have been issued on November 9, 1999, in the names of Andrew K. Lang and Donald M. Kosak. Blockbuster denies the remainder of the allegations of paragraph 36.

37. Blockbuster admits that Lycos claims to be the owner of U.S. Patent No. 5,983,214. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 37, and therefore denies same.

38. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 38, and therefore denies same.

39. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 39, and therefore denies same.

40. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 40, and therefore denies same.

41. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 41, and therefore denies same.

42. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 42, and therefore denies same.

43. Blockbuster is without knowledge or information sufficient to form a belief as to the allegations of paragraph 43, and therefore denies same.

44. Blockbuster denies the allegations of paragraph 44.

45. Blockbuster denies the allegations of paragraph 45.

46. Blockbuster admits that it provides an online DVD rental service in the United States at www.blockbuster.com. Blockbuster denies the remainder of the allegations of paragraph 46.

47. Blockbuster denies the allegations of paragraph 47 that relate to Blockbuster. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 47, and therefore denies same.

48. Blockbuster denies the allegations of paragraph 48 that relate to Blockbuster. Blockbuster is without knowledge or information sufficient to form a belief as to the remainder of the allegations of paragraph 48, and therefore denies same.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Blockbuster does not infringe and has not infringed any valid claim of U.S. Patent Nos. 5,867,799 and 5,983,214.

Second Affirmative Defense

U.S. Patent Nos. 5,867,799 and 5,983,214 are invalid for failure to comply with the requirements of the patent laws of the United States, Title 35 United States Code, including, *inter alia*, §§ 102, 103 and 112.

Third Affirmative Defense

Lycos is barred from maintaining this action against Blockbuster because at all times Blockbuster's acts were justified and lawful.

Fourth Affirmative Defense

Lycos is estopped, based on statements, representations and admissions made during prosecution of the patent applications resulting in U.S. Patent Nos. 5,867,799 and 5,983,214 and

any related applications and patents from asserting any interpretation of the claims of U.S. Patent Nos. 5,867,799 and 5,983,214 that would cover any product or service of Blockbuster.

WHEREFORE, Blockbuster respectfully requests that this Court:

- A. Enter judgment in its favor on Lycos' complaint;
- B. Dismiss Lycos' complaint with prejudice;
- C. Award Blockbuster its costs and expenses, including attorneys' fees, incurred in this action;
- D. Declare that this action is an exceptional case under 35 U.S.C. § 285 and enter a judgment awarding Blockbuster its costs and attorneys' fees; and
- E. Grant such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, Defendant Blockbuster, Inc. demands a trial by jury on all issues.

Respectfully submitted,

BLOCKBUSTER, INC.

By its attorneys,



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Dated: June 21, 2007

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2007, a true and correct copy of the foregoing was served by U.S. Mail, postage prepaid, to:

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