

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CROSS ATLANTIC CAPITAL	:	
PARTNERS, INC.	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	NO.: 07-CV-02768-JP
	:	
FACEBOOK, INC. and THEFACEBOOK,	:	JURY TRIAL DEMANDED
LLC	:	
Defendants.	:	
	:	

**REPLY TO COUNTERCLAIM**

Plaintiff, Cross Atlantic Capital Partners, Inc., by and through its undersigned counsel, replies to the Counterclaim of the defendants and counterclaimants, Facebook, Inc. and Thefacebook, LLC, as follows:

1.     Admitted.

2.     Admitted.

3.     Admitted in part; denied in part. Plaintiff admits that this civil action arises under the patent laws of the United States, Title 35 of the United States Code, based on a claim of patent infringement, and that defendants seek relief under the Declaratory Judgment Act. Plaintiff denies that defendants are entitled to the relief they seek. Plaintiff admits that this court has subject matter jurisdiction.

4.     Admitted.

**COUNT I**

5. Plaintiff incorporates by reference the prior paragraphs as thought the same were set forth herein at length.

6. Admitted.

7. Denied.

8. Admitted in part; denied in part. Plaintiff admits that an actual controversy exists between the plaintiff and defendants, and that defendants seek a declaration of non-infringement and invalidity and that plaintiff's claims under the '629 Patent are barred. Plaintiff denies that defendants are entitled to the relief they seek.

WHEREFORE, plaintiff, Cross Atlantic Capital Partners, Inc., demands judgment in its favor and against defendants and counterclaimants, Facebook, Inc. and Thefacebook, LLC, on their Counterclaim as well as attorney fess and costs incurred in the defense thereof due to the exceptional nature of the case and all other available relief this Court may deem just and proper.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff incorporates by reference the averments set forth in the Complaint as though the same were set forth herein at length.

**SECOND AFFIRMATIVE DEFENSE**

Defendants fail to state a cause of action, claim and/or prayer for relief upon which relief may be granted.

**THIRD AFFIRMATIVE DEFENSE**

Defendants' claim is barred by the doctrine of laches.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants' claim is barred by the doctrines of waiver and/or estoppel.

Respectfully submitted,

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Counsel for plaintiff,  
Cross Atlantic Capital Partners, Inc.

Dated: September 10, 2007

**CERTIFICATE OF SERVICE**

This is to hereby certify that on this 10<sup>th</sup> day of September, 2007, I caused a true and correct copy of the foregoing Reply to Counterclaim to be served *via* this Court's Electronic Court Filing ("ECF") System and regular mail, upon the following:

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