

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ANTOR MEDIA CORPORATION,	§	
	§	CIVIL ACTION NO.
PLAINTIFF,	§	
	§	
V.	§	<b><u>02:07CV-102</u></b>
	§	
METACAFE, INC., ET AL.,	§	JURY DEMANDED
	§	
DEFENDANTS.	§	

**PLAINTIFF’S REPLY TO COUNTERCLAIMS OF SUN, INC.**

Plaintiff-Counterdefendant, Antor Media Corporation (“Antor”), replies to Defendant Sun Microsystems, Inc. (“Sun”) as follows:

**COUNTERCLAIMS**

1. Antor admits this Court has subject matter jurisdiction over Sun’s counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202. Antor admits that venue is proper in this Court. Antor admits that it is subject to the jurisdiction of this Court. Any allegations not explicitly admitted herein are denied.

2. Antor admits there is an actual controversy between Antor and Sun.

**FIRST COUNTERCLAIM – DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE ‘961 PATENT**

3. Antor admits that Sun repeats, realleges and incorporates by reference the allegations and averments in paragraphs 1 through 51 of its answer and defenses and paragraphs 1 through 2 of its counterclaims.

4. Antor admits this Court has subject matter jurisdiction over Sun’s counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

5. Denied.

**SECOND COUNTERCLAIM – DECLARATORY JUDGMENT OF INVALIDITY OF THE ‘961 PATENT**

6. Antor admits that Sun repeats, realleges and incorporates by reference the allegations and averments in paragraphs 1 through 51 of its answer and defenses and paragraphs 1 through 2 of its counterclaims.

7. Antor admits this Court has subject matter jurisdiction over Sun’s counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

8. Denied.

**THIRD COUNTERCLAIM – DECLARATORY JUDGMENT OF UNENFORCEABILITY OF THE ‘961 PATENT**

9. Antor admits that Sun repeats, realleges and incorporates by reference the allegations and averments in paragraphs 1 through 51 of its answer and defenses and paragraphs 1 through 2 of its counterclaims.

10. Antor admits this Court has subject matter jurisdiction over Sun’s counterclaims pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

11. Denied.

**PRAYER FOR RELIEF**

WHEREFORE, Antor prays for judgment and requests that this Court:

- (a) Dismiss Sun’s counterclaims with prejudice;
- (b) Enter judgment in favor of Antor;
- (c) Award Antor its reasonable costs, expenses, and attorneys’ fees; and
- (d) Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted this 2<sup>nd</sup> day of July, 2007.

/s/ Robert M. Chiaviello, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service per Local Rule CV-5(a)(3)(A) on July 2, 2007.

/s/ Robert M. Chiaviello, Jr.

Robert M. Chiaviello, Jr.