

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

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

**PLAINTIFF’S REPLY TO COUNTERCLAIMS OF DISCOVERY
COMMUNICATIONS, INC.**

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

COUNTERCLAIMS

1. Antor admits this Court has subject matter jurisdiction over Discovery’s counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202. Antor admits that venue is proper in the Eastern District of Texas. Antor admits that it has consented to personal jurisdiction of this Court.

2. Antor admits an actual and justiciable case or controversy exists between Discovery and Antor.

**FIRST COUNTERCLAIM – DECLARATORY JUDGMENT OF NON-INFRINGEMENT
OF THE ‘961 PATENT**

3. Antor admits that Discovery repeats, realleges and incorporates by reference the allegations and averments in paragraphs 1-51 of Discovery Communications, Inc.’s Answer and Counterclaims to Antor’s Second Amended Complaint (“Discovery’s Answer”) as if fully set forth therein.

4. Antor admits this Court has subject matter jurisdiction over Discovery's counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

5. Denied.

SECOND COUNTERCLAIM – DECLARATORY JUDGMENT OF INVALIDITY OF THE '961 PATENT

6. Antor admits that Discovery repeats, realleges and incorporates by reference the allegations and averments in paragraphs 1-51 of Discovery's Answer as if fully set forth therein.

7. Antor admits this Court has subject matter jurisdiction over Discovery's counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

8. Denied.

THIRD COUNTERCLAIM – DECLARATORY JUDGMENT OF UNENFORCEABILITY OF THE '961 PATENT

9. Antor admits that Discovery repeats, realleges and incorporates by reference the allegations and averments in paragraphs 1-51 of Discovery's Answer as if fully set forth therein.

10. Antor admits this Court has subject matter jurisdiction over Discovery's counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

11. Denied.

PRAYER FOR RELIEF

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

- (a) Dismiss Discovery'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 27th day of August, 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 August 27, 2007.

/s/ Robert M. Chiaviello, Jr.

Robert M. Chiaviello, Jr.