

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

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

PLAINTIFF’S REPLY TO COUNTERCLAIMS OF METACAFE, INC.

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

COUNTERCLAIMS
Jurisdiction

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

52. Antor admits that it has consented to personal jurisdiction of this Court.

53. Antor admits that venue is proper in the Eastern District of Texas.

Parties

54. Antor admits that Metacafe is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Palo Alto, California. Any other averments not admitted are denied.

55. Antor admits that it alleges that it is a corporation organized under the laws of Texas, with its principal place of business in Plano, Texas.

First Counterclaim

(Declaratory Judgment of Non-Infringement of the '961 Patent)

56. Antor admits that Metacafe incorporates by reference the allegations contained in paragraphs 1-55 of Metacafe Inc.'s Answer, Affirmative Defenses and Counterclaims to Plaintiff Antor Media Corporation's Second Amended Complaint for Patent Infringement ("Metacafe's Answer") as if fully set forth therein.

57. Admitted.

58. Admitted.

59. Denied.

60. Denied.

61. Denied.

Second Counterclaim

(Declaratory Judgment of Invalidity of the '961 Patent)

62. Antor admits that Metacafe incorporates by reference the allegations contained in paragraphs 1-61 of Metacafe's Answer as if fully set forth therein.

63. Admitted.

64. Denied.

65. Denied

66. Denied.

Third Counterclaim

(Declaratory Judgment of Unenforceability of the '961 Patent)

67. Antor admits that Metacafe incorporates by reference the allegations contained in paragraphs 1-66 of Metacafe's Answer as if fully set forth therein.

68. Admitted.

69. Denied.

70. Denied.

PRAYER FOR RELIEF

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

- (a) Dismiss Metacafe'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.