

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 GOOGLE, INC.
AND YOUTUBE, INC.**

Plaintiff-Counterdefendant, Antor Media Corporation (“Antor”), replies to Defendants Google, Inc. (“Google”) and Youtube, Inc. (“Youtube”), collectively referred to hereinafter as the “Google Defendants,” as follows:

**COUNTERCLAIMS
PARTIES**

1. Antor admits that Google is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

2. Antor admits that Youtube is a corporation duly organized and existing under the laws of the state of Delaware, having a principal place of business at 1000 Cherry Avenue, San Bruno, CA 94066.

3. 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.

JURISDICTION AND VENUE

4. Antor admits this Court has subject matter jurisdiction over the Google

Defendants' counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

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

COUNTERCLAIMS

6. Antor admits that it claims to own all rights, title and interest in and to the '961 Patent. All other averments or allegations not admitted are denied.

7. Admitted.

8. Admitted.

FIRST COUNTERCLAIM: Declaratory Judgment of Non-Infringement

9. Antor admits that the Google Defendants incorporate the allegations in paragraphs 1 through 58 of its answer and defenses and paragraphs 1 through 8 of its counterclaims as if fully set forth therein. Any averments or allegations not admitted herein are denied.

10. Denied.

SECOND COUNTERCLAIM: Declaratory Judgment of Invalidity

11. Antor admits that the Google Defendants incorporate the allegations in paragraphs 1 through 58 of its answer and defenses and paragraphs 1 through 10 of its counterclaims as if fully set forth therein. Any averments or allegations not admitted herein are denied.

12. Denied.

THIRD COUNTERCLAIM: Declaratory Judgment of Unenforceability

13. Antor admits that the Google Defendants incorporate the allegations in paragraphs 1 through 58 of its answer and defenses and paragraphs 1 through 12 of its counterclaims as if fully set forth therein. Any averments or allegations not admitted herein are denied.

14. Denied.

EXCEPTIONAL CASE

15. Denied.

PRAAYER FOR RELIEF

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

- (a) Dismiss Google Defendants' 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.

Robert M. Chiaviello, Jr., Attorney-in-Charge

Texas Bar No. 04190720

Email: bobc@fulbright.com

Brett C. Govett

Texas Bar No. 08235900

Email: bgovett@fulbright.com

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

Telephone: (214) 855-8000

Facsimile: (214) 855-8200

COUNSEL FOR PLAINTIFF

ANTOR MEDIA CORPORATION

OF COUNSEL

S. Calvin Capshaw, III
Elizabeth L. DeRieux
Andrew W. Spangler
BROWN McCARROLL L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

T. John Ward, Jr.
LAW OFFICE OF T. JOHN WARD, JR., P.C.
109 W. Tyler
Longview, TX 75601
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

Nicholas H. Patton
J. Kurt Truelove
PATTON, TIDWELL & SCHROEDER, L.L.P.
4605 Texas Blvd.
Texarkana, TX 75503
Telephone: (903) 792-7080
Facsimile: (903) 792-8233

Otis W. Carroll, Jr.
IRELAND CARROLL & KELLEY
6101 S. Broadway, Ste. 500
Tyler, TX 75703
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

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.