

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

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

**PLAINTIFF’S REPLY TO COUNTERCLAIMS OF VIVID ENTERTAINMENT, LLC**

Plaintiff-Counterdefendant, Antor Media Corporation (“Antor”), replies to Defendant Vivid Entertainment, LLC (“VIVID”) as follows:

**COUNTERCLAIMS**  
**Parties**

1. Antor admits that VIVID is a limited liability company organized and existing under the laws of the state of California, with a principal place of business located at 3599 Cahuenga Boulevard West, Fourth Floor, Los Angeles, California 90068.

2. 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**

3. Antor admits this Court has subject matter jurisdiction over VIVID’s counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202. Antor admits an actual and justiciable controversy exists between Antor and VIVID. Antor admits that it has accused VIVID of infringing the ‘961 Patent. All averments or allegations not admitted herein are denied.

4. Antor admits that it has consented to personal jurisdiction of this Court. Antor admits that venue is proper in the Eastern District of Texas. All averments or allegations not admitted herein are denied.

**First Counterclaim**

(Declaratory Judgment of Patent Invalidity)

5. Antor admits that VIVID incorporates by reference each of the proceeding allegations of VIVID's Answer and Counterclaims to Antor's Second Amended Complaint (VIVID's Answer) as if fully set forth therein.

6. Denied.

7. Antor admits that an actual controversy exists between Antor and VIVID. All averments or allegations not admitted herein are denied.

8. Denied.

9. Denied.

**Second Counterclaim**

(Declaratory Judgment of Non-Infringement)

10. Antor admits that VIVID incorporates by reference each of the proceeding allegations of VIVID's Answer as if fully set forth therein.

11. Denied.

12. Antor admits that an actual controversy exists between Antor and VIVID. All averments or allegations not admitted herein are denied.

13. Denied.

14. Denied.

**Third Counterclaim**

(Declaratory Judgment of Patent Unenforceability)

15. Antor admits that VIVID incorporates by reference each of the proceeding

allegations of VIVID's Answer as if fully set forth therein.

16. Antor admits that an actual controversy exists between Antor and VIVID. All averments or allegations not admitted herein are denied.

17. Denied.

18. Antor admits that an actual controversy exists between Antor and VIVID. All averments or allegations not admitted herein are denied.

19. Denied.

### **PRAYER FOR RELIEF**

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

- (a) Dismiss VIVID'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 5<sup>th</sup> day of September, 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 September 5, 2007.

/s/ Robert M. Chiaviello, Jr.

Robert M. Chiaviello, Jr.