

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

FUNCTION MEDIA, L.L.C.	§	
	§	
Plaintiff,	§	Civil Action No. 2-007-CV-279
	§	
vs.	§	
	§	Honorable John T. Ward
GOOGLE, INC. AND YAHOO!, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

PLAINTIFF’S ANSWER TO GOOGLE’S COUNTERCLAIMS

Plaintiff Function Media, L.L.C. (“Function Media”), by and through its attorneys of record, hereby answers the counterclaims of Defendant Google, Inc. (“Google”).

Nature of the Action

- 49. The paragraph represents Google’s description of the action and draws legal conclusions to which no response is necessary. To the extent that a response is required, plaintiff lacks knowledge or information sufficient to form a belief about the truth of this paragraph.
- 50. The paragraph represents Google’s description of the action and draws legal conclusions to which no response is necessary.
- 51. Plaintiff lacks knowledge or information sufficient to form a belief about the truth of this paragraph.
- 52. Admitted.
- 53. This paragraph draws legal conclusions to which no response is necessary. To the extent that a response is required, plaintiff lacks knowledge or information sufficient to form a belief about the truth of this paragraph.

- 54. Admitted.
- 55. Admitted.
- 56. Admitted.
- 57. Admitted.
- 58. Admitted.
- 59. Admitted.

Count I

- 60. Denied.

Count II

- 61. Denied.

Count III

- 62. Denied.

Jury Demand

- 63. Plaintiff agrees to a jury trial on all issues so triable in this action.

PRAYER FOR RELIEF

Wherefore, Function Media respectfully asks the Court for the following relief:

- (a) a declaration that Google's accused products infringe U.S. Patent Nos. 6,446,045, 7,240,025, 7,249,059 and 6,829,587;
- (b) a declaration that U.S. Patent Nos. 6,446,045, 7,240,025, 7,249,059 and 6,829,587 are valid and enforceable;
- (c) dismissal of Google's counterclaims with prejudice;
- (d) an award of attorneys' fees and costs; and
- (e) such other relief as the Court may deem just and equitable.

DATED: October 15, 2007

Respectfully submitted,

By: /s/ S. Calvin Capshaw

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 15th day of October, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served via electronic mail, facsimile transmission and/or first class mail on the same date.

/s/ S. Calvin Capshaw
S. Calvin Capshaw