

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

BRIGHT RESPONSE, LLC
F/K/A POLARIS IP, LLC,

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§

v.

Civil Action No. 2:07-CV-371- CE

GOOGLE, INC., et al

PLAINTIFF'S REPLY TO THE COUNTERCLAIMS OF YAHOO! INC.

Plaintiff responds to the counterclaims of Yahoo! Inc. filed on August 20, 2008, as follows:

COUNTERCLAIM NO. 1

DECLARATION OF NON-INFRINGEMENT OF U.S. PATENT NO. 6,411,947

1-2. Admitted.

3-4. Admitted, except denied as to merits of counterclaims.

5-6. Admitted.

7. Plaintiff's replies to paragraphs 1-6 are incorporated by reference.

8. Plaintiff admits that Defendant purports to bring a counterclaim in the form of an action for declaratory judgment of non-infringement. Plaintiff denies, however, that Defendant's counterclaim has any factual or legal basis.

COUNTERCLAIM NO. 2

DECLARATION OF INVALIDITY OF U.S. PATENT NO. 6,411,947

9. Plaintiff's replies to paragraphs 1-8 are incorporated by reference.

10. Plaintiff admits that Defendant purports to bring counterclaim in the form of an action for declaratory judgment of invalidity. Plaintiff denies, however, that Defendant's counterclaim has any factual or legal basis.

COUNTERCLAIM NO. 3
DECLARATION OF UNENFORCEABILITY OF U.S. PATENT NO. 6,411,947

11. Plaintiff's replies to paragraphs 1-10 are incorporated by reference.

12. Plaintiff presently lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph number 12.

13. Plaintiff presently lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph number 13.

14. The allegations in paragraph number 14 are denied.

15. The allegations in paragraph number 15 are denied.

16. The allegations in paragraph number 16 are denied.

17. The allegations in paragraph number 17 are denied.

COUNTERCLAIM NO. 4
DECLARATION OF UNENFORCEABILITY OF U.S. PATENT NO. 6,411,947

18. The allegations in paragraph number 18 are admitted.

19. Plaintiff admits that a number of reference were cited to the USPTO by the applicants and/or their attorneys during the prosecution of the '074 Application and in November 25, 1997 Information Disclosure Statement. Plaintiff denies the remaining allegations of paragraph number 19.

20. The allegations in paragraph number 20 are denied.

21. The allegations in paragraph number 21 are denied.

22. The allegations in paragraph number 22 are denied.

23. The allegations in paragraph number 23 are denied.

REQUEST FOR RELIEF

Although no answer is required to Defendant's prayer for relief, Plaintiff denies all allegations in subparagraphs (a) through (h) and further denies that any relief should be granted to Defendant whatsoever.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all matters raised by Defendant's counterclaims and by Plaintiff in its Original Complaint (and any supplements or amendments thereto), for which trial by jury is appropriate.

Respectfully submitted,

/s/ Michael T. Cooke
Jonathan T. Suder
Karolyne Hu Cheng
FRIEDMAN SUDER & COOKE
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
Telephone: (817) 334-0400
Fax: (817) 334-0401
jts@fsclaw.com
mtc@fsclaw.com
cheng@fsclaw.com

Patrick Rolf Anderson
PATRICK R. ANDERSON PLLC
4225 Miller Rd., Bldg. B-9, Suite 358
Flint, MI 48507
Ph. 517-303-4806
Fax 248-928-9239
patrick@praplhc.com

John J. Edmonds
Texas State Bar No. 00789758
THE EDMONDS LAW FIRM, PC
709 Sabine St., Houston, TX 77007
431 N. Center St., Longview, TX 75606
Ph. 713-858.3320
Fax: 832-415.2535
johnedmonds@edmondslegal.com

Daniel Francisco Perez
THE PEREZ LAW FIRM
6131 Park Lane
Dallas, TX 75225
Ph. (214) 289-6659
Fax: (214) 521-1128
dan@pereziplaw.com

David Michael Pridham
LAW OFFICE OF DAVID PRIDHAM
25 Linden Road
Barrington, RI 02806
Ph. 401-633-7247
Fax: 401-633-7247
Cell (401) 368-4607
david@pridhamiplaw.com

Andrew Wesley Spangler
SPANGLER LAW P.C.
208 N. Green St, Suite 300
Longview, Texas 75601
Ph. 903-753-9300
Fax: 903-553-0403
Cell: 903-237-8388
spangler@spanglerlawpc.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2008, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael T. Cooke