

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

BRIGHT RESPONSE, LLC	§	
F/K/A POLARIS IP, LLC,	§	Civil Action No. 2:07-CV-371-TJW-CE
	§	
v.	§	
	§	
GOOGLE, INC., et al	§	

PLAINTIFF’S REPLY TO THE COUNTERCLAIMS OF GOOGLE INC.

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

III. COUNTERCLAIMS

A. Nature of Counterclaim

1. Plaintiff admits that Defendant purports to bring a counterclaim in the form of an action for declaratory judgment of non-infringement, invalidity and unenforceability of U.S. Patent No. 6,411,947. Plaintiff denies, however, that Defendant’s counterclaim has any factual or legal basis.

B. Parties

2. Denied that Bright Response, LLC is a “corporation.” Otherwise, the allegations in paragraph number 2 are admitted.

3. Upon information and belief, Plaintiff admits the allegations in paragraph number 3.

C. Jurisdiction

4. Plaintiff admits that Defendant purports to bring counterclaim in the form of an action for declaratory judgment, but denies that Defendant’s counterclaim has any factual or legal basis. Plaintiff admits that jurisdiction is proper in this Court.

5. The allegations in paragraph number 5 are admitted.
6. The allegations in paragraph number 6 are admitted.

D. Venue

7. The allegations in paragraph number 7 are admitted.

E. Controversy

8. The allegations in paragraph number 8 are admitted.
9. The allegations in paragraph number 9 are admitted.
10. The allegations in paragraph number 10 are denied.

F. First Counterclaim (Declaration of Non-infringement of the '947 Patent)

11. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 10 above.
12. The allegations in paragraph number 12 are denied.
13. Plaintiff admits that Defendant purports to bring counterclaim in the form of an action for declaratory judgment of non-infringement. However, Plaintiff denies that Defendant's counterclaim has any factual or legal basis.

G. Second Counterclaim (Declaration of Invalidity of the '947 Patent)

14. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 13 above.
15. The allegations in paragraph number 15 are denied.
16. Plaintiff admits that Defendant purports to bring counterclaim in the form of an action for declaratory judgment of invalidity. However, Plaintiff denies that Defendant's counterclaim has any factual or legal basis.

H. Third Counterclaim (Declaration of Unenforceability of the '947 Patent)

17. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 16 above.

18. Plaintiff lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph number 18.

19. Plaintiff lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19.

20. The allegations in paragraph number 20 are denied.

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

I. Fourth Counterclaim (Declaration of Unenforceability of the '947 Patent)

22. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 21 above.

23. The allegations in paragraph number 23 are admitted.

24. Plaintiff admits that a number of references were cited to the USPTO by the applicants and/or their attorneys during the prosecution of the '074 Application and in a November 25, 1997 Information and Disclosure Statement. Plaintiff denies the remaining allegations of paragraph number 24.

25. The allegations in paragraph number 25 are denied.

26. The allegations in paragraph number 26 are denied.

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

REQUEST FOR RELIEF

Although no answer is required to Defendant's prayer for relief, Plaintiff denies all allegations in subparagraphs a through l 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,

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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