

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

POLARIS IP, LLC

v.

GOOGLE, INC., et al.

No. 2:07-cv-00371-TJW-CE

JURY

**PLAINTIFF'S RESPONSE TO AOL'S MOTION TO DISMISS, MOTION FOR MORE
DEFINITE STATEMENT, MOTION TO STRIKE
AND MOTION TO STAY DISCOVERY**

Plaintiff, Polaris IP, LLC ("Polaris IP"), files this Response in opposition to the Motion to Dismiss, or in the Alternative, for a More Definite Statement, Motion to Strike and Motion to Stay Discovery filed by Defendants America Online, Inc. and AOL LLC (collectively "AOL") (Dkt. No. 40), as follows:

I.

AOL's Motion merely requests relief "for the reasons set forth" in Google's Motion which is Dkt. No. 39. Polaris IP's contentions regarding AOL's infringement are set forth at paragraphs 23 and 24 of its Complaint, as follows:

23. Upon information and belief, Defendant AOL has been and now is directly, literally and/or, upon information and belief, jointly, equivalently and/or indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '947 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, methods and systems implementing various websites (including, but not limited to www.aol.com) that comprise interpreting electronic messages with rule base and case base knowledge engines as covered by one or more claims of the '947 Patent. Defendant AOL is thus liable for infringement of the '947 Patent pursuant to 35 U.S.C. § 271.

24. Upon information and belief, Defendant America Online has been and now is directly, literally and/or, upon information and belief, jointly, equivalently and/or indirectly infringing by way of inducing infringement by others and/or contributing to the infringement by others of the '947 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things,

methods and systems implementing various websites (including, but not limited to www.aol.com) that comprise interpreting electronic messages with rule base and case base knowledge engines as covered by one or more claims of the '947 Patent. Defendant America Online is thus liable for infringement of the '947 Patent pursuant to 35 U.S.C. § 271.

It is clear from Polaris IP's Complaint that its infringement allegations against AOL are made relative to AOL's described systems, namely www.aol.com's use of rule base and case base knowledge engines.

AOL's Motion provides no independent analysis and relies solely upon the grounds set forth in Google's Motion. Accordingly, rather than burden the court with repetitiveness, Polaris IP incorporates herein its Response to Google's Motion.

II.

WHEREFORE, premises considered, Plaintiff Polaris IP, LLC requests that the Court DENY AOL's Motion to Dismiss, or in the Alternative, for a More Definite Statement, Motion to Strike and Motion to Stay Discovery. In the alternative, if the Court deems Polaris IP's Complaint to be deficient in any way, then leave should be granted for Polaris IP to amend the Complaint to address any such issues. Polaris IP also requests such other relief to which it may be entitled.

Date: November 5, 2007.

Respectfully submitted,

POLARIS IP, LLC

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today 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 by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: November 5, 2007

/s/ John J. Edmonds
John J. Edmonds