

However, Polaris leaves unanswered the arguments presented on page 2 of AOL's Motion. www.aol.com is one of the largest web sites on the Internet: it offers a staggering variety of content and services to the consumer, from online shopping, consumer reviews, and AP wires to instant messaging, personal ads, and streaming audio. However, AOL does not offer any services relating to automated email messaging systems in the customer relationship management field-- the subject matter of the '947 patent. Rather than indicate which of the hundreds¹ of AOL internet product offerings allegedly infringe the asserted patent-- a step that Polaris undertook with some of the other defendants-- Polaris merely declares that "www.aol.com's use of rule base and case base knowledge engines" so infringe. This formulaic recitation of an internet company's *web* address is equivalent to listing AOL's *street* address and declaring that "some" activity occurring therein infringes the claims of the patent. Such a declaration not only fails to provide the grounds on which Polaris' claims rest, it also fails to provide fair notice of the nature of the claim.

For the foregoing reasons and those set forth in Google's and AOL's opening briefs and Google's Reply brief, the Court should grant AOL's motion in all respects.

¹ An index to AOL's internet offerings may be found at <http://daol.aol.com/main>.

Dated: November 13, 2007

Respectfully submitted,

By: /s/ Victoria F. Maroulis

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

CHARLES K. VERHOEVEN
LEAD COUNSEL
Cal. Bar No. 170151
charlesverhoeven@quinnemanuel.com
JENNIFER A. KASH
Cal. Bar No. 203679
jenniferkash@quinnemanuel.com
KEVIN A. SMITH
N.Y. Bar No. 4318952
kevinsmith@quinnemanuel.com
50 California St., 22nd Floor
San Francisco, CA 94111
Telephone: 415.875.6600
Facsimile: (415) 875.6700

VICTORIA F. MAROULIS
Cal. Bar No. 202603 (admitted in E.D. Tex.)
victoriamaroulis@quinnemanuel.com
555 Twin Dolphin Dr., Suite 560
Redwood Shores, California 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Attorneys for Defendants America Online, Inc. &
AOL LLC

