

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

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., A9 LLC, MICROSOFT
CORPORATION, YAHOO! INC.,
A9 SEARCH & MEDIA, INC., and
A9.COM, INC.,

Defendants.

Case No. 2:07-cv-432 (LED)

JURY TRIAL DEMANDED

PLAINTIFF AND COUNTERDEFENDANT PERFORMANCE PRICING, INC.'S

REPLY TO COUNTERCLAIMS OF DEFENDANT A9.COM, INC.

Plaintiff Performance Pricing, Inc. ("Performance Pricing") hereby answers the counterclaims of Defendant A9.COM, Inc. ("A9"). The paragraphs in this reply are numbered to correspond with the paragraph numbers in A9's counterclaims. All of the allegations of the counterclaims not specifically admitted herein are specifically denied.

COUNTERCLAIMS

First Counterclaim: Patent Non-Infringement

1. Performance Pricing admits the allegations in paragraph 1 of A9's counterclaims.
2. Performance Pricing admits the allegations set forth in paragraph 1 of A9's counterclaims.
3. Performance Pricing admits the allegations contained in paragraph 3 of A9's counterclaims.

4. Performance Pricing admits the allegations contained in paragraph 4 of A9's counterclaims.

5. Performance Pricing admits the allegations contained in paragraph 5 of A9's counterclaims.

6. Performance Pricing admits the allegations contained in paragraph 6 of A9's counterclaims.

7. Performance Pricing admits the allegations contained in paragraph 7 of A9's counterclaims.

8. Performance Pricing denies the allegations contained in paragraph 8 of A9's counterclaims.

9. Performance Pricing denies the allegations contained in paragraph 9 of A9's counterclaims.

Second Counterclaim: Patent Invalidity

10. Performance Pricing incorporates by reference its responses to the facts and allegations in paragraphs 1 through 6 of its reply to A9's counterclaims as if fully set forth herein.

11. Performance Pricing admits the allegations contained in paragraph 11 of A9's counterclaims.

12. Performance Pricing denies the allegations contained in paragraph 12 of A9's counterclaims.

PRAYER FOR RELIEF

Plaintiff and Counterdefendant Performance Pricing denies that A9 is entitled to the relief it seeks or any relief for the allegations made in its Answer or Counterclaims. Plaintiff

and Counterdefendant Performance Pricing requests that judgment be entered in its favor on all issues and it be awarded the appropriate damages, exceptional damages, costs, and attorneys' fees.

JURY DEMAND

Performance Pricing demands trial by jury of all issues.

Dated: December 26, 2007

Respectfully submitted,

By: /s/ Christin Cho

Christin Cho
CA State Bar No. 238173
Email: christin@dovellaw.com
Gregory S. Dovel
CA State Bar No. 135387
Email: greg@dovellaw.com
Sean Luner
CA State Bar No. 165443
Email: sean@dovellaw.com
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787
Email: capshaw@mailbmc.com
Email: ederieux@mailbmc.com

Robert M. Parker
State Bar No. 15498000
Email: rmparker@cox-internet.com
Robert Christopher Bunt
State Bar No. 00787165
Email: cbunt@cox-internet.com
Parker & Bunt, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

Franklin Jones, Jr.
State Bar No. 00000055
Email: maizieh@millerfirm.com
Jones & Jones, Inc., P.C.
201 W. Houston St.
P.O. Drawer 1249
Marshall, TX 75670

Otis W. Carroll, Jr.
State Bar No. 03895700
Email: fedserv@icklawn.com
6101 S. Broadway, Suite 500
Tyler, TX 75703

ATTORNEYS FOR PLAINTIFF
PERFORMANCE PRICING, INC.