

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

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT  
CORPORATION, YAHOO! INC.,  
IAC 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

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ATTORNEYS FOR PLAINTIFF  
PERFORMANCE PRICING, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 2nd day of January, 2008, 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.

/s/ Christin K. Cho  
Christin K. Cho