

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

**PA ADVISORS, LLC**  
Plaintiff,

v.

**GOOGLE, INC., et al.,**  
Defendants.

)  
)  
)  
) **Civil No.: 2-07CV-480 (TJW)**  
)  
)  
) **JURY TRIAL DEMANDED**  
)  
)  
)

---

**DEFENDANT CONTEXTWEB, INC.’S ANSWER AND COUNTERCLAIM  
TO FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant ContextWeb, Inc. (“ContextWeb”) by its undersigned attorneys, hereby answers the First Amended Complaint (“Complaint”) of PA Advisors, LLC (“Plaintiff”) as follows:

**PARTIES**

1. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Complaint, and therefore denies the same.

2. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Complaint, and therefore denies the same.

3. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Complaint, and therefore denies the same.

4. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Complaint, and therefore denies the same.

5. ContextWeb admits the allegations of paragraph 5 of the Complaint.

6. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Complaint, and therefore denies the same.

7. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Complaint, and therefore denies the same.

8. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint, and therefore denies the same.

9. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Complaint, and therefore denies the same.

10. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Complaint, and therefore denies the same.

11. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Complaint, and therefore denies the same.

12. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Complaint, and therefore denies the same.

13. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the Complaint, and therefore denies the same.

14. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Complaint, and therefore denies the same.

### **JURISDICTION AND VENUE**

15. ContextWeb admits that this action purports to arise under the patent laws of the United States, Title 35 of the United States Code. ContextWeb admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1131 and 1338(a).

16. ContextWeb denies the allegations of paragraph 16 of the Complaint.

17. ContextWeb denies the allegations of paragraph 17 of the Complaint.

### **COUNT 1**

### **ALLEGED INFRINGEMENT OF U.S. PATENT No. 6,199,067**

18. ContextWeb admits that the '067 patent purports to have issued on March 6, 2001, and a copy was attached to the Complaint as Exhibit A. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 18 of the Complaint, and therefore denies the same.

19. ContextWeb admits that Mr. Ilya Geller is listed as the inventor on the '067 patent. ContextWeb denies the remaining allegations set forth in paragraph 19 of the Complaint.

20. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20 of the Complaint, and therefore denies the same.

21. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 of the Complaint, and therefore denies the same.

22. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 of the Complaint, and therefore denies the same.

23. ContextWeb denies the allegations of paragraph 23 of the Complaint.

24. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24 of the Complaint, and therefore denies the same.

25. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25 of the Complaint, and therefore denies the same.

26. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26 of the Complaint, and therefore denies the same.

27. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 27 of the Complaint, and therefore denies the same.

28. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28 of the Complaint, and therefore denies the same.

29. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29 of the Complaint, and therefore denies the same.

30. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 of the Complaint, and therefore denies the same.

31. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31 of the Complaint, and therefore denies the same.

32. ContextWeb is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32 of the Complaint, and therefore denies the same.

33. ContextWeb denies the allegations of paragraph 33 of the Complaint.

34. ContextWeb is without knowledge or information sufficient to form a belief as to the allegations of paragraph 34 of the Complaint, and therefore denies the same.

35. ContextWeb denies the allegations of paragraph 35 of the Complaint.

36. ContextWeb denies the allegations of paragraph 36 of the Complaint.

### **FIRST AFFIRMATIVE DEFENSE**

The claims of the '067 patent are invalid for failure to satisfy one or more conditions of patentability set forth in Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.

### **COUNTERCLAIM**

37. ContextWeb brings this counterclaim against PA Advisors under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*

38. ContextWeb's Counterclaim recites a cause of action arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, and is based on a continuing and justiciable case or actual controversy between ContextWeb and PA Advisors with respect to the non-infringement of the '067 Patent as evidenced by PA Advisor's assertion of its claims in the First Amended Complaint for Patent Infringement.

### **PARTIES**

39. ContextWeb is a corporation under the laws of the State of Delaware having a principal place of business at 22 Cortland Street, New York, NY 10007.

40. Upon information and belief, PA Advisors is limited liability corporation under the laws of the State of Texas having a principal place of business at 207 C North Washington Avenue, Marshall, TX 75670.

**JURISDICTION AND VENUE**

41. This Court has subject matter jurisdiction over this Counterclaim under 28 U.S.C. § 1331, 28 U.S.C. § 1338(a), and 28 U.S.C. §§ 2201 *et seq.* as a declaratory judgment action for patent non-infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

42. This Court has personal jurisdiction over PA Advisors because PA Advisors has subjected itself to the jurisdiction of this Court for purposes of this Counterclaim.

43. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b). However, ContextWeb believes that there are other more convenient forums in which this matter could be tried.

**COUNTERCLAIM**

**(NON-INFRINGEMENT OF U.S. PATENT NO. 6,199,067)**

44. ContextWeb incorporates the allegations of paragraphs 37 through 43 above as if fully set forth in this paragraph.

45. An actual and justiciable case or controversy exists between ContextWeb and PA Advisors as to the infringement of the '067 Patent.

46. ContextWeb has not infringed and does not presently infringe, either willfully or otherwise, nor has it contributed to the infringement of, or actively induced others to infringe, the '067 Patent.

47. The actions and assertions made by PA Advisors that ContextWeb is infringing the '067 Patent have caused and will continue to cause irreparable injury to ContextWeb.

**PRAYER FOR RELIEF**

**WHEREFORE**, ContextWeb prays for relief as follows:

- A. That the plaintiff take nothing by its action and the Complaint be dismissed with prejudice;
- B. That the Court enter a declaratory judgment that ContextWeb has not infringed and does not presently infringe, either willfully or otherwise, nor has it contributed to the infringement of, or actively induced others to infringe, any claim of the '067 patent;
- C. That the Court find that this is an exceptional case and award to ContextWeb its attorneys' fees in this action under 35 U.S.C. § 285;
- D. That the Court award ContextWeb its costs and expenses; and
- E. That the Court grant ContextWeb such other relief as this Court may deem just and proper.



**DEMAND FOR JURY TRIAL**

Defendant demands a trial by jury on all claims and issues so triable.

Dated: January 22, 2008

Respectfully Submitted,

s/ James E. Hanft  
James E. Hanft  
jhanft@darbylaw.com  
Melvin C. Garner  
mgarner@darbylaw.com  
Hiep Huu Nguyen  
hnguyen@darbylaw.com  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0042  
Tel: (212) 527-7700  
Fax: (212) 527-7701

Matthew D. Orwig  
morwig@sonnenschein.com  
Sonnenschein Nath & Rosenthal L.L.P.  
1717 Main Street, Suite 3400  
Dallas, Texas 75201-7395  
Tel: 214-259-0990  
Fax: 214-259-0910

**Attorneys for Defendant ContextWeb Inc.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service pursuant to Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. Mail, on this 22<sup>th</sup> day of January, 2008.

s/ James E. Hanft

James E. Hanft