

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

SOFTWARE RIGHTS ARCHIVE, LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Civil Action No. 2:07-cv-511-TJW
GOOGLE INC., YAHOO! INC.,	§	
IAC SEARCH & MEDIA, INC., AOL LLC,	§	
and LYCOS, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

**PLAINTIFF’S RESPONSE TO DEFENDANT
AOL LLC’S ORIGINAL ANSWER AND COUNTERCLAIMS**

Plaintiff Software Rights Archive, LLC (“Plaintiff”) responds to Defendant AOL LLC’s (“Defendant”) counterclaims:

General Denial

Pursuant to Fed. R. Civ. P. 8(b), Plaintiff denies all averments related to the counterclaims of Defendant, except as specifically admitted below.

Specific Denials to Counterclaims

Paragraphs 1-11 below correspond to the paragraphs of Defendant’s counterclaims.

1. Plaintiff again incorporates its allegations and denies Defendant’s response.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted, but denies that a counterclaim is the proper procedure for resolving this controversy.

6. Admitted, but denies that a counterclaim is a valid procedure for resolving this controversy.
7. Admitted.
8. Plaintiff again incorporates its allegations and denies Defendant's response.
9. Denied.
10. Plaintiff again incorporates its allegations and denies Defendant's response.
11. Denied.

Plaintiff further denies all of the allegations contained in the Request for Relief.

The jury demand does not require an admission or denial.

Conclusion

For these reasons, Plaintiff respectfully requests that the Court:

- (a) grant such relief as requested in Plaintiff's Original Complaint,
- (b) order that Defendant takes nothing on its defenses or counterclaims; and
- (c) order such other and further legal and equitable relief.

DATED: February 20th, 2008

Respectfully Submitted,



Lee L. Kaplan

LEAD ATTORNEY

State Bar No. 11094400

SMYSER KAPLAN & VESELKA, L.L.P.

700 Louisiana, Suite 2300

Houston, TX 77002

(713) 221-2323

(713) 221-2320 (fax)

lkaplan@skv.com

Victor G. Hardy
State Bar No. 00790821
(Requesting Admission *Pro Hac Vice*)
Andrew G. DiNovo
State Bar No. 00790594
Adam G. Price
State Bar No. 24027750
Jay D. Ellwanger
State Bar No. 24036522
DiNovo Price Ellwanger LLP
P. O. Box 201690
Austin, Texas 78720-1690
(512) 681-4060
(512) 628-3410 (fax)
vhardy@dpelaw.com

Of counsel:

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
BROWN MCCARROLL, LLP
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, TX 75606-3999
(903) 236-9800
(903) 236-8787 (fax)
ccapshaw@mailbmc.com

Robert M. Parker
State Bar No. 15498000
Robert C. Bunt
State Bar No. 00787165
Charles Ainsworth
State Bar No. 0078352
PARKER, BUNT & AINSWORTH, P.C.
100 East Ferguson, Suite 1114
Tyler, Texas 75702
(903) 531-3535
(903) 533-9687 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to all counsel of record pursuant to Federal Rules of Civil Procedure on this the 20th day of February, 2008.



Lee Kaplan