

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

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

CAREERBUILDER, LLC., a Delaware corporation; CNET NETWORKS, INC., a Delaware corporation; THE DALLAS MORNING NEWS, INC., a Delaware corporation; DIGG, INC., a Delaware corporation; EBAUM'S WORLD, INC., a New York corporation; GOOGLE INC., a Delaware corporation; JABEZ NETWORKS, INC., a Tennessee corporation; MORRIS COMMUNICATIONS COMPANY, LLC, a Georgia limited liability company; THE NEW YORK TIMES COMPANY, a New York corporation; YAHOO! INC., a Delaware corporation; and YOUTUBE, LLC, a Delaware limited liability company,

Defendants.

CASE NO. 2:09-CV-175-TJW

Jury Trial Demanded

**PLAINTIFF AND COUNTERDEFENDANT BENEFICIAL INNOVATIONS, INC.'S
REPLY TO COUNTERCLAIMS OF DEFENDANT COMCAST.**

Plaintiff and Counterdefendant Beneficial Innovations, Inc. ("Beneficial Innovations") hereby answers the counterclaims of Defendant and Counterclaimant Comcast Interactive Media, LLC ("CIM") and Comcast Corporation (collectively "Comcast"). All of the allegations of Comcast's Counterclaims not specifically admitted are hereby denied.

PARTIES

1. Paragraph 1 incorporates by reference CIM and Comcast's responses in Paragraphs 1-57 of their Answer to the Amended Complaint as though set forth fully and completely herein. Except as expressly admitted, Beneficial Innovations denies each of the allegations of Paragraph 1.

2. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits that CIM is a Delaware limited liability company that maintains its principal place of business in Philadelphia, Pennsylvania.

3. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits that Comcast Corporation is a Pennsylvania corporation that maintains its principal place of business in Philadelphia, Pennsylvania.

4. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 4 of Comcast's Counterclaims.

JURISDICTION AND VENUE

5. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations of subject matter jurisdiction in Paragraph 5 of Comcast's Counterclaims.

6. Plaintiff and Counterdefendant Beneficial Innovations admits that the Court has personal jurisdiction.

7. Plaintiff and Counterdefendant Beneficial Innovations admits that venue is proper for this Counterclaim. Beneficial Innovations denies all other allegations contained in Paragraph 7 of Comcast's Counterclaims.

8. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 8 of Comcast's Counterclaims.

FIRST CLAIM FOR RELIEF

(Declaratory Judgment that Comcast has not Infringed the '943 Patent)

9. Paragraph 9 of Comcast's Counterclaims incorporates by reference Paragraphs 1-8 of its Counterclaims. Beneficial Innovations incorporates by reference its response to Paragraphs 1-8 of

Comcast's Counterclaims. Except as expressly admitted, Beneficial Innovations denies each of the allegations of Paragraph 9.

10. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 10 of Comcast's Counterclaims.

11. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 11 of Comcast's Counterclaims.

12. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits that CIM owns and operates the website located at the URL www.comcast.net.

13. Plaintiff and Counterdefendant Beneficial Innovations admits that an actual controversy exists between Comcast and Beneficial Innovations regarding infringement of the '943 Patent.

14. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 14 of Comcast's Counterclaims.

SECOND CLAIM FOR RELIEF
(Declaratory Judgment that the '943 Patent is Invalid)

15. Paragraph 15 of Comcast's Counterclaims incorporates by reference Paragraphs 1-14 of its Counterclaims. Beneficial Innovations incorporates by reference its response to Paragraphs 1-14 of Comcast's Counterclaims. Except as expressly admitted, Beneficial Innovations denies each of the allegations of Paragraph 15.

16. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 16 of Comcast's Counterclaims.

17. Plaintiff and Counterdefendant Beneficial Innovations admits that an actual controversy exists between Comcast and Beneficial Innovations regarding the validity of the '943 Patent.

18. Plaintiff and Counterdefendant Beneficial Innovations the allegations contained in Paragraph 18 of Comcast's Counterclaims.

THIRD CLAIM FOR RELIEF

(Declaratory Judgment that Comcast is Licensed under the '943 Patent)

19. Paragraph 19 of Comcast's Counterclaims incorporates by reference Paragraphs 1-18 of its Counterclaims. Beneficial Innovations incorporates by reference its response to Paragraphs 1-18 of Comcast's Counterclaims. Except as expressly admitted, Beneficial Innovations denies each of the allegations of Paragraph 19.

20. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 20 of Comcast's Counterclaims.

21. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits that CIM owns and operates the website located at the URL www.comcast.net.

22. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 22 of Comcast's Counterclaims.

23. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 23 of Comcast's Counterclaims.

24. Plaintiff and Counterdefendant Beneficial Innovations admits that an actual controversy exists between Comcast and Beneficial Innovations regarding whether Comcast is licensed under the '943 Patent.

25. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 25 of Comcast's Counterclaims.

FOURTH CLAIM FOR RELIEF

(Declaratory Judgment that Beneficial's Patent Rights are Exhausted)

26. Paragraph 26 of Comcast's Counterclaims incorporates by reference Paragraphs 1-25 of its Counterclaims. Beneficial Innovations incorporates by reference its response to Paragraphs 1-25 of Comcast's Counterclaims. Except as expressly admitted, Beneficial Innovations denies each of the allegations of Paragraph 26.

27. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 27 of Comcast's Counterclaims.

28. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits that CIM owns and operates the website located at the URL www.comcast.net.

29. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 29 of Comcast's Counterclaims.

30. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations contained in Paragraph 30 of Comcast's Counterclaims.

31. Plaintiff and Counterdefendant Beneficial Innovations admits that an actual controversy exists between Comcast and Beneficial Innovations regarding whether Beneficial Inncaotions' patent rights are exhausted with respect to such acts by Comcast.

32. Plaintiff and Counterdefendant Beneficial Innovations denies the allegations contained in Paragraph 32 of Comast's Counterclaims.

RELIEF REQUESTED

Plaintiff and Counterdefendant Beneficial Innovations denies that Comcast is entitled to the relief they seek or any relief for the allegations made in their Answer and Counterclaims. Plaintiff and Counterdefendant Beneficial Innovations requests that judgment be entered in its favor on all issues and it be awarded the appropriate damages, exceptional damages, costs, and attorneys' fees.

DEMAND FOR JURY TRIAL

Plaintiff and Counterdefendant Beneficial Innovations demands trial by jury of all issues.

Dated: December 28, 2009

Respectfully submitted,
By: /s/ Julien A. Adams

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux

State Bar No. 05770585
Capshaw DeRieux, LLP
Energy Centre
1127 Judson Road, Suite 220
P. O. Box 3999 (75606-3999)
Longview, Texas 75601-5157
Email: ccapshaw@capshawlaw.com
Email: ederieux@capshawlaw.com
Robert Christopher Bunt
State Bar No. 00787165
Email: cbunt@cox-internet.com
Robert M Parker
State Bar No. 15498000
Email: rmparker@cox-internet.com
Parker & Bunt, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

Of Counsel:
Gregory S. Dovel
CA State Bar No. 135387
Julien Adams
CA State Bar No. 156135
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
email: greg@dovellaw.com
email: julien@dovellaw.com

ATTORNEYS FOR PLAINTIFF
BENEFICIAL INNOVATIONS, LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 28th day of December 2009, 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/ Julien A. Adams
Julien A. Adams