

**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 MORRIS COMMUNICATIONS  
COMPANY, LLC**

Plaintiff and Counterdefendant Beneficial Innovations, Inc. ("Beneficial Innovations") hereby answers the counterclaims of Defendant and Counterclaimant Morris Communications Company, LLC ("Morris"). All of the allegations of Morris's Counterclaims not specifically admitted are hereby denied.

### **Parties**

1. Upon information and belief, Plaintiff and Counterdefendant Beneficial Innovations admits the allegation contained in paragraph 1 of Morris's Counterclaims.

2. Plaintiff and Counterdefendant Beneficial Innovations admits it is a corporation existing under and by virtue of the laws of the State of Nevada.

### **Jurisdiction**

3. Plaintiff and Counterdefendant Beneficial Innovations admits the allegations of subject matter jurisdiction contained in Paragraph 3 of Morris's Counterclaims.

### **Counterclaim Count I – Declaration of Non-Infringement of the '943 Patent**

4. Paragraph 4 of Morris' Counterclaims re-alleges and incorporates by reference paragraphs 1-3 of Morris's Counterclaims. Plaintiff and Counterdefendant Beneficial Innovations incorporates by reference its response to the allegations of paragraphs 1 through 3 above. Except as expressly admitted, Beneficial Innovations denies each of the allegations in paragraph 4 of Morris's Counterclaims.

5. Plaintiff and Counterdefendant Beneficial Innovations admits that an actual controversy exists between Morris and Beneficial Innovations as to whether any of Morris's products, services, or activities infringe any valid claim of the '943 patent.

6. Plaintiff and Counterdefendant Beneficial Innovations admits that Morris requests a declaration from the Court that Morris does not infringe any claim of the '943 patent, either directly or indirectly, but Beneficial Innovations denies that Morris is entitled to any such declaration.

### **Counterclaim Count II – Declaration of Invalidity of the '943 Patent**

7. Paragraph 7 of Morris's Counterclaims re-alleges and incorporates by reference paragraphs 1-3 of Morris's Counterclaims. Plaintiff and Counterdefendant Beneficial Innovations incorporates by reference its response to the allegations of paragraphs 1 through 6 above. Except as

expressly admitted, Beneficial Innovations denies each of the allegations in paragraph 7 of Morris's Counterclaims.

8. Plaintiff and Counterdefendant Beneficial Innovations admits that there exists an actual controversy between Beneficial Innovations and Morris as to the validity of the '943 patent.

9. Plaintiff and Counterdefendant Beneficial Innovations admits that Morris requests a declaration from the Court that the claims of the '943 patent are invalid because they fail to meet the conditions and requirements of patentability specified in 35 U.S.C. § 100 et seq., including §§ 101, 102, 103, and/or 112, but Beneficial Innovations denies that Morris is entitled to any such declaration.

### **Jury Demand**

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

### **Prayer**

Plaintiff and Counterdefendant Beneficial Innovations denies that Morris is entitled to the relief it seeks or any relief for the allegations made in its 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.

Dated: April 13, 2010

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

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ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 13<sup>th</sup> day of April 2010, 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