

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

GOOSEBERRY NATURAL RESOURCES,  
LLC,

Plaintiff,

v.

CONDESA, INC.,  
MASS MEDIA DISTRIBUTION, LLC  
MEK ENTERPRISES d/b/a  
ERELEASES.COM,  
PROVEN WAYS, INC.,  
PR WORLDWIDE, INC., and  
RV MEDIA, LLC d/b/a PR 18 NETWORK,

Defendants.

Civil Action No. 2:10-cv-00210-TJW

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ANSWER TO  
DEFENDANT PROVEN WAYS, INC.'S COUNTERCLAIM**

Plaintiff Gooseberry Natural Resources, LLC ("Plaintiff"), by and through its undersigned counsel, hereby responds to each paragraph of Defendant Proven Ways, Inc.'s ("Proven Ways") Counterclaim as follows:

**COUNTERCLAIM**

**THE PARTIES**

1. Upon Information and belief, Admitted.

2. Denied as to Plaintiff's Principal Place of business, which is at 101 East Park Boulevard, Suite 600, Plano Texas, 75074. Admitted with respect to the other aspects of this paragraph.

#### **JURISDICTION AND VENUE**

4. Admitted.
5. Admitted.
6. Denied that Plaintiff is a corporation. Admitted with respect to the other aspects of this paragraph.

#### **FACTUAL ALLEGATIONS**

7. Admitted.
8. Admitted that Exhibits A-G are attached to Proven Ways' Counterclaim. Denied that the Exhibits form a basis for unpatentability under 35 U.S.C. 103. Denied with respect to any other aspect of this paragraph.
9. Denied.

#### **FIRST COUNTERCLAIM**

##### **(Declaratory Judgment of Invalidity)**

10. Admitted that Proven Ways purports to incorporate all prior allegations into the Counterclaim. Denied with respect to any other aspect of this paragraph.
11. Denied.

#### **JURY DEMAND**

12. Admitted that Proven Ways demands a jury trial. Denied with respect to any other aspect of this paragraph.

**PROVEN WAYS PRAYER FOR RELIEF**

- a. Denied that Proven ways is entitled to any of the requested relief sought.
- b. Denied that Proven ways is entitled to any of the requested relief sought.
- c. Denied that Proven ways is entitled to any of the requested relief sought.

Respectfully submitted,

Dated: August 9, 2010

/s/Melissa Richards Smith  
Melissa Richards Smith  
Texas State Bar No. 24001351  
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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other 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 or facsimile transmission, on this the 9th day of August, 2010.

/s/Melissa Richards Smith  
Melissa Richards Smith