



60. WRT admits that A9 has denied infringement of U.S. Patent No. 7,392,287 (“the ‘287 patent”) and that A9 asserts that the ‘287 patent is invalid. WRT denies that A9 does not infringe the ‘287 patent and denies that the ‘287 patent is invalid.

61. WRT admits the allegations in paragraph 61 of the Counterclaims.

### **COUNT ONE**

#### **(Declaratory Judgment – Invalidity of the ‘287 Patent)**

62. WRT incorporates by references its responses to Paragraphs 55-61; as to Paragraphs 1-41, A9 appears to be incorporating by reference its responses to the allegations set forth in WRT’s Complaint and via Paragraphs 42-54, A9’s Affirmative Defenses, to which no response is required by WRT; and WRT denies any remaining allegations that A9 may contend are incorporated by reference into Paragraph 62 of its Counterclaims.

63. WRT denies the allegations in paragraph 63 of the Counterclaims.

### **COUNT TWO**

#### **(Declaratory Judgment – No Infringement of the ‘287 Patent)**

64. WRT incorporates by references its responses to Paragraphs 55-63; as to Paragraphs 1-41, A9 appears to be incorporating by reference its responses to the allegations set forth in WRT’s Complaint and via Paragraphs 42-54, A9’s Affirmative Defenses, to which no response is required by WRT; and WRT denies any remaining allegations that A9 may contend are incorporated by reference into Paragraph 64 of its Counterclaims.

65. WRT denies the allegations in paragraph 65 of the Counterclaims.

### **COUNT THREE**

#### **(Declaratory Judgment – Unenforceability of the ‘287 Patent)**

66. WRT incorporates by references its responses to Paragraphs 55-63; as to Paragraphs 1-41, A9 appears to be incorporating by reference its responses to the allegations set forth in WRT's Complaint and via Paragraphs 42-54, A9's Affirmative Defenses, to which no response is required by WRT; and WRT denies any remaining allegations that A9 may contend are incorporated by reference into Paragraph 66 of its Counterclaims.

67. WRT denies the allegations in paragraph 67 of the Counterclaims.

68. Paragraph 68 of the Counterclaims is an improper reservation of rights to which no response is necessary. WRT denies that any remaining allegations in paragraph 68 of the Counterclaims.

#### **RESPONSE TO A9'S PRAYER FOR RELIEF**

WRT denies that A9 is entitled to any of the relief request in its Prayer for Relief.

#### **RESPONSE TO A9'S DEMAND FOR JURY TRIAL**

No response is necessary.

#### **WRT'S PRAYER FOR RELIEF**

In addition to the relief requested in its Complaint, WRT respectfully requests a judgment against A9:

- A. That A9 take nothing by its Counterclaims;
- B. That the Court award WRT all costs and attorneys' fees incurred in defending against A9's Counterclaims; and
- C. Any and all further relief that the Court deems just and proper.

Dated: December 9, 2010

Respectfully Submitted,

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**ATTORNEYS FOR PLAINTIFF  
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TECHNOLOGIES LLC**

**CERTIFICATE OF SERVICE**

The undersigned 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 are deemed to 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(d) and (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 email, on this the 9th day of December, 2010.

/s/ William E. Davis, III  
William E. Davis, III