



### **The Parties**

36. Upon information and belief, Klausner admits the allegations contained in paragraph 36 of GrandCentral's counterclaims.

37. Klausner admits the allegations contained in paragraph 37 of GrandCentral's counterclaims.

38. Klausner admits the allegations contained in paragraph 38 of GrandCentral's counterclaims.

39. Klausner admits the allegations contained in paragraph 39 of GrandCentral's counterclaims.

### **Jurisdiction**

40. Klausner admits that this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

41. Klausner admits the allegations contained in paragraph 41 of GrandCentral's counterclaims.

### **Venue**

42. Klausner admits that venue over these counterclaims is proper in this District Court.

### **Count 1: Declaratory Relief Regarding the '576 Patent**

43. Klausner admits the allegations contained in paragraph 43 of GrandCentral's counterclaims.

44. Klausner denies the allegations contained in paragraph 44 of GrandCentral's counterclaims.

45. Klausner denies the allegations contained in paragraph 45 of GrandCentral's counterclaims.

### **Count 2: Declaratory Relief Regarding the '818 Patent**

46. Klausner admits the allegations contained in paragraph 46 of GrandCentral's counterclaims.

47. Klausner denies the allegations contained in paragraph 47 of GrandCentral's counterclaims.

48. Klausner denies the allegations contained in paragraph 48 of GrandCentral's counterclaims.

**Prayer for Judgment**

Klausner denies that GrandCentral is entitled to the judgment it seeks or any relief for the allegations made in its counterclaims.

**Jury Demand**

Klausner demands trial by jury of all issues.

Dated: December 10, 2008

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

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**ATTORNEYS FOR PLAINTIFF,  
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**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served this 10<sup>th</sup> day of December, 2008, 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 via electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux  
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