

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

ALOFT MEDIA, LLC,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 6:08-cv-509
v.	§	
	§	
YAHOO!, INC., GOOGLE, INC., and AOL LLC,	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	
	§	

REPLY TO COUNTERCLAIMS OF AOL LLC

Plaintiff Aloft Media, LLC (“Aloft”) responds to each of the numbered paragraphs of the counterclaims of AOL LLC (“AOL”), as set forth in its Answer and Counterclaims (“Answer and Counterclaims”), as follows:

Parties

1. Admitted.
2. Aloft admits that it is a Texas limited liability company with its principal place of business at 211 W. Tyler Street, Suite C-1, Longview, Texas 75601. Aloft denies the remaining allegations in paragraph 2.

Jurisdiction and Venue

3. Aloft admits that this Court has subject matter jurisdiction. Aloft further admits that an actual and justiciable controversy exists but denies that AOL’s counterclaims have any merit whatsoever. Aloft denies the remaining allegations of paragraph 3.
4. Aloft admits that this Court has personal jurisdiction. Otherwise, denied.
5. Aloft admits that venue is proper in this judicial district. Otherwise, denied.

Counterclaim Count I

6. Aloft admits that AOL purports to incorporate by reference the averments contained in the preceding paragraphs of its Answer and Counterclaims. Unless specifically admitted herein, the allegations contained in those paragraphs are denied.

7. Aloft admits that AOL seeks a declaratory judgment of non-infringement of the '351 patent but denies that AOL's contention of non-infringement has any merit whatsoever. Otherwise, denied.

Counterclaim Count II

8. Aloft admits that AOL purports to incorporate by reference the averments contained in the preceding paragraphs of its Answer and Counterclaims. Unless specifically admitted herein, the allegations contained in those paragraphs are denied.

9. Aloft admits that AOL seeks a declaratory judgment of invalidity of the '351 patent but denies that AOL's contention of invalidity has any merit whatsoever. Otherwise, denied.

Aloft denies that AOL is entitled to any relief, and specifically denies all the allegations and prayers for relief contained in paragraphs A-F of AOL's Answer and Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Aloft respectfully requests that this Court enter judgment denying and dismissing AOL's counterclaims, and that the Court enter judgment in favor of Aloft as requested in Aloft's complaint, as amended or supplemented.

DEMAND FOR JURY TRIAL

Aloft, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 16th day of March, 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 facsimile and or U.S. Mail on this same date.

_____/s/ Riny Pieternele
Riny Pieternele