

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

BEDROCK COMPUTER
TECHNOLOGIES, LLC

Plaintiff,

vs.

SOFTLAYER TECHNOLOGIES, INC.,
et al.

Defendants.

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CASE NO. 609 CV 269

Jury Trial Demanded

PLAINTIFF'S REPLY TO DEFENDANT SOFTLAYER TECHNOLOGIES, INC.'S
ANSWER TO BEDROCK'S FIRST AMENDED COMPLAINT,
AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS

Plaintiff Bedrock Computer Technologies LLC ("Bedrock") files this Reply to Defendant Softlayer Technologies, Inc.'s Answer to Bedrock's First Amended Complaint, Affirmative Defenses, and Counterclaims, served on November 16, 2009 (Dkt. No.112). All allegations not expressly admitted are denied. The first set of paragraphs marked 1-21 of Softlayer's Answer do not require a response.

AFFIRMATIVE DEFENSES

1. Bedrock incorporates by reference the allegations in its First Amended Complaint for Patent Infringement (Dkt. No. 102) in response to each and every of Softlayer's Affirmative Defenses.

2. Bedrock denies all allegations contained in Paragraph 1 of Softlayer's Affirmative Defenses.

3. Bedrock denies all allegations contained in Paragraph 2 of Softlayer's Affirmative Defenses.

4. Bedrock denies all allegations contained in Paragraph 3 of Softlayer's Affirmative Defenses.

5. Bedrock denies all allegations contained in Paragraph 4 of Softlayer's Affirmative Defenses.

6. Bedrock denies all allegations contained in Paragraph 5 of Softlayer's Affirmative Defenses.

7. Bedrock denies all allegations contained in Paragraph 6 of Softlayer's Affirmative Defenses.

8. Bedrock denies all allegations contained in Paragraph 7 of Softlayer's Affirmative Defenses.

RESPONSE TO COUNTERCLAIMS

10. Bedrock incorporates by reference the allegations in its Complaint for Patent Infringement in response to each and every of Softlayer's Counterclaims.

11. Bedrock admits that this Court has jurisdiction as alleged in Paragraph 1 of Softlayer's Counterclaims, but denies that Softlayer is entitled to any relief requested.

12. Bedrock admits the this Court has subject matter jurisdiction as alleged in Paragraph 2 of Softlayer's Counterclaims, but denies that Softlayer is entitled to any relief requested.

13. Bedrock admits the allegations of Paragraph 3.

14. Bedrock admits the allegations of Paragraph 4.

15. With respect to Paragraph 5, Bedrock admits that an actual and justiciable controversy exists between Bedrock and Softlayer with respect to the validity and infringement of the '120 patent. Bedrock denies that there is an actual and justiciable controversy with respect to the enforceability of the '120 patent because Softlayer has not alleged any fact or theory upon which the '120 patent can be adjudged unenforceable.

16. Bedrock denies the allegations of Paragraph 6.

PRAYER FOR RELIEF

Bedrock incorporates by reference the Prayer for Relief set forth in Bedrock's First Amended Complaint for Patent Infringement. Bedrock denies that Softlayer is entitled to any relief.

DEMAND FOR JURY TRIAL

Bedrock hereby demands that all issues be determined by jury.

DATED: December 2, 2009

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Douglas A. Cawley
Sam F. Baxter
Texas Bar No. 01938000
McKOOL SMITH, P.C.
sbaxter@mckoolsmith.com
104 E. Houston Street, Suite 300
P.O. Box 0
Marshall, Texas 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Douglas A. Cawley, Lead Attorney
Texas Bar No. 04035500
dcawley@mckoolsmith.com
Theodore Stevenson, III
Texas Bar No. 19196650
tstevenson@mckoolsmith.com
J. Austin Curry
Texas Bar No. 24059636
acurry@mckoolsmith.com
McKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: 214-978-4000
Facsimile: 214-978-4044

Robert M. Parker
Texas Bar No. 15498000
Robert Christopher Bunt
Texas Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Telephone: 903-531-3535
Facsimile: 903-533-9687
E-mail: rm Parker@pbatyler.com
E-mail: rcbunt@pbatyler.com

**ATTORNEYS FOR PLAINTIFF
BEDROCK COMPUTER
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 have consented to electronic service on this, the 2nd day of December, 2009. Local Rule CV-53(a)(3)(A).

/s/ J. Austin Curry
J. Austin Curry