

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

BEDROCK COMPUTER  
TECHNOLOGIES LLC,

Plaintiff,

v.

SOFTLAYER TECHNOLOGIES, INC.,  
et al.

Defendants.

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CASE NO. 6:09-cv-269

Jury Trial Demanded

**PLAINTIFF’S REPLY TO DEFENDANT YAHOO! INC.’S ANSWER TO  
BEDROCK’S SECOND AMENDED COMPLAINT, AFFIRMATIVE DEFENSES,  
COUNTERCLAIMS, AND JURY DEMAND**

Plaintiff Bedrock Computer Technologies LLC (“Bedrock”) files this Reply to Defendant Yahoo! Inc.’s (“Yahoo!”) Answer to Bedrock’s Second Amended Complaint, Affirmative Defenses, Counterclaims, and Jury Demand served on April 30, 2010 (Dkt. No. 197). All allegations not expressly admitted are denied. The first set of paragraphs marked 1-31 of Yahoo!’s Answer do not require a response.

**AFFIRMATIVE DEFENSES**

1. Bedrock incorporates by reference the allegations in its Second Amended Complaint for Patent Infringement (Dkt. No. 191) in response to each and every of Yahoo!’s Affirmative Defenses.

2. Bedrock denies the allegations contained within Yahoo!’s First Affirmative Defense.

3. Bedrock denies the allegations contained within Yahoo!’s Second Affirmative Defense.

4. Bedrock denies the allegations contained within Yahoo!'s Third Affirmative Defense.

5. Bedrock denies the allegations contained within Yahoo!'s Fourth Affirmative Defense.

6. Bedrock denies the allegations contained within Yahoo!'s Fifth Affirmative Defense.

7. Bedrock denies the allegations contained within Yahoo!'s Sixth Affirmative Defense.

8. Bedrock denies the allegations contained within Yahoo!'s Seventh Affirmative Defense.

#### **RESPONSE TO COUNTERCLAIMS**

9. Bedrock incorporates by reference the allegations in its Second Amended Complaint for Patent Infringement (Dkt. No. 191) in response to each and every of Yahoo!'s Counterclaims.

10. Bedrock admits the allegations of Paragraph 39 of the Counterclaims.

11. Bedrock admits the allegations of Paragraph 40 of the Counterclaims.

12. Bedrock admits that this Court has jurisdiction as alleged in Paragraph 41 of the Counterclaims but denies that Yahoo! is entitled to any relief requested.

13. Bedrock admits the allegations of Paragraph 42 of the Counterclaims.

14. Bedrock admits the allegations of Paragraph 43 of the Counterclaims.

15. Bedrock admits the allegations of Paragraph 44 of the Counterclaims.

16. Paragraph 45 of the Counterclaims does not require a response.

17. Bedrock admits that it asserts that Yahoo! infringes the '120 Patent and that an actual case or controversy exists between the parties. Bedrock denies the remainder of the allegations of Paragraph 46 of the Counterclaims.

18. Bedrock denies the allegations of Paragraph 47 of the Counterclaims.

19. Paragraph 48 of the Counterclaims does not require a response.

20. Bedrock admits that it asserts that Yahoo! infringes the '120 Patent, that the '120 Patent is currently undergoing *ex parte* reexamination at the United States Patent and Trademark Office, and that an actual case or controversy exists between the parties. Bedrock denies the remainder of the allegations of Paragraph 49 of the Counterclaims.

21. Bedrock denies the allegations of Paragraph 50 of the Counterclaims.

22. Bedrock denies the allegations of Paragraph 51 of the Counterclaims.

#### **DEMAND FOR JURY TRIAL**

Bedrock respectfully demands a jury trial of all issues triable to a jury in this action.

#### **PRAYER FOR RELIEF**

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

DATED: May 24, 2010

Respectfully submitted,  
**McKOOL SMITH, P.C.**

/s/ Douglas A. Cawley

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**ATTORNEYS FOR PLAINTIFF  
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**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 May 24, 2010. Local Rule CV-5(a)(3)(A).

*/s/ Jonathan R. Yim*  
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Jonathan R. Yim