

AFFIRMATIVE DEFENSES

Bedrock incorporates by reference the allegations in its Third Amended Complaint for Patent Infringement (Dkt. No. 410)¹ in response to each and every of Google's Affirmative Defenses.

1. Bedrock denies the allegations contained in Google's First Affirmative Defenses.
2. Bedrock denies the allegations contained in Google's Second Affirmative Defense.
3. Bedrock denies the allegations contained in Google's Third Affirmative Defense.
4. Bedrock denies the allegations contained in Google's Fourth Affirmative Defense.
5. Bedrock denies the allegations contained in Google's Fifth Affirmative Defense.
6. Bedrock denies the allegations contained in Google's Sixth Affirmative Defense.
7. Bedrock denies the allegations contained in Google's Seventh Affirmative Defense.

GOOGLE'S COUNTERCLAIMS

Bedrock incorporates by reference the allegations in its Third Amended Complaint for Patent Infringement against Google in response to each and every one of Google's Counterclaims and denies that Google is entitled to any relief requested.

1. Bedrock admits the allegations contained in paragraph 1 of Google's Counterclaims.
2. Bedrock admits the allegations contained in paragraph 2 of Google's Counterclaims.

¹ Incorrectly filed and titled "First Amended Complaint for Patent Infringement."

3. Bedrock admits that this Court has subject matter jurisdiction but denies that Google is entitled to any relief requested.

4. Bedrock admits that venue is proper in this district but denies that this case should be transferred to the Northern District of California as alleged in paragraph 4 of Google's Counterclaims.

5. Bedrock admits the allegations contained in paragraph 5 of Google's Counterclaims.

6. Bedrock admits that it asserts that Google infringes U.S. Patent No. 5, 893,120 (the "'120 Patent"). Bedrock denies that the '120 Patent is invalid. Bedrock also admits that an actual case or controversy exists between the parties regarding infringement and validity of the '120 Patent as contained in paragraph 6 of Google's Counterclaims.

7. Bedrock admits that Dr. Richard Nemes is the named inventor on the '120 Patent as alleged in paragraph 7 of Google's Counterclaims. Bedrock denies the remaining facts alleged in paragraph 7 of Google's Counterclaims. Bedrock denies that Google is entitled to the relief request. Bedrock further objects to paragraph 7 as an improper counterclaim for which Google has no standing to assert. Bedrock incorporates by reference all arguments made in Bedrock's Motion to Dismiss Google Inc.'s and Match.Com, LLC's Counterclaims.

8. Bedrock denies that Google is entitled to any relief requested in paragraph 8 of Google's Counterclaims.

9. Bedrock admits that an actual case or controversy exists between Google and Bedrock as to the infringement of the '120 Patent but denies the remaining allegations contained in paragraph 9 of Google's Counterclaims.

10. Bedrock admits that Google is seeking a judicial declaration regarding infringement of the '120 Patent but denies the remaining allegations contained in paragraph 10 of Google's Counterclaims.

11. Bedrock denies that Google is entitled to any relief requested in paragraph 11 of Google's Counterclaims.

12. Bedrock admits that an actual case or controversy exists between Bedrock and Google as to the validity of the '120 Patent but denies the remaining allegations contained in paragraph 12 of Google's Counterclaims.

13. Bedrock admits that Google is seeking a judicial declaration regarding the validity of the '120 Patent but denies the remaining allegations contained in paragraph 13 of Google's Counterclaims.

14. Bedrock denies that Google is entitled to any relief requested as contained in paragraph 14 of Google's Counterclaims.

15. Bedrock denies that Google is entitled to any relief requested as contained in paragraph 15 of Google's Counterclaims. Bedrock incorporates by reference all arguments made in Bedrock's Motion to Dismiss Google Inc.'s and Match.Com, LLC's Counterclaims.

16. Bedrock admits that it hold all right, title, and interest in the '120 Patent and that it possesses all rights to sue and recover for past and future infringement but denies the remaining allegations contained in paragraph 16 of Google's Counterclaims.

17. Bedrock admits that Dr. Richard Nemes is the named inventor on the '120 Patent as alleged in paragraph 17 of Google's Counterclaims. Bedrock denies the remaining facts alleged in paragraph 17 of Google's Counterclaims. Bedrock denies that Google is entitled to the relief request. Bedrock further objects to paragraph 17 as an improper counterclaim for

18. Bedrock denies that Google is entitled to any relief requested as contained in paragraph 18 of Google's Counterclaims.

PRAYER FOR RELIEF

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

DATED: March 7, 2011.

Respectfully submitted,

McKOOL SMITH, P.C.

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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 has consented to electronic service on March 7, 2011. Local Rule CV-5(a)(3)(A).

/s/ Jason D. Cassady
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