

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

**TYLER DIVISION**

**ALOFT MEDIA, LLC,**

*Plaintiff,*

**v.**

**ORACLE CORPORATION, et al.,**

*Defendants.*

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**Civil Action No. 6:09-CV-304-LED**

**JURY TRIAL DEMANDED**

**PLAINTIFF ALOFT MEDIA, LLC’S ANSWER TO DEFENDANTS HALLIBURTON  
COMPANY AND HALLIBURTON ENERGY SERVICES, INC.’S COUNTERCLAIMS**

Plaintiff Aloft Media, LLC (“Aloft”) responds to each numbered paragraph of the Counterclaims of Defendants Halliburton Company and Halliburton Energy Services, Inc. (collectively “Halliburton”), as set forth in Halliburton’s Answer to Aloft’s Third Amended Complaint for Patent Infringement (Dkt. No. 123), as follows:

**JURISDICTION**

- 1. Aloft admits the allegations of paragraph 1.
- 2. Aloft admits the allegations of paragraph 2.
- 3. Aloft admits the allegations of paragraph 3.

**PARTIES**

- 4. Aloft admits the allegations of paragraph 4.
- 5. Aloft admits the allegations of paragraph 5.

**BACKGROUND**

6. Aloft admits that it sued Halliburton Company for infringement of the patents-in-suit in this Court on July 14, 2009. Aloft denies the remaining allegations of paragraph 6.

7. Aloft admits that Halliburton has denied Aloft's claims of infringement and that Halliburton purports to contend that the patents-in-suit are invalid under Title 35 of the United States Code. Aloft denies the remaining allegations of paragraph 7.

8. Aloft admits that an actual controversy has arisen and now exists between Halliburton and Aloft with respect to the patents-in-suit. Aloft denies the remaining allegations of paragraph 8.

#### **COUNT I – DECLARATION OF NON-INFRINGEMENT**

9. Aloft restates and incorporates by reference each answer to paragraphs 1-8 above, but Aloft denies the allegations in those paragraphs unless specifically admitted therein.

10. Aloft admits the allegations of paragraph 10.

11. Aloft denies the allegations of paragraph 11.

12. Aloft admits that Halliburton purports to seek a declaration that Halliburton has not directly infringed and does not directly infringe, has not induced and does not induce infringement of, and has not contributed to and does not contribute to infringement of, the patents-in-suit, either literally or under the doctrine of equivalents. Aloft denies the remaining allegations of paragraph 12.

#### **COUNT II – DECLARATION OF PATENT INVALIDITY**

13. Aloft restates and incorporates by reference each answer to paragraphs 1-12 above, but Aloft denies the allegations in those paragraphs unless specifically admitted therein.

14. Aloft denies the allegations of paragraph 14.

15. Aloft admits that Halliburton purports to seek a declaration that the patents-in-suit are invalid. Aloft denies the remaining allegations of paragraph 15.

**HALLIBURTON'S PRAYER FOR RELIEF**

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

**PRAYER FOR RELIEF**

WHEREFORE, Aloft respectfully requests that this Court enter judgment denying and dismissing Halliburton's counterclaims, and that the Court enter judgment in favor of Aloft as requested in Aloft's Third Amended Complaint for Patent Infringement (Dkt. No. 117), 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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**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 are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 30th day of August 2010.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton