



### **III. COUNT ONE**

#### **Declaratory Judgment of Non-Infringement of the '898 Patent**

66. Aloft admits that a controversy exists for purposes of declaratory judgment jurisdiction but denies that FICO's Counterclaims have any merit whatsoever.

67. Aloft admits that FICO purports to contend that a judicial declaration is necessary and appropriate so that FICO may ascertain its rights with respect to the '898 patent. Aloft denies the remaining allegations of paragraph 67.

68. Denied.

### **III. COUNT TWO**

#### **Declaratory Judgment of Invalidity of the '898 Patent**

69. Aloft restates and incorporates by reference each answer to Counterclaim paragraphs 62-68, but Aloft denies the allegations in those paragraphs unless specifically admitted therein.

70. Aloft admits that a controversy exists for purposes of declaratory judgment jurisdiction but denies that FICO's Counterclaims have any merit whatsoever.

71. Aloft admits that FICO purports to contend that a judicial declaration is necessary and appropriate so that FICO may ascertain its rights with respect to the '898 patent. Aloft denies the remaining allegations of paragraph 71.

72. Denied.

### **IV. COUNT THREE**

#### **Declaratory Judgment of Non-Infringement of the '910 Patent**

73. Aloft admits that a controversy exists for purposes of declaratory judgment jurisdiction but denies that FICO's Counterclaims have any merit whatsoever.

74. Aloft admits that FICO purports to contend that a judicial declaration is necessary and appropriate so that FICO may ascertain its rights with respect to the '910 patent. Aloft denies the remaining allegations of paragraph 74.

75. Denied.

#### **V. COUNT FOUR**

##### **Declaratory Judgment of Invalidity of the '910 Patent**

76. Aloft restates and incorporates by reference each answer to Counterclaim paragraphs 62-75, but Aloft denies the allegations in those paragraphs unless specifically admitted therein.

77. Aloft admits that a controversy exists for purposes of declaratory judgment jurisdiction but denies that FICO's Counterclaims have any merit whatsoever.

78. Aloft admits that FICO purports to contend that a judicial declaration is necessary and appropriate so that FICO may ascertain its rights with respect to the '910 patent. Aloft denies the remaining allegations of paragraph 78.

79. Denied.

#### **VI. COUNT FIVE**

##### **Declaratory Judgment of Unenforceability of the '898 and '910 Patents**

80. Aloft restates and incorporates by reference each answer to Counterclaim paragraphs 62-79, but Aloft denies the allegations in those paragraphs unless specifically admitted therein.

81. Aloft admits that a controversy exists for purposes of declaratory judgment jurisdiction but denies that FICO's Counterclaims have any merit whatsoever.

82. Aloft admits that FICO purports to contend that a judicial declaration is necessary and appropriate so that FICO may ascertain its rights with respect to the '910 patent. Aloft denies the remaining allegations of paragraph 82.

83. Denied.

84. Aloft admits that Michael W. Kusnic is a named inventor on the '898 Patent and the '910 Patent, but lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the balance of paragraph 84 and therefore denies them.

85. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 85 and therefore denies them.

86. Aloft admits that a book entitled "Meeting of the Minds" authored by Vincent P. Barabba refers to a process it calls the "Dialogue Decision Process." Aloft is without sufficient information to form a belief about the remaining allegations in paragraph 86 and therefore denies the same.

87. Aloft admits that Dan L. Owen is a named inventor on the '898 and '910 Patents. Aloft also admits that the quote, "Dan Owen made significant contributions to the section on pages 84 through 88," appears on page 84 of his book "Meeting of the Minds." To the extent not admitted, Aloft denies the remaining allegations of paragraph 87.

88. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 88 and therefore denies them.

89. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 89 and therefore denies them.

90. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 90 and therefore denies them.

91. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 91 and therefore denies them.

92. Aloft admits that a book entitled “Meeting of the Minds” authored by Vincent P. Barabba refers to a process it calls the “Dialogue Decision Process.” Aloft lacks sufficient information to form a belief about the remaining allegations in paragraph 92, therefore those allegations are denied.

93. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 93 and therefore denies them.

94. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 94 and therefore denies them.

95. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 95 and therefore denies them.

96. Aloft lacks knowledge or information sufficient to form a belief about the allegations in paragraph 96 and therefore denies them.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

## **VII. PRAYER FOR RELIEF**

Aloft denies that FICO is entitled to any relief, and specifically denies that FICO is entitled to any of the relief requested in paragraphs a-i of FICO’s Prayer for Relief.

## **VIII. DEMAND FOR JURY TRIAL**

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

Dated: April 19, 2010

Respectfully submitted,

/s/ Danny L. Williams

Eric M. Albritton  
Texas Bar No. 00790215  
Adam Biggs  
Texas Bar No. 24051753  
Matthew C. Harris  
Texas Bar No. 24059904  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449  
Facsimile: (903) 758-7397  
ema@emafirm.com  
aab@emafirm.com  
mch@emafirm.com

T. John Ward, Jr.  
State Bar No. 00794818  
Ward & Smith Law Firm  
P.O. Box 1231  
Longview, Texas 75606-1231  
Telephone: 903-757-6400  
Facsimile: 903-757-2323  
jw@jwfirm.com

Danny L. Williams  
Texas Bar No. 21518050  
Christopher N. Cravey  
Texas Bar No. 24034398  
Matthew R. Rodgers  
Texas Bar No. 24041802  
Michael A. Benefield  
Indiana Bar No. 24560-49  
David W. Morehan  
Texas Bar No. 24065790  
WILLIAMS, MORGAN & AMERSON, P.C.  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
Telephone: (713)934-7000  
Facsimile: (713) 934-7011  
danny@wmalaw.com

ccravey@wmalaw.com  
mrodgers@wmalaw.com  
mbenefield@wmalaw.com  
dmorehan@wmalaw.com

*Counsel for Aloft Media, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served 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 transmission and/or first class mail this 19th day of April, 2010.

/s/ Riny Piernelle