



sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Complaint for Patent Infringement and therefore denies those allegations.

4. Paragraph 4 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Complaint for Patent Infringement and therefore denies those allegations.
5. Paragraph 5 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Complaint for Patent Infringement and therefore denies those allegations.
6. Admitted.
7. Paragraph 7 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Complaint for Patent Infringement and therefore denies those allegations.
8. Paragraph 8 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Complaint for Patent Infringement and therefore denies those allegations.
9. Paragraph 9 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Complaint for Patent Infringement and therefore denies those allegations.

10. Paragraph 10 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Complaint for Patent Infringement and therefore denies those allegations.
11. Paragraph 11 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Complaint for Patent Infringement and therefore denies those allegations.
12. Paragraph 12 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of the Complaint for Patent Infringement and therefore denies those allegations.
13. Paragraph 13 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 13 of the Complaint for Patent Infringement and therefore denies those allegations.
14. Paragraph 14 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 14 of the Complaint for Patent Infringement and therefore denies those allegations.
15. Paragraph 15 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information

sufficient to form a belief as to the truth of the allegations of Paragraph 15 of the Complaint for Patent Infringement and therefore denies those allegations.

16. Paragraph 16 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of the Complaint for Patent Infringement and therefore denies those allegations.

17. Paragraph 17 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 17 of the Complaint for Patent Infringement and therefore denies those allegations.

18. Paragraph 18 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of the Complaint for Patent Infringement and therefore denies those allegations.

19. Paragraph 19 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 19 of the Complaint for Patent Infringement and therefore denies those allegations.

20. Paragraph 20 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 20 of the Complaint for Patent Infringement and therefore denies those allegations.

21. Paragraph 21 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 21 of the Complaint for Patent Infringement and therefore denies those allegations.
22. Paragraph 22 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 22 of the Complaint for Patent Infringement and therefore denies those allegations.
23. Paragraph 23 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 23 of the Complaint for Patent Infringement and therefore denies those allegations.
24. Paragraph 24 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 24 of the Complaint for Patent Infringement and therefore denies those allegations.

#### **JURISDICTION AND VENUE**

25. Blockbuster refers to and incorporates herein its previous answers to Paragraphs 1-24.
26. Blockbuster admits that Paragraph 26 of the Complaint for Patent Infringement alleges that this is an action arising under the patent laws of the United States, Title 35 of the United States Code, but denies the merits of such action. Blockbuster admits that this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

27. With respect to Blockbuster, Blockbuster admits that personal jurisdiction exists because it has sales in Texas and in this judicial district. With respect to the other Defendants, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 27 of the Complaint for Patent Infringement and therefore denies those allegations.

28. With respect to Blockbuster, Blockbuster admits that venue may be had in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). With respect to the other Defendants, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 28 of the Complaint for Patent Infringement and therefore denies those allegations.

**ANSWER TO INFRINGEMENT OF U.S. PATENT NO. 5,838,906 and 7,599,985**

29. Blockbuster refers to and incorporates herein its previous answers to Paragraphs 1-28.

30. Blockbuster admits that United States Patent No. 5,838,906 (“the ’906 Patent”) entitled “Distributed hypermedia method for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document,” and United States Patent No. 7,599,985 (“the ’985 Patent”) entitled “Distributed hypermedia method and system for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document” were issued by the United States Patent and Trademark Office on November 17, 1998 (’906 Patent) and October 6, 2009 (’985 Patent). Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 30, and therefore denies the same.

31. Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 31 of the Complaint for Patent Infringement and therefore denies those allegations.
32. Paragraph 32 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 32 of the Complaint for Patent Infringement and therefore denies those allegations.
33. Paragraph 33 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 33 of the Complaint for Patent Infringement and therefore denies those allegations.
34. Paragraph 34 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 34 of the Complaint for Patent Infringement and therefore denies those allegations.
35. Paragraph 35 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 35 of the Complaint for Patent Infringement and therefore denies those allegations.
36. Denied.
37. Paragraph 37 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information

sufficient to form a belief as to the truth of the allegations of Paragraph 37 of the Complaint for Patent Infringement and therefore denies those allegations.

38. Paragraph 38 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 38 of the Complaint for Patent Infringement and therefore denies those allegations.

39. Paragraph 39 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 39 of the Complaint for Patent Infringement and therefore denies those allegations.

40. Paragraph 40 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 40 of the Complaint for Patent Infringement and therefore denies those allegations.

41. Paragraph 41 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 41 of the Complaint for Patent Infringement and therefore denies those allegations.

42. Paragraph 42 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 42 of the Complaint for Patent Infringement and therefore denies those allegations.



43. Paragraph 43 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 43 of the Complaint for Patent Infringement and therefore denies those allegations.
44. Paragraph 44 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 44 of the Complaint for Patent Infringement and therefore denies those allegations.
45. Paragraph 45 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 45 of the Complaint for Patent Infringement and therefore denies those allegations.
46. Paragraph 46 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 46 of the Complaint for Patent Infringement and therefore denies those allegations.
47. Paragraph 47 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 47 of the Complaint for Patent Infringement and therefore denies those allegations.
48. Paragraph 48 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information

sufficient to form a belief as to the truth of the allegations of Paragraph 48 of the Complaint for Patent Infringement and therefore denies those allegations.

49. Paragraph 49 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 49 of the Complaint for Patent Infringement and therefore denies those allegations.

50. Paragraph 50 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 50 of the Complaint for Patent Infringement and therefore denies those allegations.

51. Paragraph 51 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 51 of the Complaint for Patent Infringement and therefore denies those allegations.

52. Paragraph 52 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 52 of the Complaint for Patent Infringement and therefore denies those allegations.

53. Paragraph 53 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 53 of the Complaint for Patent Infringement and therefore denies those allegations.

54. Paragraph 54 of the Complaint for Patent Infringement is not directed at Blockbuster. To the extent any response is necessary, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 54 of the Complaint for Patent Infringement and therefore denies those allegations.

55. With respect to Blockbuster, denied. With respect to the other Defendants, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 55 of the Complaint for Patent Infringement and therefore denies those allegations.

56. With respect to Blockbuster, denied. With respect to the other Defendants, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 56 of the Complaint for Patent Infringement and therefore denies those allegations.

57. With respect to Blockbuster, denied. With respect to the other Defendants, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 57 of the Complaint for Patent Infringement and therefore denies those allegations.

58. With respect to Blockbuster, denied. With respect to the other Defendants, Blockbuster lacks knowledge and information sufficient to form a belief as to the truth of the allegations of Paragraph 58 of the Complaint for Patent Infringement and therefore denies those allegations.

**ANSWER TO PRAYER FOR RELIEF**

59. Blockbuster denies that Plaintiff is entitled to any of the relief requested in the Complaint for Patent Infringement.

## **DEFENSES**

60. Without conceding that any of the following necessarily must be pled as an affirmative defense, or that any of the following is not already at issue by virtue of the foregoing denials, and without prejudice to Blockbuster's right to plead additional defenses as discovery into the facts of the matter warrant, Blockbuster hereby asserts the following defenses. Blockbuster specifically reserves the right to amend its defenses further as additional information is developed through discovery or otherwise.

### **FIRST DEFENSE**

61. Blockbuster does not infringe and has not infringed (either directly, contributorily, or by inducement) any claim of the '906 Patent and the '985 Patent either literally or under the doctrine of equivalents.

### **SECOND DEFENSE**

62. The claims of the '906 Patent and the '985 Patent are invalid and/or unenforceable for failing to meet the requirements of one or more sections of Title 35, United States Code, including at least sections 102, 103, and/or 112, and one or more sections of Title 37, Code of Federal Regulations.

### **THIRD DEFENSE**

63. Plaintiff is estopped by the prosecution history of the '906 Patent and/or the '985 Patent from asserting infringement of any claim of the '906 Patent and/or the '985 Patent.

### **FOURTH DEFENSE**

64. Plaintiff's claim for damages are limited in time by 35 U.S.C. § 286.

### **FIFTH DEFENSE**

65. Without shifting the burden of proof, which lies with Plaintiff, Blockbuster avers that the Complaint for Patent Infringement fails to plead, and that Plaintiff cannot carry their burden to prove compliance with, or an exception to, the notice requirements of the patent laws, Title 35 of the United States Code, including, but not limited to, 35 U.S.C. § 287, and therefore that alleged damages, if any, predating Plaintiff's assertion of the '906 Patent and the '985 Patent against Blockbuster are not recoverable by Plaintiff.

### **SIXTH DEFENSE**

66. Plaintiff's Complaint fails to state a claim for which relief can be granted.

### **REQUESTS FOR RELIEF**

Blockbuster respectfully requests that this Court grant the following relief:

- A. Dismissal of the Complaint for Patent Infringement against Blockbuster with prejudice;
- B. A declaration that Plaintiff recovers nothing from Blockbuster;
- C. An order enjoining Plaintiff, its owners, agents, employees, attorneys, and representatives, and any successors or assigns thereof, from charging or asserting infringement of any claim of the '906 Patent and the '985 Patent against Blockbuster or anyone in privity with Blockbuster;
- D. An award to Blockbuster of its reasonable attorneys fees and costs; and
- E. Such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Under Federal Rule of Civil Procedure 38(b), Blockbuster respectfully requests a trial by jury on all matters raised in its Answer, and Defenses, or in the Complaint for Patent Infringement.

Dated: December 17, 2009

Respectfully submitted,

/s/ David Kent Wooten

David Kent Wooten (TX Bar No. 24033477)

VINSON & ELKINS L.L.P.

First City Tower

1001 Fannin Street, Suite 2500

Houston, TX 77002

Telephone: 713.758.2095

Facsimile: 713.615.5936

[dwooten@velaw.com](mailto:dwooten@velaw.com)

*ATTORNEY TO BE NOTICED*

Scott W. Breedlove (TX Bar No. 00790361)

VINSON & ELKINS L.L.P.

Trammell Crow Center

2001 Ross Avenue, Suite 3700

Dallas, TX 75201-2975

Telephone: 214.220.7993

Facsimile: 214.999.7993

[sbreedlove@velaw.com](mailto:sbreedlove@velaw.com)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**ATTORNEYS FOR DEFENDANT  
BLOCKBUSTER INC.**

**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 17th day of December, 2009.

*/s/ David Kent Wooten*

\_\_\_\_\_  
David Kent Wooten