

corporations around the world to enhance their products and improve their customers' website experiences by enabling browsers, in conjunction with servers, to act as platforms for fully interactive embedded applications. This advanced technology provides rich interactive online experiences for Web users worldwide.

OAI'S RESPONSE TO FAC PARAGRAPH 1:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the FAC, and therefore denies them.

FAC PARAGRAPH 2

Upon information and belief, Adobe is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 345 Park Avenue, San Jose, California 95110-2704. Adobe may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232.

OAI'S RESPONSE TO FAC PARAGRAPH 2:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the FAC, and therefore denies them.

FAC PARAGRAPH 3:

Upon information and belief, Amazon is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1200 12th Avenue South, Suite 1200, Seattle, Washington 98144- 2734. Amazon may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC, 6500 Harbour Heights Parkway, Mukilteo, Washington 98275.

OAI'S RESPONSE TO FAC PARAGRAPH 3:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the FAC, and therefore denies them.

FAC PARAGRAPH 4:

Upon information and belief, Apple is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of California, with its principal place of business at 1 Infinite Loop, Cupertino, California 95014-2083. Apple may be served with process by serving its registered agent, CT Corporation System at 350 N. St. Paul Street, Dallas, Texas 75201.

OAI'S RESPONSE TO FAC PARAGRAPH 4:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the FAC, and therefore denies them.

FAC PARAGRAPH 5:

Upon information and belief, Blockbuster is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1201 Elm Street, Suite 2100, Dallas, Texas 75270-2102. Blockbuster may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232.

OAI'S RESPONSE TO FAC PARAGRAPH 5:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the FAC, and therefore denies them.

FAC PARAGRAPH 6:

Upon information and belief, CDW is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Illinois, with its principal place of business at 200 North Milwaukee Avenue, Vernon Hills, Illinois 60061. CDW may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC, 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833-3503.

OAI'S RESPONSE TO FAC PARAGRAPH 6:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the FAC, and therefore denies them.

FAC PARAGRAPH 7:

Upon information and belief, Citigroup is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 399 Park Avenue, New York, New York 10043. Citigroup may be served with process by serving its registered agent, CT Corporation System, 350 North Saint Paul Street, Dallas, Texas 75201-4240.

OAI'S RESPONSE TO FAC PARAGRAPH 7:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the FAC, and therefore denies them.

FAC PARAGRAPH 8:

Upon information and belief, eBay is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 2145 Hamilton Avenue, San Jose, California 95125-5905. eBay may be

served with process by serving its registered agent, National Registered Agents, Inc., 16055 Space Center Boulevard, Suite 235, Houston, Texas 77062-6212.

OAI'S RESPONSE TO FAC PARAGRAPH 8:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the FAC, and therefore denies them.

FAC PARAGRAPH 9:

Upon information and belief, Frito-Lay is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 7701 Legacy Drive, Plano, Texas 75024-4002. On information and belief, Frito-Lay is a subsidiary of PepsiCo Inc. with its principal place of business at 700 Anderson Hill Road, Purchase, New York 10577-1401. Frito-Lay may be served with process by serving its registered agent, CT Corporation System, 350 North Saint Paul Street, Dallas, Texas 75201-4240.

OAI'S RESPONSE TO FAC PARAGRAPH 9:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the FAC, and therefore denies them.

FAC PARAGRAPH 10:

Upon information and belief, Go Daddy is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Arizona, with its principal place of business at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260. Go Daddy may be served with process by serving its registered agent, Barb Rechterman, 14455 North Hayden Road, Suite 219, Scottsdale, Arizona 85260-6993.

OAI'S RESPONSE TO FAC PARAGRAPH 10:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the FAC, and therefore denies them.

FAC PARAGRAPH 11:

Upon information and belief, Google is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Google may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232.

OAI'S RESPONSE TO FAC PARAGRAPH 11:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the FAC, and therefore denies them.

FAC PARAGRAPH 12:

Upon information and belief, J.C. Penney is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 6501 Legacy Drive, Plano, Texas 75024-3612. J.C. Penney may be served with process by serving its registered agent, CT Corporation System, 350 North Saint Paul Street, Dallas, Texas 75201-4240.

OAI'S RESPONSE TO FAC PARAGRAPH 12:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the FAC, and therefore denies them.

FAC PARAGRAPH 13:

Upon information and belief, JPMorgan Chase is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 270 Park Avenue, New York, New York 10017. JPMorgan Chase may be served with process by serving its registered agent, CT Corporation System, 350 North Saint Paul Street, Dallas, Texas 75201-4240.

OAI'S RESPONSE TO FAC PARAGRAPH 13:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the FAC, and therefore denies them.

FAC PARAGRAPH 14:

Upon information and belief, New Frontier Media is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Colorado, with its principal place of business at 7007 Winchester Circle, Suite 200, Boulder, Colorado 80301-3505. New Frontier Media may be served with process by serving its registered agent, Marc Callipari, 7007 Winchester Circle, Suite 200, Boulder, Colorado 80301-3517.

OAI'S RESPONSE TO FAC PARAGRAPH 14:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the FAC, and therefore denies them.

FAC PARAGRAPH 15:

Upon information and belief, Office Depot is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 2200 Old Germantown Road, Delray Beach, Florida 33445-8223.

Office Depot may be served with process by serving its registered agent, Corporate Creations Network Inc., 4265 San Felipe Street, Suite 1100, Houston, Texas 77027-2998.

OAI'S RESPONSE TO FAC PARAGRAPH 15:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 of the FAC, and therefore denies them.

FAC PARAGRAPH 16:

Upon information and belief, Perot Systems is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 2300 West Plano Parkway, Plano, Texas 75075- 8499. Perot Systems may be served with process by serving its registered agent, CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240.

OAI'S RESPONSE TO FAC PARAGRAPH 16:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 16 of the FAC, and therefore denies them.

FAC PARAGRAPH 17:

Upon information and belief, Playboy is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 680 North Lake Shore Drive, Chicago, Illinois 60611. Playboy may be served with process by serving its registered agent, CT Corporation System, 111 8th Avenue, New York, New York 10011-5201.

OAI'S RESPONSE TO FAC PARAGRAPH 17:

OAI is without knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph 17 of the FAC, and therefore denies them.

FAC PARAGRAPH 18:

Upon information and belief, Rent-A-Center is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 5501 Headquarters Drive, Plano, Texas 75024. Rent-A-Center may be served with process by serving its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

OAI'S RESPONSE TO FAC PARAGRAPH 18:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the FAC, and therefore denies them.

FAC PARAGRAPH 19:

Upon information and belief, Staples is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 500 Staples Drive, Framingham, Massachusetts 01702. Staples may be served with process by serving its registered agent, CT Corporation System, 155 Federal Street, Suite 700, Boston Massachusetts 02110-1727.

OAI'S RESPONSE TO FAC PARAGRAPH 19:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 19 of the FAC, and therefore denies them.

FAC PARAGRAPH 20:

Upon information and belief, Sun Microsystems is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 4150 Network Circle, Santa Clara, California 95054. Sun

Microsystems may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC - Lawyers Incorporating Service, 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833-3503

OAI'S RESPONSE TO FAC PARAGRAPH 20:

OAI admits the allegations contained in paragraph 20 were correct until February 15, 2010. On February 15, 2010, Oracle USA, Inc. merged with and into Sun Microsystems, Inc. Sun Microsystems, Inc., the surviving corporation was renamed Oracle America, Inc. ("OAI"). OAI is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 500 Oracle Parkway, Redwood Shores, California 94065.

FAC PARAGRAPH 21:

Upon information and belief, Texas Instruments is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 12500 TI Boulevard, Dallas, Texas 75243-4136. Texas Instruments may be served with process by serving its registered agent, Joseph F. Hubach, 7839 Churchill Way, MS 3999, Dallas, Texas 75251-1901.

OAI'S RESPONSE TO FAC PARAGRAPH 21:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 of the FAC, and therefore denies them.

FAC PARAGRAPH 22:

Upon information and belief, Yahoo is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 701 1st Avenue, Sunnyvale, California 94089. Yahoo may be served with

process by serving its registered agent, CT Corporation System, 818 W. 7th Street, Los Angeles, California 90017-3407.

OAI'S RESPONSE TO FAC PARAGRAPH 22:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 of the FAC, and therefore denies them.

FAC PARAGRAPH 23:

Upon information and belief, YouTube, LLC is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043-1351. YouTube, LLC may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC, 2730 Gateway Oaks Drive Suite 100, Sacramento, CA 95833.

OAI'S RESPONSE TO FAC PARAGRAPH 23:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 23 of the FAC, and therefore denies them.

II. JURISDICTION AND VENUE

FAC PARAGRAPH 24:

Plaintiff repeats and re-alleges the allegations in Paragraphs 1–23 as though fully set forth in their entirety.

OAI'S RESPONSE TO FAC PARAGRAPH 24:

OAI incorporates by reference its responses to the allegations contained in paragraphs 1-23 above.

FAC PARAGRAPH 25:

This action arises under the patent laws of the United States, Title 35, United States Code § 1, *et seq.* This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

OAI'S RESPONSE TO FAC PARAGRAPH 25:

OAI admits this is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, but denies any liability thereunder. OAI admits that this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) over the claims brought against it in this suit, but OAI denies any liability thereunder.

FAC PARAGRAPH 26:

Personal jurisdiction exists generally over each of the Defendants because each has sufficient minimum contacts with the forum as a result of business conducted within State of Texas and within the Eastern District of Texas. Personal jurisdiction also exists specifically over each of the Defendants because each, directly or through subsidiaries or intermediaries, makes, uses, offers for sale, sells, imports, advertises, makes available and/or markets products and services within the State of Texas, and more particularly, within the Eastern District of Texas, that infringe the patents-in-suit, as described more particularly below.

OAI'S RESPONSE TO FAC PARAGRAPH 26:

OAI admits, for purposes of this litigation only, that this Court has personal jurisdiction over it. OAI denies the remaining allegations in paragraph 26 of the FAC as related to OAI. OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26 of the FAC as they pertain to any other defendant, and therefore denies them.

FAC PARAGRAPH 27:

Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b)–(c) and 1400(b).

OAI'S RESPONSE TO FAC PARAGRAPH 27:

For purposes of this litigation only, OAI does not dispute that venue exists in this judicial district under 28 U.S.C. § 1391 (b); however, OAI maintains that under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses, in the interests of justice, this action should be transferred to the Northern District of California. The allegations in this paragraph are legal conclusions for which no answer is required or given.

III. PATENT INFRINGEMENT

FAC PARAGRAPH 28:

Plaintiff repeats and re-alleges the allegations in Paragraphs 1–27 as though fully set forth in their entirety.

OAI'S RESPONSE TO FAC PARAGRAPH 28:

OAI incorporates by reference its responses to the allegations contained in paragraphs 1 through 27 above.

FAC PARAGRAPH 29:

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 duly and legally issued by the United States Patent and Trademark Office on

November 17, 1998 ('906 Patent) and October 6, 2009 ('985 Patent) after full and fair examination. The United States Patent and Trademark Office, after initially issuing the '906 Patent, has affirmed its validity on two separate occasions, most recently in February 2009. The '906 Patent and the '985 Patent may be collectively referred to hereafter as "the patents".

OAI'S RESPONSE TO FAC PARAGRAPH 29:

OAI admits that the '906 Patent is entitled "Distributed hypermedia method for automatically invoking external application providing interaction and display of embedded objects with a hypermedia document" and appears on its face to have been issued on November 17, 1998. OAI admits that the '985 Patent is entitled "Distributed hypermedia method and system for automatically invoking external application providing interaction and display of embedded objects within a hypermedia document" and appears on its fact to have been issued on October 6, 2009. OAI is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 29 of the FAC, and therefore denies them.

FAC PARAGRAPH 30:

Eolas has an exclusive license to the patents that includes, without limitation, the following: (a) all exclusionary rights under the patents, including, but not limited to, (i) the exclusive right to exclude others from making, using, offering for sale, or selling products embodying the patented inventions throughout the United States or importing such products into the United States, and (ii) the exclusive right to exclude others from using and otherwise practicing methods embodying the patented inventions throughout the United States; and (b) the exclusive right to sue and seek damages for infringement of any of the exclusionary rights identified above.

OAI'S RESPONSE TO FAC PARAGRAPH 30:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 of the FAC, and therefore denies them.

FAC PARAGRAPH 31:

On information and belief, Adobe has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.adobe.com and tv.adobe.com and maintained on servers located in and/or accessible from the United States under the control of Adobe; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers, including, without limitation, Flash and Shockwave; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Adobe indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Adobe has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Adobe indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Adobe contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 31:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31 of the FAC, and therefore denies them.

FAC PARAGRAPH 32:

On information and belief, Amazon has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.amazon.com and maintained on servers located in and/or accessible from the United States under the control of Amazon; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Amazon indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Amazon has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Amazon indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Amazon contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 32:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32 of the FAC, and therefore denies them.

FAC PARAGRAPH 33:

On information and belief, Apple has directly or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.apple.com and maintained on servers located in and/or accessible from the United States under the control of Apple; (ii) software, including, without limitation, browser software and software that allows content to be interactively presented in and/or served to browsers, including, without limitation, QuickTime, Safari for Windows, and Safari for the Mac; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing; and/or (iv) Apple desktop and laptop computers.

Apple indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Apple has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Apple indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Apple

contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 33:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33 of the FAC, and therefore denies them.

FAC PARAGRAPH 34:

On information and belief, Blockbuster has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.blockbuster.com and maintained on servers located in and/or accessible from the United States under the control of Blockbuster; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Blockbuster indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Blockbuster has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Blockbuster indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer

equipment identified above, Blockbuster contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 34:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 34 of the FAC, and therefore denies them.

FAC PARAGRAPH 35:

On information and belief, CDW has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.cdw.com and maintained on servers located in and/or accessible from the United States under the control of CDW; (ii) software, including, without limitation, software that allows content to be interactively in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

CDW indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). CDW has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. CDW indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, CDW

contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 35:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35 of the FAC, and therefore denies them.

FAC PARAGRAPH 36:

On information and belief, Citigroup has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.citigroup.com and maintained on servers located in and/or accessible from the United States under the control of Citigroup; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Citigroup indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Citigroup has induced and continues to induce users of the web pages, software, and computer equipment identified above to infringe one or more claims of the '906 Patent and/or the '985 Patent. Citigroup indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified

above, Citigroup contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 36:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 36 of the FAC, and therefore denies them.

FAC PARAGRAPH 37:

On information and belief, eBay has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.ebay.com and maintained on servers located in and/or accessible from the United States under the control of eBay; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

eBay indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). eBay has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. eBay indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, eBay

contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 37:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 37 of the FAC, and therefore denies them.

FAC PARAGRAPH 38:

On information and belief, Frito-Lay has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.frito-lay.com and maintained on servers located in and/or accessible from the United States under the control of Frito-Lay; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Frito-Lay indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Frito-Lay has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Frito-Lay indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer

equipment identified above, Frito-Lay contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 38:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38 of the FAC, and therefore denies them.

FAC PARAGRAPH 39:

On information and belief, Go Daddy has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via and maintained on servers located in and/or accessible from the United States under the control of Go Daddy; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

GoDaddy indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). GoDaddy has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. GoDaddy indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer

equipment identified above, GoDaddy contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 39:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 39 of the FAC, and therefore denies them.

FAC PARAGRAPH 40:

On information and belief, Google has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.google.com and maintained on servers located in and/or accessible from the United States under the control of Google; (ii) software, including, without limitation, browser software and software that allows content to be interactively presented in and/or served to browsers, including, without limitation, Chrome for Windows and Chrome for the Mac; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing. Google indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Google has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent.

Google indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software,

and computer equipment identified above, Google contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 40:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 40 of the FAC, and therefore denies them.

FAC PARAGRAPH 41:

On information and belief, J.C. Penney has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.jcpenneybrands.com and maintained on servers located in and/or accessible from the United States under the control of J.C. Penney; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

J.C. Penney indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). J.C. Penney has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. J.C. Penney indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer

equipment identified above, J.C. Penney contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 41:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41 of the FAC, and therefore denies them.

FAC PARAGRAPH 42:

On information and belief, JPMorgan Chase has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.jpmorgan.com and maintained on servers located in and/or accessible from the United States under the control of JPMorgan Chase; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

JPMorgan Chase indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). JPMorgan Chase has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. JPMorgan Chase indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and

computer equipment identified above, JPMorgan Chase contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 42:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42 of the FAC, and therefore denies them.

FAC PARAGRAPH 43:

On information and belief, New Frontier Media has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.mainlinereleasing.com and maintained on servers located in and/or accessible from the United States under the control of New Frontier Media; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

New Frontier Media indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). New Frontier Media has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. New Frontier indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and

computer equipment identified above, New Frontier contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 43:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 43 of the FAC, and therefore denies them.

FAC PARAGRAPH 44:

On information and belief, Office Depot has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.officedepot.com and maintained on servers located in and/or accessible from the United States under the control of Office Depot; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Office Depot indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Office Depot has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Office Depot indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer

equipment identified above, Office Depot contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 44:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 44 of the FAC, and therefore denies them.

FAC PARAGRAPH 45:

On information and belief, Perot Systems has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.perotsystems.com and maintained on servers located in and/or accessible from the United States under the control of Perot Systems; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Perot Systems indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Perot Systems has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Perot Systems indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer

equipment identified above, Perot Systems contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 45:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 45 of the FAC, and therefore denies them.

FAC PARAGRAPH 46:

On information and belief, Playboy has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.playboy.com and maintained on servers located in and/or accessible from the United States under the control of Playboy; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Playboy indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Playboy has induced and continues to users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Playboy indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above,

Playboy contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 46:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 46 of the FAC, and therefore denies them.

FAC PARAGRAPH 47:

On information and belief, Rent-A-Center has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.rentacenter.com and maintained on servers located in and/or accessible from the United States under the control of Rent-a-Center; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Rent-a-center indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Rent-a-center has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Rent-a-center indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Rent-a-center contributes to the direct infringement of users of said

web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 47:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 47 of the FAC, and therefore denies them.

FAC PARAGRAPH 48:

On information and belief, Staples has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.staples.com and maintained on servers located in and/or accessible from the United States under the control of Staples; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Staples indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Staples has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Staples indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Staples contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 48:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 48 of the FAC, and therefore denies them.

FAC PARAGRAPH 49:

On information and belief, Sun Microsystems has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.sun.com and maintained on servers located in and/or accessible from the United States under the control of Sun Microsystems; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers, including, without limitation, Java and JavaFX; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Sun Microsystems indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Sun Microsystems has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Sun Microsystems indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Sun Microsystems contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 49:

OAI denies the allegations contained in paragraph 49 of the FAC.

FAC PARAGRAPH 50:

On information and belief, Texas Instruments has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.ti.com and maintained on servers located in and/or accessible from the United States under the of Texas Instruments; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

Texas Instruments indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). Texas Instruments has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Texas Instruments indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Texas Instruments contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 50:

OAI is without knowledge or information sufficient to form a belief as to the truth of the

allegations set forth in paragraph 50 of the FAC, and therefore denies them.

FAC PARAGRAPH 51:

On information and belief, Yahoo has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.yahoo.com and maintained on servers located in and/or accessible from the United States under the control of Yahoo; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing Yahoo indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b).

Yahoo has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. Yahoo indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, Yahoo contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 51:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 51 of the FAC, and therefore denies them.

FAC PARAGRAPH 52:

On information and belief, YouTube has directly and/or indirectly infringed (by inducement and/or contributory infringement), and is continuing to infringe, directly and/or indirectly, the '906 Patent and/or the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.youtube.com and maintained on servers located in and/or accessible from the United States under the control of YouTube; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

YouTube indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by active inducement under 35 U.S.C. § 271(b). YouTube has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent and/or the '985 Patent. YouTube indirectly infringes one or more claims of the '906 Patent and/or the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, and computer equipment identified above, YouTube contributes to the direct infringement of users of said web pages, software, and computer equipment.

OAI'S RESPONSE TO FAC PARAGRAPH 52:

OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 52 of the FAC, and therefore denies them.

FAC PARAGRAPH 53:

On information and belief, the Defendants have knowledge of the '906 Patent and have not ceased their infringing activities. The Defendants' infringement of the '906 Patent has been and continues to be willful and deliberate.

OAI'S RESPONSE TO FAC PARAGRAPH 53:

OAI denies the allegations contained in paragraph 53 as related to OAI. OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 53 of the FAC as they pertain to any other defendant, and therefore denies them.

FAC PARAGRAPH 54:

As a direct and proximate consequence of the acts and practices of the Defendants in infringing and/or inducing the infringement of one or more claims of the '906 Patent and one or more claims of the '985 Patent, Eolas has been, is being, and, unless such acts and practices are enjoined by the Court, will continue to suffer injury to its business and property rights.

OAI'S RESPONSE TO FAC PARAGRAPH 54:

OAI denies the allegations contained in paragraph 54 as related to OAI. OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 54 of the FAC as they pertain to any other defendant, and therefore denies them.

FAC PARAGRAPH 55:

As a direct and proximate consequence of the acts and practices of the Defendants in infringing, directly and/or indirectly, one or more claims of the '906 Patent and one or more claims of the '985 Patent, Eolas has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284, in an amount to be determined at trial.

OAI'S RESPONSE TO FAC PARAGRAPH 55:

OAI denies the allegations contained in paragraph 55 as related to OAI. OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 55 of the FAC as they pertain to any other defendant, and therefore denies them.

FAC PARAGRAPH 56:

In addition, the infringing acts and practices of the Defendants has caused, is causing, and, unless such acts and practices are enjoined by the Court, will continue to cause immediate and irreparable harm to Eolas for which there is no adequate remedy at law, and for which Eolas is entitled to injunctive relief under 35 U.S.C. § 283.

OAI'S RESPONSE TO FAC PARAGRAPH 56:

OAI denies the allegations contained in paragraph 56 as related to OAI. OAI is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 56 of the FAC as they pertain to any other defendant, and therefore denies them.

I. PRAYER FOR RELIEF

Plaintiff prays for the following relief:

A. Judgment that each Defendant has infringed, directly and indirectly, one or more claims of the '906 Patent and one or more claims of the '985 Patent;

B. A judgment and order preliminarily and permanently enjoining each Defendant, its employees and agents, and any other person(s) in active concert or participation with it from infringing, directly or indirectly, the '906 Patent and the '985 Patent;

C. A judgment and order requiring each Defendant to pay Plaintiff's damages under 35 U.S.C. § 284, including treble damages for willful infringement as provided by 35 U.S.C. §

284, and supplemental damages for any continuing post-verdict infringement up until entry of the final judgment with an accounting as needed;

- D. An award of all costs of this action, including attorneys' fees and interest; and
- E. Such other and further relief as the Court deems just and equitable.

OAI'S RESPONSE TO PRAYER FOR RELIEF:

OAI denies that Eolas is entitled to any relief requested in its Prayer for Relief or any other relief.

II. DEMAND FOR JURY TRIAL

Plaintiff hereby demands that all issues be determined by a jury.

OAI'S RESPONSE TO DEMAND FOR JURY TRIAL:

This paragraph requires no response.

GENERAL DENIAL

OAI denies any allegations in the FAC not specifically admitted in OAI's responsive pleadings above.

AFFIRMATIVE DEFENSES

**First Affirmative Defense
(Failure to State a Claim)**

The FAC fails to state a claim upon which relief can be granted because OAI has not performed any act or thing, and is not proposing to perform any act or thing, in violation of any rights validly belonging to Eolas under the '906 Patent or the '985 Patent (collectively, the "Eolas Patents-in-Suit").

**Second Affirmative Defense
(Non-Infringement)**

OAI has not and does not infringe the Eolas Patents-in-Suit, either directly or indirectly, literally or under the doctrine of equivalents.

**Third Affirmative Defense
(Invalidity)**

On information and belief, the subject matter of the Eolas Patents-in-Suit do not meet the requirements of 35 U.S.C. § 101, et seq., and the Eolas Patents-in-Suit therefore are invalid, void and unenforceable because they fail to meet the conditions specified in 35 U.S.C. § 101, et seq., including but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

**Fourth Affirmative Defense
(Equitable Estoppel, Laches, Waiver and Unclean Hands)**

On information and belief, Eolas' claims are barred by the equitable doctrines of estoppel, laches, waiver and/or unclean hands.

**Fifth Affirmative Defense
(35 U.S.C. § 287)**

Any claim for damages for patent infringement by Eolas is limited, at a minimum, by 35 U.S.C. § 287 to those damages occurring only after the notice of infringement.

**Sixth Affirmative Defense
(Limitation on Damages)**

Eolas' claims for monetary relief, if any, are limited by 35 U.S.C. § 286.

**Seventh Affirmative Defense
(Improper Joinder)**

The Defendants are improperly joined.

**Eighth Affirmative Defense
(Injunctive Relief)**

Eolas is not entitled to injunctive relief because any injury to Eolas is not immediate or irreparable, and Eolas has an adequate remedy at law.

**Ninth Affirmative Defense
(Reservation of Additional Defenses)**

OAI reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other defenses, at law and equity, that may now or in the future be available based on discovery or any other factual investigation concerning this case or any related action.

COUNTERCLAIMS

Defendant/Counterclaimant Oracle America, Inc. (“OAI”), formerly known as Sun Microsystems, Inc., brings the following counterclaims against Plaintiff/Counterdefendant Eolas Technology Incorporated (“Eolas”) as follows:

THE PARTIES

1. Defendant/Counterclaimant OAI is a corporation organized under the laws of the Delaware, having its principal place of business in Redwood Shores, California. On February 15, 2010, Oracle USA, Inc. merged with and into Sun Microsystems, Inc. Sun Microsystems, Inc., the surviving corporation was renamed Oracle America, Inc. (“OAI”).

2. Plaintiff/Counterdefendant Eolas alleges in its Complaint that it is a corporation organized and existing under the laws of Texas with a principal place of business at 313 East Charnwood Street, Tyler, Texas 75071.

JURISDICTION AND VENUE

3. On October 6, 2009 Eolas filed its Complaint for Patent Infringement alleging that OAI and others infringe United States Patent No. 5,838,906 (“the ’906 Patent”) and United States Patent No. 7,599,985 (“the ’985 Patent”) (collectively “the Eolas Patents-in-Suit”).

4. On May 20, 2010 Eolas filed its First Amended Complaint for Patent Infringement alleging that OAI and others infringe the Eolas Patents-in-Suit.

5. This Court has subject matter jurisdiction over OAI’s counterclaims under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, and the patent laws of the United States. An actual, substantial and continuing justiciable controversy exists between Eolas and OAI, with respect to which OAI requires a declaration of rights. Specifically, the controversy related to the invalidity, unenforceability and non-infringement of the Eolas Patents-in-Suit.

6. By filing its Complaint, Eolas has consented to the personal jurisdiction of this Court. This is an action for declaratory relief. This Court has jurisdiction over this counterclaim based on 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391, however, OAI maintains that under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses, in the interests of justice, this action should be transferred to the Northern District of California.

FIRST COUNTERCLAIM

(Declaration of Non-Infringement of U.S. Patent No 5,838,906)

8. OAI hereby incorporates and realleges paragraphs 1 through 7 above as though fully set forth herein.

9. Eolas has alleged, and now alleges, that Sun Microsystems, Inc. has been and is directly infringing the '906 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.sun.com and maintained on servers located in and/or accessible from the United States under the control of Sun Microsystems, Inc.; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers, including, without limitation, Java and JavaFX; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

10. Eolas has alleged, and now alleges, that Sun Microsystems, Inc. indirectly infringes one or more claims of the '906 Patent by active inducement under 35 U.S.C. § 271(b). Eolas further alleges that Sun Microsystems, Inc. has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '906 Patent. Eolas also alleges that Sun Microsystems, Inc. indirectly infringes one or more claims of the '906 Patent by contributory infringement under 35 U.S.C. § 271(c). Specifically, Eolas alleges that by providing the web pages, software, and computer equipment identified above, Sun Microsystems, Inc. contributes to the direct infringement of users of said web pages, software, and computer equipment.

11. Eolas also contends that such alleged direct and indirect infringement has caused Eolas to suffer damages and that irreparable injury has been caused to Eolas.

12. OAI denies the allegations of Eolas referenced in preceding paragraphs 9 through 11.

13. OAI has alleged, and hereby alleges, that it has not infringed and presently is not infringing the '906 Patent, either literally or under the doctrine of equivalents. OAI also has alleged, and hereby alleges, that it has not and presently is not actively inducing or contributing to the infringement of the '906 Patent. As such, OAI has alleged, and hereby continues to allege, that it is not liable for damages arising from the claimed infringement.

14. OAI has been injured and damaged by Eolas' filing of a FAC against OAI asserting patents that are not infringed by OAI.

15. OAI desires and requests a judicial determination and declaration of the respective rights and duties of the parties based on the disputes recited above. Such a determination and declaration are necessary and appropriate at this time so that the parties may ascertain their respective rights and duties regarding the non-infringement, unenforceability and invalidity of the '906 Patent.

SECOND COUNTERCLAIM

(Declaration of Invalidity of U.S. Patent No. 5,838,906)

16. OAI hereby incorporates and realleges paragraphs 1 through 15 above as though fully set forth herein.

17. On information and belief, the '906 Patent is invalid for failing to meet the conditions specified in 35 U.S.C. § 101, *et seq.*, including but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

18. OAI has been injured and damaged by Eolas' filing of a FAC against OAI asserting patents that are invalid.

19. Based on the foregoing, OAI is entitled to a judgment that the '906 Patent is invalid.

THIRD COUNTERCLAIM

(Declaration of Non-Infringement of U.S. Patent No. 7,599,985)

20. OAI hereby incorporates and realleges paragraphs 1 through 19 above as though fully set forth herein.

21. Eolas has alleged, and now alleges, that Sun Microsystems, Inc. has been and is directly infringing the '985 Patent in this District or otherwise within the United States by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) web pages and content to be interactively presented in browsers, including, without limitation, the web pages and content accessible via www.sun.com and maintained on servers located in and/or accessible from the United States under the control of Sun Microsystems, Inc.; (ii) software, including, without limitation, software that allows content to be interactively presented in and/or served to browsers, including, without limitation, Java and JavaFX; and/or (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing.

22. Eolas has alleged, and now alleges, that Sun Microsystems, Inc. indirectly infringes one or more claims of the '985 Patent by active inducement under 35 U.S.C. § 271(b). Eolas further alleges that Sun Microsystems, Inc. has induced and continues to induce users of the web pages, software, and computer equipment identified above to directly infringe one or more claims of the '985 Patent. Eolas also alleges that Sun Microsystems, Inc. indirectly infringes one or more claims of the '985 Patent by contributory infringement under 35 U.S.C. § 271(c). Specifically, Eolas alleges that by providing the web pages, software, and computer equipment identified above, Sun Microsystems, Inc. contributes to the direct infringement of users of said web pages, software, and computer equipment.

23. Eolas also contends that such alleged direct and indirect infringement has caused Eolas to suffer damages and that irreparable injury has been caused to Eolas.

24. OAI denies the allegations of Eolas referenced in preceding paragraphs 20 through 23.

25. OAI has alleged, and hereby alleges, that it has not infringed and presently is not infringing the '985 Patent, either literally or under the doctrine of equivalents. OAI also has alleged, and hereby alleges, that it has not and presently is not actively inducing or contributing to the infringement of the '985 Patent. As such, OAI has alleged, and hereby continues to allege, that it is not liable for damages arising from the claimed infringement.

26. OAI has been injured and damaged by Eolas' filing a FAC against OAI asserting patents that are not infringed by OAI.

27. OAI desires and requests a judicial determination and declaration of the respective rights and duties of the parties based on the disputes recited above. Such a determination and declaration are necessary and appropriate at this time so that the parties may ascertain their respective rights and duties regarding the non-infringement, unenforceability and invalidity of the '985 Patent.

FOURTH COUNTERCLAIM

(Declaration of Invalidity of U.S. Patent No. 7,599,985 Patent)

28. OAI hereby incorporates and realleges paragraphs 1 through 27 above as though fully set forth herein.

29. On information and belief, the '985 Patent is invalid for failing to meet the conditions specified in 35 U.S.C. § 101, *et seq.*, including but not limited to 35 U.S.C. §§ 101, 102, 103, and/or 112.

30. OAI has been injured and damaged by Eolas filing of a FAC against OAI asserting patents that are invalid.

31. Based on the foregoing, OAI is entitled to a judgment that the '985 Patent is invalid.

PRAYER FOR RELIEF

WHEREFORE, Defendant/Counterclaimant prays for relief as follows:

A. That Eolas' FAC be dismissed in its entirety with prejudice and that Eolas take nothing thereon;

B. That Eolas' request for injunctive relief against OAI be denied;

C. For an entry of judgment declaring that each of the asserted claims of the Eolas' Patents-in-Suit are invalid, void, and without force and effect;

D. For an entry of judgment declaring that OAI has not infringed and does not infringe, either directly, contributorily or through inducement, literally or under the doctrine of equivalents, any of the claims of the Eolas Patents-in-Suit;

E. That OAI be awarded its costs, disbursements and attorneys' fees incurred in this action pursuant to 35 U.S.C. § 285, and other provisions of law;

F. That OAI be granted such other and further relief as the Court deems just and proper.

JURY DEMAND

OAI demands a trial by jury of all issues so triable in this action.

Dated: June 7, 2010

Respectfully submitted,

By: /s/ Eric H. Findlay

Eric H. Findlay (Bar No. 00789886)

efindlay@findlaycraft.com

FINDLAY CRAFT, LLP

6760 Old Jacksonville Highway, Suite 101

Tyler, TX 75703

Telephone: (903) 534-1100

Facsimile: (903) 534-1137

Mark D. Fowler (Bar No. CA-124235)

mark.fowler@dlapiper.com

DLA PIPER US LLP

2000 University Avenue

East Palo Alto, CA 94303-2215

Telephone: (650) 833-2000

Facsimile: (650) 833-2001

Kathryn B. Riley (Bar No. CA-211187)

kathryn.riley@dlapiper.com

DLA PIPER US LLP

401 B Street, Suite 1700

San Diego, CA 92101

Telephone: (619) 699-2700

Facsimile: (619) 764-6692

Attorneys for Defendant

ORACLE AMERICA, INC.

CERTIFICATE OF SERVICE

This is to certify 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) on this the 7th day of June, 2010.

/s/ Eric H. Findlay _____
Eric H. Findlay