

2. Eolas admits the allegations in paragraph 2 of OAI's Counterclaims.

JURISDICTION AND VENUE

3. Eolas admits the allegations in paragraph 3 of OAI's Counterclaims.

4. Eolas admits the allegations in paragraph 4 of OAI's Counterclaims.

5. Eolas admits that OAI's counterclaims arise under the Patent Laws of the United States, Title 35, United States Code. Eolas admits that the jurisdiction of this court is proper over these counterclaims. Eolas admits that there is an actual and justiciable controversy between Eolas and OAI. Except as so admitted, Eolas denies the allegations in paragraph 5 of OAI's Counterclaims.

6. Eolas admits that this Court has personal jurisdiction over it. Except as so admitted, Eolas denies the allegations in paragraph 6 of OAI's Counterclaims.

7. Eolas admits that venue is proper in this District, and in the Tyler Division. Except as so admitted, Eolas denies the allegations in paragraph 7 of OAI's Counterclaims.

FIRST COUNTERCLAIM

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

8. Paragraph 8 of OAI's Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Eolas responds as follows: denied.

9. Eolas admits that it filed a First Amended Complaint against OAI and other defendants on May 20, 2010 and that the First Amended Complaint as filed on May 20, 2010 alleges

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.

Except as so admitted, Eolas denies the allegations in paragraph 9 of OAI's Counterclaims.

10. Eolas admits that it filed a First Amended Complaint against OAI and other defendants on May 20, 2010 and that the First Amended Complaint as filed on May 20, 2010 alleges

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.

Except as so admitted, Eolas denies the allegations in paragraph 10 of OAI's Counterclaims.

11. Eolas admits that it filed a First Amended Complaint against OAI and other defendants on May 20, 2010 and that the First Amended Complaint as filed on May 20, 2010 contains the allegations recited. Except as so admitted, Eolas denies the allegations in paragraph 11 of OAI's Counterclaims.

12. Paragraph 12 of OAI's Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Eolas responds as follows: denied.

13. Paragraph 13 of OAI's Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Eolas responds as follows: denied.

14. Eolas denies the allegations in paragraph 14 of OAI's Counterclaims.

15. Paragraph 15 of OAI's Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Eolas responds as follows: denied.

SECOND COUNTERCLAIM

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

16. Paragraph 16 of OAI's Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Eolas responds as follows: denied.

17. Eolas denies the allegations in paragraph 17 of OAI's Counterclaims.

18. Eolas denies the allegations in paragraph 18 of OAI's Counterclaims.

19. Eolas denies the allegations in paragraph 19 of OAI's Counterclaims.

THIRD COUNTERCLAIM

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

20. Paragraph 20 of OAI's Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Eolas responds as follows: denied.

21. Eolas admits that it filed a First Amended Complaint against OAI and other defendants on May 20, 2010 and that the First Amended Complaint as filed on May 20, 2010 alleges

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.

Except as so admitted, Eolas denies the allegations in paragraph 21 of OAI's Counterclaims.

22. Eolas admits that it filed a First Amended Complaint against OAI and other defendants on May 20, 2010 and that the First Amended Complaint as filed on May 20, 2010 alleges

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.

Except as so admitted, Eolas denies the allegations in paragraph 22 of OAI's Counterclaims.

23. Eolas admits that it filed a First Amended Complaint against OAI and other defendants on May 20, 2010 and that the First Amended Complaint as filed on May 20, 2010 contains the allegations recited. Except as so admitted, Eolas denies the allegations in paragraph 23 of OAI's Counterclaims.

24. Paragraph 24 of OAI's Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Eolas responds as follows: denied.

25. Paragraph 25 of OAI's Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Eolas responds as follows: denied.

26. Eolas denies the allegations in paragraph 26 of OAI's Counterclaims.

27. Paragraph 27 of OAI's Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Eolas responds as follows: denied.

FOURTH COUNTERCLAIM

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

28. Paragraph 28 of OAI's Counterclaims does not contain a statement which warrants an affirmation or denial. To the extent any response is warranted, Eolas responds as follows: denied.

29. Eolas denies the allegations in paragraph 29 of OAI's Counterclaims.

30. Eolas denies the allegations in paragraph 30 of OAI's Counterclaims.

31. Eolas denies the allegations in paragraph 31 of OAI's Counterclaims.

OAI'S JURY DEMAND

OAI's jury demand does not contain a statement which warrants an affirmance or denial.

OAI'S REQUESTED RELIEF

Eolas denies that OAI is entitled to the relief requested in paragraphs A-F of its Answer and Counterclaims or any other relief on its Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Eolas Technologies Incorporated, prays for the following relief against Defendant Oracle America, Inc.:

- A. that all relief requested by Eolas in its Complaint be granted;
- B. that all relief requested by OAI in its Answer and Counterclaims be denied and that OAI take nothing by way of its Counterclaims;
- C. that OAI be ordered to pay the costs of this action (including all disbursements) and attorney fees as provided by 35 U.S.C. § 285 and all other applicable statutes, rules, and common law; and
- D. such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Eolas demands a trial by jury of any and all issues triable of right before a jury.

DATED: June 24, 2010.

Respectfully submitted,

McKool Smith, P.C.

/s/ Mike McKool

Mike McKool

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**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on this the 24th day of June, 2010. Local Rule CV-5(a)(3)(A).

/s/ Josh Budwin

Josh Budwin