

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

TYLER DIVISION

STRAGENT, LLC, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	CIVIL ACTION NO. 6:10-CV-242-LED
	§	
v.	§	
	§	
CLASSMATES ONLINE, INC., <i>et al.</i> ,	§	JURY TRIAL DEMANDED
	§	
<i>Defendants.</i>	§	

**PLAINTIFFS STRAGENT, LLC AND SEESAW FOUNDATION’S  
ANSWER TO DEFENDANT MYSPACE, INC.’S COUNTERCLAIMS**

Plaintiffs Stragent, LLC and SeeSaw Foundation respond to each of the numbered paragraphs of the counterclaims of Defendant MySpace, Inc. (“MySpace”), as set forth in Defendant MySpace, Inc.’s Answer, Affirmative Defenses, and Counterclaims (Dkt. No. 65), as follows:

**JURISDICTION AND THE PARTIES**

1. Plaintiffs admit that MySpace is a Delaware corporation. Plaintiffs admit that, as of the date of this filing, MySpace has its principal place of business in Beverly Hills, California. Upon knowledge and belief, Plaintiffs deny any remaining allegations of paragraph 1.
2. Plaintiffs admit the allegations of paragraph 2.
3. Plaintiffs admit the allegations of paragraph 3.
4. Plaintiffs admit that MySpace purports to bring an action for Declaratory Relief for which this Court has jurisdiction under Title 35 of the United States Code as well as under 28 U.S.C. §§ 1331, 1338, and 2201. Plaintiffs deny any remaining allegations of paragraph 4.

5. Plaintiffs admit that venue is proper in this District because Plaintiffs have asserted a Second Amended Complaint for patent infringement in this District, in response to which MySpace purports to assert its counterclaims. Plaintiffs deny any remaining allegations of paragraph 5.

### **FIRST COUNTERCLAIM**

#### **(NON-INFRINGEMENT OF U.S. PATENT NO. 6,665,722)**

6. Plaintiffs restate and incorporate by reference each answer to paragraphs 1 through 5 above, but Plaintiffs deny the allegations in those paragraphs unless specifically admitted therein.

7. Plaintiffs admit that, by the filing of their Second Amended Complaint, they have asserted claims against MySpace for infringement of the '722 Patent. Plaintiffs deny any remaining allegations of paragraph 7.

8. Plaintiffs admit that MySpace has purported to deny Plaintiffs' claims of infringement. To the extent necessary to respond, Plaintiffs deny that the Second Amended Complaint has been filed without good cause. Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8, and therefore deny them.

9. Plaintiffs admit that an actual controversy has arisen between themselves and MySpace concerning the '722 Patent. Plaintiffs deny any remaining allegations of paragraph 9.

10. Plaintiffs deny the allegations of paragraph 10.

**SECOND COUNTERCLAIM**

**(INVALIDITY OF U.S. PATENT NO. 6,665,722 PURSUANT TO 35 U.S.C. §§ 101, *et seq.*)**

11. Plaintiffs restate and incorporate by reference each answer to paragraphs 1 through 10 above, but Plaintiffs deny the allegations in those paragraphs unless specifically admitted therein.

12. Plaintiffs admit that MySpace has purported to deny that the '722 Patent is valid and assert that the patent is invalid pursuant to 35 U.S.C. §§ 101, *et seq.* Plaintiffs deny any remaining allegations of paragraph 12, and specifically deny that the '722 Patent is invalid pursuant to 35 U.S.C. §§ 101, *et seq.*

13. Plaintiffs deny the allegations of paragraph 13.

**MYSPACE'S PRAYER FOR RELIEF**

Plaintiffs deny that MySpace is entitled to any relief, and specifically deny all of the allegations and prayers for relief contained in paragraphs A-E of MySpace's counterclaims.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment denying and dismissing MySpace's counterclaims, and that the Court enter judgment in favor of Plaintiffs as requested in Plaintiffs' complaint, as amended or supplemented.

**DEMAND FOR JURY TRIAL**

Plaintiffs, under Rule 38 of the Federal Rules of Civil Procedure, request a trial by jury of any issues so triable by right.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 28th day of October 2010.



Eric M. Albritton