

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

BID FOR POSITION, LLC,

Plaintiff,

v.

**AOL, LLC, GOOGLE, INC.,
MICROSOFT CORP., and MIVA, INC.,**

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

Jury Trial Demanded

**REPLY OF BID FOR POSITION, LLC
TO COUNTERCLAIMS OF GOOGLE INC.**

Plaintiff Bid for Position, LLC (“Bid For”) hereby answers the counterclaims of Defendant Google Inc. (“Google”). The paragraphs in this reply are numbered to correspond to the paragraph numbers in Google’s counterclaims. All of the allegations of the counterclaims not specifically admitted herein are specifically denied.

COUNTERCLAIMS

PARTIES

1. Bid For admits the allegations contained in paragraph 1 of Google’s counterclaims.

2. Bid For admits the allegations contained in paragraph 2 of Google’s counterclaims.

JURISDICTION AND VENUE

3. Bid For denies the allegations contained in paragraph 3 of Google’s counterclaims, except to the extent that it admits that this court has jurisdiction.

4. Bid For admits the allegations contained in paragraph 4 of Google's counterclaims.

COUNTERCLAIMS

5. Bid For denies the allegations contained in paragraph 5 of Google's counterclaims, except to the extent that it admits (1) that the '151 patent was issued by the United States Patent and Trademark Office on May 29, 2007, and (2) that Plaintiff claims to be the owner of the '151 patent.

6. Bid For admits the allegations contained in paragraph 6 of Google's counterclaims.

7. Bid For admits the allegations contained in paragraph 7 of Google's counterclaims.

FIRST CAUSE OF ACTION: Declaratory Judgment of Non-Infringement

8. Bid For repeats and incorporates by reference its responses to the facts and allegations in paragraphs 1 through 7 of its reply to Google's counterclaims as if fully set forth herein. With respect to Google's incorporation of paragraphs 1 through 21 of its answer and defenses, paragraphs 1 through 21 of Google's answer do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of Google's answer contain any allegations, Bid For denies those allegations. Bid For denies the allegations contained in Google's defenses.

9. Bid For denies the allegations contained in paragraph 9 of Google's counterclaims.

SECOND CAUSE OF ACTION: Declaratory Judgment of Invalidity and/or Unenforceability

10. Bid For repeats and incorporates by reference its responses to the facts and allegations in paragraphs 1 through 9 of its reply to Google's counterclaims as if fully set forth herein. With respect to Google's incorporation of paragraphs 1 through 21 of its answer and defenses, paragraphs 1 through 21 of Google's answer do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of Google's answer contain any allegations, Bid For denies those allegations. Bid For denies the allegations contained in Google's defenses.

11. Bid For denies the allegations contained in paragraph 11 of Google's counterclaims.

EXCEPTIONAL CASE

12. Bid For denies the allegations contained in paragraph 12 of Google's counterclaims.

RELIEF REQUESTED

Plaintiff and Counterclaim Defendant Bid For denies that Google is entitled to the relief it seeks or any relief for the allegations made in its Answer or Counterclaims. Plaintiff and Counterclaim Defendant Bid For requests that judgment be entered in its favor on all issues and it be awarded the appropriate damages, exceptional damages, costs, and attorneys' fees.

DEMAND FOR JURY TRIAL

Bid For demands trial by jury of all issues so triable.

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Richard A Cederoth
Attorney for Microsoft Corp.
Sidley Austin LLP
1 S Dearborn St
Chicago, IL 60603
(312) 853-7000
(312) 853-7036 (fax)
rcederoth@sidley.com

John Curtis Lynch
Attorney for AOL, LLC
Troutman Sanders LLP
150 W Main St
Suite 1600
Norfolk, VA 23510
757-687-7765
757-687-1504 (fax)
john.lynch@troutmansanders.com

William David Dolan, III
Attorney for Microsoft Corp.
Venable LLP
8010 Towers Crescent Dr
Suite 300
Vienna, VA 22182-5601
703-760-1684
703-821-8949 (fax)
wddolan@venable.com

Edward Kyle McNew
Attorney for AOL, LLC
Troutman Sanders LLP
150 W Main St
Suite 1600
Norfolk, VA 23510
757-687-7765
757-687-1504 (fax)
kyle.mcnew@troutmansanders.com

Charles Paul Chalmers
Attorney for Google, Inc.
Wilson Sonsini Goodrich & Rosati PC
1700 K St NW
Suite 500
Washington, DC 20006-3817
202-973-8800
202-973-8899 (fax)
pchalmers@wsgr.com

/s/
R. Braxton Hill, IV (VSB 41539)
Attorney for Bid for Position, LLC
Christian & Barton, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Telephone: (804) 697-4100
Facsimile: (804) 697-4112
Email: bhill@cblaw.com