

**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

**PLAINTIFF AND COUNTERDEFENDANT BID FOR POSITION, LLC
REPLY TO COUNTERCLAIMS OF DEFENDANT MIVA, INC.**

Plaintiff Bid for Position, LLC (“Bid For”) hereby answers the counterclaims of Defendant MIVA, Inc. (“MIVA”). The paragraphs in this reply are numbered to correspond to the paragraph numbers in MIVA’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 MIVA’s counterclaims.

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

JURISDICTION AND VENUE

3. Bid For admits the allegations contained in paragraph 3 of MIVA’s counterclaims.

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

COUNTERCLAIMS

5. Bid For admits the allegations contained in paragraph 5 of MIVA's counterclaims.

6. Bid For denies the allegations contained in paragraph 5 of MIVA's counterclaims, except to the extent that it admits that Bid For Position has alleged that certain acts by MIVA have infringed upon the '151 patent.

7. Bid For admits the allegations contained in paragraph 6 of MIVA'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 MIVA's counterclaims as if fully set forth herein. With respect to MIVA's incorporation of paragraphs 1 through 21 of its Answer, paragraphs 1 through 21 do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of MIVA's Answer contain any allegations, Bid For denies those allegations. With respect to MIVA's incorporation of paragraphs 22 through 25 of its Affirmative Defenses, Bid For denies the allegations contained in those paragraphs.

9. Bid For denies the allegations contained in paragraph 9 of MIVA'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 MIVA's counterclaims as if fully set forth herein. With respect to MIVA's incorporation of paragraphs 1 through 21 of its Answer, paragraphs 1 through 21 do not appear to contain any allegations, so no response appears necessary. To the extent that paragraphs 1 through 21 of MIVA's Answer contain any allegations, Bid For denies those allegations. With respect to MIVA's incorporation of paragraphs 22 through 26 of its Defenses, Bid For denies the allegations contained in those paragraphs.

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

EXCEPTIONAL CASE

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

RELIEF REQUESTED

Plaintiff and Counterclaim Defendant Bid For denies that MIVA 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 February 18, 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:

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