

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

I/P ENGINE, INC.

Plaintiff,

v.

AOL, INC., *et al.*,

Defendants.

Civil Action No. 2:11-cv-512

**DEFENDANT IAC SEARCH & MEDIA, INC.'S FIRST AMENDED ANSWER,  
DEFENSES AND COUNTERCLAIMS TO PLAINTIFF I/P ENGINE, INC.'S  
COMPLAINT**

Defendant IAC Search & Media, Inc. ("IAC Search"), by and through its undersigned counsel, hereby answers Plaintiff I/P Engine, Inc.'s ("I/P Engine") Complaint ("Complaint").

**NATURE OF ACTION**

1. IAC Search denies infringing U.S. Patent Nos. 6,314,420 ("the '420 patent") and 6,775,664 ("the '664 patent"). IAC Search is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 1 and, on that basis, denies them. To the extent that the allegations set forth in paragraph 1 relate to other defendants, such allegations require no response from IAC Search.

**JURISDICTION AND VENUE**

2. IAC Search admits that Plaintiff's claims purport to arise under the United States Patent Act, but denies that such claims have merit.

3. IAC Search does not contest that the Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

4. IAC Search does not contest personal jurisdiction in this District for this case. IAC Search denies infringing the '420 and '664 patent. In addition, to the extent that the allegations set forth in paragraph are directed to IAC Search, IAC Search denies the remaining allegations in paragraph 4. To the extent that the allegations set forth in paragraph 4 relate to other defendants, such allegations require no response from IAC Search.

5. IAC Search does not contest venue in this District for this case. IAC Search denies infringing the '420 and '664 patent. In addition, to the extent that the allegations set forth in paragraph are directed to IAC Search, IAC Search denies the remaining allegations in paragraph 5. To the extent that the allegations set forth in paragraph 4 relate to other defendants, such allegations require no response from IAC Search.

### **PARTIES**

6. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 6 and, on that basis, denies them.

7. The allegations of paragraph 7 of the Complaint are not directed to IAC Search, and therefore no answer is required.

8. The allegations of paragraph 8 of the Complaint are not directed to IAC Search, and therefore no answer is required.

9. IAC Search admits that it is a corporation organized under the laws of the State of Delaware, with its corporate headquarters and principal place of business at 555 12th Street, #500, Oakland, California 94607. IAC Search also admits that it operates Ask.com. IAC Search admits that it maintains servers in a facility in Ashburn, Virginia and that such servers process data relating to Ask.com. IAC Search denies the remaining allegations in paragraph 9.

10. The allegations of paragraph 10 of the Complaint are not directed to IAC Search, and therefore no answer is required.

11. The allegations of paragraph 11 of the Complaint are not directed to IAC Search, and therefore no answer is required.

**FACTUAL BACKGROUND**  
**The Inventors' Involvement in Early Search Companies**

12. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 12 and, on that basis, denies them.

13. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 13 and, on that basis, denies them.

14. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 14 and, on that basis, denies them.

15. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 15 and, on that basis, denies them.

16. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 16 and, on that basis, denies them.

17. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 17 and, on that basis, denies them.

18. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 18 and, on that basis, denies them.

19. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 19 and, on that basis, denies them.

20. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 20 and, on that basis, denies them.

21. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 21 and, on that basis, denies them.

22. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 22 and, on that basis, denies them.

23. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 23 and, on that basis, denies them.

24. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 24 and, on that basis, denies them.

25. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 25 and, on that basis, denies them.

### **The Search Engine Industry**

26. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 26 and, on that basis, denies them.

27. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 27 and, on that basis, denies them.

28. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 28 and, on that basis, denies them.

29. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 29 and, on that basis, denies them.

30. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 30 and, on that basis, denies them.

**The '420 and '664 Patents**  
**Development of the Search Engine Industry**

31. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 31 and, on that basis, denies them.

32. IAC Search admits the '420 patent is directed to search engines. IAC Search denies any remaining allegations in paragraph 32.

33. IAC Search admits the '664 patent is related to the '420 patent and relates to search engines. IAC Search denies any remaining allegations in paragraph 33.

34. IAC Search denies incorporating any technology claimed by the '420 and '664 patents into any of its products. To the extent that the allegations set forth in paragraph 34 are not directed to IAC Search, no answer is required. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 34 and, on that basis, denies them.

35. IAC Search denies each and every allegation of paragraph 35 of the Complaint.

36. IAC Search admits that claim 10 of the '420 patent includes the following language: "A search engine system comprising: a system for scanning a network to make a demand search for informons relevant to a query from an individual user; a content-based filter system for receiving the informons from the scanning system and for filtering the informons on the basis of applicable content profile data for relevance to the query; and a feedback system for receiving collaborative feedback data from system users relative to informons considered by such users; the filter system combining pertaining feedback data from the feedback system with the content profile data in filtering each informon for relevance to the query." IAC Search denies any remaining allegations in paragraph 36.

37. IAC Search denies that IAC Search products use the Lang/Kosak Relevance Filtering Technology. In addition, to the extent that the allegations set forth in paragraph are directed to IAC Search, IAC Search denies the remaining allegations in paragraph 37. To the extent that the allegations set forth in paragraph 37 are not directed to IAC Search, no answer is required.

38. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 38 and, on that basis, denies them.

#### **Development of the Search Engine Industry**

39. Paragraph 39 does not include a citation for the quotation. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 39 and, on that basis, denies them.

40. Paragraph 40 does not include a citation for the quotation. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 40 and, on that basis, denies them.

41. IAC Search denies that IAC Search products use the Lang/Kosak Relevance Filtering Technology. IAC Search also denies marketing its search advertising systems based on the features of the Lang/Kosak Relevance Filtering Technology. In addition, to the extent that the allegations set forth in paragraph are directed to IAC Search, IAC Search denies the remaining allegations in paragraph 41. To the extent that the allegations set forth in paragraph 41 are not directed to IAC Search, no answer is required.

#### **Google's Use of the Patented Technology**

42. The allegations of paragraph 42 of the Complaint are not directed to IAC Search, and therefore no answer is required.

43. The allegations of paragraph 43 of the Complaint are not directed to IAC Search, and therefore no answer is required.

44. The allegations of paragraph 44 of the Complaint are not directed to IAC Search, and therefore no answer is required.

45. The allegations of paragraph 45 of the Complaint are not directed to IAC Search, and therefore no answer is required.

46. The allegations of paragraph 46 of the Complaint are not directed to IAC Search, and therefore no answer is required.

47. The allegations of paragraph 47 of the Complaint are not directed to IAC Search, and therefore no answer is required.

**Google's Knowledge of the Patented Technology**

48. The allegations of paragraph 48 of the Complaint are not directed to IAC Search, and therefore no answer is required.

49. The allegations of paragraph 49 of the Complaint are not directed to IAC Search, and therefore no answer is required.

50. The allegations of paragraph 50 of the Complaint are not directed to IAC Search, and therefore no answer is required.

51. The allegations of paragraph 51 of the Complaint are not directed to IAC Search, and therefore no answer is required.

52. The allegations of paragraph 52 of the Complaint are not directed to IAC Search, and therefore no answer is required.

53. The allegations of paragraph 53 of the Complaint are not directed to IAC Search, and therefore no answer is required.

### **AOL's Use of the Patented Technology**

54. The allegations of paragraph 54 of the Complaint are not directed to IAC Search, and therefore no answer is required.

55. The allegations of paragraph 55 of the Complaint are not directed to IAC Search, and therefore no answer is required.

56. The allegations of paragraph 56 of the Complaint are not directed to IAC Search, and therefore no answer is required.

57. The allegations of paragraph 57 of the Complaint are not directed to IAC Search, and therefore no answer is required.

58. The allegations of paragraph 58 of the Complaint are not directed to IAC Search, and therefore no answer is required.

59. The allegations of paragraph 59 of the Complaint are not directed to IAC Search, and therefore no answer is required.

60. The allegations of paragraph 60 of the Complaint are not directed to IAC Search, and therefore no answer is required.

### **AOL's Knowledge of the Patented Technology**

61. The allegations of paragraph 61 of the Complaint are not directed to IAC Search, and therefore no answer is required.

62. The allegations of paragraph 62 of the Complaint are not directed to IAC Search, and therefore no answer is required.

63. The allegations of paragraph 63 of the Complaint are not directed to IAC Search, and therefore no answer is required.

64. The allegations of paragraph 64 of the Complaint are not directed to IAC Search, and therefore no answer is required.

65. The allegations of paragraph 65 of the Complaint are not directed to IAC Search, and therefore no answer is required.

#### **IAC's Use of the Patented Technology**

66. IAC Search denies the allegations in paragraph 66.

67. IAC Search denies the allegations in paragraph 67.

68. IAC Search admits that it uses a search advertising system called Ask Sponsored Listings. IAC Search denies any remaining allegations in paragraph 68.

69. IAC Search admits that Ask.com uses Google's search advertising system. IAC Search denies any remaining allegations in paragraph 69.

70. IAC Search admits that both Ask Sponsored Listings and Google's search advertising system allow advertisements to be shown on its website[s] in connection with searches performed through its website[s]. IAC Search denies any remaining allegations in paragraph 70.

71. IAC Search admits that has generated revenue from its search advertising systems. IAC Search denies any remaining allegations in paragraph 71.

#### **Others that Use the Patented Technology**

72. The allegations of paragraph 72 of the Complaint are not directed to IAC Search, and therefore no answer is required.

73. The allegations of paragraph 73 of the Complaint are not directed to IAC Search, and therefore no answer is required.

74. The allegations of paragraph 74 of the Complaint are not directed to IAC Search, and therefore no answer is required.

75. The allegations of paragraph 75 of the Complaint are not directed to IAC Search, and therefore no answer is required.

76. The allegations of paragraph 76 of the Complaint are not directed to IAC Search, and therefore no answer is required.

77. The allegations of paragraph 77 of the Complaint are not directed to IAC Search, and therefore no answer is required.

**FIRST CLAIM FOR RELIEF**  
(Infringement of U.S. Patent No. 6,314,420)

78. IAC Search incorporates by reference its responses contained in paragraphs 1 through 77 above.

79. IAC Search admits that the '420 patent appears on its face to be entitled "Collaborative/Adaptive Search Engine." In addition, IAC Search admits that the patent on its face states that the named inventors of the '420 patent are Messrs Andrew K. Lang and Donald M. Kosak. IAC Search also admits that what appears to be a true and correct copy of the '420 patent was attached as Exhibit A. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 79 and, on that basis, denies them.

80. The allegations of paragraph 80 of the Complaint are not directed to IAC Search, and therefore no answer is required.

81. The allegations of paragraph 81 of the Complaint are not directed to IAC Search, and therefore no answer is required.

82. The allegations of paragraph 82 of the Complaint are not directed to IAC Search, and therefore no answer is required.

83. The allegations of paragraph 83 of the Complaint are not directed to IAC Search, and therefore no answer is required.

84. The allegations of paragraph 84 of the Complaint are not directed to IAC Search, and therefore no answer is required.

85. The allegations of paragraph 85 of the Complaint are not directed to IAC Search, and therefore no answer is required.

86. The allegations of paragraph 86 of the Complaint are not directed to IAC Search, and therefore no answer is required.

87. The allegations of paragraph 87 of the Complaint are not directed to IAC Search, and therefore no answer is required.

88. IAC Search denies the allegations in paragraph 88 of the complaint.

89. IAC Search denies the allegations in paragraph 89 of the complaint.

90. IAC Search denies the allegations in paragraph 90 of the complaint.

91. IAC Search admits that the Complaint contains reference to the '420 patent. IAC Search denies the remaining allegations in paragraph 91.

92. IAC Search admits that the Complaint contains reference to the '420 patent. IAC Search denies the remaining allegations in paragraph 92.

93. The allegations of paragraph 93 of the Complaint are not directed to IAC Search, and therefore no answer is required.

94. The allegations of paragraph 94 of the Complaint are not directed to IAC Search, and therefore no answer is required.

95. The allegations of paragraph 95 of the Complaint are not directed to IAC Search, and therefore no answer is required.

96. The allegations of paragraph 96 of the Complaint are not directed to IAC Search, and therefore no answer is required.

97. The allegations of paragraph 97 of the Complaint are not directed to IAC Search, and therefore no answer is required.

98. The allegations of paragraph 98 of the Complaint are not directed to IAC Search, and therefore no answer is required.

99. The allegations of paragraph 99 of the Complaint are not directed to IAC Search, and therefore no answer is required.

100. The allegations of paragraph 100 of the Complaint are not directed to IAC Search, and therefore no answer is required.

101. The allegations of paragraph 101 of the Complaint are not directed to IAC Search, and therefore no answer is required.

102. The allegations of paragraph 102 of the Complaint are not directed to IAC Search, and therefore no answer is required.

103. To the extent the allegations in paragraph 103 of the Complaint are directed to IAC Search, IAC Search denies the allegations in paragraph 103. To the extent the allegations in paragraph 103 of the Complaint are not directed to IAC Search, no answer is required.

104. To the extent the allegations in paragraph 104 of the Complaint are directed to IAC Search, IAC Search denies the allegations in paragraph 104. To the extent the allegations in paragraph 104 of the Complaint are not directed to IAC Search, no answer is required.

105. To the extent the allegations in paragraph 105 of the Complaint are directed to IAC Search, IAC Search denies the allegations in paragraph 105. To the extent the allegations in paragraph 105 of the Complaint are not directed to IAC Search, no answer is required.

**SECOND CLAIM FOR RELIEF**  
(Infringement of U.S. Patent NO. 6,775,664)

106. IAC Search incorporates by reference its responses contained in paragraphs 1 through 105 above.

107. IAC Search admits that the '664 patent appears on its face to be entitled "Information Filter System and Method for Integrated Content-based and Collaborative/Adaptive Feedback Queries." In addition, IAC Search admits that the patent on its face states that the named inventors of the '664 patent are Messrs Andrew K. Lang and Donald M. Kosak. IAC Search also admits that what appears to be a true and correct copy of the '664 patent was attached as Exhibit B. IAC Search lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 107 on that basis, denies them.

108. The allegations of paragraph 108 of the Complaint are not directed to IAC Search, and therefore no answer is required.

109. The allegations of paragraph 109 of the Complaint are not directed to IAC Search, and therefore no answer is required.

110. The allegations of paragraph 110 of the Complaint are not directed to IAC Search, and therefore no answer is required.

111. The allegations of paragraph 111 of the Complaint are not directed to IAC Search, and therefore no answer is required.

112. The allegations of paragraph 112 of the Complaint are not directed to IAC Search, and therefore no answer is required.

113. The allegations of paragraph 113 of the Complaint are not directed to IAC Search, and therefore no answer is required.

114. The allegations of paragraph 114 of the Complaint are not directed to IAC Search, and therefore no answer is required.

115. The allegations of paragraph 115 of the Complaint are not directed to IAC Search, and therefore no answer is required.

116. The allegations of paragraph 116 of the Complaint are not directed to IAC Search, and therefore no answer is required.

117. The allegations of paragraph 117 of the Complaint are not directed to IAC Search, and therefore no answer is required.

118. IAC Search denies the allegations in paragraph 118 of the complaint.

119. IAC Search denies the allegations in paragraph 119 of the complaint.

120. IAC Search denies the allegations in paragraph 120 of the complaint.

121. IAC Search admits that the Complaint contains reference to the '664 patent. IAC Search denies the remaining allegations in paragraph 121.

122. IAC Search admits that the Complaint contains reference to the '664 patent. IAC Search denies the remaining allegations in paragraph 122.

123. The allegations of paragraph 123 of the Complaint are not directed to IAC Search, and therefore no answer is required.

124. The allegations of paragraph 124 of the Complaint are not directed to IAC Search, and therefore no answer is required.

125. The allegations of paragraph 125 of the Complaint are not directed to IAC Search, and therefore no answer is required.

126. The allegations of paragraph 126 of the Complaint are not directed to IAC Search, and therefore no answer is required.

127. The allegations of paragraph 127 of the Complaint are not directed to IAC Search, and therefore no answer is required.

128. The allegations of paragraph 128 of the Complaint are not directed to IAC Search, and therefore no answer is required.

129. The allegations of paragraph 129 of the Complaint are not directed to IAC Search, and therefore no answer is required.

130. The allegations of paragraph 130 of the Complaint are not directed to IAC Search, and therefore no answer is required.

131. The allegations of paragraph 131 of the Complaint are not directed to IAC Search, and therefore no answer is required.

132. The allegations of paragraph 132 of the Complaint are not directed to IAC Search, and therefore no answer is required.

133. To the extent the allegations in paragraph 133 of the Complaint are directed to IAC Search, IAC Search denies the allegations in paragraph 133. To the extent the allegations in paragraph 133 of the Complaint are not directed to IAC Search, no answer is required.

134. To the extent the allegations in paragraph 134 of the Complaint are directed to IAC Search, IAC Search denies the allegations in paragraph 134. To the extent the allegations in paragraph 134 of the Complaint are not directed to IAC Search, no answer is required.

135. To the extent the allegations in paragraph 135 of the Complaint are directed to IAC Search, IAC Search denies the allegations in paragraph 135. To the extent the allegations in paragraph 135 of the Complaint are not directed to IAC Search, no answer is required.

### **DEMAND FOR JURY TRIAL**

136. IAC Search admits that plaintiff has requested a trial by jury, and joins in that demand.

### **PRAYER FOR RELIEF**

1. IAC Search denies that it has infringed at least one claim of the '420 or '664 patent and that Plaintiff is entitled to any relief.

2. IAC Search denies that Plaintiff is entitled to any damages

3. IAC Search denies that Plaintiff is entitled to costs and attorneys' fees.

4. IAC Search denies that Plaintiff is entitled to any further relief.

### **DEFENSES**

137. Without admitting or acknowledging that it bears the burden of proof as to any of them, IAC Search asserts the following affirmative and other defenses.

#### **FIRST DEFENSE**

##### **Non-Infringement of the I/P Engine patents**

138. IAC Search has not infringed, and is not infringing, any valid claim of the '420 patent or the '664 patent (collectively, the "I/P Engine patents").

#### **SECOND DEFENSE**

##### **Invalidity and/or Enforceability of the I/P Engine patents**

139. The claims of the I/P Engine patents are invalid for failure to satisfy one or more conditions of patentability set forth in Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

#### **THIRD DEFENSE**

##### **Laches/Estoppel**

140. On information and belief, Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of laches and estoppel.

**FOURTH DEFENSE**  
**Limitation on Damages and Recovery**

141. Plaintiff's ability to recover damages is limited by the provisions of 35 U.S.C. §§ 286-287.

**IAC SEARCH'S COUNTERCLAIMS FOR DECLARATORY RELIEF**

IAC Search, for its counterclaims against Plaintiff I/P Engine, states and alleges as follows:

**NATURE OF THE ACTION**

142. These counterclaims seek declaratory judgments of non-infringement and invalidity of the '420 and '664 patents asserted by I/P Engine in this action. IAC Search seeks judgment under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. § 2201, 2202.

**PARTIES**

143. IAC Search is a corporation organized and existing under the laws of Delaware, with its corporate headquarters at 555 12th Street, #500, Oakland, California 94607.

144. I/P Engine has alleged that it is a corporation organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business in New York, New York.

**JURISDICTION AND VENUE**

145. This Court has subject matter jurisdiction over these counterclaims pursuant to 28 U.S.C. §§ 1331, 1338, the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202.

146. Plaintiff I/P Engine has consented to personal jurisdiction of this Court by commencing its action for patent infringement in this Court.

147. To the extent the action initiated by I/P Engine's Complaint is adjudicated in this District, venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c).

148. The '420 patent was issued by the United States Patent and Trademark Office on November 6, 2001. Plaintiff I/P Engine, based on averments in its Complaint, claims to be the assignee of the '420 patent and claims to hold the right to sue and recover for past, present, and future infringement thereof. Plaintiff I/P Engine also claims that IAC Search has infringed the '420 patent.

149. The '664 patent was issued by the United States Patent and Trademark Office on August 10, 2004. Plaintiff I/P Engine, based on averments in its Complaint, claims to be the assignee of the '664 patent and claims to hold the right to sue and recover for past, present, and future infringement thereof. Plaintiff I/P Engine also claims that IAC Search has infringed the '664 patent.

## COUNT I

### **(DECLARATORY RELIEF REGARDING NON-INFRINGEMENT OF THE '420 PATENT)**

150. An actual and justiciable controversy exists between IAC Search and Plaintiff as to IAC Search's non-infringement of the '420 patent, as evidenced by Plaintiff's Complaint and IAC Search's Answer to Plaintiff's Complaint.

151. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, IAC Search is entitled to a declaration of the Court that IAC Search has not infringed and does not currently infringe any claim of the '420 patent, either directly, contributorily, or by inducement.

## COUNT II

### **(DECLARATORY RELIEF REGARDING NON-INFRINGEMENT OF THE '664 PATENT)**

152. An actual and justiciable controversy exists between IAC Search and Plaintiff as to IAC Search's non-infringement of the '664 patent, as evidenced by Plaintiff's Complaint and IAC Search's Answer to Plaintiff's Complaint.

153. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, IAC Search is entitled to a declaration of the Court that IAC Search has not infringed and does not currently infringe any claim of the '664 patent, either directly, contributorily, or by inducement.

## COUNT III

### **(DECLARATORY RELIEF REGARDING INVALIDITY OF THE '420 PATENT)**

154. An actual and justiciable controversy exists between IAC Search and Plaintiff as to the validity of the '420 patent, as evidenced by Plaintiff's Complaint and IAC Search's Answer to Plaintiff's Complaint.

155. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, IAC Search is entitled to a declaration of the Court that each claim of the '420 patent is invalid for failure to satisfy one or more of the conditions of patentability set forth in Part II of Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.

## COUNT IV

### **(DECLARATORY RELIEF REGARDING INVALIDITY OF THE '664 PATENT)**

156. An actual and justiciable controversy exists between IAC Search and Plaintiff as to the validity of the '664 patent, as evidenced by Plaintiff's Complaint and IAC Search's Answer to Plaintiff's Complaint.

157. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, IAC Search is entitled to a declaration of the Court that each claim of the '664 patent is invalid for failure to satisfy one or more of the conditions of patentability set forth in Part II of Title 35 of the United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103 and/or 112.

### **REQUEST FOR RELIEF**

WHEREFORE, IAC Search respectfully requests:

- 1) A judgment in favor of IAC Search denying Plaintiff all relief requested in this action and dismissing Plaintiff's Complaint for patent infringement with prejudice;
- 2) A judgment declaring that each claim of the '420 patent and each claim of the '664 patent is invalid and/or unenforceable;
- 3) A judgment declaring that IAC Search has not infringed and is not infringing any valid and/or enforceable claim of the '420 patent or the '664 patent, and that IAC Search has not contributed to or induced and is not contributing to or inducing infringement of any valid and enforceable claim of the '420 patent or the '664 patent;
- 4) A judgment declaring that this is to be an exceptional case under 35 U.S.C. § 285 and awarding IAC Search its costs, expenses, and reasonable attorneys' fees; and
- 5) That the Court award IAC Search such other and further relief as the Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules for Civil Procedure, IAC Search hereby requests a trial by jury for all issues so triable.

DATED: December 5, 2011

/s/ Stephen E. Noona

---

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624.3000  
Facsimile: (757) 624.3169  
senoona@kaufcan.com

David Bilsker  
David A. Perlson  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
davidbilsker@quinnemanuel.com  
davidperlson@quinnemanuel.com

*Attorneys or IAC Search & Media, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Jeffrey K. Sherwood  
Kenneth W. Brothers  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201  
sherwoodj@dicksteinshapiro.com  
brothersk@dicksteinshapiro.com

*Counsel for Plaintiff, I/P Engine, Inc.*

Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624-3000  
Facsimile: (757) 624-3169  
senoona@kaufcan.com

*Counsel for Google, Inc.,  
Target Corporation,  
IAC Search & Media, Inc., and  
Gannett Co., Inc.*

/s/ Stephen E. Noona  
Stephen E. Noona  
Virginia State Bar No. 25367  
KAUFMAN & CANOLES, P.C.  
150 West Main Street, Suite 2100  
Norfolk, VA 23510  
Telephone: (757) 624.3000  
Facsimile: (757) 624.3169  
senoona@kaufcan.com