

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

I/P ENGINE, INC.,	)	
	)	
Plaintiff and	)	
Counterclaim-Defendant,	)	
v.	)	Civ. Action No. 2:11-cv-512
	)	
AOL, INC. et al.,	)	
	)	Jury Trial Demanded
Defendants and	)	
Counterclaim-Plaintiffs.	)	
	)	

**I/P ENGINE’S ANSWER TO GOOGLE, INC.’S  
FIRST AMENDED COUNTERCLAIMS**

Plaintiff I/P Engine, Inc. (“I/P Engine”) hereby responds to Defendant Google, Inc.’s (“Google”) First Amended Counterclaims, as follows:

**NATURE OF THE ACTION**

142. I/P Engine admits that Google’s counterclaims purport to seek declaratory judgments of non-infringement and invalidity of U.S. Patent Nos. 6,314,420 (“the ‘420 patent”) and 6,775,664 (“the ‘664 patent”) 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 and 2202. I/P Engine, however, denies that Google’s counterclaims have merit.

**THE PARTIES**

143. I/P Engine admits, on information and belief, that Google is a corporation organized and existing under the laws of Delaware, with its corporate headquarters at 1600 Amphitheatre Parkway, Mountain View, California 94043.

144. I/P Engine admits 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. I/P Engine admits that this Court has subject matter jurisdiction over Google's Counterclaims.

146. I/P Engine admits that this Court has personal jurisdiction.

147. I/P Engine admits that venue is proper in this District for the present action.

148. I/P Engine admits that the '420 patent was issued by the U.S. Patent and Trademark Office on November 6, 2001, that it is the assignee of the '420 patent, that it holds the right to assert patent infringement against Defendants and recover for past, present, and future infringement of the '420 patent, and that it alleges that Google has infringed the '420 patent.

149. I/P Engine admits that the '664 patent was issued by the U.S. Patent and Trademark Office on August 10, 2004, it is the assignee of the '664 patent, it holds the right to assert patent infringement against Defendants and recover for past, present, and future infringement of the '664 patent, and it alleges that Google has infringed the '664 patent.

**COUNT I**

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

150. I/P Engine admits that a controversy exists between Google and itself as to Google's infringement of the '420 patent.

151. I/P Engine denies the allegations of paragraph 151 of Google's Counterclaims.

**COUNT II**

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

152. I/P Engine admits that a controversy exists between Google and itself as to Google's infringement of the '664 patent.

153. I/P Engine denies the allegations of paragraph 153 of Google's Counterclaims.

**COUNT III**

(DECLARATORY RELIEF REGARDING INVALIDITY OF THE '420 PATENT)

154. I/P Engine admits that a controversy exists between Google and itself as to the validity of the '420 patent.

155. I/P Engine denies the allegations of paragraph 155 of Google's Counterclaims.

**COUNT IV**

(DECLARATORY RELIEF REGARDING INVALIDITY OF THE '664 PATENT)

156. I/P Engine admits that a controversy exists between Google and itself as to the validity of the '664 patent.

157. I/P Engine denies the allegations of paragraph 157 of Google's Counterclaims.

**REQUEST FOR RELIEF**

158. I/P Engine denies that Google is entitled to any relief, including the relief requested in the Counterclaims.

**JURY DEMAND**

I/P Engine demands a jury trial on all issues in Google's Counterclaims.

Dated: December 9, 2011

By:     /s/ Jeffrey K. Sherwood      
Jeffrey K. Sherwood (VA#19222)  
Frank C. Cimino, Jr. (Admitted pro hac vice)  
Kenneth W. Brothers (Admitted pro hac vice)  
Charles J. Monterio, Jr. (VA#70206, Admitted pro hac vice)  
DICKSTEIN SHAPIRO LLP  
1825 Eye Street, NW  
Washington, DC 20006  
Telephone: (202) 420-2200  
Facsimile: (202) 420-2201

Counsel for Plaintiff I/P Engine, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of December, 2011, the foregoing **I/P ENGINE'S ANSWER TO GOOGLE, INC.'S FIRST AMENDED COUNTERCLAIMS**, was served via the Court's CM/ECF, on the following:

Stephen Edward Noona  
Kaufman & Canoles, P.C.  
150 W Main St  
Suite 2100  
Norfolk, VA 23510  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)

David Bilsker  
David Perlson  
Quinn Emanuel Urquhart & Sullivan LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
[davidbilsker@quinnemanuel.com](mailto:davidbilsker@quinnemanuel.com)  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)

Robert L. Burns  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190  
[robert.burns@finnegan.com](mailto:robert.burns@finnegan.com)

Cortney S. Alexander  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
3500 SunTrust Plaza  
303 Peachtree Street, NE  
Atlanta, GA 94111  
[cortney.alexander@finnegan.com](mailto:cortney.alexander@finnegan.com)

/s/ Armands Chagnon  
Senior Paralegal