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8 Attorney for Plaintiffs  
9 Frank M. Weyer and  
10 Troy K Javaher

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 )  
14 FRANK M. WEYER and ) Civil Action No.  
15 TROY K. JAVAHER, ) CV 10-00499 MRP (FFMx)  
16 )  
17 Plaintiffs, ) **PLAINTIFFS' ANSWERS TO**  
18 ) **COUNTERCLAIMS OF**  
19 v. ) **DEFENDANTS MYSPACE, INC.**  
20 ) **AND FACEBOOK, INC.**  
21 MYSPACE, INC., a Delaware )  
22 Corporation, and FACEBOOK, )  
23 INC., a Delaware Corporation, ) Judge: Hon. Mariana R. Pfaelzer  
24 )  
25 Defendants. )  
26 )  
27 )  
28 )

1 Plaintiffs FRANK M. WEYER and TROY K. JAVAHER (“Plaintiffs”) hereby  
2 answer the counterclaims defendant FACEBOOK, INC. (“Facebook”) and defendant  
3 MYSPACE, INC. (“Myspace”) as follows.  
4

5 **I. ANSWER TO MYSPACE’S COUNTERCLAIMS**

6 **Nature and Basis of Action**

7 1. Plaintiffs admit that Myspace’s counterclaims arise under 28 U.S.C  
8 §§2201 and 2202 and 35 U.S.C. §1 *et. seq.* Plaintiffs deny the remaining allegations  
9 of this paragraph.  
10

11 **The Parties, Jurisdiction, and Venue**

12 2. Admitted.

13 3. Admitted.

14 4. Admitted.

15 5. Plaintiffs admit that this Court has specific personal jurisdiction over  
16 Plaintiffs for the causes of action set forth in the Complaint. Plaintiffs deny the  
17 remaining allegations of this paragraph.

18 6. Admitted.  
19

20 **CLAIM I - Declaratory Judgment of Non-Infringement**

21 7. Plaintiffs repeat their responses to paragraphs 1 to 6.

22 8. Plaintiffs admit that there is an actual and justiciable controversy between  
23 the parties arising under 35 U.S.C. §1 *et. seq.* Plaintiffs deny the remaining  
24 allegations of this paragraph.

25 9. Denied.  
26

27 **CLAIM II - Declaratory Judgment of Invalidity of the Patent-In-Suit**

28 10. Plaintiffs repeat their responses to paragraphs 1 to 9.

1  
2 11. Plaintiffs admit that there is an actual and justiciable controversy between  
3 the parties arising under 35 U.S.C. §1 *et. seq.* Plaintiffs deny the remaining  
4 allegations of this paragraph.

5 12. Denied.

6 **PRAYER FOR RELIEF**

7 Plaintiffs deny that defendant Myspace is entitled to any of its requested relief.  
8

9  
10 **II. ANSWER TO FACEBOOK'S COUNTERCLAIMS**

11 **Nature and Basis of Action**

12 1. Plaintiffs admit that Facebook's counterclaims arise under 28 U.S.C  
13 §§2201 and 2202 and 35 U.S.C. §1 *et. seq.* Plaintiffs deny the remaining allegations  
14 of this paragraph.

15 **The Parties, Jurisdiction, and Venue**

16 2. Admitted.

17 3. Admitted.

18 4. Admitted.

19  
20 5. Plaintiffs admit that this Court has specific personal jurisdiction over  
21 Plaintiffs for the causes of action set forth in the Complaint. Plaintiffs deny the  
22 remaining allegations of this paragraph.

23 6. Admitted.

24  
25 **Factual Allegations**

26 7. Plaintiffs admit that the '122 is a continuation of U.S. Patent Application  
27 Serial No. 10/747,881 filed December 29, 2003, which is a continuation of U.S. Patent  
28

1 Application Serial No. 09/447,755 filed November 23, 1999. Plaintiffs deny the  
2 remaining allegations of this paragraph.

3  
4 8. Plaintiffs admit that the '122 is a continuation of U.S. Patent Application  
5 Serial No. 10/747,881 filed December 29, 2003, which is a continuation of U.S. Patent  
6 Application Serial No. 09/447,755 filed November 23, 1999. Plaintiffs deny the  
7 remaining allegations of this paragraph.

8 9. Plaintiffs admit that the '122 is a continuation of U.S. Patent Application  
9 Serial No. 10/747,881 filed December 29, 2003, which is a continuation of U.S. Patent  
10 Application Serial No. 09/447,755 filed November 23, 1999. Plaintiffs deny the  
11 remaining allegations of this paragraph.

12 10. Denied.

13 **CLAIM I - Declaratory Judgment of Non-Infringement**

14  
15 11. Plaintiffs repeat their responses to paragraphs 1 to 10.

16 12. Plaintiffs admit that there is an actual and justiciable controversy between  
17 the parties arising under 35 U.S.C. §1 *et. seq.* Plaintiffs deny the remaining  
18 allegations of this paragraph.

19 13. Denied.

20 **CLAIM II - Declaratory Judgment of Invalidity of the Patent-In-Suit**

21  
22 14. Plaintiffs repeat their responses to paragraphs 1 to 13.

23 15. Plaintiffs admit that there is an actual and justiciable controversy between  
24 the parties arising under 35 U.S.C. §1 *et. seq.* Plaintiffs deny the remaining  
25 allegations of this paragraph.

26 16. Denied.

