IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROVI CORPORATION, ROVI GUIDES, INC. (f/k/a GEMSTAR-TV GUIDE INTERNATIONAL INC.), UNITED VIDEO PROPERTIES, INC., TV GUIDE ONLINE, LLC, and TV GUIDE ONLINE, INC.,	)	C.A. No. 11-003 (LPS)
Plaintiffs,	)	
v.	)	
AMAZON.COM, INC., and IMDB.COM, INC.,	)	
Defendants.	)	

DEFENDANTS' ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Defendants Amazon.com, Inc. ("Amazon") and IMDb.com, Inc. ("IMDb") hereby submit their Answer to Plaintiffs' First Amended Complaint for Patent Infringement ("Amended Complaint") (D.I. 10). Numbered paragraphs in the Answer below correspond to numbered paragraphs in the Amended Complaint. Unless Amazon and IMDb specifically admit to an allegation in the Amended Complaint, the allegation is denied.

ANSWER

1. Amazon and IMDb admit that Plaintiffs purport to bring this action against Amazon and IMDb based on alleged infringement of U.S. Patent Nos. 5,988,078 ("the '078 Patent"), 6,275,268 ("the '268 Patent"), 6,769,128 ("the '128 Patent"), 7,493,643 ("the '643 Patent"), and 7,603,690 ("the '690 Patent"). Amazon and IMDb deny the remaining allegations in this paragraph.

2. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

3. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

4. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

5. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

6. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

7. Amazon and IMDb admit that Amazon is a Delaware corporation. Amazon and IMDb deny the remaining allegations in this paragraph.

8. Amazon and IMDb admit that IMDb is a wholly-owned subsidiary of Amazon and that IMDb is a Delaware corporation. Amazon and IMDb deny the remaining allegations in this paragraph.

9. Amazon and IMDb admit that Plaintiffs purport to bring this action under the patent laws of the United States, and admit that the Court has subject matter jurisdiction over actions arising under Title 35 pursuant to 28 U.S.C. §§ 1331 and 1338(a). Otherwise denied.

10. Amazon and IMDb do not contest personal jurisdiction in this action. Amazon and IMDb admit that they are Delaware corporations. Amazon and IMDb admit that they offer items for sale over the Internet to customers located throughout the world, including those located within the District of Delaware. Amazon and IMDb deny the remaining allegations in this paragraph.

11. Amazon and IMDb do not contest that venue is proper in this district pursuant to 28 U.S.C. 1400(b). Amazon and IMDb admit that they offer items for sale over the Internet to

customers located throughout the world, including those located within the District of Delaware. Amazon and IMDb deny the remaining allegations in this paragraph.

12. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

13. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

14. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

15. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

16. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

17. Amazon and IMDb admit that, in or around June 2009, representatives who purported to be from Macrovision discussed licensing a program guidance patent portfolio with Amazon representatives. Amazon and IMDb admit that the discussions included communications regarding the '078, '268, and '643 Patents. Amazon and IMDb deny the remaining allegations in this paragraph.

18. Amazon and IMDb admit that representatives purporting to be from Macrovision contacted Amazon representatives after June 2009 about discussing various patents. Amazon and IMDb admit that the discussions with representatives purporting to be from Macrovision did not result in a patent license. Amazon and IMDb deny the remaining allegations in this paragraph.

19. Amazon's and IMDb's answers to paragraphs 1 through 18 of the Amended

Complaint are incorporated by reference as if fully stated herein.

20. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

21. Amazon and IMDb admit that the '078 Patent states on its face that the "Date of Patent" is November 23, 1999 and that the title is "Method and Apparatus for Receiving Customized Television Programming Information by Transmitting Geographic Location to a Service Provider through a Wide-Area Network." Amazon and IMDb deny that a copy of the patent was attached as an exhibit to the Amended Complaint. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

22. Denied.

23. IMDb denies the allegations in this paragraph. Amazon is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

24. IMDb denies the allegations in this paragraph. Amazon is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

25. IMDb denies the allegations in this paragraph. Amazon is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

26. IMDb denies the allegations in this paragraph. Amazon is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

27. IMDb denies the allegations in this paragraph. Amazon is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

28. Amazon's and IMDb's answers to paragraphs 1 through 27 of the Amended Complaint are incorporated by reference as if fully stated herein.

29. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

30. Amazon and IMDb admit that the '268 Patent states on its face that the "Date of Patent" is August 14, 2001 and that the title is "Electronic Television Program Guide with Remote Product Ordering." Amazon and IMDb deny that a copy of the patent was attached as an exhibit to the Amended Complaint. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

31. Denied.

32. Amazon denies the allegations as they relate to Amazon. IMDb denies the allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

33. Amazon denies the allegations as they relate to Amazon. IMDb denies the allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

34. Amazon denies the allegations as they relate to Amazon. IMDb denies the

allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

35. Amazon denies the allegations as they relate to Amazon. IMDb denies the allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

36. Amazon denies the allegations as they relate to Amazon. IMDb denies the allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

37. Amazon's and IMDb's answers to paragraphs 1 through 36 of the Amended Complaint are incorporated by reference as if fully stated herein.

38. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

39. Amazon and IMDb admit that the '128 Patent states on its face that the "Date of Patent" is July 27, 2004 and that the title is "Electronic Television Program Guide Schedule System and Method with Data Feed Access." Amazon and IMDb deny that a copy of the patent was attached as an exhibit to the Amended Complaint. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

40. Denied.

41. Amazon denies the allegations as they relate to Amazon. IMDb denies the

allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

42. Amazon denies the allegations as they relate to Amazon. IMDb denies the allegations as they relate to IMDb. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

43. Amazon's and IMDb's answers to paragraphs 1 through 42 of the Amended Complaint are incorporated by reference as if fully stated herein.

44. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

45. Amazon and IMDb admit that the '643 Patent states on its face that the "Date of Patent" is February 17, 2009 and that the title is "Program Guide System with Video-On-Demand Browsing." Amazon and IMDb deny that a copy of the patent was attached as an exhibit to the Amended Complaint. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

46. Denied.

47. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

48. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and

therefore denies the same.

49. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

50. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

51. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

52. Amazon's and IMDb's answers to paragraphs 1 through 51 of the Amended Complaint are incorporated by reference as if fully stated herein.

53. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the same.

54. Amazon and IMDb admit that the '690 Patent states on its face that the "Date of Patent" is October 13, 2009 and that the title is "Interactive Television Program Guide System with Pay Program Package Promotion." Amazon and IMDb deny that a copy of the patent was attached as an exhibit to the Amended Complaint. Amazon and IMDb are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore deny the same.

55. Denied.

56. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and

therefore denies the same.

57. Amazon denies the allegations in this paragraph. IMDb is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore denies the same.

58. Amazon and IMDb admit that Rovi demands a trial by jury of this action, and that it states that it is doing so pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

PLAINTIFFS' PRAYER FOR RELIEF

Amazon and IMDb deny that Plaintiffs are entitled to their requested relief.

ADDITIONAL DEFENSES

Amazon and IMDb assert the following additional defenses to Plaintiffs' claims.

First Defense

Amazon and IMDb have not infringed and do not infringe the claims of the asserted patents.

Second Defense

Plaintiffs are barred from asserting infringement under the doctrine of equivalents of one or more patent claims due to prosecution history estoppel.

Third Defense

The claims of the asserted patents are invalid, *inter alia*, for failing to comply with one or more of the provisions set forth in the Patent Laws of the United States Code, Title 35, including for failing to meet the conditions of patentability set forth in 35 U.S.C. §§ 101, 102, 103, and/or 112.

Fourth Defense

The claims of the '128 Patent are invalid for nonstatutory double patenting in light of at

least one or more claims of U.S. Patent No. 6,014,184.

Fifth Defense

Plaintiffs' claims for damages are limited by 35 U.S.C. § 287.

Sixth Defense

Plaintiffs' claims are barred or limited by the doctrine of laches. For example, Amazon introduced a video on demand product at least as early as 2006. Plaintiffs knew or should have known of this offering at or around the time it was introduced. Plaintiffs delayed filing suit until January 2011, and this delay was unreasonable and prejudiced Defendants.

PRAYER FOR RELIEF

WHEREFORE, Amazon and IMDb respectfully pray that the Court enter judgment:

A. dismissing Plaintiffs' claims with prejudice;

B. that IMDb has not infringed any claim of the '078 Patent, the '268 Patent, and the '128 Patent;

C. that Amazon has not infringed any claim of the '268 Patent, the '128 Patent, the '643 Patent, and the '690 Patent;

D. that the claims of the '078 Patent, the '268 Patent, the '128 Patent, the '643 Patent, and the '690 Patent are invalid;

E. declaring this to be an exceptional case pursuant to 35 U.S.C. § 285;

F. awarding Amazon and IMDb their reasonable attorneys' fees, expenses and costs; and

G. awarding Amazon and IMDb such other and further relief as this Court may deem just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Karen Jacobs Louden

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March 14, 2011
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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on March 14, 2011, upon the following individuals in the manner indicated:

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