

1 **GAUNTLETT & ASSOCIATES**
 David A. Gauntlett (SBN 96399)
 2 James A. Lowe (SBN 214383)
 George K. Rosenstock (SBN 117515)
 3 18400 Von Karman, Suite 300
 Irvine, California 92612
 4 Telephone: (949) 553-1010
 Facsimile: (949) 553-2050
 5 info@gauntlettlaw.com
jal@gauntlettlaw.com
 6 gkr@gauntlettlaw.com

7 Attorneys for Defendants
 Akanoc Solutions, Inc.,
 8 Managed Solutions Group, Inc.
 and Steven Chen
 9

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

14 LOUIS VUITTON MALLETIER, S.A.,)

15 Plaintiff,)

16 vs.)

18 AKANOC SOLUTIONS, INC., MANAGED)
 SOLUTIONS GROUP, INC., STEVEN CHEN)
 19 AND DOES 1 THROUGH 10, INCLUSIVE,)

20 Defendants.)
 21)
 22)

Case No.: C 07-3952 JW

**ANSWER TO COMPLAINT AND
 DEMAND FOR JURY TRIAL**

1 In response to the Complaint for Contributory and Vicarious Trademark and Copyright
2 Infringement (“Complaint”) filed by Plaintiff, Louis Vuitton Malletier, S.A., (“Plaintiff” or
3 “Vuitton”), Defendants Akanoc Solutions, Inc., (“Akanoc”), Managed Solutions Group, Inc.,
4 (“MSGI”) and Steven Chen (“Chen”) (collectively “Defendants”) state as follows:

5 **I. Jurisdiction and Venue**

- 6 1. Defendants admit the allegations of paragraph 1 of the Complaint.
7 2. Defendants admit the allegations of paragraph 2 of the Complaint
8 3. Defendants admit the allegations of paragraph 3 of the Complaint.
9 4. Defendants admit the allegations of paragraph 4 of the Complaint.

10 **II. Introduction**

- 11 5. Defendants are without knowledge or information sufficient to form a belief as to the
12 truth of the allegations in paragraph 5 of the Complaint.
13 6. Defendants are without knowledge or information sufficient to form a belief as to the
14 truth of the allegations in paragraph 6 of the Complaint.
15 7. Defendants deny each and every allegation in paragraph 7 of the Complaint.

16 **III. The Parties: Plaintiff**

- 17 8. Defendants are without knowledge or information sufficient to form a belief as to the
18 truth of the allegations in paragraph 8 of the Complaint.
19 9. Defendants are without knowledge or information sufficient to form a belief as to the
20 truth of the allegations in paragraph 9 of the Complaint.
21 10. Defendants are without knowledge or information sufficient to form a belief as to the
22 truth of the allegations in paragraph 10 of the Complaint.
23 11. Defendants are without knowledge or information sufficient to form a belief as to the
24 truth of the allegations in paragraph 11 of the Complaint.
25 12. Defendants are without knowledge or information sufficient to form a belief as to the
26 truth of the allegations in paragraph 12 of the Complaint.
27 13. Defendants are without knowledge or information sufficient to form a belief as to the
28 truth of the allegations in paragraph 13 of the Complaint.

1 43. Defendants are without knowledge or information sufficient to form a belief as to the
2 truth of the allegations in paragraph 43 of the Complaint.

3 44. Defendants deny each and every allegation of paragraph 44 of the Complaint.

4 45. Defendants deny each and every allegation of paragraph 45 of the Complaint.

5 46. Defendants deny each and every allegation of paragraph 46 of the Complaint.

6 **THIRD CLAIM FOR RELIEF**

7 47. Defendants repeat and re-allege all of the answers contained in paragraph 1 through
8 46, inclusive, as though fully set forth herein.

9 48. Defendants deny each and every allegation of paragraph 48 of the Complaint.
10 Defendants deny each and every allegation of paragraph 49 of the Complaint.

11 49. Defendants deny each and every allegation of paragraph 49 of the Complaint.

12 50. Defendants deny each and every allegation of paragraph 50 of the Complaint.

13 51. Defendants deny each and every allegation of paragraph 51 of the Complaint.

14 52. Defendants deny each and every allegation of paragraph 52 of the Complaint.

15 **First Affirmative Defense**
16 **(Failure to State a Claim)**

17 53. Defendants have failed to state a claim upon which relief can be granted.

18 **Second Affirmative Defense**
19 **(Laches)**

20 54. The claims of Plaintiff are barred by the doctrine of laches.

21 **Third Affirmative Defense**
22 **(Estoppel)**

23 55. The claims of Plaintiff are barred by the doctrine of estoppel.

24 **Fourth Affirmative Defense**
25 **(Unclean Hands)**

26 56. The claims of Plaintiff are barred by its unclean hands.

27 ///

28 ///

1 **Fifth Affirmative Defense**
2 **(Waiver)**

3 57. The claims of Plaintiff are barred by the doctrine of waiver.

4 **Sixth Affirmative Defense**
5 **(Failure to Comply with Notice Requirements of DMCA)**

6 58. To the extent defendants, or each of them constitute “service providers” as that term
7 is utilized in the Digital Millennium Copyright Act, 17 U.S.C. § 512 et seq., (DMCA) Plaintiff failed
8 to substantially comply with claimed infringement elements of notification requirements of the
9 DMCA.

10 **Seventh Affirmative Defense**
11 **(Immunity of Service Providers Under DMCA)**

12 59. To the extent defendants, or each or any of said defendants, constitute “service
13 providers” as that term is utilized in the DMCA, defendants, or each or any of said defendants, are
14 immune from liability for monetary relief pursuant to 17 U.S.C. § 512(a).

15 **Eighth Affirmative Defense**
16 **(Immunity of Service Providers Under DMCA)**

17 60. To the extent defendants, or each or any of said defendants, constitute “service
18 providers” as that term is utilized in the DMCA, defendants, or each or any of said defendants, are
19 immune from liability for monetary relief pursuant to 17 U.S.C. § 512(b).

20 **Ninth Affirmative Defense**
21 **(Immunity of Service Providers Under DMCA)**

22 61. To the extent defendants, or each or any of said defendants, constitute “service
23 providers” as that term is utilized in the DMCA, defendants, or each or any of said defendants, are
24 immune from liability for monetary relief pursuant to 17 U.S.C. § 512(c).

25 **Tenth Affirmative Defense**
26 **(Immunity of Service Providers Under DMCA)**

27 62. To the extent defendants, or each or any of said defendants, constitute “service
28 providers” as that term is utilized in the DMCA, defendants, or each or any of said defendants, are

1 immune from liability for monetary relief pursuant to 17 U.S.C. § 512(d).

2 WHEREFORE, Defendants respectfully requests that this honorable Court:

- 3 1. Enter a judgment in Defendants' favor and against Plaintiff on its Complaint;
- 4 2. Award Defendants its costs of suit;
- 5 3. Award Defendants their attorneys' fees;
- 6 4. Award Defendants such other further relief that the Court deems just and proper; and
- 7 5. Declare that Plaintiff take nothing by this action.

8
9 Dated: September 10, 2007

GAUNTLETT & ASSOCIATES

10
11 By: s/ George K. Rosenstock
12 David A. Gauntlett
13 James A. Lowe
14 George K. Rosenstock

15 Attorneys for Defendants
16 Akanoc Solutions, Inc.,
17 Managed Solutions Group, Inc.,
18 and Steven Chen
19
20
21
22
23
24
25
26
27
28

JURY DEMAND

Defendants hereby demand a trial by jury on all issues triable to a jury.

Dated: September 10, 2007

GAUNTLETT & ASSOCIATES

By: s/George K. Rosenstock

David A. Gauntlett

James A. Lowe

George K. Rosenstock

Attorneys for Defendants
Akanoc Solutions, Inc.,
Managed Solutions Group, Inc.,
and Steven Chen