

EXHIBIT A



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13 *Attorneys for Caesars World, Inc.*

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16
17 CAESARS WORLD, INC., a Florida
corporation,
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19 Plaintiff,
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21 v.
22 MARCEL JULY, an individual; and
OCTAVIUS TOWER LLC, a Nevada limited
liability company,
23
24 Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)
**CAESARS WORLD, INC.'S ANSWER TO
COUNTERCLAIM**

25 Plaintiff and Counterclaim Defendant Caesars World, Inc. ("Caesars") hereby answers
26 the Counterclaim of Defendant and Counterclaim Plaintiff Marcel July ("July") as follows:

- 27 1. Caesars admits the allegations of Paragraph 67.
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1 2. Caesars is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations of Paragraph 68, and the same are therefore denied.

3 3. Caesars is without knowledge or information sufficient to form a belief as to the
4 truth of the allegations of Paragraph 69, and the same are therefore denied.

5 4. Caesars is without knowledge or information sufficient to form a belief as to the
6 truth of the allegations of Paragraph 70, and the same are therefore denied.

7 5. Caesars is without knowledge or information sufficient to form a belief as to the
8 truth of the allegations of Paragraph 71, and the same are therefore denied.

9 6. Caesars is without knowledge or information sufficient to form a belief as to the
10 truth of the allegations of Paragraph 72, and the same are therefore denied.

11 7. Caesars is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations of Paragraph 73, and the same are therefore denied.

13 8. Caesars is without knowledge or information sufficient to form a belief as to the
14 truth of the allegations of Paragraph 74, and the same are therefore denied.

15 9. Caesars is without knowledge or information sufficient to form a belief as to the
16 truth of the allegations of Paragraph 75, and the same are therefore denied.

17 10. Caesars is without knowledge or information sufficient to form a belief as to the
18 truth of the allegations of Paragraph 76, and the same are therefore denied.

19 11. Caesars is without knowledge or information sufficient to form a belief as to the
20 truth of the allegations of Paragraph 77, and the same are therefore denied.

21 12. Caesars is without knowledge or information sufficient to form a belief as to the
22 truth of the allegations of Paragraph 78, and the same are therefore denied.

23 13. With regard to the allegations of Paragraph 79, Caesars admits that July registered
24 the domain name <octaviustower.com> as a result of Harrah's' announcement in February 2007
25 of its plans to build a new hotel tower at Caesars Palace named "Octavius Tower." Caesars
26 further admits that, shortly after he registered the domain name, he uploaded a new website that
27 offered this and other Caesars Palace and Octavius Tower related domain names for sale.

28 Caesars denies the remaining allegations of Paragraph 79.

1 14. Caesars admits that, on May 7, 2008, July filed a federal service mark application
2 with the U.S. Patent and Trademark Office (“USPTO”) to register the mark OCTAVIUS
3 TOWER in connection with “Entertainment services, namely, providing a web site featuring
4 musical performances, musical videos, related film clips and photographs.” Caesars denies that,
5 other than the foregoing application, July filed any trademark or service mark registration
6 applications with the USPTO in 2008. Caesars further denies that a trademark registration is a
7 necessary step to protect a trade name. Caesars is without knowledge or information sufficient to
8 form a belief as to the truth of the remaining allegations of Paragraph 80, and the same are
9 therefore denied.

10 15. Caesars is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations of Paragraph 81, and the same are therefore denied.

12 16. Caesars admits that, on May 7, 2008, July filed a federal service mark application
13 with the USPTO to register the mark OCTAVIUS TOWER in connection with “Entertainment
14 services, namely, providing a web site featuring musical performances, musical videos, related
15 film clips and photographs” and that the application was assigned Serial No. 77/467,916.
16 Caesars further admits that the USPTO issued July Certificate of Registration No. 3,675,168 for
17 the mark. Caesars denies the remaining allegations of Paragraph 82.

18 17. Caesars admits that, on July 23, 2009, July filed a second service mark
19 registration application with the USPTO to register the OCTAVIUS TOWER mark in connection
20 with “Entertainment in the nature of visual and audio performances, and musical, variety, news
21 and comedy shows; Presentation of live show performances; Theatrical and musical floor shows
22 provided at discotheques and nightclubs; Theatrical and musical floor shows provided at
23 performance venues” in International Class 41. Caesars further admits that the USPTO assigned
24 the application Serial No. 77/787,941 and that, on January 12, 2010, the USPTO issued July
25 Certificate of Registration No. 3,736,945 for the mark. Caesars denies the remaining allegations
26 of Paragraph 83.

27 18. Caesars admits the allegations of Paragraph 84.

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1 19. Caesars admits that, on July 30, 2009, July filed a trademark registration
2 application with the Nevada Secretary of State to register the OCTAVIUS TOWER mark in
3 connection with “entertainment services, namely providing a web site featuring musical
4 performances, musical videos, related film clips and photographs” in Classification 101. Caesars
5 further admits that, on July 30, 2009, July filed a service mark registration application with the
6 Nevada Secretary of State to register the OCTAVIUS TOWER mark in connection with
7 “entertainment services, namely providing a web site featuring musical performances, musical
8 videos, related firm clips and photographs” in Classification 107. Caesars admits that July listed
9 April 6, 2008, as the date of first use in Nevada on the foregoing two applications. Caesars
10 admits that, on September 9, 2009, July filed a service mark registration application with the
11 Nevada Secretary of State to register the OCTAVIUS TOWER mark in connection with
12 “entertainment in the nature os [sic] visual and audio performances, and musical variety, news
13 and comedy show; presentation of live show performances; theatrical and musical floor shows
14 provided on stage” in Classification 107. Caesars further admits that July listed April 6, 2008, as
15 the date of first use in Nevada on the foregoing application. Caesars denies the allegations of
16 Paragraph 85.

17 20. Caesars admits that, on June 29, 2009, July filed a service mark registration
18 application with the Florida Secretary of State to register the OCTAVIUS TOWER mark in
19 connection with “entertainment services, a name of a band, providing website featuring musical
20 performances, musical videos, related film clips & photographs.” Caesars further admits that
21 July listed May 10, 2008 as the date of first use in Florida on his application. Caesars is without
22 knowledge or information sufficient to form a belief as to the truth of the remaining allegations
23 of Paragraph 86, and the same are therefore denied.

24 21. Caesars admits that July filed Articles of Organization for a limited liability
25 company in Nevada under the name Octavius Tower LLC on November 6, 2009. Caesars is
26 without knowledge or information as to the remainder of the allegations of Paragraph 87, and the
27 same are therefore denied.

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1 22. Caesars admits that, at the time July purchased the <octaviustower.com> domain
2 name he also purchased the domain name <caesarstower.com> and several other domain names
3 that infringe Caesars' rights in its famous CAESARS and CAESARS PALACE marks. Caesars
4 denies that any legitimate purpose supported July's registration of these domain names. Caesars
5 admits that it filed a UDRP complaint with the National Arbitration Forum to secure transfer of
6 the domain names and that the NAF provided notice of the complaint to July. Caesars is without
7 knowledge regarding the remaining allegations of paragraph 88, and the same are therefore
8 denied.

9 23. Caesars admits that it alleged in its Complaint that a website was located at July's
10 infringing Caesars and Octavius Tower formative domain names that offered the domain names
11 for sale. Caesars denies the remaining allegations of Paragraph 89.

12 24. Caesars admits that, on February 24, 2011, the USPTO issued an initial office
13 action to Caesars in which it denied Caesar's application to register the mark OCTAVIUS
14 TOWER on the grounds of a likelihood of confusion with the services listed in Reg. No.
15 3,736,945, owned by July. Caesars denies that this office action constitutes a refusal of
16 registration by the USPTO. Caesars denies that the USPTO cited July's Reg. No. 3,675,168 in
17 its office action to Caesars. Caesars is without knowledge of information sufficient to form a
18 belief as to the remaining allegations of Paragraph 90, and the same are therefore denied.

19 25. Caesars admits that, on or about March 8, 2011, July, through German attorney
20 Christian Kaldenhoff, sent a cease and desist letter to Mr. Gary Loveman, the CEO, and Mr. Tim
21 Donovan, the General Counsel, of Caesars Entertainment, Inc. Caesars is without knowledge or
22 information sufficient to form a belief as to the remaining allegations of Paragraph 91, and the
23 same are therefore denied.

24 26. Caesars denies the allegations of Paragraph 92.

25 27. Caesars denies the allegations of Paragraph 93.

26 28. Neither an admission nor denial is required to Paragraph 94.

27 29. Caesars denies the allegations of Paragraph 95.

28 30. Caesars denies the allegations of Paragraph 96.



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31. July dismissed portions of Paragraph 97, maintaining only those portions requesting injunctive relief and recovery of costs and attorneys' fees. Caesars denies the allegations of Paragraph 97 that remain after July's dismissal.

32. July dismissed his dilution counterclaim. Therefore, neither an admission nor denial is required to Paragraph 98.

33. July dismissed his dilution counterclaim. Therefore, neither an admission nor denial is required to Paragraph 99.

34. July dismissed his dilution counterclaim. Therefore, neither an admission nor denial is required to Paragraph 100.

35. July dismissed his dilution counterclaim. Therefore, neither an admission nor denial is required to Paragraph 101.

36. To the extent not denied in response to Paragraphs 1 through 35 above, Caesars hereby denies each and every other allegation made in July's remaining counterclaim in its entirety.

Respectfully submitted, this _____ day of _____, 2012.

SANTORO, DRIGGS, WALCH,
KEARNEY, HOLLEY & THOMPSON

/s/ James D. Boyle
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Admitted Pro Hac Vice
Attorneys for Caesars World, Inc.

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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I certify that on the ____, 2012, I served **CAESARS WORLD, INC.'S ANSWER TO COUNTERCLAIM** as follows:

Attorneys of Record	Parties Represented	Method of Service
Michael W. Sanft, Esq. Sanft Law Group 520 South Fourth St. Suite 320 Las Vegas, Nevada 89101		<input type="checkbox"/> Personal Service <input checked="" type="checkbox"/> Email/E-File <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service

DATED this ____ day of ____, 2012.

/s/ Nadya Munasifi Sand
Nadya Munasifi Sand

SANTORO, DRIGGS, WALCH,
KEARNEY, HOLLEY & THOMPSON



EXHIBIT B



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13 *Attorneys for Caesars World, Inc.*

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16
17 CAESARS WORLD, INC., a Florida
corporation,
18
19 Plaintiff,
20 v.
21 MARCEL JULY, an individual; and
OCTAVIUS TOWER LLC, a Nevada limited
22 liability company,
23 Defendants.

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**DECLARATION OF DAVID J. STEWART
IN SUPPORT OF PLAINTIFF CAESARS
WORLD, INC.'S RULE 6(b) MOTION
FOR ENLARGMENT OF TIME TO FILE
ITS ANSWER TO DEFENDANT
MARCEL JULY'S REMAINING
COUNTERCLAIM**

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25
26 Pursuant to 28 U.S.C. § 1746 and L.R. 26-7, I, David J. Stewart, declare as follows:
27 1. I am over eighteen years of age and suffer from no legal disability. I am familiar
28 with the facts and circumstances in this action and am personally knowledgeable of the matters



1 set forth in this declaration and, if called upon to do so, I could and would testify competently to
2 the facts set forth herein.

3 2. I am an attorney at Alston & Bird, LLP and lead counsel for Plaintiff Caesars
4 World, Inc. ("Caesars") in the above-captioned matter. I make this Declaration in support of
5 Caesars World, Inc.'s Rule 6(b) Motion for Enlargement of Time to File Its Answer To
6 Defendant Marcel July's Remaining Counterclaim.

7 3. Defendant Marcel July ("July") asserted counterclaims for trademark
8 infringement and trademark dilution.

9 4. Ninth Circuit case law indicated that July had failed to properly plead a claim for
10 dilution upon which relief could be granted because he had not pled facts that created a plausible
11 claim that his OCTAVIUS TOWER mark was famous, as required by the Trademark Dilution
12 Revision Act, 15 U.S.C. ¶ 115(c). Accordingly, Caesars decided to file a motion to dismiss the
13 claim pursuant to Fed. R. Civ. P. 12(b)(6).


14 5. Because the motion was only a partial motion for dismissal, I also had an answer
15 drafted to the remaining allegations of the Complaint.

16 6. After I became comfortable through research on the issue that the Rule 12 motion
17 would table Caesars' obligation to answer the allegations of the Complaint as to which we were
18 not moving to dismiss, we elected not file the motion.

19 7. Because a Rule 12(b)(6) motion must be made before pleading, and because the
20 factual allegations July asserted and the relief he sought were overlapping on his two trademark
21 claims, I also determined that it would be better not to file a partial Answer to avoid any conflict
22 with Rule 12 or any ambiguity as to whether we were answering the claim we were moving to
23 dismiss.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on this 14th day of March, 2012.

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DAVID J. STEWART

EXHIBIT C



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13 *Attorneys for Caesars World, Inc.*

14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16
17 CAESARS WORLD, INC., a Florida
corporation,

18 Plaintiff,

19 v.

20
21 MARCEL JULY, an individual; and
OCTAVIUS TOWER LLC, a Nevada limited
22 liability company,

23 Defendants.
24

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**DECLARATION OF NADYA MUNASIFI
SAND IN SUPPORT OF PLAINTIFF
CAESARS WORLD, INC.'S RULE 6(b)
MOTION FOR ENLARGMENT OF TIME
TO FILE ITS ANSWER TO DEFENDANT
MARCEL JULY'S REMAINING
COUNTERCLAIM**

25
26 Pursuant to 28 U.S.C. § 1746 and L.R. 26-7, I, Nadya Munasifi Sand, declare as follows:

27 1. I am over eighteen years of age and suffer from no legal disability. I am familiar
28 with the facts and circumstances in this action and am personally knowledgeable of the matters



1 set forth in this declaration and, if called upon to do so, I could and would testify competently to
2 the facts set forth herein.

3 2. I am an attorney at Alston & Bird, LLP and counsel for Plaintiff Caesars World,
4 Inc. ("Caesars") in the above-captioned matter. I make this Declaration in support of Caesars
5 World, Inc.'s Rule 6(b) Motion for Enlargement of Time to file Its Answer To Defendant Marcel
6 July's Remaining Counterclaim.

7 3. I am responsible for docketing deadlines in the above-referenced case.

8 4. I was out of the office for the Christmas holiday when the Court granted July's
9 dismissal and denied as moot Caesars' motion in an order that was signed on December 22,
10 2012, and entered on December 23, 2012.

11 5. Upon return from the holidays, I did not docket a date for filing an answer
12 because I remembered, incorrectly, that the Answer previously drafted had been filed six months
13 earlier when the motion was filed.

14 6. When recently examining the docket, I discovered the error.

15
16 I declare under penalty of perjury that the foregoing is true and correct.

17 Executed on this 14th day of March, 2012.

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19 NADYA MUNASIFI SAND

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EXHIBIT D



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13 *Attorneys for Caesars World, Inc.*

14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 CAESARS WORLD, INC., a Florida
17 corporation,
18 Plaintiff/Counter-Defendant,
19 v.
20 MARCEL JULY, an individual; and
21 OCTAVIUS TOWER LLC, a Nevada limited
22 liability company,
23 Defendants/Counterclaimant.

CASE NO.: 2:11-cv-00536-GMN-(CWH)

**[PROPOSED] ORDER GRANTING
CAESARS WORLD, INC.'S RULE 6(b)
MOTION FOR ENLARGMENT OF TIME
TO FILE ITS ANSWER TO DEFENDANT
MARCEL JULY'S REMAINING
COUNTERCLAIM**

24 This matter having come before the Court on Plaintiff Caesars World, Inc.'s ("Caesars")
25 Rule 6(b) Motion For Enlargement of Time to File Its Answer to Defendant Marcel July's
26 Remaining Counterclaim (the "Motion for Enlargement of Time"), the Court having reviewed
27 the papers submitted in support thereof and in opposition thereto (if any), and the Court being
28 fully advised,



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It is hereby ORDERED and DECREED as follows:

1. Caesar's Motion for Enlargement of Time is hereby GRANTED pursuant to Fed. R. Civ. P. 6(b).
2. The Court concludes that Caesars has demonstrated that excusable neglect exists for Caesars having failed to file an Answer to Defendant Marcel July's remaining counterclaim subsequent to the entry of this Court's Order dated December 23, 2011 (Dkt. 55).
3. The Court further concludes that there is no danger of prejudice to either Defendant Octavius Tower, LLC or to Defendant Marcel July by permitting Caesars to file its Answer at this time. The length of delay in permitting Caesars to file its Answer at this time is innocuous and therefore *de minimus*, and such delay will not have any significant or prejudicial impact on these judicial proceedings. The Court determines that Caesars explanations for the delay in filing its Answer are reasonable in the context of the prosecution of this action. Caesars did not act with any intentional, devious, deliberate, or willful motives, and Caesars has acted in good faith in bringing its Motion for Enlargement of Time promptly after discovering its error and seeking appropriate relief from this Court.
4. Good cause therefore exists to grant Caesars an extension of time in which to file its Answer to Defendant Marcel July's remaining counterclaim in this action.
5. Caesars shall file its Answer to Defendant Marcel July's remaining counterclaim within three (3) court days of the entry of this Order.

IT IS SO ORDERED.

DATED: _____

UNITED STATES DISTRICT JUDGE/
UNITED STATES MAGISTRATE JUDGE