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8 Attorneys for Defendant and  
9 Counterclaim Plaintiff  
10 PADMAPPER, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 CRAIGSLIST, INC., a Delaware corporation,

15 Plaintiff,

16 v.

17 3TAPS, INC., a Delaware corporation;  
18 PADMAPPER, INC., a Delaware corporation;  
19 DISCOVER HOME NETWORK, INC., a  
20 Delaware Corporation c/b/a LOVELY;  
21 BRIAN R. NIESSEN, an individual, and  
22 DOES 1 through 25, inclusive,

23 Defendants.

24 PADMAPPER, INC.,

25 Counterclaim Plaintiff,

26 v.

27 CRAIGSLIST, INC.,

28 Counterclaim Defendant.

Case No. CV-12-03816 CRB

**PADMAPPER, INC.'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Honorable Charles R. Breyer

JURY TRIAL DEMANDED

1 Defendant PadMapper, Inc. (“PadMapper”) answers the allegations made by Plaintiff  
2 craigslist, Inc. (“craigslist”) in the First Amended Complaint as follows:

3 **INTRODUCTION**

4 1. PadMapper admits that craigslist provides classified advertising services, that  
5 some of craigslist’s services are provided without charge and without third-party advertising  
6 and marketing. PadMapper lacks knowledge or information sufficient to form a belief as to the  
7 truth of the remaining allegations of paragraph 1 and, therefore, denies the same.

8 2. PadMapper denies the allegations against PadMapper in paragraph 2. To the  
9 extent the allegations in paragraph 2 relate to defendants other than PadMapper, PadMapper  
10 lacks knowledge or information sufficient to form a belief as to the truth of the allegations of  
11 paragraph 2 and, therefore, denies the same.

12 3. The allegations contained in paragraph 3 relate solely to defendants other than  
13 PadMapper. PadMapper lacks knowledge or information sufficient to form a belief as to the  
14 truth of the allegations of paragraph 3 and, therefore, denies the same.

15 4. The allegations contained in paragraph 4 relate solely to defendants other than  
16 PadMapper. PadMapper lacks knowledge or information sufficient to form a belief as to the  
17 truth of the allegations of paragraph 4 and, therefore, denies the same.

18 5. PadMapper denies the allegations contained in paragraph 5 to the extent such  
19 allegations relate to PadMapper. To the extent the allegations in paragraph 5 relate to  
20 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
21 form a belief as to the truth of the allegations of paragraph 5 and, therefore, denies the same.

22 6. PadMapper admits that it offers an apartment search service at padmapper.com  
23 and that it uses publicly available information indexed by 3Taps, Inc. (“3Taps”) in connection  
24 with the padmapper.com website. PadMapper denies that it competes against craigslist unfairly,  
25 or that its service is based upon misappropriated craigslist postings acquired from an  
26 “illegitimate store” operated by 3Taps.

27 7. PadMapper denies the allegation that it misappropriates craigslist’s content. To  
28 the extent the allegations in paragraph 7 relate to defendants other than PadMapper, PadMapper

1 lacks knowledge or information sufficient to form a belief as to the truth of the allegations of  
2 paragraph 7 and, therefore, denies the same.

3 8. PadMapper denies that it has violated United States copyright laws. To the  
4 extent the allegations in paragraph 8 relate to defendants other than PadMapper, PadMapper  
5 lacks knowledge or information sufficient to form a belief as to the truth of the allegations of  
6 paragraph 8 and, therefore, denies the same.

7 9. PadMapper denies the allegations against PadMapper in paragraph 9. To the  
8 extent the allegations in paragraph 9 relate to defendants other than PadMapper, PadMapper  
9 lacks knowledge or information sufficient to form a belief as to the truth of the allegations of  
10 paragraph 8 and, therefore, denies the same.

11 10. PadMapper denies the allegations against PadMapper in paragraph 10. To the  
12 extent the allegations in paragraph 10 relate to defendants other than PadMapper, PadMapper  
13 lacks knowledge or information sufficient to form a belief as to the truth of the allegations of  
14 paragraph 10 and, therefore, denies the same.

15 **JURISDICTION AND VENUE**

16 11. PadMapper admits that this Court has jurisdiction over the subject matter.  
17 PadMapper admits that craigslist has alleged violations of federal statutes.

18 12. PadMapper admits that this Court has supplemental jurisdiction over the  
19 remaining claims.

20 13. PadMapper admits that venue is proper in this District.

21 14. PadMapper admits that craigslist's Terms of Use ("TOU") purport to govern  
22 craigslist users' access to and use of the craigslist website and services and that the TOU provide  
23 that courts located within the County of San Francisco, California shall have exclusive  
24 jurisdiction over the relationship between craigslist and craigslist users. PadMapper denies that  
25 its activities are governed by the TOU. To the extent the allegations in paragraph 14 relate to  
26 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
27 form a belief as to the truth of the allegations of paragraph 14 and, therefore, denies the same.

28 15. PadMapper denies the allegations against PadMapper in paragraph 15. To the

1 extent the allegations in paragraph 15 relate to defendants other than PadMapper, PadMapper  
2 lacks knowledge or information sufficient to form a belief as to the truth of the allegations of  
3 paragraph 15 and, therefore, denies the same.

4 16. PadMapper admits the allegations in paragraph 16.

5 **THE PARTIES**

6 17. PadMapper admits the allegations of paragraph 17.

7 18. PadMapper lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of paragraph 18 and, therefore, denies the same.

9 19. PadMapper admits the allegations of paragraph 19.

10 20. PadMapper lacks knowledge or information sufficient to form a belief as to the  
11 truth of the allegations of paragraph 20 and, therefore, denies the same.

12 21. PadMapper lacks knowledge or information sufficient to form a belief as to the  
13 truth of the allegations of paragraph 21 and, therefore, denies the same.

14 22. PadMapper lacks knowledge or information sufficient to form a belief as to the  
15 truth of the allegations of paragraph 22 and, therefore, denies the same.

16 23. Paragraph 23 contains a statement to which no response is required.

17 **FACTS**

18 24. PadMapper lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 24 and, therefore, denies the same.

20 25. PadMapper lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of paragraph 25 and, therefore, denies the same.

22 26. PadMapper lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of paragraph 26 and, therefore, denies the same.

24 27. PadMapper lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations of paragraph 27 and, therefore, denies the same.

26 **A. The craigslist Classified Ad Service**

27 28. PadMapper admits the allegations of paragraph 28.

28 29. PadMapper admits the allegations in the first two sentences of paragraph 29.

1 PadMapper lacks knowledge or information sufficient to form a belief as to the truth of the  
2 remaining allegations of paragraph 29 and, therefore, denies the same.

3 30. PadMapper admits the allegations of paragraph 30.

4 31. PadMapper admits the allegations in the first two sentences of paragraph 31.  
5 PadMapper denies the remaining allegations of paragraph 31.

6 32. PadMapper admits the allegations of paragraph 32.

7 33. PadMapper admits the allegations of paragraph 33.

8 34. PadMapper admits the allegations in the first two sentences of paragraph 34.

9 PadMapper admits that craigslist assigns proxy email addresses for most postings. PadMapper  
10 lacks knowledge or information sufficient to form a belief as to the truth of craigslist's  
11 allegation of the motivation for providing proxy email addresses and, therefore, denies the  
12 allegation. PadMapper admits that, in most cases, craigslist's servers automatically forward an  
13 email sent to a proxy email address to the poster's actual email account, but denies that  
14 craigslist's servers always do so.

15 35. PadMapper admits the allegations of paragraph 35.

16 36. PadMapper admits the allegations of paragraph 36.

17 37. PadMapper admits the allegations of paragraph 37.

18 38. PadMapper admits that for the period starting July 16, 2012 through August 8,  
19 2012, users of craigslist were required to accept craigslist's TOU before completing the posting  
20 process, and that during that period the craigslist TOU purported to confer craigslist with an  
21 exclusive license for all of the copyrights in the ads. PadMapper denies that the craigslist TOU  
22 could confer craigslist with an exclusive license over such copyrights.

23 39. PadMapper admits the allegations of the first sentence in paragraph 39.

24 PadMapper admits that craigslist adds a copyright notice to users' ads, but denies that such  
25 copyright notice is valid or warranted under United States copyright law.

26 40. PadMapper admits that craigslist has obtained patent, trademark and copyright  
27 registrations in the United States and foreign jurisdictions, but denies that all such registrations  
28 are valid or proper.

1           41.     PadMapper admits that craigslist enters into license agreements with companies  
2 that facilitate access to craigslist from mobile devices. PadMapper denies that craigslist owns or  
3 has an exclusive license over all information provided by users of craigslist. PadMapper admits  
4 that it was offered a license by craigslist, that the license purported to restrict PadMapper's use  
5 of user supplied information, and that PadMapper chose not to enter into a license agreement  
6 with craigslist. PadMapper further denies the inference that the license offered by craigslist was  
7 a viable license made in good faith. The license was completely incompatible with fundamental  
8 aspects of PadMapper's service. For example, although craigslist knew that PadMapper  
9 provided its services via a website, craigslist's proposed licensed prohibited use of licensed  
10 information in connection with a website. PadMapper lacks knowledge or information  
11 sufficient to form a belief as to the truth of craigslist's allegation regarding the terms of its  
12 license agreements with parties other than PadMapper and, therefore, denies the allegation to  
13 the extent it relates to other parties.

14 **B.     The craigslist Terms of Use**

15           42.     PadMapper admits that craigslist's TOU purports to grant users a limited and  
16 revocable license to access and use craigslist in accordance with the TOU's terms, but denies  
17 the legal sufficiency of craigslist's TOU. PadMapper admits the second sentence of paragraph  
18 42.

19           43.     PadMapper admits that craigslist's TOU contains types and examples of access  
20 and use that craigslist purports to deem are prohibited, but denies that all such types and  
21 examples of access and use listed in craigslist's TOU are in violation of rights held by craigslist.

22           44.     PadMapper denies the allegations of paragraph 44.

23           45.     PadMapper denies the allegations of paragraph 45.

24           46.     PadMapper denies the allegations of paragraph 46.

25 **C.     The craigslist Copyrights**

26           47.     PadMapper denies the first sentence of paragraph 47. PadMapper admits that the  
27 elements identified in the second sentence of paragraph 47 are part of the craigslist website, but  
28 denies craigslist's characterization of the elements as "original."

1 48. PadMapper denies the allegations of paragraph 48.

2 49. PadMapper admits that user postings on craigslist contain a written description of  
3 goods or services, and that the postings often contain photographs. PadMapper denies the  
4 remaining allegations of paragraph 49.

5 50. PadMapper denies the allegations of paragraph 50.

6 51. PadMapper admits that craigslist is the copyright claimant for the registrations  
7 identified in paragraph 51.

8 52. PadMapper lacks knowledge or information sufficient to form a belief as to the  
9 truth of the allegations of paragraph 52 and, therefore, denies the same.

10 53. PadMapper lacks knowledge or information sufficient to form a belief as to the  
11 truth of the allegations of paragraph 53 and, therefore, denies the same.

12 **D. The craigslist Trademarks**

13 54. PadMapper admits the allegations in the first sentence of paragraph 54.  
14 PadMapper lacks knowledge or information sufficient to form a belief as to the truth of the  
15 allegations in the second sentence of paragraph 54 and, therefore, denies the same.

16 55. PadMapper lacks knowledge or information sufficient to form a belief as to the  
17 truth of the allegations of paragraph 55 and, therefore, denies the same.

18 56. PadMapper lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 56 and, therefore, denies the same.

20 57. PadMapper lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of paragraph 57 and, therefore, denies the same.

22 58. PadMapper lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of paragraph 58 and, therefore, denies the same.

24 59. PadMapper lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations of paragraph 59 and, therefore, denies the same.

26 **E. The Defendants' Unlawful Activities**

27 **a. 3Taps**

28 60. PadMapper denies the allegations contained in paragraph 60.

1           61.     PadMapper lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of paragraph 61 and, therefore, denies the same.

3           62.     PadMapper denies that 3Taps is profiting from the unlawful distribution of  
4 content from craigslist. PadMapper lacks knowledge or information sufficient to form a belief  
5 as to the truth of the remaining allegations of paragraph 62 and, therefore, denies the same.

6           63.     PadMapper denies that 3Taps “copies of all of craigslist’s content.” PadMapper  
7 admits that 3Taps provides access to user-generated data that users, through craigslist, have  
8 made publicly available.

9           64.     PadMapper admits that 3Taps provides an API that allows access to user-  
10 generated data that users, through craigslist, have made publicly available, but denies  
11 craigslist’s characterization that 3Taps’ API provides access to any information owned by  
12 craigslist. PadMapper admits that craigslist does not offer an API, but denies that 3Taps has  
13 “usurped” any exclusive right of craigslist to offer “an API.” PadMapper denies that craigslist  
14 has the right to control distribution of the information that 3Taps provides access to through  
15 3Taps’ API.

16           65.     PadMapper lacks knowledge or information sufficient to form a belief as to the  
17 truth of the allegations of paragraph 65 and, therefore, denies the same.

18           66.     PadMapper lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 66 and, therefore, denies the same.

20           67.     PadMapper lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of paragraph 67 and, therefore, denies the same.

22           68.     PadMapper lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of paragraph 68 and, therefore, denies the same.

24           69.     PadMapper lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations of paragraph 69 and, therefore, denies the same.

26           70.     PadMapper admits that the term “craigslist” appears in the figures referred to in  
27 paragraph 70. PadMapper denies that the figures referred to in paragraph 70 illustrate use of a  
28 craigslist trademark by 3Taps to promote 3Taps’ products or services, or that such figures



1 illustrate use by 3Taps in a manner likely to confuse consumers or to dilute by blurring  
2 craigslist's trademark.

3 71. PadMapper lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of paragraph 71 and, therefore, denies the same.

5 72. PadMapper lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of paragraph 72 and, therefore, denies the same.

7 73. PadMapper lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of paragraph 73 and, therefore, denies the same.

9 74. PadMapper lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of paragraph 74 and, therefore, denies the same.

11 **b. 3Taps' Unauthorized Scraping**

12 75. PadMapper admits the allegations of the first sentence of paragraph 75.  
13 PadMapper lacks knowledge or information sufficient to form a belief as to the truth of the  
14 allegations of the second sentence of paragraph 75 and, therefore, denies the same.

15 76. PadMapper admits the allegations in the first sentence of paragraph 76.  
16 PadMapper lacks knowledge or information sufficient to form a belief as to the truth of the  
17 allegations of the second sentence of paragraph 76 and, therefore, denies the same.

18 77. PadMapper lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 77 and, therefore, denies the same.

20 78. PadMapper lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of paragraph 78 and, therefore, denies the same.

22 79. PadMapper lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of the first sentence of paragraph 79 and, therefore, denies the same.  
24 PadMapper admits the allegations of the second sentence of paragraph 79.

25 80. PadMapper lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of paragraph 80 and, therefore, denies the same.

27 81. PadMapper lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of paragraph 81 and, therefore, denies the same.

1 82. PadMapper lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of paragraph 82 and, therefore, denies the same.

3 83. PadMapper lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of paragraph 83 and, therefore, denies the same.

5 84. PadMapper lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of paragraph 84 and, therefore, denies the same.

7 85. PadMapper lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of paragraph 85 and, therefore, denies the same.

9 86. PadMapper lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of paragraph 86 and, therefore, denies the same.

11 **c. Brian R. Niessen: One of 3Taps' "Scrapers."**

12 87. PadMapper lacks knowledge or information sufficient to form a belief as to the  
13 truth of the allegations of paragraph 87 and, therefore, denies the same.

14 88. PadMapper lacks knowledge or information sufficient to form a belief as to the  
15 truth of the allegations of paragraph 88 and, therefore, denies the same.

16 89. PadMapper lacks knowledge or information sufficient to form a belief as to the  
17 truth of the allegations of paragraph 89 and, therefore, denies the same.

18 90. PadMapper lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 90 and, therefore, denies the same.

20 91. PadMapper lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of paragraph 91 and, therefore, denies the same.

22 92. PadMapper lacks knowledge or information sufficient to form a belief as to the  
23 truth of the allegations of paragraph 92 and, therefore, denies the same.

24 93. PadMapper lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations of paragraph 93 and, therefore, denies the same.

26 94. PadMapper lacks knowledge or information sufficient to form a belief as to the  
27 truth of the allegations of paragraph 94 and, therefore, denies the same.

28 95. PadMapper lacks knowledge or information sufficient to form a belief as to the

1 truth of the allegations of paragraph 95 and, therefore, denies the same.

2 96. PadMapper lacks knowledge or information sufficient to form a belief as to the  
3 truth of the allegations of paragraph 96 and, therefore, denies the same.

4 97. PadMapper lacks knowledge or information sufficient to form a belief as to the  
5 truth of the allegations of paragraph 97 and, therefore, denies the same.

6 98. PadMapper lacks knowledge or information sufficient to form a belief as to the  
7 truth of the allegations of paragraph 98 and, therefore, denies the same.

8 **d. PadMapper**

9 99. PadMapper admits the allegations in the first two sentences of paragraph 99.  
10 PadMapper denies the remaining allegations of paragraph 99.

11 100. PadMapper admits that its website allows aggregation of user-generated data that  
12 users (through craigslist) have made publicly available with information from other sources, but  
13 denies that such aggregation facilitates cross-posting of listings to craigslist.

14 101. PadMapper denies the allegations against PadMapper in the first sentence of  
15 paragraph 101. PadMapper admits that craigslist sent it a cease and desist letter which alleged  
16 that PadMapper had violated the law and craigslist's TOU, but denies the truth of the allegations  
17 in the letter. To the extent the allegations in paragraph 101 relate to defendants other than  
18 PadMapper, PadMapper lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations of paragraph 101 and, therefore, denies the same.

20 102. PadMapper admits that beginning on or about June 22, 2012 and lasting until  
21 July 9, 2012, it stopped making available certain user-generated data that users through  
22 craigslist had made publicly available. PadMapper admits that during this period traffic to its  
23 website decreased drastically. PadMapper denies that the data it ceased making available  
24 during this period of time was owned or exclusively licensed to craigslist.

25 103. PadMapper admits that on or about July 9, 2012, it resumed making available  
26 certain user-generated data that users (through craigslist) have made publicly available, and that  
27 such data has been, and is being, obtained from 3Taps. PadMapper denies that such data is  
28 owned or exclusively licensed to craigslist. PadMapper admits that on July 9, 2012, it published

1 a blog post at <http://blog.padmapper.com> that stated that it was “Bringing Craigslist Back” to  
2 the PadMapper website.

3 104. PadMapper denies the allegations of paragraph 104.

4 105. PadMapper denies the allegations of paragraph 105. PadMapper does not  
5 “display” craigslist postings. PadMapper provides an inline link, or “frame,” that allows a user  
6 to view the actual posting on the craigslist site. Thus, the posting that a user views is not  
7 “identical” to the craigslist posting, it is the posting itself.

8 106. PadMapper incorporates the response to paragraph 105, *supra*, by reference, and  
9 denies the allegations of paragraph 106.

10 107. PadMapper denies the allegations of paragraph 107.

11 108. PadMapper admits that craigslist has not provided authorization or consent to  
12 PadMapper to use craigslist’s intellectual property, but denies that PadMapper has used  
13 craigslist’s intellectual property.

14 109. PadMapper admits that it derives revenue from online real estate rental  
15 applications submitted via PadLister, but denies that it derives revenue directly from real estate  
16 listings. PadMapper admits that allegations of the second sentence of paragraph 109.

17 110. PadMapper denies that allegations of paragraph 110.

18 **e. Lovely**

19 111. PadMapper admits the allegations of paragraph 111.

20 112. PadMapper admits the allegations of the first sentence of paragraph 112.  
21 PadMapper denies that the majority of PadMapper’s content is misappropriated from craigslist  
22 by 3Taps, or that 3Taps utilizes “unlawful scrapers.” To the extent the allegations in paragraph  
23 112 relate to defendants other than PadMapper, PadMapper lacks knowledge or information  
24 sufficient to form a belief as to the truth of the allegations of paragraph 112 and, therefore,  
25 denies the same.

26 113. PadMapper lacks knowledge or information sufficient to form a belief as to the  
27 truth of the allegations of paragraph 113 and, therefore, denies the same.

28 114. PadMapper admits the allegations of paragraph 114.

1 115. PadMapper lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of paragraph 115 and, therefore, denies the same.

3 116. PadMapper lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of paragraph 116 and, therefore, denies the same.

5 **f. Other 3Taps Subscribers**

6 117. PadMapper lacks knowledge or information sufficient to form a belief as to the  
7 truth of the allegations of paragraph 117 and, therefore, denies the same.

8 118. PadMapper lacks knowledge or information sufficient to form a belief as to the  
9 truth of the allegations of paragraph 118 and, therefore, denies the same.

10 119. PadMapper lacks knowledge or information sufficient to form a belief as to the  
11 truth of the allegations of paragraph 119 and, therefore, denies the same.

12 **FIRST CLAIM FOR RELIEF**

13 **(Trespass)**

14 120. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
15 herein.

16 121. PadMapper denies the allegations contained in paragraph 121 to the extent such  
17 allegations relate to PadMapper. To the extent the allegations in paragraph 121 relate to  
18 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
19 form a belief as to the truth of the allegations of paragraph 121 and, therefore, denies the same.

20 122. PadMapper denies the allegations contained in paragraph 122 to the extent such  
21 allegations relate to PadMapper. To the extent the allegations in paragraph 122 relate to  
22 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
23 form a belief as to the truth of the allegations of paragraph 122 and, therefore, denies the same.

24 123. PadMapper denies the allegations contained in paragraph 123 to the extent such  
25 allegations relate to PadMapper. To the extent the allegations in paragraph 123 relate to  
26 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
27 form a belief as to the truth of the allegations of paragraph 123 and, therefore, denies the same.

28 124. PadMapper denies the allegations contained in paragraph 124 to the extent such

1 allegations relate to PadMapper. To the extent the allegations in paragraph 124 relate to  
2 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
3 form a belief as to the truth of the allegations of paragraph 124 and, therefore, denies the same.

4 **SECOND CLAIM FOR RELIEF**

5 **(Breach of Contract)**

6 125. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
7 herein.

8 126. PadMapper denies the allegations of paragraph 126.

9 127. PadMapper denies the allegations of paragraph 127.

10 128. PadMapper denies the allegations of paragraph 128.

11 129. PadMapper denies the allegations of paragraph 129.

12 130. PadMapper denies the allegations contained in paragraph 130 to the extent such  
13 allegations relate to PadMapper. To the extent the allegations in paragraph 130 relate to  
14 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
15 form a belief as to the truth of the allegations of paragraph 130 and, therefore, denies the same.

16 131. PadMapper denies the allegations contained in paragraph 131 to the extent such  
17 allegations relate to PadMapper. To the extent the allegations in paragraph 131 relate to  
18 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
19 form a belief as to the truth of the allegations of paragraph 131 and, therefore, denies the same.

20 132. PadMapper lacks knowledge or information sufficient to form a belief as to the  
21 truth of the allegations of paragraph 132 and, therefore, denies the same.

22 133. PadMapper admits the allegations of paragraph 133.

23 134. PadMapper lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of paragraph 134 and, therefore, denies the same.

25 135. PadMapper denies the allegations contained in paragraph 135 to the extent such  
26 allegations relate to PadMapper. To the extent the allegations in paragraph 135 relate to  
27 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
28 form a belief as to the truth of the allegations of paragraph 135 and, therefore, denies the same.



1 145. PadMapper denies the allegations contained in paragraph 145 to the extent such  
2 allegations relate to PadMapper. To the extent the allegations in paragraph 145 relate to  
3 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
4 form a belief as to the truth of the allegations of paragraph 145 and, therefore, denies the same.

5 146. PadMapper denies the allegations contained in paragraph 146 to the extent such  
6 allegations relate to PadMapper. To the extent the allegations in paragraph 146 relate to  
7 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
8 form a belief as to the truth of the allegations of paragraph 146 and, therefore, denies the same.

9 147. PadMapper denies the allegations contained in paragraph 147 to the extent such  
10 allegations relate to PadMapper. To the extent the allegations in paragraph 147 relate to  
11 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
12 form a belief as to the truth of the allegations of paragraph 147 and, therefore, denies the same.

13 148. PadMapper denies the allegations of paragraph 148.

14 **FOURTH CLAIM FOR RELIEF**

15 **(Copyright Infringement)**

16 149. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
17 herein.

18 150. PadMapper denies the allegations of paragraph 150.

19 151. PadMapper denies the allegations of paragraph 151.

20 152. PadMapper denies the allegations contained in paragraph 152 to the extent such  
21 allegations relate to PadMapper. To the extent the allegations in paragraph 152 relate to  
22 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
23 form a belief as to the truth of the allegations of paragraph 152 and, therefore, denies the same.

24 153. PadMapper denies the allegations contained in paragraph 153 to the extent such  
25 allegations relate to PadMapper. To the extent the allegations in paragraph 153 relate to  
26 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
27 form a belief as to the truth of the allegations of paragraph 153 and, therefore, denies the same.

28 154. PadMapper denies the allegations contained in paragraph 154 to the extent such



1 allegations relate to PadMapper. To the extent the allegations in paragraph 154 relate to  
2 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
3 form a belief as to the truth of the allegations of paragraph 154 and, therefore, denies the same.

4 155. PadMapper denies the allegations contained in paragraph 155 to the extent such  
5 allegations relate to PadMapper. To the extent the allegations in paragraph 155 relate to  
6 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
7 form a belief as to the truth of the allegations of paragraph 155 and, therefore, denies the same.

8 156. PadMapper denies the allegations contained in paragraph 156 to the extent such  
9 allegations relate to PadMapper. To the extent the allegations in paragraph 156 relate to  
10 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
11 form a belief as to the truth of the allegations of paragraph 156 and, therefore, denies the same.

12 157. PadMapper denies the allegations contained in paragraph 157 to the extent such  
13 allegations relate to PadMapper. To the extent the allegations in paragraph 157 relate to  
14 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
15 form a belief as to the truth of the allegations of paragraph 157 and, therefore, denies the same.

16 158. PadMapper denies the allegations contained in paragraph 158 to the extent such  
17 allegations relate to PadMapper. To the extent the allegations in paragraph 158 relate to  
18 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
19 form a belief as to the truth of the allegations of paragraph 158 and, therefore, denies the same.

20 159. PadMapper denies the allegations of paragraph 159.

21 **FIFTH CLAIM FOR RELIEF**

22 **(Contributory Copyright Infringement as to 3Taps)**

23 160. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
24 herein.

25 161. PadMapper lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of paragraph 161 and, therefore, denies the same.

27 162. PadMapper lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations of paragraph 162 and, therefore, denies the same.

1 163. PadMapper lacks knowledge or information sufficient to form a belief as to the  
2 truth of the allegations of paragraph 163 and, therefore, denies the same.

3 164. PadMapper lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations of paragraph 164 and, therefore, denies the same.

5 165. PadMapper lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of paragraph 165 and, therefore, denies the same.

7 166. PadMapper lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of paragraph 166 and, therefore, denies the same.

9 167. PadMapper lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of paragraph 167 and, therefore, denies the same.

11 168. PadMapper denies the allegations of paragraph 168.

12 **SIXTH CLAIM FOR RELIEF**

13 **(Federal Trademark Infringement as to all Defendants)**

14 169. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
15 herein.

16 170. PadMapper denies the allegations contained in paragraph 170 to the extent such  
17 allegations relate to PadMapper. To the extent the allegations in paragraph 170 relate to  
18 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
19 form a belief as to the truth of the allegations of paragraph 170 and, therefore, denies the same.

20 171. PadMapper denies the allegations contained in paragraph 171 to the extent such  
21 allegations relate to PadMapper. To the extent the allegations in paragraph 171 relate to  
22 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
23 form a belief as to the truth of the allegations of paragraph 171 and, therefore, denies the same.

24 172. PadMapper denies the allegations contained in paragraph 172 to the extent such  
25 allegations relate to PadMapper. To the extent the allegations in paragraph 172 relate to  
26 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
27 form a belief as to the truth of the allegations of paragraph 172 and, therefore, denies the same.

28 173. PadMapper denies the allegations contained in paragraph 173 to the extent such

1 allegations relate to PadMapper. To the extent the allegations in paragraph 173 relate to  
2 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
3 form a belief as to the truth of the allegations of paragraph 173 and, therefore, denies the same.

4 174. PadMapper denies the allegations contained in paragraph 174 to the extent such  
5 allegations relate to PadMapper. To the extent the allegations in paragraph 174 relate to  
6 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
7 form a belief as to the truth of the allegations of paragraph 174 and, therefore, denies the same.

8 175. PadMapper denies the allegations contained in paragraph 175 to the extent such  
9 allegations relate to PadMapper. To the extent the allegations in paragraph 175 relate to  
10 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
11 form a belief as to the truth of the allegations of paragraph 175 and, therefore, denies the same.

12 **SEVENTH CLAIM FOR RELIEF**

13 **(Federal False Designation of Origin as to all Defendants)**

14 176. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
15 herein.

16 177. PadMapper denies the allegations of paragraph 177.

17 178. PadMapper denies the allegations contained in paragraph 178 to the extent such  
18 allegations relate to PadMapper. To the extent the allegations in paragraph 178 relate to  
19 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
20 form a belief as to the truth of the allegations of paragraph 178 and, therefore, denies the same.

21 179. PadMapper denies the allegations contained in paragraph 179 to the extent such  
22 allegations relate to PadMapper. To the extent the allegations in paragraph 179 relate to  
23 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
24 form a belief as to the truth of the allegations of paragraph 179 and, therefore, denies the same.

25 180. PadMapper denies the allegations contained in paragraph 180 to the extent such  
26 allegations relate to PadMapper. To the extent the allegations in paragraph 180 relate to  
27 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
28 form a belief as to the truth of the allegations of paragraph 180 and, therefore, denies the same.

1 181. PadMapper denies the allegations contained in paragraph 181 to the extent such  
2 allegations relate to PadMapper. To the extent the allegations in paragraph 181 relate to  
3 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
4 form a belief as to the truth of the allegations of paragraph 181 and, therefore, denies the same.

5 182. PadMapper denies the allegations contained in paragraph 182 to the extent such  
6 allegations relate to PadMapper. To the extent the allegations in paragraph 182 relate to  
7 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
8 form a belief as to the truth of the allegations of paragraph 182 and, therefore, denies the same.

9 **EIGHTH CLAIM FOR RELIEF**

10 **(Federal Dilution of a Famous Mark as to Defendant 3Taps)**

11 183. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
12 herein.

13 184. PadMapper denies the allegations of paragraph 184.

14 185. PadMapper denies the allegations of paragraph 185.

15 186. PadMapper lacks knowledge or information sufficient to form a belief as to the  
16 truth of the allegations of paragraph 186 and, therefore, denies the same.

17 187. PadMapper lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of paragraph 187 and, therefore, denies the same.

19 188. PadMapper lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of paragraph 188 and, therefore, denies the same.

21 189. PadMapper lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of paragraph 189 and, therefore, denies the same.

23 190. PadMapper lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of paragraph 190 and, therefore, denies the same.

25 191. PadMapper lacks knowledge or information sufficient to form a belief as to the  
26 truth of the allegations of paragraph 191 and, therefore, denies the same.

27 **NINTH CLAIM FOR RELIEF**

28 **(Federal Cyberpiracy Prevention as to Defendant 3Taps)**

1 192. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
2 herein.

3 193. PadMapper denies the allegations of paragraph 193.

4 194. PadMapper lacks knowledge or information sufficient to form a belief as to the  
5 truth of the allegations of paragraph 194 and, therefore, denies the same.

6 195. PadMapper lacks knowledge or information sufficient to form a belief as to the  
7 truth of the allegations of paragraph 195 and, therefore, denies the same.

8 196. PadMapper lacks knowledge or information sufficient to form a belief as to the  
9 truth of the allegations of paragraph 196 and, therefore, denies the same.

10 197. PadMapper denies the allegations contained in paragraph 197 to the extent such  
11 allegations relate to PadMapper. To the extent the allegations in paragraph 197 relate to  
12 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
13 form a belief as to the truth of the allegations of paragraph 197 and, therefore, denies the same.

14 198. PadMapper denies the allegations contained in paragraph 198 to the extent such  
15 allegations relate to PadMapper. To the extent the allegations in paragraph 198 relate to  
16 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
17 form a belief as to the truth of the allegations of paragraph 198 and, therefore, denies the same.

18 **TENTH CLAIM FOR RELIEF**

19 **(California Trademark Infringement as to Defendants 3Taps and PadMapper)**

20 199. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
21 herein.

22 200. PadMapper denies the allegations contained in paragraph 200 to the extent such  
23 allegations relate to PadMapper. To the extent the allegations in paragraph 200 relate to  
24 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
25 form a belief as to the truth of the allegations of paragraph 200 and, therefore, denies the same.

26 201. PadMapper denies the allegations contained in paragraph 201 to the extent such  
27 allegations relate to PadMapper. To the extent the allegations in paragraph 201 relate to  
28 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to

1 form a belief as to the truth of the allegations of paragraph 201 and, therefore, denies the same  
2 202. PadMapper denies the allegations contained in paragraph 202 to the extent such  
3 allegations relate to PadMapper. To the extent the allegations in paragraph 202 relate to  
4 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
5 form a belief as to the truth of the allegations of paragraph 202 and, therefore, denies the same.

6 **ELEVENTH CLAIM FOR RELIEF**

7 **(Common Law Trademark Infringement as to Defendants 3Taps and PadMapper)**

8 203. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
9 herein.

10 204. PadMapper denies the allegations contained in paragraph 204 to the extent such  
11 allegations relate to PadMapper. To the extent the allegations in paragraph 204 relate to  
12 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
13 form a belief as to the truth of the allegations of paragraph 204 and, therefore, denies the same.

14 205. PadMapper denies the allegations contained in paragraph 205 to the extent such  
15 allegations relate to PadMapper. To the extent the allegations in paragraph 205 relate to  
16 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
17 form a belief as to the truth of the allegations of paragraph 205 and, therefore, denies the same.

18 206. PadMapper denies the allegations contained in paragraph 206 to the extent such  
19 allegations relate to PadMapper. To the extent the allegations in paragraph 206 relate to  
20 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
21 form a belief as to the truth of the allegations of paragraph 206 and, therefore, denies the same.

22 207. PadMapper denies the allegations contained in paragraph 207 to the extent such  
23 allegations relate to PadMapper. To the extent the allegations in paragraph 207 relate to  
24 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
25 form a belief as to the truth of the allegations of paragraph 207 and, therefore, denies the same.

26 **TWELFTH CLAIM FOR RELIEF**

27 **(California Unfair Competition as to all Defendants)**

28 208. PadMapper realleges its responses in all preceding paragraphs as if fully set forth

1 herein.

2 209. PadMapper denies the allegations contained in paragraph 209 to the extent such  
3 allegations relate to PadMapper. To the extent the allegations in paragraph 209 relate to  
4 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
5 form a belief as to the truth of the allegations of paragraph 209 and, therefore, denies the same.

6 210. PadMapper denies the allegations contained in paragraph 210 to the extent such  
7 allegations relate to PadMapper. To the extent the allegations in paragraph 210 relate to  
8 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
9 form a belief as to the truth of the allegations of paragraph 210 and, therefore, denies the same.

10 211. PadMapper denies the allegations contained in paragraph 211 to the extent such  
11 allegations relate to PadMapper. To the extent the allegations in paragraph 211 relate to  
12 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
13 form a belief as to the truth of the allegations of paragraph 211 and, therefore, denies the same.

14 **THIRTEENTH CLAIM FOR RELIEF**

15 **(Computer Fraud and Abuse Act as to Defendants 3Taps and Niessen)**

16 212. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
17 herein.

18 213. PadMapper admits the allegations of paragraph 213.

19 214. PadMapper denies the allegations contained in paragraph 214 to the extent such  
20 allegations relate to PadMapper. To the extent the allegations in paragraph 214 relate to  
21 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
22 form a belief as to the truth of the allegations of paragraph 214 and, therefore, denies the same.

23 215. PadMapper denies the allegations contained in paragraph 215 to the extent such  
24 allegations relate to PadMapper. To the extent the allegations in paragraph 215 relate to  
25 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
26 form a belief as to the truth of the allegations of paragraph 215 and, therefore, denies the same.

27 216. PadMapper denies the allegations contained in paragraph 216 to the extent such  
28 allegations relate to PadMapper. To the extent the allegations in paragraph 216 relate to

1 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
2 form a belief as to the truth of the allegations of paragraph 216 and, therefore, denies the same.

3 217. PadMapper denies the allegations contained in paragraph 217 to the extent such  
4 allegations relate to PadMapper. To the extent the allegations in paragraph 217 relate to  
5 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
6 form a belief as to the truth of the allegations of paragraph 217 and, therefore, denies the same.

7 218. PadMapper denies the allegations contained in paragraph 218 to the extent such  
8 allegations relate to PadMapper. To the extent the allegations in paragraph 218 relate to  
9 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
10 form a belief as to the truth of the allegations of paragraph 218 and, therefore, denies the same.

11 219. PadMapper denies the allegations contained in paragraph 219 to the extent such  
12 allegations relate to PadMapper. To the extent the allegations in paragraph 219 relate to  
13 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
14 form a belief as to the truth of the allegations of paragraph 219 and, therefore, denies the same.

15 **FOURTEENTH CLAIM FOR RELIEF**

16 **(California Comprehensive Computer Access and Fraud Act as to**  
17 **Defendants 3Taps and Niessen)**

18 220. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
19 herein.

20 221. PadMapper denies the allegations contained in paragraph 221 to the extent such  
21 allegations relate to PadMapper. To the extent the allegations in paragraph 221 relate to  
22 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
23 form a belief as to the truth of the allegations of paragraph 221 and, therefore, denies the same.

24 222. PadMapper denies the allegations contained in paragraph 222 to the extent such  
25 allegations relate to PadMapper. To the extent the allegations in paragraph 222 relate to  
26 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
27 form a belief as to the truth of the allegations of paragraph 222 and, therefore, denies the same.

28 223. PadMapper denies the allegations contained in paragraph 223 to the extent such



1 allegations relate to PadMapper. To the extent the allegations in paragraph 223 relate to  
2 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
3 form a belief as to the truth of the allegations of paragraph 223 and, therefore, denies the same.

4 224. PadMapper denies the allegations contained in paragraph 224 to the extent such  
5 allegations relate to PadMapper. To the extent the allegations in paragraph 224 relate to  
6 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
7 form a belief as to the truth of the allegations of paragraph 224 and, therefore, denies the same.

8 225. PadMapper denies the allegations contained in paragraph 225 to the extent such  
9 allegations relate to PadMapper. To the extent the allegations in paragraph 225 relate to  
10 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
11 form a belief as to the truth of the allegations of paragraph 225 and, therefore, denies the same.

12 226. PadMapper denies the allegations contained in paragraph 226 to the extent such  
13 allegations relate to PadMapper. To the extent the allegations in paragraph 226 relate to  
14 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
15 form a belief as to the truth of the allegations of paragraph 226 and, therefore, denies the same.

16 227. PadMapper denies the allegations contained in paragraph 227 to the extent such  
17 allegations relate to PadMapper. To the extent the allegations in paragraph 227 relate to  
18 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
19 form a belief as to the truth of the allegations of paragraph 227 and, therefore, denies the same.

20 228. PadMapper denies the allegations contained in paragraph 228 to the extent such  
21 allegations relate to PadMapper. To the extent the allegations in paragraph 228 relate to  
22 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
23 form a belief as to the truth of the allegations of paragraph 228 and, therefore, denies the same.

24 229. PadMapper denies the allegations contained in paragraph 229 to the extent such  
25 allegations relate to PadMapper. To the extent the allegations in paragraph 229 relate to  
26 defendants other than PadMapper, PadMapper lacks knowledge or information sufficient to  
27 form a belief as to the truth of the allegations of paragraph 229 and, therefore, denies the same.

28 //

1 **FIFTEENTH CLAIM FOR RELIEF**

2 **(Aiding and Abetting Trespass as to Defendant 3Taps)**

3 230. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
4 herein.

5 231. PadMapper lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations of paragraph 231 and, therefore, denies the same.

7 232. PadMapper lacks knowledge or information sufficient to form a belief as to the  
8 truth of the allegations of paragraph 232 and, therefore, denies the same.

9 233. PadMapper lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of paragraph 233 and, therefore, denies the same.

11 234. PadMapper lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of paragraph 234 and, therefore, denies the same.

13 **SIXTEENTH CLAIM FOR RELIEF**

14 **(Aiding and Abetting Misappropriation as to Defendants Niessen and 3Taps)**

15 235. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
16 herein.

17 236. PadMapper lacks knowledge or information sufficient to form a belief as to the  
18 truth of the allegations of paragraph 236 and, therefore, denies the same.

19 237. PadMapper lacks knowledge or information sufficient to form a belief as to the  
20 truth of the allegations of paragraph 237 and, therefore, denies the same.

21 238. PadMapper lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations of paragraph 238 and, therefore, denies the same.

23 239. PadMapper lacks knowledge or information sufficient to form a belief as to the  
24 truth of the allegations of paragraph 239 and, therefore, denies the same.

25 **SEVENTEENTH CLAIM FOR RELIEF**

26 **(Accounting as to all Defendants)**

27 240. PadMapper realleges its responses in all preceding paragraphs as if fully set forth  
28 herein.



1 **SEVENTH AFFIRMATIVE DEFENSE**

2 The FAC fails, in whole or in part, because the copyright registrations cited by craigslist  
3 are fraudulent, improper, or invalid.

4 **EIGHTH AFFIRMATIVE DEFENSE**

5 The FAC fails, in whole or in part, because the copyright registrations and all derivative  
6 claims of infringement, separately and collectively, constitute misuses of copyrights.

7 **NINTH AFFIRMATIVE DEFENSE**

8 The FAC fails, in whole or in part, because use of craigslist's trademarks, if any,  
9 constitutes fair use or does not constitute use in commerce.

10 **TENTH AFFIRMATIVE DEFENSE**

11 The FAC fails, in whole or in part, because use of craigslist's trademarks, if any, does  
12 not cause consumer confusion or dilution and is not misleading in any way.

13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 The FAC fails, in whole or in part, because the craigslist TOU are unconscionable.

15 **TWELFTH AFFIRMATIVE DEFENSE**

16 The FAC fails, in whole or in part, because PadMapper is not legally bound to the  
17 craigslist TOU.

18 **THIRTEENTH AFFIRMATIVE DEFENSE**

19 The FAC fails, in whole or in part, because craigslist's state-law claim for "hot news"  
20 misappropriation is barred in whole or in part by the Communications Decency Act, 47 U.S.C.  
21 Section 230(c), because, among other things, PadMapper is a provider of an "interactive  
22 computer service" and the material made accessible through its service is provided or supplied  
23 by third parties.

24 **FOURTEENTH AFFIRMATIVE DEFENSE**

25 Plaintiff's claims are barred, in whole or in part, by the First Amendment of the U.S.  
26 Constitution.

27 //

28 //

1 **REQUEST FOR RELIEF**

2 WHEREFORE, PadMapper respectfully requests that the Court dismiss this action with  
3 prejudice and award PadMapper its costs of action, reasonable attorneys' fees and such and  
4 other and further relief as the Court may deem just and proper.

5 **DEMAND FOR JURY TRIAL**

6 PadMapper demands a trial by jury on all issues so triable.

7 Dated: December 21, 2012

Respectfully submitted,

8 **FOCAL PLLC**

9 By: /s/Venkat Balasubramani

10 Venkat Balasubramani (SBN 189192)

11 Attorneys for Defendant and  
12 Counterclaim Plaintiff  
13 PADMAPPER, INC.

14 **CERTIFICATE OF SERVICE**

15 The undersigned hereby certifies under penalty of perjury of the laws of the United  
16 States and the State of California that he filed the foregoing PADMAPPER, INC.'S ANSWER  
17 AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S FIRST AMENDED COMPLAINT  
using the Court's CM/ECF system which will provide ECF notice to counsel for all parties.

18 Dated: December 21, 2012.

19 /s/ Venkat Balasubramani

20 Venkat Balasubramani (SBN 189192)