

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

VERISIGN, INC.,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:14-cv-1749-CMH-TRJ
XYZ.COM, LLC)	
-and-)	
DANIEL NEGARI,)	DEFENDANTS' ANSWER AND
)	AFFIRMATIVE DEFENSES
Defendants.)	
)	
)	

ANSWER AND AFFIRMATIVE DEFENSES

Defendants XYZ.COM, LLC and DANIEL NEGARI (“NEGARI”) (collectively, “DEFENDANTS”) by counsel, answer the allegations in the numbered paragraphs of the Complaint by plaintiff Verisign, Inc. (“VERISIGN”) as follows:

ANSWER

NATURE OF THE CASE

1. DEFENDANTS admit that this action purports to be for preliminary and permanent injunctive relief, disgorgement of profits, enhanced damages, attorneys’ fees, and other damages. DEFENDANTS deny the remaining allegations of this paragraph.
2. Deny.
3. Deny.
4. Deny.

PARTIES

5. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

6. Admit.

7. Deny.

JURISDICTION AND VENUE

8. Admit.

9. Except to admit that venue is proper in this Court, DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore deny them.

FACTUAL BACKGROUND

10. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

11. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

12. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

13. Admit.

14. Admit.

15. Deny.

16. Deny.

17. DEFENDANTS admit that the video “Move over .com - .xyz is for the next generation of the internet” is present at <http://xyz.com/>. Except to say that the cited video speaks for itself, DEFENDANTS deny the remaining allegations of this paragraph.

18. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

19. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

20. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

21. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

22. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

23. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

24. The video speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

25. Deny.

26. Deny.

27. The interview speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

28. The interview speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

29. Deny.

30. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

31. Deny.

32. The website and promotional materials speak for themselves. DEFENDANTS deny the remaining allegations of this paragraph

33. The website speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

34. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

35. The NPR story speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

36. The letter speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

37. The letter speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

38. Admit.

39. Deny.

40. XYZ's current website at <http://gen.xyz/registrars>, the NPR interview, and the VentureBeat article speak for themselves. DEFENDANTS deny the remaining allegations of this paragraph.

41. The VentureBeat article speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

42. Deny.

43. Deny.

44. Deny.

45. Deny.

46. Deny.

47. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

48. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

49. The report speaks for itself. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore deny them.

50. The interview speaks for itself. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore deny them.

51. The report speaks for itself. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore deny them.

52. Deny.

53. NEGARI's statements speak for themselves. DEFENDANTS deny the remaining allegations of this paragraph.

54. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore deny them.

55. Deny.

56. The posting speaks for itself. DEFENDANTS lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations of this paragraph and therefore Deny them.

57. Deny.

58. Deny.

59. Admit.

60. The First Amended Complaint speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

61. The First Amended Complaint speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

62. Admit.

63. Deny.

64. The Complaint speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

65. The Complaint speaks for itself. DEFENDANTS deny the remaining allegations of this paragraph.

66. Admit.

COUNT I

67. DEFENDANTS incorporate by reference their responses to Paragraphs 1 through 66 of the Complaint as stated above.

68. This paragraph does not contain factual allegations which require a response.

69. Deny.

70. Deny.

71. Deny.

72. Deny.

73. Deny.

74. Deny.

- 75. Deny.
- 76. Deny.
- 77. Deny.
- 78. Deny.
- 79. Deny.
- 80. Deny.
- 81. Deny.

DEFENSES AND AFFIRMATIVE DEFENSES

Without admitting any allegations in the Complaint, DEFENDANTS assert the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE:

- 1. The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE:

- 2. VERISIGN failed to mitigate its alleged damages, if any.

THIRD AFFIRMATIVE DEFENSE:

- 3. VERISIGN's own unclean hands prevent it from obtaining any of the requested relief.

FOURTH AFFIRMATIVE DEFENSE:

- 4. VERISIGN waived its claims.

FIFTH AFFIRMATIVE DEFENSE:

- 5. VERISIGN's claims are barred by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE:

- 6. VERISIGN's claims are barred by the First Amendment of the United States Constitution.

SEVENTH AFFIRMATIVE DEFENSE:

7. The damages alleged in the Complaint, if any, were not caused by DEFENDANTS, but were caused by one or more third parties whose activities were not controlled by DEFENDANTS.

EIGHTH AFFIRMATIVE DEFENSE:

8. VERISIGN has failed to join one or more necessary and indispensable parties.

NINTH AFFIRMATIVE DEFENSE:

9. DEFENDANTS reserve the right to add more defenses as discovery proceeds.

REQUEST FOR RELIEF

WHEREAS, DEFENDANTS request judgment as follows:

1. That VERISIGN takes nothing by its Complaint;
2. That the Court determine and declare that DEFENDANTS have not engaged in deceptive advertising and unfair trade in violation of the Lanham Act;
3. That the Court award DEFENDANTS their attorneys' fees pursuant to 15 U.S.C. § 1117, or any other applicable statute;
4. That the Court award DEFENDANTS their costs of suit; and
5. That the Court grant such other relief as the Court deems just and proper.

Respectfully submitted,

Date: January 23, 2015

By: /s/Anjie Vichayanonda

Stephanie H. Bald
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES** has been served via the CM/ECF electronic filing system this 23rd day of January, 2015 upon the following counsel of record.

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