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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 HYPERTOUCHE,)
12)
13 PLAINTIFF,)
14 vs.)
15 KENNEDY-WESTERN UNIVERSITY, AND)
16 DOES 1-100,)
17 DEFENDANTS.)
18)
19)
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CASE NO. C 04 5203 SI
ANSWER TO COMPLAINT:
DEMAND FOR JURY TRIAL

Defendant Kennedy-Western University answers the complaint of Hypertouch as follows by corresponding paragraph number:

1. Admit.
2. Admit.
3. Admit.
4. Deny, defendant and its alleged activities related to the Internet were not performed in this district.
5. Deny, the Secretary of State lists the name as "Hypertouch" in Foster City, and defendant lacks any knowledge or belief supporting that Hypertouch is an Internet Service provider.

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5. Defendant took reasonable steps to prevent the transmission and is not liable for third party actions per 15 U.S.C. § 7705, and is entitled to a complete reduction of any damages per 15 U.S.C. § 7706(g)(3)(D) and *Business & Professions Code* § 17259.5(b)(2).

Prayer

Defendant Kennedy-Western University respectfully requests judgment in its favor and against plaintiff in all respects; entry of an Order dismissing the complaint; an award of costs, including reasonable attorneys’ fees, pursuant to 15 U.S.C. § 7706(g)(4); and an award of any other and further relief as the Court may deem just or proper.

Demand for jury trial

Defendant demands trial by jury pursuant to Local Rule 3-6.

DATED: 6 January 2005.

WOOLLACOTT JANNOL LLP

BY _____
CYNTHIA WOOLLACOTT
Attorneys for defendant Kennedy-Western U.

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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES: I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 10350 Santa Monica Boulevard, Suite 350, Los Angeles, California 90025-5075.

On 6 January 2005, I served a document described as ANSWER on the interested parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

John Fallat, Esq.
907 Sir Francis Drake Blvd., Suite 100
Kentfield, CA 94904

I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service; correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business. The correspondence described above was placed for deposit in the United States Postal Service at 10350 Santa Monica Boulevard following ordinary business practices this date for collection and mailing on this date.

Executed on 6 January 2005 at Los Angeles, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Suzanne Pompili _____