

The Honorable Marsha J. Pechman

04-CV-00515-ANS

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington Corporation,

No. C04-0515P
ANSWER

Plaintiff,

v.

JDO MEDIA, INC., a Florida corporation,
TONY LAMPERT, an individual,
TIMOTHY ROLAND, an individual, ERIK
SUMMERS, an individual, and JOHN DOES
4-50

ANSWER

Defendants.

Defendant Tony Lampert answers this action against JDO MEDIA, INC., TONY LAMPERT, TIMOTHY ROLAND, ERIK SUMMERS, and JOHN DOES 4-50.

Defendant answers plaintiff's complaint as follows:

I. JURISDICTION AND VENUE

1. Denied
2. Denied
3. Denied
4. Denied
5. Denied
6. Denied

II. THE PARTIES

7. Denied
8. Admit
9. Admit
10. Admit
11. Admit
12. Denied
13. Denied

III. NATURE OF MICROSOFT'S INTERNET E_MAIL SERVICES

14. Admit
15. Admit
16. Admit
17. Denied
18. Denied

19. Denied

20. Denied

21. Denied

22. Denied

23. Denied

24. Denied

V. DEFENDENTS' UNLAWFUL CONDUCT

25. Denied

26. Denied

27. Denied

28. Denied

29. Denied

30. Denied

31. Denied

32. Denied

33. Denied

COUNT I

(Violation of the Federal Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003—'CAN-SPAM' (15 U.S.C. 7704(a)(1))

34. Denied

35. Denied

36. Denied

37. Denied

38. Denied

39. Denied

COUNT II

(Violation of the Federal Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003----“CAN-SPAM” (15 U.S.C. 7704 (a)(2, 3 and5)))

40. Denied

41. a) Denied, b) Denied, c) Denied

42. Denied

43. Denied

44. Denied

45. Denied

COUNT III

(Trespass to Chattels)

46. Denied

47. Denied

48. Denied

49. Denied

50. Denied

COUNT IV

(Conversion)

51. Denied

52. Denied

53. Denied

COUNT V

(Violation of the Washington Commercial Electronic Mail Act (RCW Ch. 19.190) and the Washington Consumer Protection Act (RCW Ch. 19.86))

54. Denied

55. a) Denied, b) Denied, c) Denied

56. Denied

57. Denied

58. Denied

COUNT VI

(Violation of the federal Computer Fraud and Abuse Act – 18 U>S>C> 1030 (a)(4), (g))

59. Denied

60. Denied

61. Denied

62. Denied

COUNT VII

(Violation of the federal Computer Fraud and Abuse Act – 18 U>S>C> 10309a)(5), (g))

63. Denied

64. Denied

65. Denied

66. Denied

COUNT VIII

(Violation of the Lanham Act – 15 U>S>C> 1125(a))

67. Denied

68. Denied

69. Denied

70. Denied

71. Denied

PRAYER FOR RELIEF

WHEREFORE, Defendant Tony Lampert respectfully request that the Court enters its Judgment against the Plaintiff, as follows:

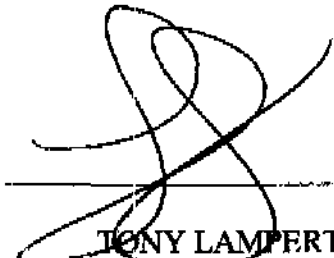
1. Dismiss this case against Tony Lampert
2. Defendant Tony Lampert is awarded his attorneys' fees and cost incurred herein; and
3. That the Court grant Tony Lampert such other or additional relief as is just and proper under the circumstances.

DATED this 6th day of August, 2004,

PROOF OF SERVICE

A copy of this answer was mailed on 9th day of August 2004 by United States Mail

TO: PRESTON GATES & ELLIS LLC



TONY LAMPERT
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Pro Se