

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAREER AGENTS NETWORK, INC.,
a Michigan corporation,

Plaintiff,

v.

careeragentsnetwork.biz, careeragentnetwork.biz,
Lawrence R. White, an individual, and Aeromedia
Marketing, Inc., a Michigan corporation,

Defendants.

Case No. 2:09-cv-12269
Hon. Robert H. Cleland
Mag. Judge Michael Hluchaniuk

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PLAINTIFF'S RESPONSE TO FIRST REQUEST FOR ADMISSIONS

Plaintiff responds to Defendants' First Request for Admissions as follows:

1. Admit that the Plaintiff, Career Agents Network, Inc., was formerly known as Platinum Black, Inc.

RESPONSE: Admitted.

2. Admit that Platinum Black, Inc. amended its Articles of Incorporation on December 9, 2008 changing its name to Career Agents Network, Inc.

2. Admit that Platinum Black, Inc. amended its Articles of Incorporation on December 9, 2008 changing its name to Career Agents Network, Inc.

RESPONSE: Admitted.

3. Admit that prior to December 9, 2008, Platinum Black, Inc. did not utilize the name, Career Agents Network, Inc.

RESPONSE: Admitted.

4. Admit that the alleged “substantial goodwill” associated with the names or mark, Career Agents Network, has accrued only since December 9, 2008.

RESPONSE: Denied. Prior to December 2008 Plaintiff had begun optimizing “career agents network” while working with Health Career Agents in anticipation of the purchase of that company and integration of services.

5. Admit that “extensive use” of the Career Agents Network, Inc. name or mark does not predate December 9, 2008.

RESPONSE: Denied. See response to #4 above.

6. Admit that any alleged damages claimed by Plaintiff in its Complaint were incurred subsequent to December 9, 2008.

RESPONSE: Admitted

7. Admit that Defendants AeroMedia and/or Defendant White did not seek to profit from use of the Domain Names, careeragentsnetwork.biz and careeragentnetwork.biz.

RESPONSE: Denied. Plaintiff has no evidence that Defendants did not seek to profit from use of Domain Names using Plaintiff’s trademarks and because Defendants are or could be competitors of Plaintiff, the degree of Defendants’ intentions will be determined by additional discovery.

8. Admit that Defendants' use of the Domain Names on the Internet did not offer any goods or services.

RESPONSE: Denied. Defendants linked to the Domain Names from other sites and blogs that offered services.

9. Admit that the Defendants' use of the Domain Names on the Internet was "non-commercial."

RESPONSE: Denied. Defendants linked to the Domain Names from other sites and blogs that offered services and, as competitors of Plaintiff, Defendants intended to harm Plaintiff in a commercial manner.

10. Admit that the use of the Domain Names on the Internet did not have links to any other website.

RESPONSE: Denied. Other websites operated or shared by Defendants did link to the Domain Names.

11. Admit that the Defendants' use of the Domain Name on the Internet is protected by the free speech provisions of the First Amendment to the United States Constitution.

RESPONSE: Denied. Defendants are or could be competitors of Plaintiff and their commercial use of the Domain Names infringed Plaintiff's trademarks and violated the Lanham Trademark Act.

12. Admit that Defendant White did not register the Domain Names.

RESPONSE: Denied. Documents sent by the domain registrar show "Registrant Name: Larry White."

13. Admit that Defendant AeroMedia Marketing registered the Domain Names.

RESPONSE: Denied. Although the domain registrar shows AeroMedia Marketing, Inc. as the “registrant organization,” the registrant is listed as “Larry White.”

Date Sept. 30, 2009



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