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WOO SIGNATURES, LLC, TADEH
BOOGHOSIANSSARDABI, FARSHID
KARAMZAD GOFLSAZ, and ARASH SEDIGHI

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

BOOST BEAUTY, LLC, a California
limited liability company,

Plaintiff,

v.

WOO SIGNATURES, LLC, a California
limited liability company; TADEH
BOOGHOSIANSSARDABI, an
individual; FARSHID KARAMZAD
GOFLSAZ, an individual; ARASH
SEDIGHI, an individual; and DOES 1
through 10, inclusive,

Defendants.

Case No. 2:18-cv-02960-CAS-E
Hon. Christina A. Snyder

**ANSWER TO COMPLAINT BY
DEFENDANTS WOO
SIGNATURES, LLC, TADEH
BOOGHOSIANSSARDABI,
FARSHID KARAMZAD
GOFLSAZ, ARASH SEDIGHI**

DEMAND FOR JURY TRIAL

Defendants Woo Signatures, LLC (“Woo Signatures”), Tadeh Booghosiassardabi (“Booghosiassardabi”), Farshid Karamzad Goflsaz (“Goflsaz”), and Arash Sedighi (“Sedighi”) (collectively, “Defendants”) hereby respond to Plaintiff Boost Beauty, LLC (“Plaintiff”) as follows:

JURISDICTION AND VENUE

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted venue is proper although Plaintiff incorrectly cites to “28 U.S.C. § 139(b).”

5. Denied.

6. Denied.

PARTIES

7. Admitted.
8. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 8 and therefore deny them.

9. Admitted.

10. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations about “unnamed defendants” in Paragraph 10 and therefore deny them. Defendants deny all other allegations in Paragraph 10.

11. Defendants lack knowledge sufficient to form a belief as to the truth of the allegations about “the Defendants named herein as a Doe” in Paragraph 11 and therefore deny them. Defendants deny all other allegations in Paragraph 11.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

1 17. Denied.

2 18. Paragraph 18 does not contain factual allegations and no response is
3 necessary. To the extent such statements could be construed as allegations that
4 require a response, Defendants hereby deny all allegations in Paragraph 18.

5 19. Denied.

6 20. Denied.

7 21. Denied.

8 22. Denied.

9 23. Denied.

10 24. Denied, including each of the subparts.

11 25. Denied.

12 26. Paragraph 26 does not contain factual allegations and no response is
13 necessary. To the extent such statements could be construed as allegations that
14 require a response, Defendants hereby deny all allegations in Paragraph 26.

15 **GENERAL ALLEGATIONS**

16 27. Defendants lack knowledge sufficient to form a belief as to the truth of
17 the allegations in Paragraph 27 and therefore deny them.

18 28. Defendants lack knowledge sufficient to form a belief as to the truth of
19 the allegations in Paragraph 28 and therefore deny them.

20 29. Defendants lack knowledge sufficient to form a belief as to the truth of
21 the allegations in Paragraph 29 and therefore deny them.

22 30. Defendants lack knowledge sufficient to form a belief as to the truth of
23 the allegations in Paragraph 30 and therefore deny them.

24 31. Defendants lack knowledge sufficient to form a belief as to the truth of
25 the allegations in Paragraph 31 and therefore deny them.

26 32. Defendants lack knowledge sufficient to form a belief as to the truth of
27 the allegations in Paragraph 32 and therefore deny them.

28

1 33. Defendants lack knowledge sufficient to form a belief as to the truth of
2 the allegations in Paragraph 33 and therefore deny them.

3 34. Defendants lack knowledge sufficient to form a belief as to the truth of
4 the allegations in Paragraph 34 and therefore deny them.

5 35. Admitted that Plaintiff has applied for at least one copyright
6 registration for an advertisement. Defendants deny all other allegations in Paragraph
7 35.

8 36. Defendants lack knowledge sufficient to form a belief as to the truth of
9 the allegations in Paragraph 36 and therefore deny them.

10 37. Admitted that Exhibit A to the Complaint includes a copyright
11 application and apparent advertisement. Defendants deny all other allegations in
12 Paragraph 37.

13 38. Admitted that Defendant Sedighi lived with a person named “Yasha.”
14 Defendants deny all other allegations in Paragraph 38. Defendants lack knowledge
15 sufficient to form a belief as to the truth of the remaining allegations in Paragraph
16 38 and therefore deny them.

17 39. Denied.

18 40. Denied.

19 41. Denied.

20 42. Denied.

21 43. Denied.

22 44. Denied.

23 45. Denied.

24 **FIRST CAUSE OF ACTION**
25 **COPYRIGHT INFRINGEMENT**
26 **(Against all Defendants)**

27 46. Defendants incorporate by reference their responses to Paragraphs 1
28 through 45 above as though fully set forth herein.

1 47. Admitted that Plaintiff claims to be the author of an advertisement as a
2 work made for hire and has submitted an application to the U.S. Copyright Office.

3 48. Defendants lack knowledge sufficient to form a belief as to the truth of
4 the allegations in Paragraph 48 and therefore deny them.

5 49. Denied.

6 50. Denied.

7 51. Denied.

8 52. Denied.

9 53. Denied.

10 54. Denied.

11 55. Denied.

12 56. Denied.

13 57. Denied.

14 **SECOND CAUSE OF ACTION**
15 **CONTRIBUTORY INFRINGEMENT**
16 **(Against all Defendants)**

17 58. Defendants incorporates by reference their responses to Paragraphs 1
18 through 57 above as though fully set forth herein.

19 59. Denied.

20 60. Denied.

21 61. Denied.

22 62. Denied.

23 63. Denied.

24 **THIRD CAUSE OF ACTION**
25 **VICARIOUS INFRINGEMENT**
26 **(Against all Defendants)**

27 64. Defendants incorporate by reference their responses to Paragraphs 1
28 through 63 above as though fully set forth herein.

1 65. Denied.

2 66. Denied.

3 67. Denied.

4 68. Denied.

5 69. Denied.

6 **FOURTH CAUSE OF ACTION**

7 **INTENTIONAL FRAUD**

8 **(Against all Defendants)**

9 70. Defendants incorporate by reference their responses to Paragraphs 1
10 through 69 above as though fully set forth herein.

11 71. Denied.

12 72. Denied.

13 73. Denied.

14 74. Denied.

15 75. Denied.

16 76. Denied.

17 77. Denied.

18 78. Denied.

19 79. Denied.

20 80. Denied.

21 **FIFTH CAUSE OF ACTION**

22 **BREACH OF IMPLIED CONTRACT**

23 **(Against all Defendants)**

24 81. Defendants incorporate by reference their responses to Paragraphs 1
25 through 80 above as though fully set forth herein.

26 82. Denied.

27 83. Denied.

28 84. Denied.

1 85. Denied.

2 86. Denied.

3 87. Denied.

4 **SIXTH CAUSE OF ACTION**

5 **FEDERAL TRADEMARK INFRINGEMENT AND COUNTERFEITING**

6 **(15 U.S.C. § 1114)**

7 **(Against all Defendants)**

8 88. Defendants incorporate by reference their responses to Paragraphs 1
9 through 87 above as though fully set forth herein.

10 89. Defendants admit that Plaintiff purports to bring a claim for trademark
11 infringement and counterfeiting, although the Court has now dismissed the
12 counterfeiting claim.

13 90. Denied.

14 91. Denied.

15 92. Denied.

16 93. Denied.

17 94. Denied.

18 95. Denied and the Court has now dismissed the counterfeiting claim.

19 96. Denied.

20 97. Denied.

21 **SEVENTH CAUSE OF ACTION**

22 **FEDERAL UNFAIR COMPETITION & FALSE DESIGNATION OF**

23 **ORIGIN**

24 **(15 U.S.C. § 1125(a))**

25 **(Against all Defendants)**

26 98. Defendants incorporate by reference their responses to Paragraphs 1
27 through 97 above as though fully set forth herein.

1 99. Defendants admit that Plaintiff purports to bring a claim for unfair
2 competition and false designation of origin.

3 100. Denied.

4 101. Denied.

5 102. Denied.

6 103. Denied.

7 104. Denied.

8 105. Denied.

9 106. Denied.

10 107. Denied.

11 **EIGHTH CAUSE OF ACTION**

12 **CALIFORNIA COMMON LAW TRADEMARK INFRINGEMENT**

13 **(Against all Defendants)**

14 108. Defendants incorporate by reference their responses to Paragraphs 1
15 through 107 above as though fully set forth herein.

16 109. Defendants admit that Plaintiff purports to bring a claim for trademark
17 infringement under California common law.

18 110. Denied.

19 111. Denied.

20 112. Denied.

21 113. Denied.

22 **NINTH CAUSE OF ACTION**

23 **CALIFORNIA UNFAIR COMPETITION**

24 **(Against all Defendants)**

25 114. Defendants incorporate by reference their responses to Paragraphs 1
26 through 113 above as though fully set forth herein.

27 115. Defendants admit that Plaintiff purports to bring a claim for unfair
28 competition.

1 116. Denied.

2 117. Denied.

3 **TENTH CAUSE OF ACTION**

4 **TRADEMARK INFRINGEMENT BY IMITATING AND FALSE**

5 **ADVERTISING**

6 **(15 U.S.C. § 1114(a) and (b))**

7 **(Against all Defendants)**

8 118. Defendants incorporate by reference their responses to Paragraphs 1
9 through 117 above as though fully set forth herein.

10 119. Defendants admit that Plaintiff purports to bring a claim for trademark
11 infringement by imitating and false advertising.

12 120. Denied.

13 121. Denied.

14 122. Denied.

15 123. Denied.

16 124. Denied.

17 125. Denied.

18 126. Denied.

19 127. Denied.

20 **ELEVENTH CAUSE OF ACTION**

21 **COMMON LAW UNFAIR COMPETITION & FALSE DESIGNATION OF**

22 **ORIGIN; PALMING OR PASSING OFF**

23 **(Against all Defendants)**

24 128. Defendants incorporate by reference their responses to Paragraphs 1
25 through 127 above as though fully set forth herein.

26 129. Defendants admit that Plaintiff purports to bring a claim for common
27 law unfair competition and false designation of origin.

28 130. Denied.

1 131. Denied.

2 132. Denied.

3 133. Denied.

4 134. Denied.

5 135. Denied.

6 136. Denied.

7 137. Denied.

8 **PRAYER FOR RELIEF**

9 These Paragraphs set forth Plaintiffs' Prayer for Relief to which no response
10 is required. To the extent that responses are required, Defendants deny that Plaintiffs
11 are entitled to any relief. Defendants deny any remaining allegations.

12 **DEFENDANT'S AFFIRMATIVE DEFENSES**

13 Defendants allege the following affirmative defenses, reserving all rights to
14 allege additional defenses that become known through the course of discovery and
15 noting that the assertion of these defenses does not admit that Defendants bear the
16 burden of proof:

17 **FIRST AFFIRMATIVE DEFENSE**

18 **(No Infringement)**

19 The Third Amended Complaint is barred, in whole or in part, because
20 Defendants did not copy or reproduce any of Plaintiff's allegedly copyrighted works
21 or in any protectable expression as the work is scenes a faire or fails under the
22 merger doctrine.

23 **SECOND AFFIRMATIVE DEFENSE**

24 **(Fair Use)**

25 The doctrine of Fair Use bars Plaintiff's claims. Any use by Defendants of
26 Plaintiff's copyright are protected under the copyright's fair use doctrine (17 U.S.C.
27 § 107).

THIRD AFFIRMATIVE DEFENSE

(No Willful Infringement)

The Third Amended Complaint is barred, in whole or in part, because Defendants have not engaged in the willful infringement of the allegedly copyrighted work or trademark.

FOURTH AFFIRMATIVE DEFENSE

(Free Speech)

The Third Amended Complaint, and each of its claims for relief, is barred by the First and Fourteenth Amendments to the United States Constitution and Article 1, Section 2 of the California Constitution.

FIFTH AFFIRMATIVE DEFENSE

(Copyright Misuse)

Plaintiffs' claims for relief are barred, in whole or in part, by Plaintiffs' copyright misuse.

SIXTH AFFIRMATIVE DEFENSE

(Unclean Hands)

Defendants allege that, by virtue of Plaintiff's unlawful, immoral, careless, negligent and other wrongful conduct, Plaintiff is guilty of unclean hands and should be barred from any recovery thereunder on all of Plaintiff's claims.

SEVENTH AFFIRMATIVE DEFENSE

(Privilege of Competition)

Defendants allege that the Third Amended Complaint is barred in whole, or in part, because Defendants' conduct was privileged competition.

EIGHTH AFFIRMATIVE DEFENSE

(Consent)

The acts to which Plaintiff consented to partially or completely resulted in the damage, if any, Plaintiff suffered.

NINTH AFFIRMATIVE DEFENSE

(Reasonable and Good Faith Conduct)

Plaintiff's right to relief, if any, is barred partially or completely because Defendants acted reasonably and in good faith at all times material to the Third Amended Complaint based on all relevant facts and circumstances known to them at the time they so acted.

TENTH AFFIRMATIVE DEFENSE

(No Proximate Cause)

The Third Amended Complaint is barred, in whole or in part, because no conduct on the part of the Defendants proximately caused the damages, if any, Plaintiff allegedly suffered as a consequence of the facts and circumstances alleged in the Third Amended Complaint.

ELEVENTH AFFIRMATIVE DEFENSE

(Failure of Consideration)

The Third Amended Complaint is barred, in whole or in part, by a failure of consideration.

TWELFTH AFFIRMATIVE DEFENSE

(Public Policy)

The Third Amended Complaint is barred, in whole or in part, because Plaintiff seeks to assert an alleged agreement, which is actually a *de facto* non-compete, in violation of Public Policy.

THIRTEENTH AFFIRMATIVE DEFENSE

(Fair Use)

Plaintiff's claims are barred by the doctrine of Fair Use: Any use by Defendants of any of Plaintiff's alleged trademark is and has been statutory and/or nominative fair use.

FOURTEENTH AFFIRMATIVE DEFENSE

(Privilege/Justification/First Amendment)

Defendants have competed fairly with Plaintiff and none of the acts of Defendants support claims of unlawful behavior, and all acts were and are justified and privileged under fair competition principles. Moreover, First Amendment free speech rights protect Defendants' conduct and limit various of Plaintiffs' assertions and prayers for relief.

FIFTEENTH AFFIRMATIVE DEFENSE

(Trademark Misuse)

Plaintiff is barred from any recovery by the doctrine of trademark misuse.

SIXTEENTH AFFIRMATIVE DEFENSE

(Fraud on the Copyright Office)

The Third Amended Complaint is barred, in whole or in part, because Plaintiff included information in an application to register a copyright that was false and intended to defraud the Copyright Office.

SEVENTEENTH AFFIRMATIVE DEFENSE

(*De Minimis* Infringement)

The Third Amended Complaint is barred, in whole or in part, because any alleged copying or other purported violations of Plaintiff's rights were *de minimis*.

EIGHTEENTH AFFIRMATIVE DEFENSE

(No Falsity)

Defendants' statements were not false or misleading.

NINETEENTH AFFIRMATIVE DEFENSE

(Mere Opinion)

Defendants' statements were not false or misleading or were mere puffery.

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TWENTIETH AFFIRMATIVE DEFENSE

(No Alter Ego)

Each Defendant is a separate and distinct person under the law and cannot be held liable for the alleged or actual conduct of the others.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Unjust Enrichment)

Each and all of the purported causes of action asserted in the Complaint is barred because Plaintiffs would be unjustly enriched if it prevailed on these causes of action.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Constitutional Limits)

The Third Amended Complaint, to the extent that it seeks punitive and/or statutory damages against Defendants, violates Defendants' right to procedural and substantive due process under the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 7 of the California Constitution (as well as the excessive fines provisions of the Constitutions) because, among other things, the alleged wrongful conduct at issue here is not sufficiently reprehensible to warrant any punitive damage recovery and/or any assessment of statutory damages would grossly exceed any actual damages to Plaintiff. Therefore, Plaintiff cannot recover statutory and/or punitive damages against Defendants.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Speculative Damages)

Plaintiff's claims are barred, in whole or in part, because Plaintiff's damages, if any, are vague, uncertain, imaginary, and speculative.

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TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Third Amended Complaint, and each of its claims for relief, fails to state a claim against Defendant upon which relief can be granted.

Dated: February 25, 2019

ONE LLP

By: /s/ Peter R. Afrasiabi
Peter R. Afrasiabi
Oscar M. Orozco-Botello
Attorney for Defendants,
Woo Signatures, LLC, Tadeh
Booghossianssardabi, Farshid Karamzad
Goflsaz, and Arash Sedighi

DEMAND FOR JURY TRIAL

Defendants hereby demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: February 25, 2019

ONE LLP

By: /s/ Peter R. Afrasiabi
Peter R. Afrasiabi
Oscar M. Orozco-Botello
Attorney for Defendants,
Woo Signatures, LLC, Tadeh
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