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VIOLET BLUE
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8 UNITED STATES DISTRICT COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 VIOLET BLUE, an Individual,
13 Plaintiff and Counter-defendant,

14 v.

15 ADA MAE JOHNSON a/k/a ADA
WOFFINDEN, an individual d/b/a
16 VIOLET BLUE a/k/a VIOLET a/k/a
VIOLET LUST; ASSASSIN PICTURES
17 INC., a California Corporation;
ASSASSINCASH.COM; BILL T. FOX,
18 an individual, a/k/a BILL FOX; FIVE
STAR VIDEO L.C., an Arizona Limited
19 Liability Company a/k/a Five Star Video
Distributors LLC d/b/a Five Star
20 Fulfillment; and DOES 1-10

21 Defendants and Counter-claimants.
22

Case No. C 07-5370 SI

**VIOLET BLUE’S ANSWER TO
DEFENDANT WOFFINDEN’S
AMENDED COUNTERCLAIMS**

JURY DEMAND

23 Plaintiff and Counter-defendant Violet Blue (“Blue”), through the undersigned
24 counsel, hereby answers the Counterclaims of defendant and counterclaim plaintiff Ada
25 Mae Johnson a/k/a Ada Woffinden, d/b/a Violet Blue a/k/a Violet a/k/a Violet Lust
26 (“Woffinden”) as set forth in the Second Amended Answer and Counterclaims, Docket
27 No. 97 (“Counterclaims”), as follows:
28

PARTIES

1
2 1. Blue is without knowledge or information sufficient to form a belief as to
3 the truth of the averments in paragraph 1 of the Counterclaims, whereby Blue denies each
4 and every of the said allegations.

5 2. Blue denies that her name is, or ever was, Wendy Sullivan Blue. Blue
6 admits that she is an individual residing in the state of California. Except as so admitted,
7 Blue denies the averments contained within paragraph 2 of the Counterclaims.

8 3. Blue admits that she is the owner of US Trademark Registration No.
9 3,391,010 (U.S. Trademark Application Serial No. 77/121,570) for “Downloadable
10 electronic publications in the nature of individual texts of blog posts, photographs,
11 electronic books, audio books, news columns, and newsletters, in the fields of health,
12 robotics, machine art, sexual pleasures, pornography, technology and new media
13 services; Downloadable audio files, MP3 recordings, online discussion boards, web casts,
14 and podcasts featuring music, audio books and news broadcasts, all in the fields of,
15 robotics, machine art, sexual pleasures, pornography, technology and new media
16 services,” in Class 009, and for “Providing on-line, publications in the nature of
17 individual texts of blog posts, photographic images, electronic books, audio books, news
18 columns, and newsletters, in the fields of health, robotics, machine art, sexual pleasures,
19 pornography, technology and new media services; On-line journals, namely, blogs
20 featuring information, audio visual material and photographs in the fields of health,
21 robotics, machine art, sexual pleasures, pornography, technology and new media
22 services; Electronic publishing services, namely, publication of text, audio, video,
23 graphic and interactive works of others in the nature of text blog posts, still photographic
24 images, electronic books, audio books, news columns, and newsletters, featuring
25 information in the fields of health, robotics, machine art, sexual pleasures, pornography,
26 technology and new media services,” in Class 041. Except as so admitted, Blue denies
27 the averments contained within paragraph 3 of the Counterclaims.
28

1 4. Blue denies the averments contained within paragraph 4 of the
2 Counterclaims.

3 **JURISDICTION AND VENUE**

4 5. Blue admits that this Court has subject matter jurisdiction over the first,
5 second, and third counterclaims pursuant to 28 U.S.C. §§ 1331 and 1338. Blue denies
6 that this Court has subject matter jurisdiction over the fourth counterclaim pursuant to 28
7 U.S.C. §§ 1331 and 1338.

8 6. Blue admits that this Court has personal jurisdiction over Blue. Blue denies
9 that personal jurisdiction is also proper in the Western District of Washington. Blue
10 admits that her works are offered through Amazon.com. Blue admits that Amazon.com
11 is located in the Western District of Washington. Except as so admitted, Blue denies the
12 averments contained within paragraph 6 of the Counterclaims.

13 **FIRST COUNTERCLAIM FOR DECLARATORY RELIEF**

14 7. Paragraph 7 contains incorporations by reference to which no response is
15 required. To the extent that a response is deemed necessary, Blue admits that Woffinden
16 has incorporated the above paragraphs by reference.

17 8. Blue denies the averments contained within paragraph 8 of the
18 Counterclaims.

19 **SECOND COUNTERCLAIM FOR DECLARATORY RELIEF**

20 9. Paragraph 9 contains incorporations by reference to which no response is
21 required. To the extent that a response is deemed necessary, Blue admits that Woffinden
22 has incorporated the above paragraphs by reference

23 10. Blue denies the averments contained within paragraph 10 of the
24 Counterclaims.

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1 **THIRD COUNTERCLAIM FOR CANCELLATION OF U.S. TRADEMARK AND**
2 **SERVICE MARK REGISTRATION NO. 3391010.**

3 11. Paragraph 11 contains incorporations by reference to which no response is
4 required. To the extent that a response is deemed necessary, Blue admits that Woffinden
5 has incorporated the above paragraphs by reference.

6 12. Blue admits that she is the owner of U.S. Trademark and Service Mark
7 Registration No. 3,391,010. Except as so admitted, Blue denies the averments contained
8 in paragraph 12 of the Counterclaims.

9 **FOURTH COUNTERCLAIM FOR DAMAGES FROM DEFAMATION**

10 13. Paragraph 13 contains incorporations by reference to which no response is
11 required. To the extent that a response is deemed necessary, Blue admits that Woffinden
12 has incorporated the above paragraphs by reference.

13 14. Blue admits making postings on the Internet that mention Woffinden.
14 Except as so admitted, Blue denies the averments contained in paragraph 14 of the
15 Counterclaims.

16 15. Blue denies the averments contained within paragraph 15 of the
17 Counterclaims.

18 16. Blue denies the averments contained within paragraph 16 of the
19 Counterclaims.

20 17. Blue admits that her internet writings reach a broad audience numbering in
21 the millions, including an audience from the greater San Francisco, California, area.
22 Except as so admitted, Blue denies the averments contained in paragraph 17 of the
23 Counterclaims

24 18. Blue admits that when stating factual information she intends for her
25 writings to be taken as true in the context in which they are made. Except as so admitted,
26 Blue denies the averments contained within paragraph 18 of the Counterclaims.

27 19. Blue denies the averments contained within paragraph 19 of the
28 Counterclaims.

1 20. Blue denies the averments contained in paragraph 20 of the Counterclaim.

2 21. Blue denies the averments contained within paragraph 21 of the
3 Counterclaim.

4 **AFFIRMATIVE DEFENSES**

5 As affirmative defenses, Blue states as follows:

6 1. Woffinden has failed to state a claim upon which relief can be granted;

7 2. Woffinden has suffered no damages;

8 3. Woffinden has failed to mitigate her damages, if any;

9 4. Woffinden has suffered no injury and there is no likelihood of injury;

10 5. Woffinden has suffered no harm and/or no irreparable harm;

11 6. Woffinden's Counterclaims are barred as unconscionable;

12 7. Woffinden's Counterclaims have been waived;

13 8. Woffinden's fourth Counterclaim is barred by the statute of limitations;

14 9. Woffinden cannot prevail on her fourth Counterclaim of defamation
15 because the claim is barred by the First Amendment of the US Constitution.

16 10. Woffinden cannot prevail on her fourth Counterclaim of defamation
17 because such claim is barred by the Constitution of the State of California.

18 11. Woffinden cannot prevail on her fourth Counterclaim of defamation
19 because Blue's statements were truthful.

20 12. Blue hereby reserves the right to add to, supplement, modify, change, or
21 amend any and all of her affirmative defenses as new facts become known through
22 further discovery and investigation.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Blue prays:

25 1. That Woffinden take nothing by reason of her counterclaims, that judgment
26 be rendered in favor of Blue;

27 2. That Blue be awarded her costs and fees of suit incurred in defense of these
28 counterclaims;

