

1 Brett E. Lewis (Pro Hac Vice)
LEWIS & LIN, LLC
2 77 Sands Street, 6th Floor
Brooklyn, NY 11201
3 Tel: (718) 243-9323
Fax: (718) 243-9326
4 Email: Brett@iLawco.com

5 *Attorneys for Plaintiff Richard Blair*

6 **UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 Richard Blair,
9 Plaintiff/Counterclaim-Defendant,
10 vs.
11 Automobili Lamborghini S.p.A.,
12 Defendant/Counterclaim-Plaintiff.

Case No.: 2:22-cv-01439-ESW

**COUNTERCLAIM-DEFENDANT
RICHARD BLAIR'S ANSWER TO
COUNTERCLAIM-PLAINTIFF
AUTOMOBILI LAMBORGHINI
S.P.A'S COUNTERCLAIM**

13 Plaintiff/Counterclaim-Defendant Richard Blair (“Mr. Blair” or
14 “Counterclaim-Defendant”) hereby responds to the Counterclaim of
15 Defendant/Counterclaim-Plaintiff Automobili Lamborghini S.p.A. (“Lamborghini”
16 or “Counterclaim-Plaintiff”) as follows:

17 **THE PARTIES**

- 18 1. Mr. Blair admits the allegations contained in Paragraph 1.
19 2. Mr. Blair admits the allegations contained in Paragraph 2.

JURISDICTION AND VENUE

- 3. Paragraph 3 asserts legal conclusions to which no answers are required.
- 4. Paragraph 4 asserts legal conclusions to which no answers are required. To the extent that answers are required, Mr. Blair admits only to the extent that he initiated this action by suing Lamborghini in this District.
- 5. Paragraph 5 asserts legal conclusions to which no answers are required.

FACTUAL BACKGROUND

- 6. Mr. Blair lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6.
- 7. Mr. Blair lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7.
- 8. Mr. Blair lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8.
- 9. Mr. Blair lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9.
- 10. Mr. Blair lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10.
- 11. Mr. Blair lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11.

1 12. Mr. Blair lacks sufficient knowledge or information to form a belief as to the
2 truth of the allegations contained in Paragraph 12.

3 13. Mr. Blair lacks sufficient knowledge or information to form a belief as to the
4 truth of the allegations contained in Paragraph 13.

5 14. Mr. Blair lacks sufficient knowledge or information to form a belief as to the
6 truth of the allegations contained in Paragraph 14.

7 15. Mr. Blair lacks sufficient knowledge or information to form a belief as to the
8 truth of the allegations contained in Paragraph 15.

9 16. Mr. Blair lacks sufficient knowledge or information to form a belief as to the
10 truth of the allegations contained in Paragraph 16.

11 17. Mr. Blair lacks sufficient knowledge or information to form a belief as to the
12 truth of the allegations contained in Paragraph 17.

13 18. Mr. Blair admits only to the extent that he acquired the domain name
14 <Lambo.com> in February 2018, and denies the rest of the allegations
15 contained in Paragraph 18.

16 19. Mr. Blair admits only to the extent that he had heard of Lamborghini before
17 he acquired the <Lambo.com> domain name and denies the rest of the
18 allegations contained in Paragraph 19.

COUNT ONE

**Violation of Anticybersquatting Consumer Protection Act,
15 U.S.C. § 1125(d)¹**

1
2
3 20. Mr. Blair incorporates his answers and statements set forth in Paragraphs 1–
4 19.

5 21. Mr. Blair admits only to the extent that the domain name <Lambo.com> was
6 registered in 2000, and that he acquired the domain name <Lambo.com> in
7 February 2018. Mr. Blair lacks sufficient knowledge or information to form
8 a belief as to the truth of the remaining allegations contained in Paragraph
9 21.

10 22. Mr. Blair denies the allegations contained in Paragraph 22.

11 23. Mr. Blair admits the allegations contained in Paragraph 23.

12 24. Mr. Blair denies the allegations contained in Paragraph 24.

13 25. Mr. Blair denies the allegations contained in Paragraph 25.

14 26. Mr. Blair denies the allegations contained in Paragraph 26.

15
16
17
18
19
20 ¹ Mr. Blair incorporates the headings in the Counterclaim solely for referring to the
respective paragraphs and the allegations therein. Mr. Blair does not admit to any allegations
stated in the Counterclaim by such incorporation of the heading.

1 **FIRST AFFIRMATIVE DEFENSE**

2 27. Mr. Blair registered the domain name <Lambo.com> in good faith to use it
3 as a moniker and for possible development.

4 **SECOND AFFIRMATIVE DEFENSE**

5 28. Mr. Blair acquired all property right in the domain name <Lambo.com> that
6 were owned by the prior owner who registered the domain name in 2000.
7 Those rights pre-date any asserted trademark rights to the term “LAMBO” in
8 the United States.

9 **THIRD AFFIRMATIVE DEFENSE**

10 29. Lamborghini’s Counterclaim fails to plead sufficient facts to support that
11 Lamborghini uses “LAMBO” as a trademark in the United States; that
12 Lamborghini has any active trademark registration for “LAMBO” in the
13 United States; or that Lamborghini has any common law trademark rights to
14 “LAMBO” in the United States at any time, much less in 2000 when the
15 disputed domain name was registered.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 30. Mr. Blair did not acquire or use the domain name <Lambo.com> in bad
18 faith. Selling a generic domain name for a high price, alone, is not sufficient
19 to establish bad faith. Mr. Blair prices a number of domain names that he
20 owns for anywhere from millions to tens of millions of dollars. All of these

1 are listed for sale for prices that far exceed their reasonable registration
2 costs. His pricing of <Lambo.com> is even higher, because he uses
3 “Lambo” as a moniker, and values it the most.

4 **FIFTH AFFIRMATIVE DEFENSE**

5 31. Lack of bad faith is further supported by the fact that Mr. Blair owns roughly
6 100 domain names, none of which are trademarks or target known
7 trademarks.

8 **SIXTH AFFIRMATIVE DEFENSE**

9 32. Lack of bad faith is further supported by the fact that Mr. Blair has never
10 offered to sell the domain name <Lambo.com> to Lamborghini and has no
11 intention to sell it to Lamborghini.

12 **SEVENTH AFFIRMATIVE DEFENSE**

13 33. Lack of bad faith is further supported by the fact that Mr. Blair has never
14 used the domain name <Lambo.com> in connection with parked page
15 advertisements.

16 **EIGHTH AFFIRMATIVE DEFENSE**

17 34. Lamborghini is barred by the doctrine of laches from pursuing a claim
18 against Mr. Blair, who relied on Lamborghini’s inaction over a period of 18
19 years from the domain name’s initial registration to purchase the domain
20 name <Lambo.com>.

1 **NINTH AFFIRMATIVE DEFENSE**

2 35. The domain name <Lambo.com> is not confusingly similar with the
3 LAMBORGHINI trademark. Whereas LAMBORGHINI is known to refer
4 almost exclusively to the cars manufactured by Defendant/Counterclaim-
5 Plaintiff, LAMBO is different than LAMBORGHINI. A number of
6 companies use LAMBO as a trademark in connection with various goods
7 and services, none of which have anything to do with sports cars.

8 **TENTH AFFIRMATIVE DEFENSE**

9 36. Lamborghini fails to state a claim for which relief may be granted. The
10 Counterclaim pleads insufficient facts to support that Lamborghini owns or
11 owned common law trademark rights in LAMBO in the United States, either
12 presently, in 2018 or in 2000, and allegations that Mr. Blair is offering the
13 domain name for sale for \$75 million, alone, are insufficient to establish that
14 he did so to target Lamborghini's trademark or sell the domain name to
15 Lamborghini.

16 **ELEVENTH AFFIRMATIVE DEFENSE**

17 37. Mr. Blair reserves the right to supplement and amend the affirmative
18 defenses as warranted by ongoing discovery, investigation, or as otherwise
19 permitted by law or Court order.
20

1 **TWELFTH AFFIRMATIVE DEFENSE**

2 38. Mr. Blair denies every and all allegations, express or implied, not expressly
3 admitted herein.

4 **WHEREFORE**, Counterclaim-Defendant respectfully requests that
5 Lamborghini's Counterclaim be dismissed with prejudice, that judgment be
6 entered in Counterclaim-Defendant's favor, that Counterclaim-Defendant be
7 awarded attorneys' fees, costs, expenses, and such other relief as the Court deems
8 just and proper.

9
10 Dated: August 18, 2023

11 **LEWIS & LIN, LLC**

12 By: /s/ Brett E. Lewis
13 Brett E. Lewis (pro hac vice)
14 77 Sands Street, 6th Floor
15 Brooklyn, NY 11201
16 Tel: (718) 243-9323
17 Fax: (718) 243-9326
18 brett@iLawco.com

19 *Attorneys for Plaintiff*
20