

EXHIBIT B

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____X

ECLIPSE SPORTSWIRE,
Plaintiff,

Civil Action No. 21-cv-01712

-against-

RESPONSE TO REQUESTS TO ADMIT

CONTENT IQ LLC d/b/a BOREDOM
THERAPY.COM

Defendant

_____X

Defendant Content IQ LLC d/b/a Boredom Therapy.com (“Content IQ”) responds and objects to Plaintiff’s First Set of Requests for Admissions as set forth below.

GENERAL OBJECTIONS

1. Defendant objects to the Requests to the extent that they are overly broad, vague, argumentative, or redundant.
2. Defendant objects to the Requests to the extent the information and responses sought is protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other recognized privilege.

3. Defendant objects to the Requests to the extent that they require Defendant to search for and produce documents or information that are not within its possession, custody, or control.

4. Each response is subject to all objections as to relevance, materiality, and admissibility, and to any and all objections on any ground that would require exclusion of any response if it were introduced in court.

5. Each response and objection is made on the basis of information currently available to and located by Defendant upon reasonable investigation. Defendant expressly reserves the right to modify, revise, supplement, or amend its responses as it deems appropriate.

6. Defendant objects to these Requests to the extent they exceed the scope of Requests for Admission, as set forth in Fed. R. Civ. P. 36.

RESPONSES

REQUEST NO. 1

Admit or deny that Defendant operates the Infringing Website for commercial purposes.

RESPONSE: Objects to this Request on the grounds that the phrases “operates” and “commercial purposes” is undefined and vague. Subject to such objection, Defendant admits that it publishes articles on the website www.boredomtherapy.com.

REQUEST NO. 2

Admit or deny that Defendant is responsible for the content found at the Infringing Website.

RESPONSE: Objects to this Request on the grounds that this Request is overly broad, seeks information unrelated to this litigation, and further objects on the grounds that the term “responsible” is vague and undefined.

REQUEST NO. 3

Admit or deny that Defendant is responsible for the content found at the Infringing Webpages.

RESPONSE: Defendant objects to the definition of Infringing Webpages on the grounds that it refers to images and webpages that are not subject of this litigation. Defendant objects further to this Request on the grounds that it is overly broad, seeks information unrelated to this litigation, and that the term “responsible” is vague and undefined.

REQUEST NO. 4

Admit or deny that Defendant uses photographic images at the Infringing Website to generate web traffic at the Infringing Website.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad, vague and seeks a response that is not related to this litigation. Defendant denies that the image that is subject to this litigation was published for the specific purpose of generating web traffic for www.boredomtherapy.com.

REQUEST NO. 5

Admit or deny that Defendant used photographic images at the Infringing Webpages to generate web traffic at the Infringing Webpages.

RESPONSE: Defendant objects to the definition of Infringing Webpages on the grounds that it refers to images and webpages that are not subject of this litigation. Defendant denies that the image that is subject to this litigation was published for the specific purpose of generating web traffic for www.boredomtherapy.com.

REQUEST NO. 6

Admit or deny that Defendant uses photographic images at the Infringing Website to generate web traffic at the Infringing Website.

RESPONSE: Defendant objects on the grounds that this Request is redundant. See Response to Request No. 4.

REQUEST NO. 7

Admit or deny that Defendant uses photographic images at the Infringing Website to make Defendant's "Boredom Therapy" brand more popular.

RESPONSE: Defendant objects on the grounds that this Request is redundant. See Response to Request No. 4. Defendant further objects on the grounds that the term "popular" is vague and undefined.

REQUEST NO. 8

Admit or deny that Defendant used photographic images at the Infringing Webpages to make Defendant's "Boredom Therapy" brand more popular.

RESPONSE: Defendant objects to the definition of Infringing Webpages on the grounds that it refers to images and webpages that are not subject of this litigation. Defendant further objects on the grounds that this Request is redundant and the term "popular" is vague and undefined.

REQUEST NO. 9

Admit or deny that Defendant uses photographic images at the Infringing Website to encourage visitors to spend more time at the Infringing Website.

RESPONSE: Defendant objects to this Request on the grounds that it is overly broad and seeks a response that is not related to this litigation. Subject to such response, Defendant denies that the photograph that is subject of this litigation was published on www.boredomtherapy.com to encourage readers to spend more time on that website.

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