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11 Attorneys for Defendants Code Rebel,  
 12 LLC and Arben Kryeziu

13 **UNITED STATES DISTRICT COURT**  
 14 **CENTRAL DISTRICT OF CALIFORNIA**

15 **AQUA CONNECT, a Nevada**  
 16 **Corporation,**

17 **Plaintiff,**

18 **vs.**

19 **CODE REBEL, LLC, a Hawaii Limited**  
 20 **Liability Company; ARBEN KRYEZIU,**  
 21 **an individual; VLADIMIR BICKOV, an**  
 22 **individual; and DOES 1 through 10,**  
 23 **inclusive,**

24 **Defendants Kryeziu and**  
 25 **Code Rebel.**

26 **CASE NO. CV11-5764 RSWL (MANx)**

27 **DEFENDANTS ARBEN KRYEZIU**  
 28 **AND CODE REBEL, LLC'S**  
**ANSWER TO FIRST AMENDED**  
**COMPLAINT OF PLAINTIFF AQUA**  
**CONNECT**

Complaint filed: May 25, 2011

1 Defendants Code Rebel, LLC (“Code Rebel”), Arben Kryeziu (“Kryeziu,” or  
2 collectively with Code Rebel, the “Defendants”) hereby answer the First Amended  
3 Complaint (“FAC”) of Plaintiff Aqua Connect, Inc. (“Plaintiff”), and aver as  
4 follows:

5 1. Paragraph 1 contains only legal conclusions for which no response by  
6 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
7 Paragraph 1 are not conclusions, Defendants Code Rebel and Kryeziu lack  
8 information or belief sufficient to admit or deny the allegations of Paragraph 1 of the  
9 FAC, and on that basis, deny them.

10 2. Defendants Code Rebel and Kryeziu admit that Defendant Code Rebel  
11 “is a Hawaii limited liability company with its principal place of business in  
12 Hawaii.” As to all other allegations of Paragraph 2, they are only legal conclusions  
13 for which no response by Defendants Code Rebel and Kryeziu is necessary. To the  
14 extent any other portions of Paragraph 2 are not conclusions, Defendants Code  
15 Rebel and Kryeziu deny them.

16 3. Defendants Code Rebel and Kryeziu admit that Defendant Kryeziu is  
17 “a resident of Hawaii.” As to all other allegations of Paragraph 3, they are only  
18 legal conclusions for which no response by Defendants Code Rebel and Kryeziu is  
19 necessary. To the extent any other portions of Paragraph 3 are not conclusions,  
20 Defendants Code Rebel and Kryeziu deny them.

21 4. Defendants Code Rebel and Kryeziu deny that Defendant Vladimir  
22 Bickov is “a resident of Russia.” As to all other allegations of Paragraph 4, they are  
23 only legal conclusions for which no response by Defendants Code Rebel and  
24 Kryeziu is necessary. To the extent any other portions of Paragraph 4 are not  
25 conclusions, Defendants Code Rebel and Kryeziu lack information or belief  
26 sufficient to admit or deny the allegations of Paragraph 4 of the FAC, and on that  
27 basis, deny them.

28 5. Paragraph 5 contains only legal conclusions for which no response by

1 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
2 Paragraph 5 are not conclusions, Defendants Code Rebel and Kryeziu lack  
3 information or belief sufficient to admit or deny the allegations of Paragraph 5 of the  
4 FAC, and on that basis, deny them.

5 6. Paragraph 6 contains only legal conclusions for which no response by  
6 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
7 Paragraph 6 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

8 7. Defendants Code Rebel and Kryeziu lack information or belief  
9 sufficient to admit or deny the allegations of Paragraph 7 of the FAC, and on that  
10 basis, deny them.

11 8. Paragraph 8 contains only legal conclusions for which no response by  
12 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
13 Paragraph 8 are not conclusions, Defendants Code Rebel and Kryeziu deny that  
14 acted “in his capacity as an agent of Code Rebel” or “at the behest of Arben  
15 Kryeziu.” As to all other allegations in Paragraph 8 of the FAC, Defendants Code  
16 Rebel and Kryeziu lack information or belief sufficient to admit or deny the  
17 allegations of Paragraph 8 of the FAC, and on that basis, deny them.

18 9. Paragraph 9 contains only legal conclusions for which no response by  
19 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
20 Paragraph 9 are not conclusions, Defendants Code Rebel and Kryeziu lack  
21 information or belief sufficient to admit or deny the allegations of Paragraph 9 of the  
22 FAC, and on that basis, deny them.

23 10. Defendants Code Rebel and Kryeziu deny that “Code Rebel and its  
24 agents also requested trial versions of subsequent versions of ACTS, and agreed to  
25 the EULAs in effect at the time.” As to all other allegations of Paragraph 10, they  
26 are only legal conclusions for which no response by Defendants Code Rebel and  
27 Kryeziu is necessary. To the extent any other portions of Paragraph 10 are not  
28 conclusions, Defendants Code Rebel and Kryeziu deny them.

1           11. Paragraph 11 contains only legal conclusions for which no response by  
2 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
3 Paragraph 11 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

4           12. Defendants Code Rebel and Kryeziu deny the allegations of Paragraph  
5 12 of the FAC.

6           13. Defendants Code Rebel and Kryeziu deny the allegations of Paragraph  
7 13 of the FAC.

8           14. Defendants Code Rebel and Kryeziu deny the allegations related to  
9 Kryeziu in Paragraph 14 of the FAC. As to all other allegations in Paragraph 14 of  
10 the FAC, Defendants Code Rebel and Kryeziu lack information or belief sufficient  
11 to admit or deny the allegations of Paragraph 14 of the FAC, and on that basis, deny  
12 them

13           15. Defendants Code Rebel and Kryeziu incorporate herein by reference,  
14 their answers to Paragraphs 1 through 14 of the FAC.

15           16. Paragraph 16 contains only legal conclusions for which no response by  
16 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
17 Paragraph 16 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

18           17. Paragraph 17 contains only legal conclusions for which no response by  
19 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
20 Paragraph 17 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

21           18. Paragraph 18 contains only legal conclusions for which no response by  
22 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
23 Paragraph 18 are not conclusions, Defendants Code Rebel and Kryeziu lack  
24 information or belief sufficient to admit or deny the allegations of Paragraph 18 of  
25 the FAC, and on that basis, deny them.

26           19. Paragraph 19 contains only legal conclusions for which no response by  
27 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
28 Paragraph 19 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

1           20. Paragraph 20 contains only legal conclusions for which no response by  
2 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
3 Paragraph 20 are not conclusions, Defendants Code Rebel and Kryeziu lack  
4 information or belief sufficient to admit or deny the allegations of Paragraph 20 of  
5 the FAC, and on that basis, deny them.

6           21. Paragraph 21 contains only legal conclusions for which no response by  
7 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
8 Paragraph 21 are not conclusions, Defendants Code Rebel and Kryeziu lack  
9 information or belief sufficient to admit or deny the allegations of Paragraph 21 of  
10 the FAC, and on that basis, deny them.

11           22. Paragraph 22 contains only legal conclusions for which no response by  
12 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
13 Paragraph 22 are not conclusions, Defendants Code Rebel and Kryeziu lack  
14 information or belief sufficient to admit or deny the allegations of Paragraph 22 of  
15 the FAC, and on that basis, deny them.

16           23. Defendants Code Rebel and Kryeziu incorporate herein by reference,  
17 their answers to Paragraphs 1 through 22 of the FAC.

18           24. Paragraph 24 contains only legal conclusions for which no response by  
19 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
20 Paragraph 24 are not conclusions, Defendants Code Rebel and Kryeziu lack  
21 information or belief sufficient to admit or deny the allegations of Paragraph 24 of  
22 the FAC, and on that basis, deny them.

23           25. Paragraph 25 contains only legal conclusions for which no response by  
24 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
25 Paragraph 25 are not conclusions, Defendants Code Rebel and Kryeziu lack  
26 information or belief sufficient to admit or deny the allegations of Paragraph 25 of  
27 the FAC, and on that basis, deny them

28           26. Paragraph 26 contains only legal conclusions for which no response by

1 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
2 Paragraph 26 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

3 27. Paragraph 27 contains only legal conclusions for which no response by  
4 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
5 Paragraph 27 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

6 28. Paragraph 28 contains only legal conclusions for which no response by  
7 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
8 Paragraph 28 are not conclusions, Defendants Code Rebel and Kryeziu lack  
9 information or belief sufficient to admit or deny the allegations of Paragraph 28 of  
10 the FAC, and on that basis, deny them.

11 29. Paragraph 29 contains only legal conclusions for which no response by  
12 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
13 Paragraph 29 are not conclusions, Defendants Code Rebel and Kryeziu deny them.

14 30. Paragraph 30 contains only legal conclusions for which no response by  
15 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
16 Paragraph 30 are not conclusions, Defendants Code Rebel and Kryeziu lack  
17 information or belief sufficient to admit or deny the allegations of Paragraph 30 of  
18 the FAC, and on that basis, deny them.

19 31. Paragraph 31 contains only legal conclusions for which no response by  
20 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
21 Paragraph 31 are not conclusions, Defendants Code Rebel and Kryeziu deny that  
22 "Code Rebel would have been unable to create a competing product and/or some of  
23 the features would have been missing from Code Rebel's product." As to all other  
24 allegations in Paragraph 31, Defendants Code Rebel and Kryeziu lack information  
25 or belief sufficient to admit or deny the allegations of Paragraph 31 of the FAC, and  
26 on that basis, deny them.

27 32. Paragraph 32 contains only legal conclusions for which no response by  
28 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of

1 Paragraph 32 are not conclusions, Defendants Code Rebel and Kryeziu lack  
2 information or belief sufficient to admit or deny the allegations of Paragraph 32 of  
3 the FAC, and on that basis, deny them.

4 33. Defendants Code Rebel and Kryeziu incorporate herein by reference,  
5 their answers to Paragraphs 1 through 32 of the FAC.

6 34. Paragraph 34 contains only allegations that were dismissed by the  
7 Court, without leave to amend, on February 13, 2012, for which no response by  
8 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
9 Paragraph 34 require any response, Defendants Code Rebel and Kryeziu deny them.

10 35. Paragraph 35 contains only allegations that were dismissed by the  
11 Court, without leave to amend, on February 13, 2012, for which no response by  
12 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
13 Paragraph 35 require any response, Defendants Code Rebel and Kryeziu deny them.

14 36. Paragraph 36 contains only allegations that were dismissed by the  
15 Court, without leave to amend, on February 13, 2012, for which no response by  
16 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
17 Paragraph 36 require any response, Defendants Code Rebel and Kryeziu deny them.

18 37. Paragraph 37 contains only allegations that were dismissed by the  
19 Court, without leave to amend, on February 13, 2012, for which no response by  
20 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
21 Paragraph 37 require any response, Defendants Code Rebel and Kryeziu deny them.

22 38. Paragraph 38 contains only allegations that were dismissed by the  
23 Court, without leave to amend, on February 13, 2012, for which no response by  
24 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
25 Paragraph 38 require any response, Defendants Code Rebel and Kryeziu deny them.

26 39. Paragraph 39 contains only allegations that were dismissed by the  
27 Court, without leave to amend, on February 13, 2012, for which no response by  
28 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of

1 Paragraph 39 require any response, Defendants Code Rebel and Kryeziu deny them.

2 40. Paragraph 40 contains only allegations that were dismissed by the  
3 Court, without leave to amend, on February 13, 2012, for which no response by  
4 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
5 Paragraph 40 require any response, Defendants Code Rebel and Kryeziu deny them.

6 41. Paragraph 41 contains only allegations that were dismissed by the  
7 Court, without leave to amend, on February 13, 2012, for which no response by  
8 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
9 Paragraph 41 require any response, Defendants Code Rebel and Kryeziu deny them.

10 42. Paragraph 42 contains only allegations that were dismissed by the  
11 Court, without leave to amend, on February 13, 2012, for which no response by  
12 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
13 Paragraph 42 require any response, Defendants Code Rebel and Kryeziu deny them.

14 43. Defendants Code Rebel and Kryeziu incorporate herein by reference,  
15 their answers to Paragraphs 1 through 42 of the FAC.

16 44. Paragraph 44 contains only legal conclusions for which no response by  
17 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
18 Paragraph 44 are not conclusions, Defendants Code Rebel and Kryeziu lack  
19 information or belief sufficient to admit or deny the allegations of Paragraph 44 of  
20 the FAC, and on that basis, deny them.

21 45. Paragraph 45 contains only legal conclusions for which no response by  
22 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
23 Paragraph 45 are not conclusions, Defendants Code Rebel and Kryeziu lack  
24 information or belief sufficient to admit or deny the allegations of Paragraph 45 of  
25 the FAC, and on that basis, deny them.

26 46. Paragraph 46 contains only legal conclusions for which no response by  
27 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
28 Paragraph 46 are not conclusions, Defendants Code Rebel and Kryeziu lack



1 information or belief sufficient to admit or deny the allegations of Paragraph 46 of  
2 the FAC, and on that basis, deny them.

3 47. Defendants Code Rebel and Kryeziu incorporate herein by reference,  
4 their answers to Paragraphs 1 through 46 of the FAC.

5 48. Paragraph 48 contains only legal conclusions for which no response by  
6 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
7 Paragraph 48 are not conclusions, Defendants Code Rebel and Kryeziu lack  
8 information or belief sufficient to admit or deny the allegations of Paragraph 48 of  
9 the FAC, and on that basis, deny them.

10 49. Paragraph 49 contains only legal conclusions for which no response by  
11 Defendants Code Rebel and Kryeziu is necessary. To the extent portions of  
12 Paragraph 49 are not conclusions, Defendants Code Rebel and Kryeziu lack  
13 information or belief sufficient to admit or deny the allegations of Paragraph 49 of  
14 the FAC, and on that basis, deny them.

15 50. As to all allegations in the FAC which are not expressly admitted in  
16 Paragraphs 1 through 49, supra, Defendants Code Rebel and Kryeziu deny them.

17 **DEFENDANTS CODE REBEL AND KRYEZIU'S AFFIRMATIVE**

18 **DEFENSES**

19 Code Rebel and Kryeziu assert the following Affirmative Defenses, without  
20 assuming the burden of proof when such burden would otherwise be on Plaintiff.

21 **First Affirmative Defense**

22 1. On information and belief, the FAC, and each of the causes of action  
23 alleged against Defendants Code Rebel and Kryeziu therein, fail to state facts  
24 sufficient to constitute a cause of action against Defendants Code Rebel and Kryeziu  
25 and/or to entitle Plaintiff to the relief it seeks.

26 **Second Affirmative Defense**

27 2. On information and belief, each of Plaintiff's claims for relief are  
28 barred in whole or in part because Plaintiff's would be unjustly enriched if it

1 recovered any damages or relief from Defendants Code Rebel and Kryeziu.

2 **Third Affirmative Defense**

3 3. On information and belief, the FAC, and each of the causes of action  
4 alleged against Defendants Code Rebel and Kryeziu therein, are barred, in whole or  
5 in part, by the doctrines of consent, estoppel, acquiescence, and/or waiver.

6 **Fourth Affirmative Defense**

7 4. On information and belief, the FAC, and each of the causes of action  
8 alleged against Defendants Code Rebel and Kryeziu therein, are barred in whole or  
9 in part by the doctrine of unclean hands.

10 **Fifth Affirmative Defense**

11 5. On information and belief, the FAC, and each of the causes of action  
12 against Defendants Code Rebel and Kryeziu alleged therein, are barred in whole or  
13 in part by the Plaintiff's failure to fulfill its duty to mitigate the damages allegedly  
14 suffered.

15 **Sixth Affirmative Defense**

16 6. On information and belief, the FAC, and each of the causes of action  
17 against Defendants Code Rebel and Kryeziu alleged therein, are barred in whole or  
18 in part by the doctrine of fair use.

19 **Seventh Affirmative Defense**

20 7. On information and belief, the FAC, and each of the causes of action  
21 against Defendants Code Rebel and Kryeziu alleged therein, are barred in whole or  
22 in part by the lack of contractual privity between Plaintiff Aqua Connect, on the one  
23 hand, and Defendants Code Rebel and Kryeziu, on the other hand.

24 **Eighth Affirmative Defense**

25 8. On information and belief, the FAC, and each of the causes of action  
26 against Defendants Code Rebel and Kryeziu alleged therein, are barred in whole or  
27 in part because such contract(s) between Plaintiff and Defendants Code Rebel and  
28 Kryeziu, if they exist, which Defendants Code Rebel and Kryeziu deny, are

1 unconscionable and cannot be enforced, because they are grossly unfair, the relative  
2 bargaining power of the parties was severely imbalanced, and the Plaintiff has  
3 forced unfair conditions, clauses, and/or waivers on the other parties thereto.

4 **Ninth Affirmative Defense**

5 9. On information and belief, the FAC, and each of the claims alleged  
6 against Defendants Code Rebel and Kryeziu therein, fails to describe the claims  
7 made against Defendants Code Rebel and Kryeziu with sufficient particularity to  
8 enable Defendants Code Rebel and Kryeziu to determine what defenses they may  
9 have in response to Plaintiff's claims. Defendants Code Rebel and Kryeziu  
10 therefore reserve the right to assert all defenses which may be pertinent to Plaintiff's  
11 claims once the precise nature of such claims are ascertained through discovery and  
12 investigation.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Defendants Code Rebel and Kryeziu pray for the following  
15 relief:

- 16 1. That Plaintiff's FAC be dismissed with prejudice, and that Plaintiff's
- 17 request for damages and other relief be denied in full;
- 18 2. That Defendants Code Rebel and Kryeziu be awarded their attorneys'
- 19 fees, costs and expenses in this action, pursuant applicable law; and
- 20 3. Any further relief as this Court may deem fair and just.

21  
22 DATED: February 22, 2012

23 QUINTANA LAW GROUP  
A Professional Law Corporation

24  
25 By: 

26 Andres F. Quintana, Esq.  
27 John M. Houkom, Esq.  
28 Attorneys for Defendants Code Rebel,  
LLC and Arben Kryeziu

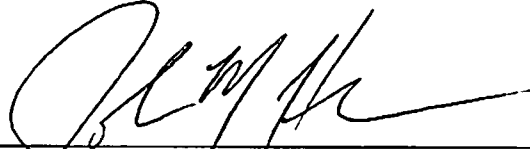
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**DEMAND FOR JURY TRIAL**

Defendants Code Rebel and Kryeziu respectfully request a trial by jury on all issues so triable.

DATED: February 22, 2012

QUINTANA LAW GROUP  
A Professional Law Corporation

By: 

Andres F. Quintana, Esq.  
John M. Houkom, Esq.  
Attorneys for Defendants Code Rebel,  
LLC and Arben Kryeziu

**RESERVATION OF RIGHTS**

Defendants Code Rebel and Kryeziu reserve their rights to amend this answer, to assert additional defenses that may be developed during discovery in this action, and to file a counterclaim, as appropriate.

DATED: February 22, 2012

QUINTANA LAW GROUP  
A Professional Law Corporation

By: 

Andres F. Quintana, Esq.  
John M. Houkom, Esq.  
Attorneys for Defendants Code Rebel,  
LLC and Arben Kryeziu