

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

\_\_\_\_\_  
AARON C. BORING and CHRISTINE BORING, )  
husband and wife respectively, )  
 )  
 ) *Plaintiffs,* )  
 )  
v. )  
 )  
GOOGLE INC., a Delaware corporation, )  
 )  
 ) *Defendant.* )  
\_\_\_\_\_

Civil Action No. 08-cv-694 (ARH)

**ANSWER & DEFENSES TO  
AMENDED COMPLAINT**

Defendant Google Inc. (“Google” or “Defendant”) hereby answers Plaintiffs’ amended complaint (the “Amended Complaint”). Because all of the claims other than trespass have been dismissed, Google responds only to those allegations that arguably pertain to the trespass claim. To the extent not explicitly admitted, all allegations of the Amended Complaint are denied.

**THE PARTIES**

1. Google lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, and it therefore denies them.
2. Google admits the allegations contained in paragraph 2.

**VENUE**

3. Google admits that venue is proper in the Western District of Pennsylvania.

**COUNT I: INVASION OF PRIVACY**

No response is required as to paragraphs 4-5, 8, 10-15 and the prayer for relief contained in the dismissed count for invasion of privacy. Without conceding the relevancy of the allegations, Google responds below to the allegations contained in

paragraphs 6, 7 and 9 of the dismissed count for invasion of privacy only because those allegations are arguably relevant to Plaintiffs' trespass claim.

6. Google denies the allegations contained in paragraph 6.

7. Google admits that on or about May 29, 2007, Google launched "Google Street View," a Maps-based project that offers an in-color 360-degree panoramic, navigable view of various streets and roads in major cities in the United States, including Pittsburgh, Pennsylvania, and that the scope of Google Street View is public roads. Google otherwise denies the allegations contained in paragraph 7.

9. Google admits that a Street View driver drove on Oakridge Lane in the course of obtaining images for Google Street View. Google admits that Oakridge Lane appears to be currently marked as a private road, but Google lacks information sufficient to form a belief as to whether Oakridge Lane is, in fact, a private road, and it therefore denies that allegation. Google lacks information sufficient to form a belief as to whether Oakridge Lane is located in the Franklin Park/North Hills section of Pittsburgh, and it therefore denies those allegations. Google lacks information sufficient to form a belief as to whether and when Plaintiffs "discovered" that there were images of their property on Street View, and it therefore denies those allegations. Google otherwise denies the allegations contained in paragraph 9.

## **COUNT II: TRESPASS**

16. Google incorporates its responses to Paragraphs 1-15 above.

17. Google denies the allegations contained in paragraph 17.

18. Google denies the allegations contained in paragraph 18.

19. No response is required to paragraph 19 since Plaintiffs' request for punitive damages has been stricken by the Court.

No response is required to Plaintiffs' prayer for punitive damages and attorneys' fees in connection with their trespass count since those requests have been stricken by the Court. Google otherwise denies that Plaintiffs are entitled to any of the relief requested in the prayer for relief contained in their trespass count.

**COUNT III: INJUNCTION**

No response is required as to paragraphs 20-22 and the prayer for relief contained in the dismissed count for injunction.

**COUNT IV: NEGLIGENCE**

No response is required as to paragraphs 23-24 and the prayer for relief contained in the dismissed count for negligence.

**COUNT V: UNJUST ENRICHMENT**

No response is required as to paragraphs 25-28 and the prayer for relief contained in the dismissed unjust enrichment count.

**DEFENSES**

Google sets forth the following affirmative and other defenses. Google does not hereby assume the burden of proof with respect to those matters as to which, pursuant to law, Plaintiffs bear the burden.

**First Defense**  
*(License)*

29. Plaintiffs are barred from relief in this action because Google had a license (either express or implied) for any entry on their land that may have occurred.

**Second Defense**  
*(Lack of Damages)*

30. Plaintiffs are barred from relief in this action beyond \$1.00 because they have admitted that no actual damage was caused to their property by any alleged entry thereon by Google.

WHEREFORE, Google demands judgment dismissing the Amended Complaint with prejudice and granting any further relief that this Court deems just and proper, including costs and disbursements.

Dated: April 15, 2010

s/ Joshua A. Plaut

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Tonia Ouellette Klausner, Esq.\*

Joshua A. Plaut, Esq.\*

Wilson, Sonsini, Goodrich & Rosati P.C.

1301 Avenue of the Americas, 40th Floor

New York, NY 10019

Telephone: (212) 999-5800

Facsimile: (212) 999-5899

tklausner@wsgr.com

jplaut@wsgr.com

Brian P. Fagan, Esq.

Keevican Weiss Bauerle & Hirsch LLC

Federated Investors Tower

1001 Liberty Avenue, 11th Floor

Pittsburgh, PA 15222

Telephone: (412) 355-2600

Facsimile: (412) 355-2609

bfagan@kwbhlaw.com

*Attorneys for Defendant Google Inc.*

*\*admitted pro hac vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of April 2010, I caused the foregoing **Answer & Defenses to Amended Complaint** of Defendant Google Inc. to be served on the below-identified counsel for the Plaintiffs via ECF:

Gregg R. Zegarelli, Esq.  
ZEGARELLI  
Technology & Entrepreneurial  
Ventures Law Group, P.C.  
429 Forbes Avenue, Suite 1212  
Pittsburgh, PA 15219  
(412) 765-0400

Dennis M. Moskal, Esq.  
ZEGARELLI  
Technology & Entrepreneurial  
Ventures Law Group, P.C.  
429 Forbes Avenue, Suite 1212  
Pittsburgh, PA 15219  
(412) 765-0400

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s/ Joshua A. Plaut

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Tonia Ouellette Klausner, Esq.\*  
Joshua A. Plaut, Esq.\*  
Wilson, Sonsini, Goodrich & Rosati P.C.  
1301 Avenue of the Americas, 40th Floor  
New York, NY 10019  
Telephone: (212) 999-5800  
Facsimile: (212) 999-5899  
tklausner@wsgr.com  
jplaut@wsgr.com

Brian P. Fagan, Esq.  
Keevican Weiss Bauerle & Hirsch LLC  
Federated Investors Tower  
1001 Liberty Avenue, 11th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 355-2600  
Facsimile: (412) 355-2609  
bfagan@kwbhlaw.com

*Attorneys for Defendant Google Inc.*

*\*admitted pro hac vice*