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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 CRITEO S.A.,
17
18 Plaintiff,
19
20 v.
21 STEEL HOUSE, INC.,
22
23 Defendant.

CASE NO. 2:16-CV-04207 SVW
(MRWx)

**ANSWER AND COUNTERCLAIMS
OF DEFENDANT STEEL HOUSE,
INC. TO CRITEO S.A.'S
COMPLAINT AND DEMAND FOR
JURY TRIAL**

Hon. Stephen V. Wilson

Action Filed: June 13, 2016
Trial Date: Not Yet Determined

24 STEEL HOUSE, INC.,
25
26 Counter-Claimant,
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28 v.
29 CRITEO S.A.,
30
31 Counter-Defendant.

The following section is the counterclaim portion of the legal response to Criteo's claim.

1 **COUNTERCLAIMS**

2 SteelHouse asserts the following counterclaims as a result of Criteo’s
3 unlawful conduct, aimed at stifling SteelHouse’s competition in the online
4 advertising market.

5 1. Criteo, a long-time player in the advertising technology (“Ad Tech”)
6 industry, offers online advertisers (e-tailers) a generic, non-customizable option for
7 ad campaigns. Criteo’s philosophy is that its customer should hand over complete
8 reign to Criteo (along with a large budget), and Criteo will produce results. Criteo
9 promises customers the most clicks per ad in the industry. To that end, Criteo
10 miraculously claims its click rate is somehow four times as high as the rest of the
11 industry.

12 2. SteelHouse, an innovative company, entered the Ad Tech industry
13 relatively recently, and has taken the industry by storm. SteelHouse offers its
14 customers a best-in-class suite of marketing applications, including segmentation,
15 creative, campaign management, and reporting. This end-to-end suite—unlike
16 anything in the industry—provides a customizable, tailored approach to ad
17 campaigns. In contrast to Criteo, which completely controls its customers’ ad
18 campaigns, SteelHouse allows each customer the ability to create unique,
19 customizable ads tailored to its individual clients. SteelHouse’s innovative model
20 has succeeded in attracting customers and gaining market share. By offering
21 superior products and services and its customers greater choice and flexibility,
22 SteelHouse has succeeded in attracting customers from Criteo, despite Criteo’s
23 claimed market-leading click rate numbers.

24 3. In an effort to win back customers, injure SteelHouse, and blunt
25 SteelHouse’s successful and lawful competition, Criteo has resorted to
26 gamesmanship and unlawful tactics. In doing so, Criteo hopes to protect the secret
27 to its past success: Artificially high and manufactured click count numbers.
28 Because Criteo charges its customers on a Pay-Per-Click (“PCP”) or Cost-Per-

1 Click (“CPC”) model, it has every incentive to drive up its click numbers. Criteo
2 does this by masking the source of its attributions and fraudulently manufacturing
3 click numbers.

4 4. Criteo has engaged in unlawful conduct, particularly false advertising
5 and unfair competition. Criteo’s click rate numbers are astronomically and
6 artificially high. By falsely inflating its click count numbers, Criteo has deceived
7 its own customers, and diverted actual and potential customers from SteelHouse by
8 promising inflated click rates. Criteo has compounded that behavior by making
9 false, misleading, and malicious statements about SteelHouse, directly to its
10 customers, prior to the filing of any lawsuit. These false allegations have not only
11 caused SteelHouse substantial harm by damaging its reputation in the Ad Tech
12 industry, but have also resulted in loss of actual and potential clients, and loss of
13 revenue.

14 5. Criteo’s playbook is transparent. If it can discredit SteelHouse, an
15 innovative newcomer that does not charge e-tailers based on clicks, Criteo can
16 maintain a business model that rewards Criteo for its false and misleading behavior
17 and distract unwanted attention from Criteo’s own conduct. It also creates a
18 barrier to entry that helps ensure Criteo’s continued industry dominance. Criteo’s
19 false and misleading actions and statements have caused SteelHouse—and the Ad
20 Tech industry as a whole—substantial and irreparable injury. SteelHouse seeks
21 actual, punitive, treble, and compensatory damages, and attorneys’ fees, as well as
22 preliminary and permanent injunctions prohibiting Criteo from: (i) falsely
23 attributing clicks with no attributable source; (ii) falsely attributing clicks that
24 occur after a consumer has purchased a product from a website and engaging in
25 “cluster click counting”; (iii) engaging in other conduct designed to artificially
26 inflate its click count numbers; and (iv) disparaging SteelHouse, its officers,
27 agents, servants, employees, attorneys, and any other persons who are acting in
28 concert or participation with them, its services, or its products to actual and

1 potential clients, consumers, or competitors.

2 **I. THE PARTIES**

3 6. Counterclaimant SteelHouse is incorporated under the laws of
4 Delaware with its principal place of business in California.

5 7. Plaintiff Criteo has alleged that it is incorporated as a société anonyme
6 under the laws of the French Republic, with its principal place of business in Paris,
7 France.

8 **II. JURISDICTION AND VENUE**

9 8. This Court has jurisdiction over these counterclaims pursuant to 28
10 U.S.C. §§ 1331 and 1367 because this Court has jurisdiction over the
11 counterclaims that arise under federal law, and supplemental jurisdiction over
12 claims that arise under the same facts.

13 9. This Court also has jurisdiction over these counterclaims pursuant to
14 28 U.S.C. § 1332 because there is complete diversity of citizenship of the parties.
15 SteelHouse is a citizen of Delaware and California and Criteo is a citizen of a
16 foreign state, and the matter in controversy exceeds the sum of \$75,000, exclusive
17 of interests and costs.

18 10. Venue is proper in this District under 28 U.S.C. § 1391(b).

19 **III. FACTUAL BACKGROUND**

20 11. Criteo is a multi-national, publicly traded, long-time player in the Ad
21 Tech industry and earns ten times the revenue as SteelHouse. Criteo's model is
22 built on advertisers relinquishing control of their advertising campaigns to Criteo.
23 Criteo's customers do not control the visual creative in the ads, nor the targeting.
24 Criteo's customers provide Criteo with a large budget and receive very little in
25 return. Criteo shares little information with its customers, and promises
26 performance without customer insight or control. Unlike SteelHouse, Criteo is a
27 black box and takes a one-size-fits-all approach to Ad Tech.

28 12. The Ad Tech industry is an evolving industry. Online marketing

1 vendors are constantly adapting to keep up with a rapidly evolving marketplace.
2 Generally, the Ad Tech industry works through billions of interactions daily
3 between a consumer, publisher's website, exchanges, DSP (Demand Side
4 Platform), DMP (Data Management Platform), advertisers, and web analytics
5 providers like Google AnalyticsTM—all of which take place within milliseconds.

6 13. First, a consumer goes to a publisher's website (*e.g.*, New York
7 Times) and data is sent from the consumer to the publisher and back to the
8 consumer's browser. Then, if a publisher is selling ad space on the website, it will
9 notify exchanges, and the exchanges will make requests to bid. As an ad
10 impression loads in a user's web browser, information about the page and the user
11 is passed to an ad exchange, which auctions it off to the advertisers. Millions of
12 auctions are occurring in parallel. The winner's ad is then loaded into the webpage
13 nearly instantly in an attempt to get the consumer to ultimately visit the
14 advertiser's website. The whole process takes just milliseconds to complete.

15 14. Despite the fact that ad space in the exchanges are priced in terms of
16 Cost-Per-Thousand-Impressions ("CPM"), the price for 1,000 ad impressions,
17 Criteo uses a CPC pricing model. In the exchanges, Ad Tech firms bid on ad space
18 on the publisher's website through auctions. The price of those impressions is
19 often determined through real-time bidding and takes place in milliseconds as a
20 user's computer loads a webpage.

21 15. Criteo, however, allows its clients to set a price at which it is willing
22 to pay-per-click. For example, a Criteo client may set the CPC at 50 cents. But
23 Criteo alone determines what it will bid in exchanges, and bids \$2.00 per *thousand*
24 impressions. If the client is unhappy with the number of clicks and decides to
25 increase the CPC from 50 cents to \$1.00, Criteo could continue to bid on the
26 exchange at \$2.00 per thousand impressions, but now gets 50 cents more per click,
27 increasing its profits while not actually increasing customer performance. This
28 model deceives customers. Criteo's customers believe that an increased CPC bid

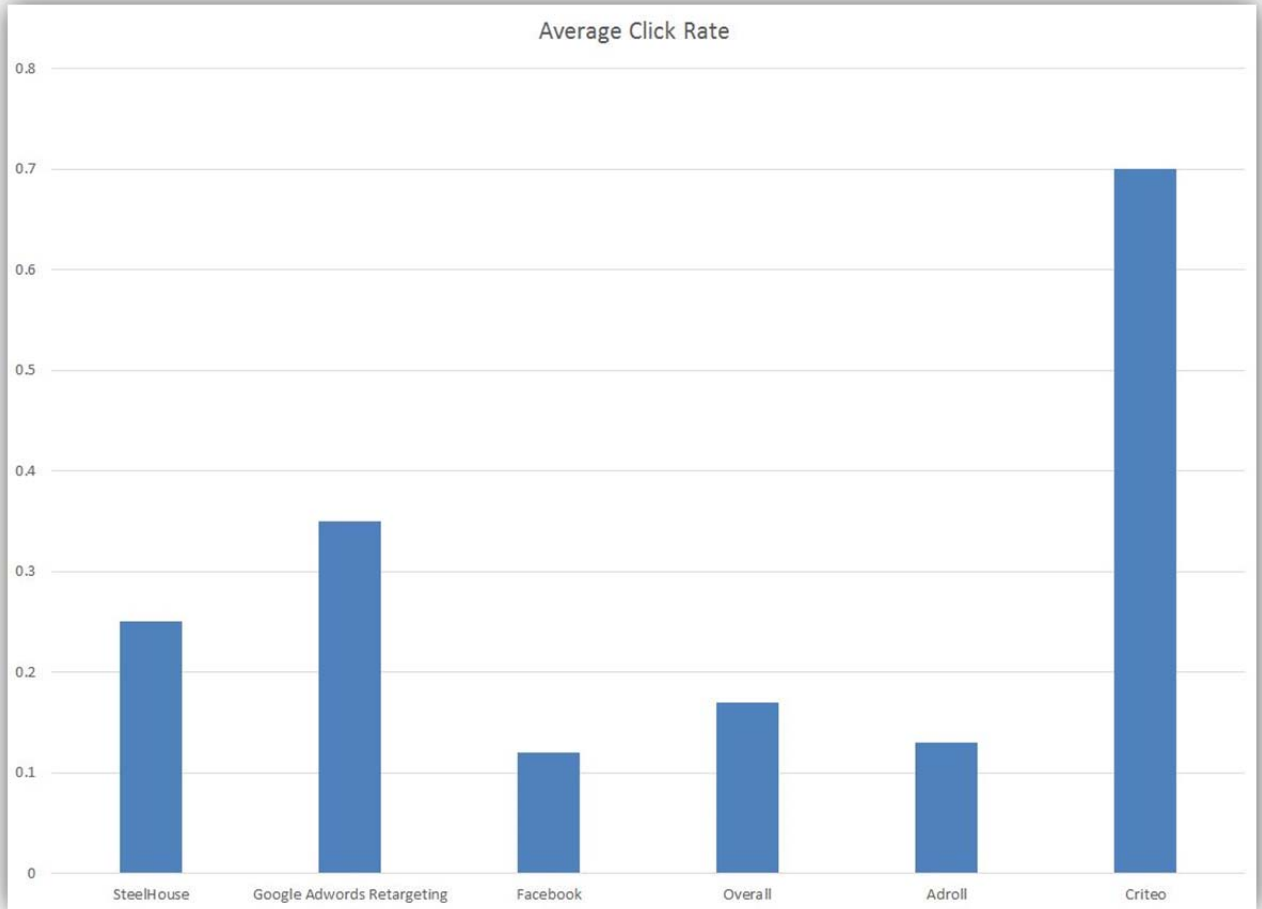
1 will yield better performance. But in reality, the increased CPC bid does not result
2 in any additional traffic to the advertiser, because the exchanges occur on a CPM
3 basis.

4 16. Criteo's business model is based on promising e-tailers the most
5 "clicks," which refers to when a consumer clicks on an online ad. Criteo's revenue
6 is entirely dependent on clicks.

7 17. In an effort to drive up its click numbers and generate increased
8 revenue, Criteo regularly injects adware into users' personal computers, serves ad
9 impressions through the adware, and buys inventory from non-reputable sources.
10 Such practices have damaged SteelHouse, other advertisers, and the Ad Tech
11 industry as a whole by making online marketing vendors less trustworthy to their
12 customers and consumers as a whole.

13 18. Criteo, however, gains significant advantage by controlling click
14 counts. Criteo's insatiable appetite for clicks is proven in its advertisements of its
15 numbers: Criteo claims it has the highest click rate in the industry, somehow
16 outperforming its competitors by more than 400 percent, including industry giants
17 Google, Facebook, and others. No company has ever come close to the number of
18 clicks that Criteo self-reports. *See* Figure 1.

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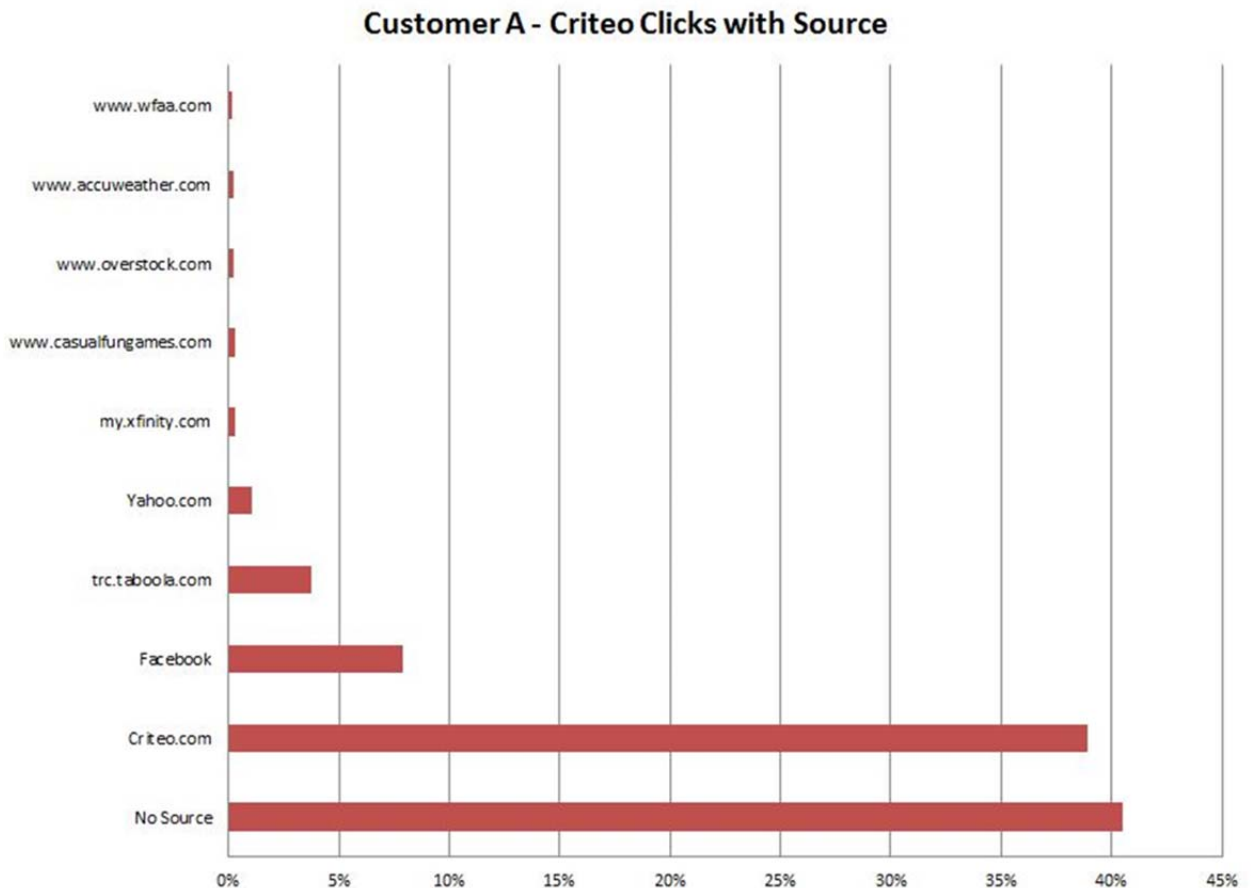
19. As early as 2012, Criteo started proclaiming its click rates are the highest in the industry, claiming it “achieve[s] ten times higher click through rates than the market average, having achieved around .06 percent and rising.” In 2014, at the Nicolaus Technology, Internet, & Media Conference, Criteo’s Executive Chairman and Co-founder, Jean-Baptiste Rudelle, touted that Criteo’s click through rate is on average “3 or 4 times higher than the typical click through rate you would see in the internet.” In 2015, Criteo also claimed that its click through rate is seven times the industry average. Criteo’s website currently claims that “marketers using our platform have seen . . . average click-through rates of over 25%.” Criteo even proclaims that by using their services clients have seen up to 203% increase in click through rates.

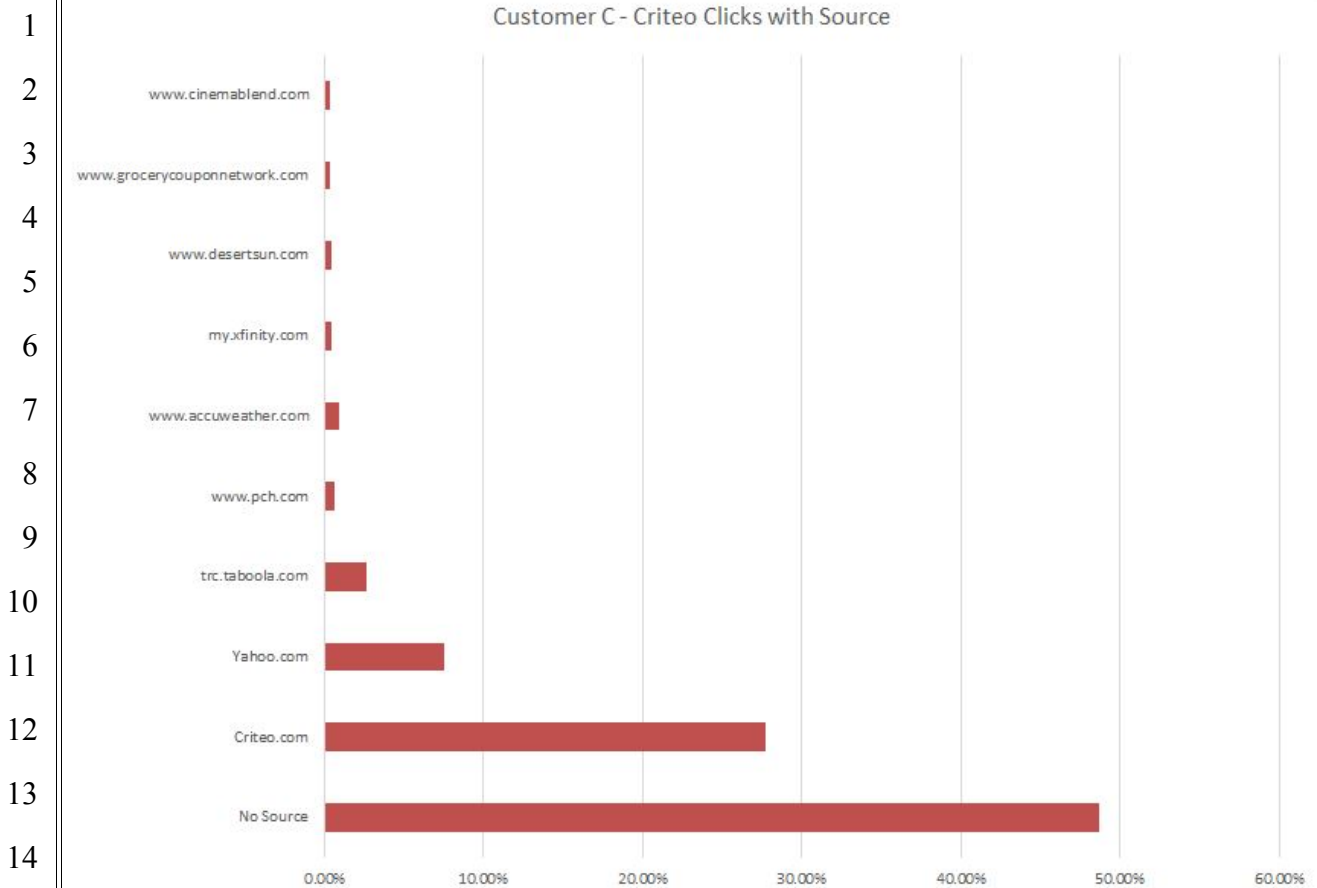
20. But more than half (52%) of Criteo’s clicks have no attributable

1 source. None. Put simply, more than half of the claimed clicks do not originate
2 from any known website or publisher. This means that the source of origin for the
3 click is listed as “unknown.” By counting clicks that have no attributable source,
4 Criteo is falsely enhancing its click count. For e-tail clients singularly focused on
5 click counts, Criteo’s fraudulent behavior makes it impossible for any other
6 marketing vendor to compete for the business of these e-tailers.

7 21. SteelHouse has examined web logs for customers it shares with Criteo
8 to analyze the source of Criteo’s clicks. In June 2016, SteelHouse examined web
9 logs and tracking pixels for three of these overlapping customers (Customer A,
10 Customer B and Customer C) to determine the source of Criteo’s clicks.

11 22. SteelHouse determined that 40% of Criteo’s clicks for Customer A
12 had no attributable source. *See* Figure 2.





15 25. Criteo also generates fake clicks after consumers purchase a product.
16 Advertising systems generally stop serving consumer ads once the consumer has
17 made a purchase from a particular website. Criteo, however, does not. Up to 8
18 percent of Criteo’s clicks occur after a consumer has made a purchase on a
19 particular website, during a period of time that most other e-tailers stop serving an
20 ad. By fraudulently generating clicks, Criteo is able to advertise more than four
21 times the click rate as everyone else in the industry, including industry giants like
22 Facebook and Google.

23 26. In addition to the timing of these clicks, these clicks often appear as
24 “clusters” of clicks—where multiple clicks are being attributed to Criteo from the
25 same site in rapid succession. 16% of Criteo’s clicks are from users clicking the
26 same advertisement within a 30-minute period. This is eight times the industry
27 standard. Criteo charges its clients for all of these clicks, further inflating its click
28 count and revenue.

1 27. Such invasive practices have raised concern as far-reaching as the
2 U.S. Senate, where in a letter to the Federal Trade Commission two U.S. Senators
3 recently questioned ongoing reliance on last-click attribution—the method Criteo
4 bases its CPC model upon—due to the rampant problem involving fake clicks
5 generated by computers and bots (a software application that runs automated tasks,
6 such as repetitively clicking ads), which artificially inflate click rates.

7 28. Since Criteo does not reveal its methodology to its customers, Criteo
8 is able to manipulate the numbers it reports, thereby generating more revenue
9 based on false or fraudulent clicks. Criteo's fraudulent behavior in counterfeiting
10 clicks has damaged SteelHouse and prohibited SteelHouse from being able to
11 compete fairly for e-tail clients focused on click rates.

12 29. By falsely inflating its click count numbers, Criteo's statements
13 regarding its high click count have deceived, or are intended to deceive, actual and
14 potential customers of Criteo and divert actual and potential customers from
15 SteelHouse.

16 30. Nonetheless, some customers still chose SteelHouse over Criteo. In
17 an effort to explain customers' rationale for choosing SteelHouse over Criteo,
18 Criteo has generated a malicious and false attack against SteelHouse in an effort to
19 discredit SteelHouse, its business model, and ultimately win back customers.
20 Criteo has falsely claimed to current and potential SteelHouse customers that
21 SteelHouse was purposely and maliciously altering its click-count numbers, and
22 stealing attributions to demonstrate that it outperformed Criteo in a variety of
23 metrics. Criteo sent emails to actual and potential clients of both Criteo and
24 SteelHouse, and made oral representations to SteelHouse's current and potential
25 clients that SteelHouse was intentionally stealing attributions to deceive customers.

26 31. For instance, on May 9, 2016, prior to sending a cease and desist letter
27 or filing a lawsuit, and knowing that SteelHouse was working to resolve any issues
28 relating to attribution with Criteo, John Shea, a member of Criteo's salesforce sent

1 emails to SteelHouse customers. John Shea sent emails to a number of SteelHouse
2 customers, which referenced “inflated SteelHouse performance levels,” and
3 mislead a number of SteelHouse customers into believing that SteelHouse was
4 somehow inflating its metrics relating to performance.

5 32. On May 10, 2016, Dave Nutt, an employee of Criteo, sent an email to
6 a SteelHouse customer, even though that client was not currently using Criteo’s
7 services. In fact, that client had not worked with Criteo for over six months. This
8 client also reached out to SteelHouse regarding Criteo’s persistence in accusing
9 SteelHouse of fraud. Indeed, David Nutt sent this client several emails in a matter
10 of days and described SteelHouse’s conduct as “hairy” and accused SteelHouse of
11 “inflated click and post-click” volumes. Between May 10 and May 13, David Nutt
12 similarly pursued several SteelHouse clients.

13 33. On May 12, 2016, Shaun Seaman, another member of Criteo’s
14 salesforce, engaged in identical tactics, sent a number of similar emails to
15 SteelHouse’s clients, resulting in SteelHouse’s clients questioning SteelHouse’s
16 business practices.

17 34. Criteo’s attack on SteelHouse also included a number of oral
18 conversations that Criteo representatives had with SteelHouse customers, prior to
19 the initiate of any lawsuit, accusing SteelHouse of fraud and deceptive business
20 practices.

21 35. Criteo knew that its statements were false and/or misleading. In fact,
22 Criteo knew that the alleged fraudulent behavior it accused SteelHouse of doing
23 was unintentional, not fraudulent, and was based on different attribution methods
24 (methods of identifying the actions of online customers that contribute to sales, and
25 assigning values to those actions). Criteo knew that SteelHouse was collaborating
26 with Criteo to address the alleged issue. Criteo and SteelHouse discussed releasing
27 a statement regarding the issue, and SteelHouse made edits to that statement. But
28 Criteo never informed SteelHouse, which clients were going to receive this email

1 nor did Criteo tell SteelHouse that it was going to target SteelHouse clients that
2 were not even working with Criteo.

3 36. Criteo's false and/or misleading statements about SteelHouse's
4 business practices damaged the commercial reputation of SteelHouse, causing
5 SteelHouse damages. Criteo knew or should have known that actual and potential
6 customers would act in reliance on these statements in deciding whether to hire
7 SteelHouse or continue using SteelHouse's products and services. As a result of
8 Criteo's false and/or misleading statements, SteelHouse lost actual and potential
9 clients, costing SteelHouse lost revenue.

10 37. Criteo's actions have damaged SteelHouse. Indeed, over twenty-five
11 customers have left SteelHouse and informed SteelHouse that it was directly a
12 result of Criteo's accusations about SteelHouse's conduct. This Counterclaim
13 follows.

14 **FIRST COUNTERCLAIM**

15 **Violations of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a),**
16 **(False and/or Misleading Advertising)**

17 38. SteelHouse hereby incorporates by reference its allegations contained
18 in Paragraphs 1 through 36 of these Counterclaims, as if fully set forth herein.

19 39. For the reasons alleged in Paragraphs 1 through 36 of these
20 Counterclaims, Criteo has violated Section 43(a) of the Lanham Act, which
21 prohibits false and misleading advertising.

22 40. Criteo has made false and misleading statements in commercial
23 advertising about the nature, quality and characteristics of Criteo's products and
24 services, including that Criteo generates more than four times the number of clicks
25 than its competitors.

26 41. The above-referenced statements were false or misleading, because at
27 least half of Criteo's clicks have no attributable source. At least 8 percent of its
28 clicks are generated after a consumer has already purchased a product from a

1 website, and 16% of clicks occur in click clusters. The inclusion of clicks without
2 a attributable source, generated after a consumer has already purchased a product,
3 and that occur in click clusters, artificially inflate Criteo's click count, which
4 Criteo then uses to induce customers to use its products and services.

5 42. By falsely inflating its click count numbers, Criteo's statements have
6 deceived, or are intended to deceive, actual and potential customers of Criteo and
7 divert actual and potential customers from SteelHouse.

8 43. Criteo's deception was material to and likely to influence the
9 purchasing decisions of e-tailers, because Criteo advertises four times the click rate
10 as any other company, which influences the purchasing decisions of e-tailers that
11 are focused on click rates.

12 44. Criteo caused its false and misleading statements to enter interstate
13 commerce because its products and services are advertised and sold across state
14 lines through the internet. Criteo advertised and sold its products and services to e-
15 tail clients throughout the United States.

16 45. Criteo's false and misleading statements have injured SteelHouse. As
17 a result of Criteo's false and misleading statements, SteelHouse has lost business.
18 As a further result of Criteo's false and misleading statements, the advertising
19 industry as a whole has been injured, and Criteo has lessened the good will
20 associated with SteelHouse's products.

21 **SECOND COUNTERCLAIM**

22 **Violation of California Business & Professions Code § 17500 *et seq.*** 23 **(False Advertising)**

24 46. SteelHouse hereby incorporates by reference its allegations contained
25 in Paragraphs 1 through 44 of these Counterclaims, as if fully set forth herein.

26 47. Criteo committed acts of false and misleading advertising within the
27 meaning of California Business & Professions Code § 17500 *et. seq.*.

28 48. Criteo has made false and misleading statements in commercial

1 advertising about the nature, quality and characteristics of Criteo's products and
2 services, including that Criteo generates more than four times the number of clicks
3 than its competitors.

4 49. Criteo knew, or should have known, through the exercise of
5 reasonable care, that the above-reference statements were false and/or misleading
6 because at least half of Criteo's clicks have no attributable source. At least 8
7 percent of its clicks are generated after a consumer has already purchased a product
8 from a website, and 16% of clicks occur in click clusters. The inclusion of clicks
9 without a attributable source, generated after a consumer has already purchased a
10 product, and that occur in click clusters, artificially inflate Criteo's click count,
11 which Criteo then uses to induce customers to use its products and services.

12 50. By falsely inflating its click count numbers, Criteo's statements have
13 deceived, or are intended to deceive, actual and potential customers of Criteo and
14 divert actual and potential customers from SteelHouse.

15 51. Criteo's deception was material to and likely to influence the
16 purchasing decisions of e-tailers because it advertises four times the click rate as
17 any other company, which influences the purchasing decisions of e-tailers that are
18 focused on click rates.

19 52. On information and belief, Criteo engages in the unlawful business
20 activities in State of California and has its U.S. headquarters in the State of
21 California. Accordingly, Criteo made or disseminated these false and misleading
22 advertisements in California.

23 53. Criteo's false and misleading statements have injured SteelHouse. As
24 a result of Criteo's false and misleading statements, SteelHouse has lost business.
25 As a further result of Criteo's false and misleading statements, the advertising
26 industry as a whole has been injured, and Criteo has lessened the good will
27 associated with SteelHouse's products.

28

1 **THIRD COUNTERCLAIM**

2 **Violation of California Business & Professions Code § 17200 *et seq.***
3 **(Unfair Competition Law)**

4 54. SteelHouse hereby incorporates by reference its allegations contained
5 in Paragraphs 1 through 52 of these Counterclaims, as if fully set forth herein.

6 55. Criteo has committed one or more acts of unfair competition within
7 the meaning of California Business & Professions Code § 17200 *et seq.* (“UCL”).
8 Criteo’s acts and practices constitute unlawful, unfair and/or fraudulent business
9 acts or practices within the meaning of the UCL, including, but not limited to,
10 falsely reporting the number of clicks by claiming clicks with no attributable
11 source, and claiming clicks after a consumer has purchased a product from a
12 website.

13 56. Criteo’s acts and practices are unlawful because they violate section
14 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), California Business & Professions
15 Code § 17500 *et seq.*, and constitute intentional interference with contract and
16 intentional interference with prospective economic advantage as set forth above
17 and below.

18 57. Criteo’s acts and practices were fraudulent within the meaning of the
19 UCL because they were designed to deceive and defraud SteelHouse and e-tailers.

20 58. Criteo knew, or should have known through the exercise of reasonable
21 care, that its methods of falsely counting clicks with no attributable source, and
22 counting clicks after consumers made purchases from a website challenged herein
23 were false and/or misleading.

24 59. SteelHouse has suffered injury in fact and lost money as a result of
25 Criteo’s unlawful acts and practices, and has been irreparably harmed and will
26 continue to suffer irreparable harm by reasons of these violations.

27
28

1 **FOURTH COUNTERCLAIM**

2 **Intentional Interference with Contract**

3 60. SteelHouse hereby incorporates by reference its allegations contained
4 in Paragraphs 1 through 54 of these Counterclaims, as if fully set forth herein.

5 61. SteelHouse has maintained contracts with its e-tail clients.

6 62. Criteo knew that SteelHouse had contracts—called Insertion Orders—
7 with its e-tail clients.

8 63. Criteo has made false and misleading statements in commercial
9 advertising about the nature, quality and characteristics of Criteo’s products and
10 services, including that Criteo generates more than four times the number of clicks
11 than its competitors. Criteo has done this by artificially inflating its click count
12 numbers, including by falsely claiming clicks that have no attributable source, and
13 falsely claiming clicks that occur after a consumer has purchased a product.

14 64. Criteo has also intentionally made false and misleading statements
15 about SteelHouse’s attribution method to SteelHouse’s e-tail clients, and wrongly
16 accused SteelHouse of fraud.

17 65. As a result of Criteo’s false and misleading statements, SteelHouse
18 lost actual customers with whom it had contractual relationships.

19 66. Criteo’s actions have damaged SteelHouse by causing SteelHouse to
20 lose clients, and by extension, revenue. SteelHouse’s damages include all lost
21 profits, expenses and prospective profits, in an amount to be determined at trial.

22 **FIFTH COUNTERCLAIM**

23 **Intentional Interference with Prospective Economic Advantage**

24 67. SteelHouse hereby incorporates by reference its allegations contained
25 in Paragraphs 1 through 61 of these Counterclaims, as if fully set forth herein.

26 68. SteelHouse has maintained continuing economic relationships with
27 numerous e-tailers that probably would have continued to result in future economic
28 benefit to SteelHouse.

- 1 (ii) falsely attributing clicks that occur after a consumer has purchased a
- 2 product from a website and engaging in “cluster click counting”;
- 3 (iii) engaging in other conduct designed to artificially inflate its click
- 4 count numbers; and
- 5 (iv) disparaging SteelHouse, its officers, agents, servants, employees,
- 6 attorneys, and any other persons who are acting in concert or
- 7 participation with them, its services, or its products to actual and
- 8 potential clients, consumers, or competitors;
- 9 (b) For monetary relief including, but not limited to, actual,
- 10 compensatory, treble, and punitive damages, and restitution, as permitted by law,
- 11 in amounts to be determined at trial;
- 12 (c) For an award to SteelHouse for costs, expenses, and reasonable
- 13 attorneys’ fees, as permitted by law; and
- 14 (d) For such other relief as the Court may deem just and proper.

15
16 Dated: July 25, 2016

LATHAM & WATKINS LLP
Daniel Scott Schechter
Marvin S. Putnam
Laura R. Washington

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20 By /s/Daniel S. Schechter
Daniel Scott Schechter
Attorneys for Defendant and Counter-
21 Claimant Steel House, Inc.

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DEMAND FOR JURY TRIAL

SteelHouse hereby demands a jury trial on all claims and issues triable to a jury.

Dated: July 25, 2016

LATHAM & WATKINS LLP
Daniel Scott Schechter
Marvin S. Putnam
Laura R. Washington

By /s/Daniel S. Schechter
Daniel Scott Schechter
Attorneys for Defendant and Counter-
Claimant Steel House, Inc.