

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

BF LABS, INC., *et al.*

Defendants.

CASE NO. 4:14-cv-00815-BCW

**FTC'S MOTION TO STRIKE AFFIRAMTIVE DEFENSES**

Plaintiff, the Federal Trade Commission ("FTC", pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, moves to strike all affirmative defenses in the Answer filed by Defendant Nasser Ghoseiri (Dkt. No. 226) and the Answer filed by Defendants BF Labs, Inc., Darla Drake, and Sonny Vleisides (Dkt. No. 227).<sup>1</sup>

In support of its motion, the FTC respectfully refers the Court to its Suggestions in Support of its Motion to Strike Affirmative Defenses. As explained in the Suggestions, these defenses are insufficient because they are legally incorrect, redundant denials of the Complaints' allegations, or incomprehensible. Furthermore, allowing them to survive into discovery would prejudice both the government and consumers harmed by Defendants.

Respectfully submitted,

JONATHAN E. NUECHTERLEIN  
General Counsel

Dated: January 30, 2015

/s/ Gregory A. Ashe  
Helen Wong, DC Bar # 997800  
Leah Frazier, DC Bar# 492540

---

<sup>1</sup> Both Answers assert the same affirmative defenses in the same order.

Gregory A. Ashe, VA Bar #39131  
Jason M. Adler, IL Bar #6295738  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Mail Stop CC-10232  
Washington, D.C. 20580  
202-326-3779 (Wong)  
202-326-2187 (Frazier)  
202-326-3719 (Ashe)  
202-326-3231 (Adler)  
Facsimile: 202-326-3768  
hwong@ftc.gov  
tkosmidis@ftc.gov  
lfrazier@ftc.gov  
gashe@ftc.gov

TAMMY DICKINSON  
United States Attorney

Dated: January 30, 2015

/s/ Charles M. Thomas  
Charles M. Thomas, MO Bar #28522  
Assistant United States Attorney  
Charles Evans Whittaker Courthouse  
400 East Ninth Street, Room 5510  
Kansas City, MO 64106  
Telephone: (816) 426-3130  
Facsimile: (816) 426-3165  
E-mail: charles.thomas@usdoj.gov

Attorneys for Plaintiff  
FEDERAL TRADE COMMISSION

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 30, 2015, a true and correct copy of the foregoing was filed electronically with the United States District Court for the Western District of Missouri using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

/s/ Gregory A. Ashe  
Attorney for Plaintiff Federal Trade Commission