

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

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FEB 26 2014

Civil Case No. 2:13-cv-01020

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

TCYK, LLC,

Plaintiff,

v.

Defendant: Joshua Davidson.

**DEFENDANT'S FIRST ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant {Name} ("Joshua Davidson") is identified in Plaintiff's complaint as one of the Internet Service Provider (ISP) subscribers assigned an Internet Protocol ("IP") address listed on the summons. I am representing myself *pro se* in this matter before the Court. I understand that *pro se* litigants are required to follow the same rules and procedures as litigants that are represented by attorneys as seen in *Nielson v. Price*, 17 F.3d 1276, 1277 (10<sup>th</sup> Cir. 1994). I will abide by these rules and procedures, but ask the courts indulgence as I'm not a lawyer. I hereby answer the Complaint of Plaintiff AF Holdings LLC. ("Plaintiff") as follows:

**Jurisdiction and Venue**

1. Defendant avers that Paragraph 1 of the Complaint makes legal conclusions that do not require a response, except that Defendant understands that Plaintiff is seeking relief under the Copyright Act (Title 17 U.S.C. § 101 et seq).
2. Defendant does not know if the court has legal jurisdiction in Paragraph 2.

3. Defendant denies the Plaintiff's allegations in Paragraph 3, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

4. Defendant denies the Plaintiff's allegations in Paragraph 4, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

5. Defendant denies the Plaintiff's allegations in Paragraph 5, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

6. Defendant denies the Plaintiff's allegations in Paragraph 6, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

7. Defendant denies the Plaintiff's allegations in Paragraph 7, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

#### **The Parties**

8. Defendant denies the Plaintiff's allegations in Paragraph 8, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

9. Defendant denies the Plaintiff's allegations in Paragraph 9, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

10. Defendant denies the Plaintiff's allegations in Paragraph 10. Even if the IP address in question was associated with the Wireless Firewall/Router (WFR) or network located at Defendant's residence, those facts still do not give rise to personal jurisdiction over the Defendant. An IP address is not a person, rather it is merely a series of numbers assigned to a computer or device, which can be accessed by multiple individuals over time. Moreover, an IP address can be simulated from a separate location by an unscrupulous individual, meaning that Plaintiff's software could inadvertently flag an innocent IP address if it is being simulated or spoofed by another.

#### **Count I**

11. Defendant denies the Plaintiff's allegations in Paragraph 11, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

12. Defendant denies the Plaintiff's allegations in Paragraph 12, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

13. Defendant denies the Plaintiff's allegations in Paragraph 13, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

14. Defendant denies the Plaintiff's allegations in Paragraph 14, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

15. Defendant denies the Plaintiff's allegations in Paragraph 15, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

16. Defendant denies the Plaintiff's allegations in Paragraph 16, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

17. Defendant denies the Plaintiff's allegations in Paragraph 17, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

18. Defendant denies the Plaintiff's allegations in Paragraph 18, because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

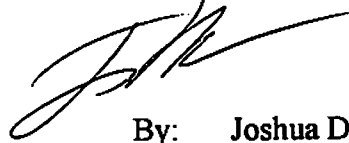
#### **PRAYER FOR RELIEF**

**WHEREFORE**, Defendant having fully answered and pled to the causes of actions herein, Defendant requests a jury trial on the claims herein insofar as they can be properly heard by a jury and an order granting the following relief:

- a. A judgment in favor of Defendant denying Plaintiff's requested relief and dismissal of Plaintiff's Complaint with prejudice by this court.

DATED: *Febuary* 26, 2014

Respectfully submitted,  
Joshua Davidson

A handwritten signature in black ink, appearing to be 'JD' with a stylized flourish.

By: Joshua Davidson  
5007 Montclair Dr NW  
Cedar Rapids, IA 52405  
Telephone: 319-213-4395

CERTIFICATE OF SERVICE

I hereby certify that on 2/26/2014, I served a copy of the foregoing document, via US Mail, on:

**Plaintiff's Attorney: Jay R Hamilton  
Hamilton IP Law, PC  
201 W. 2<sup>nd</sup> St, Suite 400  
Davenport, IA 52801**

Dated: 2/26/2014

Respectfully submitted,

By: Joshua Davidson  
5007 Montclair Dr NW  
Cedar Rapids, IA 52405  
Telephone: 319-213-4395