

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA**

civil case No. 2:13-cv-001020

TCYK LLC

Plaintiff

v.

Defendent: Phillip Reinert

**DEFENDENTS FIRST ANSWER TO PLAINTIFFS COMPLAINT**

Defendent, Phillip Reinert, is identified in Plaintiffs complaint as one of the Internet Service Providers (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 *Nielson v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994). I will abide by these rules and procedures but I ask the Courts indulgence as I am not a lawyer.

I hereby answer the Complaint of Plaintiff A.F. Holdings LLC. as follows:

**JURISDICTION AND VENUE**

1. Defendent avers that Paragraph 1 of the Complaint makes legal conclusions that do not require a response except that Defendent understands that Plaintiff is seeking relief under the Copyright Act (Title 17 U.S.C./ 101 et seq).
2. Defendent does not know if court has legal jurisdiction in Paragraph 2
3. Defendent denies the Plaintiffs allegation in Paragraph 3 because the Defendent does not have sufficient knowledge or information to form a belief about the truth of the allegations.

4. Defendant denies the Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation in Paragraph 6 because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

8. Defendant denies the Plaintiffs allegation in Paragraph 6 because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

9. Defendant denies the Plaintiffs allegation in Paragraph 6 because the Defendant does not have sufficient knowledge or information to form a belief about the truth of the allegations.

10. Defendant denies the Plaintiffs allegation in Paragraph 10. Even if the IP Address in question was associated with the Wireless Firewall Router (WFR) or network located at Defendants residence, those facts still do not give rise to personal jurisdiction over the Defendant. An IP Address is not a person rather merely a series of numbers assigned to a computer or device (which can change every time said device is turned off and back on), 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 the Plaintiffs software could inadvertently flag an innocent IP Address if it is being simulated or spoofed by another.

### **Count 1**

11. Defendant denies the Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 Plaintiffs allegation 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 being having fully answered and pled to the causes of action herein, Defendant requests a jury trial on the claims herein insofar as they can be properly be heard by a jury and an order granting the following relief:

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

DATED: *March 26, 2014*

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2014, I served a copy of the foregoing document via US Mail, on:

Plaintiffs Attorney: Jay R Hamilton

Hamilton IP Law, PC

201 West 2nd St. Suite 400

Davenport, Iowa 52801

Dated 03/26/2014

Respectfully submitted,

By Phillip Reinert  
  
604 Spruce St.

Cherokee, Iowa 51012

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