

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Voltage Pictures, LLC,

Plaintiff,

-versus-

Jeffrey Scott Kowalski,

Defendants

Ricardo M. Urbina
leave to file GRANTED
06/15/10

C.A. 1:10-cv-00873-RMU

Judge _____

ANSWER TO COMPLAINT

PARTIES

1. Defendant is a citizen of the State of Michigan.
2. Defendant has not contracted with any Internet Service Provider (ISP).
3. Defendant downloads Motion Pictures from unsecured wireless access points.
4. Defendant is a member of many online filing sharing providers.

**COUNT I
INFRINGEMENT OF COPYRIGHTS**

5. The alleged torrent could have been downloaded using the BitThief client
6. Plaintiff's complaint fails to state the location of the torrent file.
7. The BitThief client makes it possible to download content without uploading.
8. It is irrelevant if the Copyrighted Motion Picture contains a copyright notice, as it is still protected by copyright regardless.
9. The source of the Copyrighted Motion Picture is copied from Blu-Ray disc.

10. Encoding the file for online distribution significantly degrades the quality of the video.

11. Mr. Kowalski reports violations of the Terms of Service to the file sharing websites.

12. The Motion Picture Association of America (MPAA) has requested Mr. Kowalski cease from "community flagging"

13. More copies of Plaintiff's Copyrighted Motion Picture are being distributed over filing shares such as Rapidshare and MegaUpload than via Peer to Peer (P2P) software such as BitTorrent.

14. Plaintiff is indifferent to efforts by Mr. Kowalski and others to prevent Defendant's Copyrighted Motion Picture from unlawful distribution

15. Plaintiff's own acts and omissions led to the alleged causal relationship between Plaintiff and Defendants.

Therefore, based upon the foregoing, Defendant Mr. Kowalski, requests that Plaintiff's complaint be dismissed.

Dated: 6/1/2010

Respectfully submitted,

Jeff Kowalski

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Hemlock, MI 48626

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Defendant

A handwritten signature in black ink, appearing to read "Jeff Kowalski", is written over the typed name and address.