

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

**ACHTE/NEUNTE BOLL KINO  
BETEILIGUNGS GMBH & CO. KG,**

**Plaintiff**

**v.**

**CIVIL ACTION NO. 1:11 cv 10267 GAO**

**RAYMOND PEATFIELD**

**Defendant**

**ANSWER AND JURY DEMAND**

Now comes the defendant Raymond Peatfield (“Peatfield”), and hereby makes this its Answer and Jury Demand to plaintiff’s complaint. Unless specifically answered herein, all allegations of the Plaintiff’s Complaint are denied.

**PARTIES, JURISDICTION AND VENUE**

1. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 and calls upon the plaintiffs to prove the same.
2. Peatfield admits that the allegations contained in paragraph 2 of the plaintiffs’ complaint.
3. Peatfield admits that the allegations contained in paragraph 3 of the plaintiffs’ complaint.
4. Peatfield admits that the allegations contained in paragraph 4 of the plaintiffs’ complaint.
5. Peatfield admits that the allegations contained in paragraph 5 of the plaintiffs’ complaint.

**FACTUAL BACKGROUND**

6. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 and calls upon the plaintiffs to prove the same.

7. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and calls upon the plaintiffs to prove the same.
8. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 and calls upon the plaintiffs to prove the same.
9. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 and calls upon the plaintiffs to prove the same.
10. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 and calls upon the plaintiffs to prove the same.
11. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 and calls upon the plaintiffs to prove the same.
12. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 and calls upon the plaintiffs to prove the same.
13. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 and calls upon the plaintiffs to prove the same.
14. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 and calls upon the plaintiffs to prove the same.

15. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 and calls upon the plaintiffs to prove the same.

16. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 and calls upon the plaintiffs to prove the same.

17. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 and calls upon the plaintiffs to prove the same.

18. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 and calls upon the plaintiffs to prove the same.

19. Peatfield denies the allegations contained in paragraph 19 of the plaintiffs' complaint.

20. Peatfield denies the allegations contained in paragraph 20 of the plaintiffs' complaint

21. Peatfield denies the allegations contained in paragraph 21 of the plaintiffs' complaint

22. Peatfield denies the allegations contained in paragraph 22 of the plaintiffs' complaint

23. Peatfield denies the allegations contained in paragraph 23 of the plaintiffs' complaint

## **COUNT I**

### **COPYRIGHT INFRINGEMENT**

24. Peatfield is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 and calls upon the plaintiffs to prove the same

25. Peatfield denies the allegations contained in paragraph 25 of the plaintiffs' complaint.

26. Peatfield denies the allegations contained in paragraph 26 of the plaintiffs' complaint.

27. Peatfield denies the allegations contained in paragraph 27 of the plaintiffs' complaint.

28. Peatfield denies the allegations contained in paragraph 28 of the plaintiffs' complaint.

WHEREFORE, Peatfield says that the plaintiffs' complaint against it should be dismissed and that judgment should enter for the Peatfield, together with its attorneys fees and costs.

AFFIRMATIVE DEFENSES

1. And further answering, Peatfield states that the complaint should be dismissed because plaintiff has sued the wrong party.

2. And further answering, Peatfield states that the complaint should be dismissed as it fails to state a claim.

3. And further answering, Peatfield states that the complaint should be dismissed as a frivolous suit under Massachusetts General Laws Chapter 231 sec 6F.

4. And further answering, Peatfield states that the complained of conduct was not willful nor is willfulness relevant to this matter.

5. And further answering, Peatfield states that any infringement by Peatfield was an innocent infringement.

6. And further answering, Peatfield states that the complaint should be dismissed as the plaintiff has sustained no damages.

7. And further answering, Peatfield states that the complaint should be dismissed as it constitutes copyright misuse, unjust enrichment under a self-described business model and relief is otherwise unavailable under the unclean hands doctrine.
8. And further answering, Peatfield states that there is no causal relationship between the acts of Peatfield and the complained of copyright infringement.
9. And further answering, Peatfield states that the plaintiff's claim does not support attorneys fees.
10. And further answering, Peatfield states that the plaintiff's claim should be dismissed as it constitutes fraud on the Copyright Office.
11. And further answering, Peatfield states that the plaintiff's claim should be limited to actual damages if any infringement commenced prior to registration.

Wherefore, Peatfield requests:

- 1) A dismissal of the plaintiff's complaint;
- 2) An order denying plaintiff's attorneys fees, costs and damages of any kind;
- 3) An order granting Peatfield attorneys fees, litigation and expert costs and court costs to him;
- 4) An order containing a finding of the court that Peatfield has not infringed on any copyright through an upload or down load on his computer, as of the date of the filing of this action to prevent the future defamation and slander of his good name; and
- 5) An award of all other such and further relief as the Court deems just and proper.

Jury Demand

Peatfield requests a trial by jury in this matter.

Respectfully Submitted,

/s/ Kevin J. O'Leary  
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April 8, 2011

CERTIFICATE OF SERVICE

I do hereby certify that, on this 8th day of April, 2011, a copy of the foregoing was served on the following parties by electronic mail:

- **Todd Bennett, Esq.**  
tbennett@bennettandbelfort.com
- **Ryan Ciporkin, Esq.**  
rciporkin@bennettandbelfort.com

*s/ Kevin J. O'Leary*

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