

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DIGITAL CONTENT PROTECTION LLC :
A Delaware limited liability company, :

and :

WARNER BROS. ENTERTAINMENT, INC., :
A Delaware corporation, :

Plaintiffs, :

-- against -- :

LEGENDSKY TECH COMPANY LTD. :

Defendant. :
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FILED ELECTRONICALLY

CIVIL ACTION NO.
1:15-CV-10169

ANSWER

DEFENDANT’S ANSWER

COMES NOW Defendant Legendsky Tech Company LTD. (hereinafter “Defendant”) who hereby files its Answer (“Answer”) to the claims of Plaintiffs set forth in their Complaint (“Complaint”) dated December 31, 2015, as follows:

I. NATURE OF THE ACTION

1. Defendant admits that Plaintiffs have filed their action alleging that Defendant has violated the statutes set forth in paragraph 1 of the Complaint, but denies that it violated such statutes.

2. Defendant admits that High-Bandwidth Digital Content Protection (“HDCP”) is a technological measure but denies that it “effectively controls access to copyrighted works and protects the rights of copyright owners.” Defendant is without sufficient information to admit or deny the remaining part of paragraph 2, and thus denies the remaining allegations found therein.

3. Defendant is without sufficient information to admit or deny the allegations in paragraph 3, and thus denies the allegations found therein.

4. Defendant is without sufficient information to admit or deny the allegations in paragraph 4, and thus denies the allegations found therein.

5. Defendant admits the allegations in paragraph 5.

6. Defendant is without sufficient information to admit or deny the allegations in paragraph 6, and thus denies the allegations found therein.

7. Defendant admits the allegations in paragraph 7.

8. Defendant admits the allegations in paragraph 8.

9. Defendant admits the first sentence in paragraph 9. Defendant is without sufficient information to admit or deny the remaining allegations in paragraph 9, and thus denies the allegations found therein.

10. Defendant admits the first sentence of paragraph 10 but denies the part of the sentence which alleges such devices “are designed to circumvent HDCP and to eliminate HDCP’s access controls and specifications.” Defendant is without sufficient information to admit or deny the allegations the last sentence of paragraph 10, and thus denies the allegations found therein.

11. Defendant denies the allegations in paragraph 11.

12. Defendant denies the allegations in paragraph 12.

13. Defendant denies the allegations in paragraph 13.

14. Defendant denies the allegations in paragraph 14.

15. Defendant denies the allegations in paragraph 15.

16. Defendant denies the allegations in paragraph 16.

17. Defendant is without sufficient information to admit or deny the allegations in paragraph 17, and thus denies the allegations found therein.

18. Defendant denies the allegations in paragraph 18.

19. Defendant denies the allegations in paragraph 19.

II. THE PARTIES

20. Defendant is without sufficient information to admit or deny the allegations in paragraph 20, and thus denies the allegations found therein.

21. Defendant is without sufficient information to admit or deny the allegations in paragraph 21, and thus denies the allegations found therein.

22. Defendant admits the allegations in paragraph 22.

23. Defendant admits the allegations in paragraph 23.

III. JURISDICTION AND VENUE

24. Defendant is without sufficient information to admit or deny the allegations in paragraph 24, and thus denies the allegations found therein.

25. Defendant is without sufficient information to admit or deny the allegations in paragraph 25, and thus denies the allegations found therein.

26. Defendant is without sufficient information to admit or deny the allegations in paragraph 26, and thus denies the allegations found therein.

27. Defendant is without sufficient information to admit or deny the allegations in paragraph 27, and thus denies the allegations found therein.

28. Defendant is without sufficient information to admit or deny the allegations in paragraph 28, and thus denies the allegations found therein.

IV. FACTS

A. The HDCP Specification

29. Defendant is without sufficient information to admit or deny the allegations in paragraph 29, and thus denies the allegations found therein.

30. Defendant is without sufficient information to admit or deny the allegations in paragraph 30, and thus denies the allegations found therein.

31. Defendant is without sufficient information to admit or deny the allegations in paragraph 31, and thus denies the allegations found therein.

32. Defendant denies the allegations in paragraph 32. HDCP does not “effectively control access to copyrighted Digital Content” within the meaning of 17 U.S.C. §1201(a)(3)(B) because it does not, in the ordinary course of its operation, require the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work in question.

B. HDCP-Protected Systems

33. Defendant is without sufficient information to admit or deny the allegations in paragraph 33, and thus denies the allegations found therein.

34. Defendant admits the allegations in paragraph 34.

35. Defendant is without sufficient information to admit or deny the allegations in paragraph 35, and thus denies the allegations found therein.

C. The HDCP Authentication, Encryption, and Decryption Process

36. Defendant is without sufficient information to admit or deny the allegations in paragraph 36, including its subparagraphs a - c, and thus denies the allegations found therein.

D. DCP and Its Licensing of the HDCP Specification

37. Defendant admits the allegations in paragraph 37.

38. Defendant is without sufficient information to admit or deny the allegations in paragraph 38, and thus denies the allegations found therein.

39. Defendant admits the allegations in paragraph 39.

E. Warner Bros. and Its Digital Content

40. Defendant admits the first sentence of paragraph 40. Defendant is without sufficient information to admit or deny the remaining allegations in paragraph 40, and thus denies the allegations found therein.

41. Defendant is without sufficient information to admit or deny the allegations in paragraph 41, and thus denies the allegations found therein.

42. Defendant is without sufficient information to admit or deny the allegations in paragraph 42, and thus denies the allegations found therein.

43. Defendant is without sufficient information to admit or deny the allegations in paragraph 43, and thus denies the allegations found therein.

44. Defendant is without sufficient information to admit or deny the allegations in paragraph 44, and thus denies the allegations found therein.

45. Defendant is without sufficient information to admit or deny the allegations in paragraph 45, and thus denies the allegations found therein.

46. Defendant is without sufficient information to admit or deny the allegations in paragraph 46, and thus denies the allegations found therein.

F. Legensky's Unlawful Activities

47. Defendant admits the allegation in paragraph 47.

48. Defendant denies the allegations in paragraph 48.

49. Defendant denies the allegations in paragraph 49.

50. Defendant denies the allegations in paragraph 50.

51. Defendant is without sufficient information to admit or deny the allegations in paragraph 51, and thus denies the allegations found therein.

52. Defendant admits the allegation in paragraph 52 to the extent that HDFury devices are sold through www.hdfury.com. However, Defendant is without sufficient information to admit or deny the remaining allegations in paragraph 52, and thus denies the allegations found therein.

53. Defendant denies the allegations in paragraph 53.

54. Defendant is without sufficient information to admit or deny the allegations in paragraph 54, and thus denies the allegations found therein.

55. Defendant is without sufficient information to admit or deny the allegations in paragraph 55, and thus denies the allegations found therein.

56. Defendant is without sufficient information to admit or deny the allegations in paragraph 56, and thus denies the allegations found therein.

57. Defendant is without sufficient information to admit or deny the allegations in paragraph 57, and thus denies the allegations found therein.

58. Defendant is without sufficient information to admit or deny the allegations in paragraph 58, and thus denies the allegations found therein.

59. Defendant is without sufficient information to admit or deny the allegations in paragraph 59, and thus denies the allegations found therein.

60. Defendant is without sufficient information to admit or deny the allegations in paragraph 60, and thus denies the allegations found therein.

61. Defendant is without sufficient information to admit or deny the allegations in paragraph 61, and thus denies the allegations found therein.

62. Defendant denies the allegations in paragraph 62.

63. Defendant is without sufficient information to admit or deny the allegations in paragraph 63, and thus denies the allegations found therein.

64. Defendant is without sufficient information to admit or deny the allegations in paragraph 64, and thus denies the allegations found therein.

65. Defendant is without sufficient information to admit or deny the allegations in paragraph 65, and thus denies the allegations found therein.

66. Defendant is without sufficient information to admit or deny the allegations in paragraph 66, and thus denies the allegations found therein.

67. Defendant is without sufficient information to admit or deny the allegations in paragraph 67, and thus denies the allegations found therein.

G. The Harm Caused by LegendSky

68. Defendant is without sufficient information to admit or deny the allegations in paragraph 68, and thus denies the allegations found therein.

69. Defendant is without sufficient information to admit or deny the allegations in paragraph 69, and thus denies the allegations found therein.

70. Defendant is without sufficient information to admit or deny the allegations in paragraph 70, and thus denies the allegations found therein.

71. Defendant is without sufficient information to admit or deny the allegations in paragraph 71, and thus denies the allegations found therein.

72. Defendant is without sufficient information to admit or deny the allegations in paragraph 72, and thus denies the allegations found therein.

73. Defendant is without sufficient information to admit or deny the allegations in paragraph 73, and thus denies the allegations found therein.

V. CAUSES OF ACTION

COUNT ONE

Violation of the Digital Millennium Copyright Act, 17 U.S.C. §1201(a)(2) and §1201(b)(1)

74. Defendant is without sufficient information to admit or deny the allegations in paragraph 74, and thus denies the allegations found therein.

75. Defendant admits the allegation in paragraph 75.

76. Defendant admits the allegation in paragraph 76.

77. Defendant denies the allegations in paragraph 77.

78. Defendant denies the allegations in paragraph 78.

79. Defendant is without sufficient information to admit or deny the allegations in paragraph 79, and thus denies the allegations found therein.

80. Defendant denies the allegations in paragraph 80.

81. Defendant admits the first sentence of paragraph 81, but otherwise denies the remaining allegations the paragraph.

82. Defendant is without sufficient information to admit or deny the allegations in paragraph 82, and thus denies the allegations found therein.

83. Defendant denies the allegations in paragraph 83.

84. Defendant denies the allegations in paragraph 84.

85. Defendant denies the allegations in paragraph 85.

COUNT TWO

Violation of the Lanham Act, 15 U.S.C. 1125(a)(1)

86. Defendant is without sufficient information to admit or deny the allegations in paragraph 86, and thus denies the allegations found therein.

87. Defendant admits the allegations in paragraph 87.

88. Defendant is without sufficient information to admit or deny the allegations in paragraph 88, and thus denies the allegations found therein.

89. Defendant is without sufficient information to admit or deny the allegations in paragraph 89, and thus denies the allegations found therein.

90. Defendant is without sufficient information to admit or deny the allegations in paragraph 90, and thus denies the allegations found therein.

91. Defendant is without sufficient information to admit or deny the allegations in paragraph 91, and thus denies the allegations found therein.

92. Defendant is without sufficient information to admit or deny the allegations in paragraph 92, and thus denies the allegations found therein.

93. Defendant is without sufficient information to admit or deny the allegations in paragraph 93, and thus denies the allegations found therein.

DEFENDANT'S AFFIRMATIVE DEFENSES

FIRST DEFENSE

1. Plaintiffs' Complaint fails to state facts sufficient to constitute a cause of action against Defendant and should be dismissed. In particular, the Plaintiffs fail to allege, and will not

be able to prove even if they do allege, either direct or contributory copyright infringement by Defendant. What is more, Defendants' HDFury conversion technology is explicitly authorized and consented to by Plaintiff Digital Content Protection LLC.

SECOND DEFENSE

2. Plaintiffs' claims are barred, in whole or in part, because of copyright abuse. Plaintiffs' action against Defendant is an intentionally unlawful attempt to extend the scope of Plaintiffs' copyright monopolies beyond their legal scope to prohibit and enjoin Defendant's conduct, which Plaintiffs know, or should know, does not constitute an infringement of Plaintiffs' copyrights, is not a violation of the DMCA, or otherwise is a fair use under the Copyright Act.

THIRD DEFENSE

3. Plaintiffs' claims are barred by the doctrine of fair use. In particular, to the extent that Defendants' products circumvent within the meaning of the DMCA, such circumvention is lawful because it enables interoperability between independently created computer programs with other programs, as more fully set forth in 17 U.S.C. §1201(f)(2).

FOURTH DEFENSE

4. Plaintiffs' claims are barred, in whole or in part, by the doctrines of laches, estoppel, waiver, and/or unclean hands.

FIFTH DEFENSE

5. Plaintiffs' claims are barred, in whole or in part, because this court lacks subject matter jurisdiction.

SIXTH DEFENSE

6. Plaintiffs' claims are barred, in whole or in part, because this court lacks personal jurisdiction over the Defendant.

DEMAND FOR JURY TRIAL

Defendant hereby demands a trial by jury.

WHEREFORE, Defendant Legendsky Tech Company LTD respectfully requests that the Court dismiss the Complaint with prejudice and grant such other and further relief as the Court deems just and proper.

Dated: March 4, 2016
New York, New York

R/E/L

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