

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS

United States Courts
Southern District of Texas
FILED

NOV 14 2008

Michael N. Hilby, Clerk

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

vs.

JANNE LANZONI,

Defendant.

Civil Action No. 4:08-cv-03025

ANSWER TO COMPLAINT

Defendant Janne Lanzoni responds to the allegations in the Complaint as follows:

1. Defendant admits the allegations of paragraph 1.
2. Defendant admits the allegations of paragraph 2.
3. Defendant admits the allegations of paragraph 3.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4.
5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 5.
6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 6.
7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 7.
8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8.
9. Defendant admits that she is an individual who has resided in Houston, Texas, within this District, but denies that there was any infringement by her. To the

extent that the allegations of paragraph 9 are not expressly admitted, the allegations are denied.

10. Defendant incorporates by this reference each and every allegation contained in each paragraph above.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 11.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 12.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13.

14. Defendant denies the allegations of paragraph 14. Defendant affirmatively alleges that Plaintiffs apparently are not able to correctly identify a user based upon an IP address, because on Wednesday February 21, 2007, at the times stated by Plaintiffs, Defendant was not using her computer or a P2P network. Defendant further affirmatively alleges that her computer uses a wireless network, and it is possible that an unauthorized user accessed the Internet through the wireless network without her knowledge.

15. Defendant denies the allegations of paragraph 15.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 16.

17. Defendant admits that Plaintiffs are filing their Complaint against Defendant for copyright infringement, but denies that the parties could not have resolved the matter without litigation.

18. Defendant denies the allegations of paragraph 18.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 19.

20. Defendant denies the allegations of paragraph 20.

21. Defendant denies the allegations of paragraph 21.

22. Defendant denies the allegations of paragraph 22.

Affirmative Defenses

23. To the extent that the alleged acts of infringement were committed by a user who gained access to the Internet via Defendant's wireless network, Defendant was in the position of a service provider and is not liable under the limitations of 17 U.S.C. §512.

24. To the extent that the alleged acts of infringement were committed by a user who gained access to the Internet via Defendant's wireless network, Defendant is not liable under the limitations of 17 U.S.C. §111(a)(3), because under such circumstances Defendant would have been in the position of a carrier who merely made an unknowing secondary transmission of wireless signals to such user who gained access to the wireless network, and Defendant had no direct or indirect control over the content or selection of the primary transmission or over the particular recipients of the secondary transmission, and Defendant's activities with respect to the secondary transmission would have consisted solely of providing wires, cables, or other communications channels for the use of others.

25. To the extent that the alleged acts of infringement were committed by a user who gained access to the Internet via Defendant's wireless network, Defendant is not liable under the provisions of 17 U.S.C. §114(d)(1)(C)(ii), because under such circumstances Defendant's wireless network would have been merely making a transmission within Defendant's establishment, confined to Defendant's premises or the immediately surrounding vicinity. Alternatively, Defendant is not liable under the provisions of 17 U.S.C. §114(d)(1)(A).

26. Defendant is not liable because of license.

27. Defendant was not aware and had no reason to believe that she had committed any act of copyright infringement, and therefore if the Court awards statutory

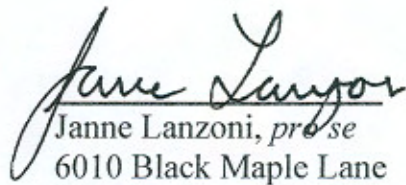
damages such statutory damages should be reduced to the minimum provided in 17 U.S.C. §504(c).

28. To the extent that Defendant may have committed any act of copyright infringement, she did so innocently and is an innocent infringer.

WHEREFORE, Defendant prays that this action be dismissed and that Plaintiffs take nothing, and that judgment be entered in favor of Defendant and against Plaintiffs. Defendant further requests an award of attorneys' fees and costs against Plaintiffs, and for any further relief to which Defendant may be entitled.

November 14, 2008.

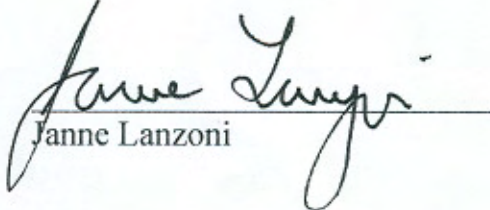
Respectfully submitted,


Janne Lanzoni, *pro se*
6010 Black Maple Lane
Houston, Texas 77088

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 14, 2008, I served a copy of the foregoing document upon Plaintiff by mailing a copy to Plaintiff's counsel, via First Class mail, postage prepaid, in a sealed envelope addressed to the last known address for Plaintiff's counsel as follows:

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Janne Lanzoni