

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARCUS GRAY P/K/A FLAME; LECRAE
MOORE P/K/A LECRAE; EMANUEL
LAMBERT; and CHIKE OJUKWU,

Plaintiffs,

v.

KATY PERRY; JORDAN HOUSTON P/K/A
JUICY J; LUKASZ GOTTWALD P/K/A DR.
LUKE; SARAH THERESA HUDSON; MAX
MARTIN; HENRY RUSSELL WALTER
P/K/A CIRKUT; and CAPITOL RECORDS,
LLC,

Defendants.

Case No. 4:14-CV-01183-HEA

Jury Trial Demanded

DEFENDANT CAPITOL RECORDS, LLC'S ANSWER TO COMPLAINT

Defendant Capitol Records, LLC (the “Defendant”) submits the following Answer to the Complaint of Marcus Gray, Lecrae Moore, Emanuel Lambert and Chike Ojukwu (“Plaintiffs”).

With respect to the allegations set forth in the Complaint, Defendant:

Introduction

1. Denies the allegations contained in Paragraph 1 of the Complaint, except admits that this is a civil action for alleged copyright infringement under the United States Copyright Act, 17 U.S.C. § 101, *et seq.*, and that the Complaint seeks, *inter alia*, injunctive relief.

2. Denies the allegations in the first sentence of Paragraph 2 of the Complaint because the term “mega-hit” used in that sentence is vague and undefined. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in the second and third sentences of Paragraph 2 of the Complaint. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the fourth

sentence of Paragraph 2 of the Complaint, except admits that it is informed and believes that millions of copies of the sound recording by Katy Perry of the composition “Dark Horse” have been sold in various configurations. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth sentence of Paragraph 2 of the Complaint, except admits that a recording by Katy Perry of the composition “Dark Horse” has been broadcast on certain radio stations in the United States. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the final sentence of Paragraph 2 of the Complaint.

3. Denies the allegations contained in Paragraph 3 of the Complaint, except denies knowledge or information sufficient to form a belief as to the truth of the allegation regarding the date of release of the recording entitled “Joyful Noise.”

4. Denies the allegations contained in the first sentence of Paragraph 4 of the Complaint. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second sentence of Paragraph 4 of the Complaint.

The Plaintiffs

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.

The Defendants

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Denies the allegations contained in Paragraph 15 of the Complaint except admits that Defendant is a Delaware limited liability company.

Jurisdiction and Venue

16. Admits that this is a civil action for alleged copyright infringement under the United States Copyright Act, 17 U.S.C. § 101, *et seq.* Defendant avers that the remainder of the allegations in Paragraph 16 of the Complaint set forth legal conclusions as to which no response is required. To the extent a response is required, the statements are denied.

17. Denies the allegations contained in Paragraph 17 of the Complaint.

18. Avers that the allegations in Paragraph 18 of the Complaint set forth legal conclusions as to which no response is required. To the extent a response is required, the statements are denied.

Plaintiffs' Song: "Joyful Noise"

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.

21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint.

22. Avers that Paragraph 22 of the Complaint sets forth legal conclusions as to which no response is required. To the extent Paragraph 22 of the Complaint contains factual allegations, Defendant denies knowledge or information sufficient to form a belief as to the truth of them.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint.

Defendants' Song: "Dark Horse"

27. Denies the allegations contained in Paragraph 27 of the Complaint.

28. Denies the allegations contained in Paragraph 28 of the Complaint, except admits that the credited writers of the composition "Dark Horse" are: Lukasz Gottwald p/k/a "Dr. Luke", Jordan Houston p/k/a "Juicy J", Sarah Hudson, Katy Perry, Karl Martin Sandberg p/k/a "Max Martin", and Henry Walter p/k/a "Cirkut."

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint.

30. Denies the allegations contained in Paragraph 30 of the Complaint, except admits that the album *Prism* was released in October 2013, and that the sound recording by Katy Perry of the composition "Dark Horse" was released as a promotional single.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint.

Defendants' Alleged Infringement of Plaintiffs' Alleged Copyright

32. Denies that any portion of the composition "Joyful Noise" (or any derivative thereof) is copied by or embodied in the composition or sound recording of "Dark Horse." Defendant otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint, except admits that Defendant did not seek permission from Plaintiffs for use of the composition "Joyful Noise" in the manner set forth in Paragraph 32, and avers that no such permission was required.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint.



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