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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CheapTruckParts.com, LLC	)
	)
Plaintiff,	)
	) Civil Action Case No.: 1 08-CV-3602 TCB
v.	)
	) Defendant Brian Christman answer to
Godfather Vans, Inc.	) CheapTruckParts.com LLC's Complaint
Harold C. Johnson, Jr., and	)
Brian Christman	) Jury Trial Demanded
	)
Defendants.	)

**ANSWER TO COMPLAINT**

Pursuant to Federal Rule of Civil Procedure, 12, Defendant Brian Christman (Defendant) answers Plaintiff's Complaint as follows:

**PARTIES**

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 1, and therefore deny such allegations.
2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 2, and therefore deny such allegations.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 3, and therefore deny such allegations
4. Defendant admits the allegations set forth in paragraph 4.
5. Defendant denies all of the allegations of paragraph 5.

**JURISDICTION AND VENUE**

6. Defendant denies all of the allegations of paragraph 6.
7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 7, and therefore deny such allegations.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 8, and therefore deny such allegations.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 9, and therefore deny such allegations.

10. Defendant admits that he regularly does business with residents of the Northern District of Georgia, and derives substantial revenue from services rendered in the Northern District of Georgia, but otherwise denies every allegation of paragraph 10. Defendant further denies that he has committed tortious Acts within the state.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 11, and therefore deny such allegations.

#### **FACTS OF COMMON TO ALL COUNTS**

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 12, and therefore deny such allegations.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 13, and therefore deny such allegations.

14. Defendant admits the allegations set forth in paragraph 14.

15. Defendant admits CTP used, and continues to use the Subject Work to operation its business of selling aftermarket automobile and truck parts via the Internet, but otherwise denies that CDP developed subject work set forth in paragraph 15.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 16, and therefore deny such allegations.

17. Defendant denies the allegations set forth in paragraph 17.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 18, and therefore deny such allegations.

19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 19, and therefore deny such allegations.

20. Defendant denies all of the allegations of paragraph 20.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 21, and therefore deny such allegations.

22. Defendant admits the allegations set forth in paragraph 22.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 23, and therefore deny such allegations.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 24, and therefore deny such allegations.

25. Defendant denies all of the allegations of paragraph 25.

26. Defendant denies all of the allegations of paragraph 26 and defendant further alleges the custom software referenced in paragraph 26 was authored by defendant.

27. Defendant admits The CTP Website represents thousands of man-hours spent populating the year, make, and model look-up system, the customer database, and the accounting features of the system but otherwise denies every allegation of paragraph 27.

28. Defendant admits the allegations set forth in paragraph 28.

29. Defendant admits the allegations set forth in paragraph 29.

30. Defendant admits the allegations set forth in paragraph 30.

31. Defendant denies all of the allegations of paragraph 31.

32. Defendant denies the allegations set forth in paragraph 32.

33. Defendant denies the allegations set forth in paragraph 33.

34. Defendant denies the allegations set forth in paragraph 34.

35. Defendant denies the allegations set forth in paragraph 35.

36. Defendant denies all of the allegations of paragraph 36.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 37, and therefore deny such allegations.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 38, and therefore deny such allegations.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 39, and therefore deny such allegations.

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 40, and therefore deny such allegations.

41. Defendant denies all of the allegations of paragraph 41.

42. Defendant denies all of the allegations of paragraph 42.

43. Defendant denies all of the allegations of paragraph 43.

44. Defendant denies all of the allegations of paragraph 44.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 45, and therefore deny such allegations.

46. Defendant denies all of the allegations of paragraph 46.

47. Defendant denies all of the allegations of paragraph 47.

48. Defendant denies all of the allegations of paragraph 48.

49. Defendant denies all of the allegations of paragraph 49.

50. Defendant admits the CTP Website includes trade secrets of CTP including at least the customer list with contact information, customer transaction history, but otherwise denies all of the allegations of paragraph 50.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation set forth in paragraph 51, and therefore deny such allegations.

52. Defendant denies all of the allegations of paragraph 52.

53. Defendant denies all of the allegations of paragraph 53.

54. Defendant denies all of the allegations of paragraph 54.

55. Defendant denies all of the allegations of paragraph 55.

56. Defendant denies all of the allegations of paragraph 56.

57. Defendant denies all of the allegations of paragraph 57.

58. Defendant denies all of the allegations of paragraph 58.

59. Defendant denies all of the allegations of paragraph 59.

60. Defendant denies all of the allegations of paragraph 60.

61. Defendant denies all of the allegations of paragraph 61.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

62. Defendant alleges that the Complaint in paragraph 62 fails to state a claim upon which relief may be granted and denies all of the allegations of paragraph 62.

63. Defendant alleges that CTP's copyright infringement claim of paragraph 63 is barred in whole or in part because upon information and belief, CTP engaged in inequitable conduct before, and/or committed a fraud upon the United States Copyright Office. Specifically, on information and belief, CTP filed the copyright registration for the copyright at issue in this case with full knowledge and awareness that the software was based on Open Source Licensing and modifications were created and authored and owned by Defendant in this case, and not CTP. Upon information and belief, in claiming that CTP was the lawful owner of the modifications, CTP misrepresented facts to the United States Copyright Office.

64. Defendant denies all of the allegations of paragraph 64.

65. Defendant denies all of the allegations of paragraph 65.

66. Defendant denies any copyright infringement occurred, and alleges CTP is not entitled to recover for any loss of paragraph 66 in whole or in part.

**COUNT II**  
**TRADE SECRET MISAPPROPRIATION**

67. Defendant alleges that the Complaint in paragraph 67 fails to state a claim upon which relief may be granted and denies all allegations of paragraph 67.

68. Defendant alleges that no trade secret misappropriations occurred at any time. Only modifications authored and owned by Defendant were transferred and that allegations in paragraph 68 are without basis.

69. Defendant denies all of the allegations of paragraph 69.

70. Defendant denies all of the allegations of paragraph 70.

71. Defendant denies any trade secret misappropriations occurred, and alleges CTP is not entitled to recover for any loss of paragraph 71 in whole or in part.

**COUNT III**  
**COMPUTER THEFT**

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