

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER WOZNIAK,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT, INC.,

Defendant,

Case No. 22-cv-08969 (PAE)

DC COMICS,

Third-Party Plaintiff,

v.

CHRISTOPHER WOZNIAK,

Third-Party Defendant.

**PLAINTIFF AND THIRD-PARTY DEFENDANT CHRISTOPHER WOZNIAK'S
ANSWER AND STATEMENT OF DEFENSES**

The plaintiff and third-party defendant Christopher Wozniak ("Wozniak"), by and through his undersigned counsel, Rath, Young, and Pignatelli, P.C., hereby submits his answer and statement of defenses in response to the third-party complaint filed by DC Comics ("DC Comics").

ANSWER

RESPONSE TO ALLEGATIONS ABOUT THE NATURE OF THE ACTION

1. Denied.

RESPONSE TO ALLEGATIONS ABOUT THE PARTIES

2. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

3. Admitted.

RESPONSE TO ALLEGATIONS ABOUT JURISDICTION AND VENUE

4. This paragraph is an assertion of a legal conclusion to which no answer is required. To the extent that any response is required to this paragraph, Wozniak denies same.

5. Wozniak admits that this Court has personal jurisdiction over Wozniak.

6. Wozniak admits that venue is proper.

RESPONSE TO ALLEGATIONS AS TO CLAIMS FOR RELIEF

7. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

8. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

9. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

10. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time

Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

11. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time

12. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time

13. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

14. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

15. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

16. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

17. Wozniak is without sufficient information to admit or deny the allegations contained in this paragraph; accordingly, those allegations are denied at this time.

18. Admits that Wozniak submitted his copyrighted work to the United States Copyright Office for registration; Wozniak denies his work is derivative of a prior copyrighted work.

19. Admits Wozniak filed the instant lawsuit against Warner Bros. Entertainment Inc. for infringement of his copyrighted work entitled Wozniak Batman Riddler Plot; Wozniak denies his work is derivative of a prior copyrighted work;

Wozniak is without sufficient information to admit or deny the remaining allegations contained in this paragraph; accordingly, those allegations are denied at this time.

20. Denied.

RESPONSE TO FIRST CAUSE OF ACTION ALLEGATIONS

21. Wozniak incorporates in this paragraph by reference his previous response to paragraphs 1 through 20.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

RESPONSE TO FIRST CAUSE OF ACTION ALLEGATIONS

26. Wozniak incorporates in this paragraph by reference his previous response to paragraphs 1 through 25.

27. Admits that Wozniak submitted his copyrighted work to the United States Copyright Office for registration; Wozniak denies his work is derivative of a prior copyrighted work.

28. Denied.

29. Denied.

PRAYER FOR RELIEF

RESPONSE TO DC COMICS'S PRAYER FOR RELIEF

Wozniak denies that DC Comics is entitled to the relief sought in paragraphs one through six of his prayer for relief.

AFFIRMATIVE AND OTHER DEFENSES

First Affirmative Defense

DC Comics' complaint fails to state a claim upon which relief can be granted.

Second Affirmative Defense

DC Comics' claims are barred, in whole or in part, because DC Comics failed to mitigate his damages, if any.

Third Affirmative Defense

DC Comics' claims are barred, in whole or in part, by the doctrine of *de minimis non curat lex* because the infringement had no impact on either party.

Fourth Affirmative Defense

DC Comics has no copyrightable interest in the subject matter recited.

Fifth Affirmative Defense

Wozniak has not infringed any valid copyright of DC Comics.

Sixth Affirmative Defense

DC Comics' claims are barred for fraud.

Seventh Affirmative Defense

Wozniak's alleged use of English words found in Batman stories is fair use under 17 U.S.C. § 107.

Eighth Affirmative Defense

DC Comics is not entitled to the relief requested in its complaint, in whole or in part, by virtue of the doctrines of estoppel.

Ninth Affirmative Defense

DC Comics is not entitled to the relief requested in its complaint, in whole or in part, by virtue of the doctrines of waiver.

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