

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**RICHARDS LINDSAY & MARTIN,  
LLP**

**Plaintiff,**

**v.**

**ION WAVE TECHNOLOGIES, INC.  
and JOHN DOES 1-5,**

**Defendants.**

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**Civ. No. 4:21-cv-00426**

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**PLAINTIFF'S ORIGINAL ANSWER TO DEFENDANT'S COUNTERCLAIM**

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TO THE HONORABLE MARK PITTMAN, U.S. DISTRICT JUDGE:

Plaintiff Richard Lindsay & Martin, LLP comes now with its Original Answer to Defendant's Counterclaims.

**THE PARTIES**

1. Admit.
2. Admit.

**JURISDICTION AND VENUE**

3. Admit.
4. Admit.
5. Admit.

**BACKGROUND**

6. Admit.
7. Admit.

8. Admit.

9. Admit.

10. Admit.

11. Admit.

12. Admit.

13. Admit.

14. Admit.

15. Admit.

16. Admit.

17. Plaintiff lacks sufficient information to admit or deny the information and allegations contained in this paragraph and demand strict proof thereof.

18. Plaintiff lacks sufficient information to admit or deny the information and allegations contained in this paragraph and demand strict proof thereof.

19. Plaintiff lacks sufficient information to admit or deny the information and allegations contained in this paragraph and demand strict proof thereof.

20. Plaintiff admits that it has authorized public school districts and educational professionals to use the forms and manuals referenced in this paragraph but asserts that the authorization did not extend to the types of infringing conduct now alleged against Defendant.

21. Admit.

22. Plaintiff admits that it distributed Section 504 manuals and forms to attendees of RLM created seminars but asserts that use by attendees was subject to use restrictions.

23. Plaintiff admits but asserts that use by Springfield School District was subject to use restrictions.

24. Plaintiff lacks sufficient information to admit or deny the information and allegations contained in this paragraph and demand strict proof thereof.

25. Plaintiff lacks sufficient information to admit or deny the information and allegations contained in this paragraph and demand strict proof thereof.

26. Admit.

27. Plaintiff lacks sufficient information to admit or deny the information and allegations contained in this paragraph and demand strict proof thereof.

**FIRST CLAIM**  
**(Declaration of Non-Infringement)**

28. Plaintiff repeats, reasserts, realleges, and incorporates all previous responses as if set forth fully herein.

29. Admit.

30. Admit.

31. Plaintiff admits Defendant denies infringing Plaintiff's Asserted Copyrights but Plaintiff asserts the denial has no merit.

32. Admit.

33. This paragraph calls for legal conclusions for which no response is required. To the extent a response is required, Plaintiff denies.

**SECOND CLAIM**  
**(Declaration of Invalid or Unenforceable Copyright Registration)**

34. Plaintiff repeats, reasserts, realleges, and incorporates all previous responses as if set forth fully herein.

35. Admit.

36. Admit.

37. Plaintiff admits Defendant contends the Asserted Copyrights are invalid and/or unenforceable but Plaintiff asserts Defendant's contentions have no merit.

38. Plaintiff admits Defendant contends the Asserted Copyrights are invalid and/or unenforceable but Plaintiff asserts Defendant's contentions have no merit.

39. Plaintiff admits Defendant contends the Asserted Copyrights are invalid and/or unenforceable but Plaintiff asserts Defendant's contentions have no merit.

40. Admit.

41. This paragraph calls for legal conclusions for which no response is required. To the extent a response is required, Plaintiff denies.

**THIRD CLAIM**  
**(Copyright Misuse)**

42. Plaintiff repeats, reasserts, realleges, and incorporates all previous responses as if set forth fully herein.

43. Denied.

44. Denied.

45. Denied.

46. Plaintiff admits it has only pursued claims of copyright infringement against IWT but further asserts Plaintiff has never allowed anyone to make unauthorized commercial use of the forms and materials covered by Plaintiff's Copyright Registrations.

47. Denied.

48. Denied.

49. Denied.

Plaintiff neither admits nor denies Defendant's legal conclusions asserted in its nine requests for relief after "WHEREFORE, IWT seeks the following relief:" To the extent an

admission or denial is required by law, Plaintiff denies these allegations and asserts that none of the requested relief should be granted.

**Respectfully Submitted,**

CLEVELAND | TERRAZAS PLLC

By: /s/ Brandon Crisp

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**COUNSEL FOR PLAINTIFF RICHARDS  
LINDSAY & MARTIN, LLP**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document has been sent via the Court's electronic filing system and to counsel of record listed below on June 11, 2021.

/s/ Brandon Crisp  
Brandon Crisp