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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARCO VERCH,

Plaintiff,

V.

THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,

Defendant.

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ANSWER

Defendant The Trustees of Columbia University in the City of New York ("Columbia") through its undersigned counsel, hereby answers the numbered paragraphs of the Amended Complaint filed on October 28, 2019 (the "Complaint") by Plaintiff Marco Verch ("Verch" or "Plaintiff"), as follows:

ANSWER TO NATURE OF THE ACTION

1. Defendant denies the allegations in paragraph 1 of the Complaint, except admits that the action concerns the public display of a copyrighted photograph of eye glasses with a laptop computer, and lacks knowledge and information sufficient to form a belief as to the truth of the allegation that the photograph is owned by Plaintiff or that Plaintiff is a professional photographer. The first and third

sentences of paragraph 1 state the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein.

ANSWER TO JURISDICTION

2. Paragraph 2 of the Complaint states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein.

3. Paragraph 3 of the Complaint states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein, except states that it transacts business in New York.

4. Paragraph 4 of the Complaint states a legal opinion and conclusion of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegation contained therein.

ANSWER TO PARTIES

5. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint.

6. Defendant admits the allegations contained in paragraph 6 of the Complaint.

ANSWER TO STATEMENT OF FACTS

A. Answer to Background and Plaintiff's Ownership of the Photograph

7. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

8. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

9. Defendant notes that there is no paragraph 9 in the Complaint.

10. Defendant lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Complaint, and states that the referenced copyright registration number pertains to 750 works, which are not indexed by title or subject matter in the online records of the U.S. Copyright Office, incorporated by reference herein, and further states that Plaintiff has failed to provide any title or other identifying information in the Complaint.

B. Answer to Defendant's Infringing Activities

11. Defendant denies the allegations contained in paragraph 11 of the Complaint, except admits that the photograph appeared on the Twitter page identified therein.

12. Defendant denies the allegations contained in paragraph 12 of the Complaint, and states that it did obtain a license from Plaintiffs licensing agent (the "License") to publish the Photograph with the referenced article on Columbia's website located at <https://alumni.columbia.edu/news/how-d-you-find-your-career-passion>.

C. Answer to Claim for Relief (Copyright Infringement Against Columbia)(17 U.S.C. §§ 106,501)

13. Defendant hereby incorporates the responses to paragraphs 1-12 above as if fully set forth herein.

14. Defendant denies the allegations in the second sentence of paragraph 14 of the Complaint, and states that Columbia is and has been licensed to reproduce, publish, display, distribute and/or use the Photograph pursuant to the License. The

first sentence of paragraph 14 states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein, but states that it has reproduced and publicly displayed the Photograph.

15. Paragraph 15 of the Complaint states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein.

16. Defendant denies the allegations in paragraph 16 of the Complaint.

17. Paragraph 17 of the Complaint states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein and states that Defendant has no profits attributable to the use of the photograph.

18. Paragraph 18 of the Complaint states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein and states that Defendant's conduct is not and was not willful.

19. Paragraph 19 of the Complaint states the legal opinions and conclusions of Plaintiff to which no answer is required. To the extent that a response is required, Defendant denies the allegations contained therein.

ANSWER TO PRAYER FOR RELIEF

WHEREFORE, Defendant denies that Plaintiff is entitled to relief.

FIRST AFFIRMATIVE DEFENSE

The Complaint is barred by the doctrines of waiver, estoppel (including but not limited to assignor estoppel), unclean hands, and/or acquiescence.

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

FURTHER DEFENSES

In addition to the defenses set forth above, Defendant reserves the right to raise, assert, rely upon, or add any and new or additional defenses under Rule 8(c) of the Federal Rules of Civil Procedure ("Rule(s)"), the laws of the United States, the laws of any other governing jurisdictions that may exist or in the future be applicable based on discovery and further factual investigation in this Action, and reserves the right to amend any and all defenses set forth above as discovery proceeds.

DEMAND FOR JURY TRIAL

Defendant respectfully requests a trial by jury on all issues so triable.

Dated: March 27, 2020

Respectfully submitted,

REITLER KAILAS & ROSENBLATT LLC

By: /Robert W. Clarida/

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