	Case 5:21-cv-00581-BLF Document 34	Filed 03/19/21 Page 1 of 10
2 3 4 5 5 7 7 3 3 9 1	Bruce E. Copeland (Bar No. 124888) <u>bcopeland@nixonpeabody.com</u> Andrew H. Winetroub (Bar No. 291847) <u>awinetroub@nixonpeabody.com</u> NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000 Fax: (401) 454-1030 Attorneys for Defendant <i>University of Rhode Island</i>	
2	IN THE UNITED STAT	TES DISTRICT COURT
;		STRICT OF CALIFORNIA
		DIVISION
	SYNOPSYS, INC.,	Case No.: 5:21-cv-00581-BLF
	Plaintiff,	DEFENDANT UNIVERSITY OF RHODE
	v.	ISLAND'S ANSWER TO PLAINTIFF SYNOPSYS, INC.'S COMPLAINT
	UNIVERSITY OF RHODE ISLAND, and DOES 1-10, inclusive,	
	Defendants.	
11		
		SWER

Case 5:21-cv-00581-BLF	Document 34	Filed 03/19/21	Page 2 of 10
------------------------	-------------	----------------	--------------

1	Case 5.21-CV-00561-BEF Document 34 Filed 05/15/21 Fage 2 01 10
1	Defendant University of Rhode Island ("URI"), by and through its counsel, hereby responds
2	as follows to Plaintiff Synopsys, Inc.'s ("Synopsys") Complaint For Violation of Digital
3	Millennium Copyright Act 17 U.S.C. §§ 1201, et seq. [Dkt. 1].
4	PARTIES ¹
5	1. URI lacks knowledge or information sufficient to form a belief about the truth of
6	any and all allegations asserted in Paragraph 1 of the Complaint, and on that basis denies the
7	allegations.
8	2. Admitted.
9	3. URI lacks knowledge or information sufficient to form a belief about the truth of
10	any and all allegations asserted in Paragraph 3 of the Complaint, and on that basis denies the
11	allegations.
12	JURISDICTION AND VENUE
13	4. Admitted.
14	5. URI lacks knowledge or information sufficient to form a belief about the truth of
15	any and all allegations asserted in Paragraph 5 of the Complaint, and on that basis denies the
16	allegations.
17	6. URI denies that venue is appropriate in this district. URI lacks knowledge or
18	information sufficient to form a belief about the truth of any and all other allegations in Paragraph
19	6 of the Complaint, and on that basis denies the allegations.
20	FACTUAL ALLEGATIONS
21	General Background
22	7. URI admits that modern electronic devices are becoming more compact and more
23	powerful. URI admits that modern electronic devices are using increasingly sophisticated computer
24	
25	¹ The section headings used in the Complaint are incorporated herein solely for the convenience
26	of the Court. URI neither admits nor denies the truth or accuracy of any material set forth in such
27	section headings and reserves all rights to object to the contents thereof.
28	-1-
	ANSWER Case No.: 5:21-cv-00581-BLF
	4847-4271-9969 1

Case 5:21-cv-00581-BLF Document 34 Filed 03/19/21 Page 3 of 10

	Case 5.21-CV-00561-BLF Document 54 Flied 03/19/21 Page 5 01 10
1	measure thing. UDI looks knowledge on information sufficient to form a ball of shout the truth of
	processor chips. URI lacks knowledge or information sufficient to form a belief about the truth of
2	any and all other allegations in Paragraph 7 of the Complaint, and on that basis denies the
3	allegations.
4	8. URI lacks knowledge or information sufficient to form a belief about the truth of
5	any and all allegations asserted in Paragraph 8 of the Complaint, and on that basis denies the
6	allegations.
7	9. URI lacks knowledge or information sufficient to form a belief about the truth of
8	any and all allegations asserted in Paragraph 9 of the Complaint, and on that basis denies the
9	allegations.
10	10. URI lacks knowledge or information sufficient to form a belief about the truth of
11	any and all allegations asserted in Paragraph 10 of the Complaint, and on that basis denies the
12	allegations.
13	11. URI lacks knowledge or information sufficient to form a belief about the truth of
14	any and all allegations asserted in Paragraph 11 of the Complaint, and on that basis denies the
15	allegations.
16	12. URI lacks knowledge or information sufficient to form a belief about the truth of
17	any and all allegations asserted in Paragraph 12 of the Complaint, and on that basis denies the
18	allegations.
19	13. URI lacks knowledge or information sufficient to form a belief about the truth of
20	any and all allegations asserted in Paragraph 13 of the Complaint, and on that basis denies the
21	allegations.
22	14. URI admits that it offers undergraduate and graduate programs in electrical and
23	computer engineering. URI admits that its website reflects such offerings. URI admits that certain
24	students receive training regarding using electronic design automation ("EDA") software.
25	URI's End User License Agreement
26	15. URI admits that Synopsys is in possession of a document pursuant to which
27	Professor Godi Fischer purported to execute a University End User Software License Agreement
28	-2-

("EULA") with Synopsys that named URI as the "Licensee." URI lacks knowledge or information
 sufficient to form a belief about the truth of any and all other allegations in Paragraph 15 of the
 Complaint, and on that basis denies the allegations.

4 16. URI lacks knowledge or information sufficient to form a belief about the truth of
5 any and all allegations asserted in Paragraph 16 of the Complaint, and on that basis denies the
6 allegations.

7 17. URI lacks knowledge or information sufficient to form a belief about the truth of
8 any and all allegations asserted in Paragraph 17 of the Complaint, and on that basis denies the
9 allegations.

10 18. URI lacks knowledge or information sufficient to form a belief about the truth of
11 any and all allegations asserted in Paragraph 18 of the Complaint, and on that basis denies the
12 allegations.

13 URI's Unauthorized Access to Synopsys Software

14 19. URI admits that Synopsys provided persons at URI with license keys needed to
15 access EDA programs. URI lacks knowledge or information sufficient to form a belief about the
16 truth of any and all other allegations in Paragraph 19 of the Complaint, and on that basis denies the
17 allegations.

18 20. URI lacks knowledge or information sufficient to form a belief about the truth of
19 any and all allegations asserted in Paragraph 20 of the Complaint, and on that basis denies the
20 allegations.

21 21. URI lacks knowledge or information sufficient to form a belief about the truth of
22 any and all allegations asserted in Paragraph 21 of the Complaint, and on that basis denies the
23 allegations.

24 22. URI lacks knowledge or information sufficient to form a belief about the truth of
25 any and all allegations asserted in Paragraph 22 of the Complaint, and on that basis denies the
26 allegations.

-3-ANSWER

27

28

Case No.: 5:21-cv-00581-BLF

1	Case 5:21-cv-00581-BLF Document 34 Filed 03/19/21 Page 5 of 10
1	23. URI lacks knowledge or information sufficient to form a belief about the truth of
2	any and all allegations asserted in Paragraph 23 of the Complaint, and on that basis denies the
3	allegations.
4	24. URI lacks knowledge or information sufficient to form a belief about the truth of
5	any and all allegations asserted in Paragraph 24 of the Complaint, and on that basis denies the
6	allegations.
7	FIRST CLAIM FOR RELIEF
8	(Violations of the Digital Millennium Copyright Act, 17 U.S.C. § 1201)
9	25. URI realleges and incorporates by reference its responses to Paragraphs 1 through
10	24 of the Complaint as if fully set forth herein.
11	26. URI admits that the first sentence of 17 U.S.C. § 1201(a)(1)(A) states, "No person
12	shall circumvent a technological measure that effectively controls access to a work protected under
13	this title." To the extent any allegations in Paragraph 26 of the Complaint express or imply anything
14	else, URI lacks knowledge or information sufficient to form a belief about the truth of any and all
15	such allegations in Paragraph 26 of the Complaint, and on that basis denies the allegations.
16	27. Paragraph 27 of the Complaint contains legal conclusions to which an answer is not
17	required. To the extent any allegations in Paragraph 27 of the Complaint require a response, URI
18	lacks knowledge or information sufficient to form a belief about the truth of any and all such
19	allegations in Paragraph 27 of the Complaint, and on that basis denies the allegations.
20	28. URI lacks knowledge or information sufficient to form a belief about the truth of
21	any and all allegations asserted in Paragraph 28 of the Complaint, and on that basis denies the
22	allegations.
23	29. URI lacks knowledge or information sufficient to form a belief about the truth of
24	any and all allegations asserted in Paragraph 29 of the Complaint, and on that basis denies the
25	allegations.
26	

-4-ANSWER

- 27
- 28

Case No.: 5:21-cv-00581-BLF

30. URI lacks knowledge or information sufficient to form a belief about the truth of
 any and all allegations asserted in Paragraph 30 of the Complaint, and on that basis denies the
 allegations.

31. Paragraph 31 of the Complaint contains legal conclusions to which an answer is not
required. To the extent any allegations in Paragraph 31 of the Complaint require a response, URI
lacks knowledge or information sufficient to form a belief about the truth of any and all such
allegations in Paragraph 31 of the Complaint, and on that basis denies the allegations.

8 32. Paragraph 32 of the Complaint contains legal conclusions to which an answer is not
9 required. To the extent any allegations in Paragraph 32 of the Complaint require a response, URI
10 lacks knowledge or information sufficient to form a belief about the truth of any and all such
11 allegations in Paragraph 32 of the Complaint, and on that basis denies the allegations.

33. Paragraph 33 of the Complaint contains legal conclusions to which an answer is not
required. To the extent any allegations in Paragraph 33 of the Complaint require a response, URI
denies such allegations.

15 34. Paragraph 34 of the Complaint contains legal conclusions to which an answer is not
16 required. To the extent any allegations in Paragraph 34 of the Complaint require a response, URI
17 lacks knowledge or information sufficient to form a belief about the truth of any and all such
18 allegations in Paragraph 34 of the Complaint, and on that basis denies the allegations.

19

RESPONSE TO PRAYER FOR RELIEF

To the extent this section of the Complaint requires a response, URI denies that Synopsys is entitled to any relief whatsoever from any of the claims alleged in its purported Complaint, including any of the relief alleged and listed in the Complaint's Prayer for Relief.

23

GENERAL DENIAL

24 URI further denies each and every allegation in the Complaint that is not specifically
25 admitted, denied, or otherwise responded to in this Answer.

26 27

28

-5-

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

ANSWER

Case No.: 5:21-cv-00581-BLF

1	This Court lacks personal jurisdiction over URI because, inter alia, this dispute does not
2	arise out of any contracts between URI and Synopsys.
3	SECOND AFFIRMATIVE DEFENSE
4	This Court is an improper venue to adjudicate the claim asserted in the Complaint.
5	THIRD AFFIRMATIVE DEFENSE
6	This Court is an inconvenient venue for the parties and witnesses, and it is not in the interest
7	of justice to adjudicate the claim asserted in the Complaint in this venue.
8	FOURTH AFFIRMATIVE DEFENSE
9	Synopsys has failed to state a claim upon which relief can be granted.
10	FIFTH AFFIRMATIVE DEFENSE
11	Synopsys is not entitled to injunctive relief. Any injury to Synopsys is neither immediate
12	nor irreparable. Synopsys has an adequate remedy at law for any claims it can prove. The balance
13	of hardships does not warrant injunctive relief. The public interest would be disserved by an
14	injunction.
15	SIXTH AFFIRMATIVE DEFENSE
16	Synopsys' claim is barred by the doctrines of estoppel, waiver and/or laches due to, inter
17	alia, its inexcusable delay in asserting the claim set forth in the Complaint.
18	SEVENTH AFFIRMATIVE DEFENSE
19	Synopsys' claim is barred by the doctrine of unclean hands because, inter alia, rather than
20	inform URI immediately upon learning of alleged unauthorized uses of its software, Synopsys
21	delayed filing the Complaint against URI for more than three months so that it could enlarge the
22	time period over which Synopsys could claim damages under its asserted claim. Further, upon
23	information and belief, Synopsys' failure to inform URI following Synopsys' alleged discovery of
24	unauthorized uses of Synopsys' software breached its duties and obligations to URI pursuant to the
25	common law and any alleged contracts between the parties.
26	EIGHTH AFFIRMATIVE DEFENSE
27	
28	-6-
	ANSWER
	Case No.: 5:21-cv-00581-BLF

4847-4271-9969.1 093348-000002

1	URI's conduct was innocent, non-infringing and not a willful infringement of any
2	copyright; and if such good faith and lack of intent does not preclude liability, any general or
3	statutory damages awarded to Synopsys should be reduced accordingly.
4	NINTH AFFIRMATIVE DEFENSE
5	Synopsys does not own any valid, protectable, and/or enforceable copyrights under United
6	States law related to the claim asserted in the Complaint.
7	TENTH AFFIRMATIVE DEFENSE
8	To the extent URI used Synopsys' allegedly copyright protected work, such use constituted
9	fair use pursuant to 17 U.S.C. § 107.
10	ELEVENTH AFFIRMATIVE DEFENSE
11	If Synopsys has suffered any damages, which URI denies, it failed to take reasonable steps
12	to mitigate its actual damages or statutory damages per alleged act of circumvention or otherwise.
13	TWELFTH AFFIRMATIVE DEFENSE
14	Synopsys has acquiesced in the alleged use of the copyrights that are allegedly at issue in
15	this action due to, <i>inter alia</i> , its inexcusable delay in asserting the claim set forth in the Complaint.
16	THIRTEENTH AFFIRMATIVE DEFENSE
17	The Complaint must be dismissed because of Synopsys' failure to join one or more
18	necessary and/or indispensable parties pursuant to Federal Rule of Civil Procedure 19 or otherwise.
19	FOURTEENTH AFFIRMATIVE DEFENSE
20	Synopsys' damages, if any, were caused by third parties over whom URI had no control.
21	FIFTEENTH AFFIRMATIVE DEFENSE
22	To the extent Synopsys' damages, if any, were caused by persons over whom URI had
23	control, the actions of such persons were outside the scope of their employment and/or agency.
24	SIXTEENTH AFFIRMATIVE DEFENSE
25	Synopsys' claim fails because its alleged technological measures are ineffective at
26	controlling access to its allegedly protected work.
27	SEVENTEENTH AFFIRMATIVE DEFENSE
28	-7-
	ANSWER
	Case No.: 5:21-cv-00581-BLF

	Case 5:21-cv-00581-BLF Document 34 Filed 03/19/21 Page 9 of 10
1	Synopsys fails to state facts sufficient to permit recovery of attorneys' fees against URI and,
2	therefore, no such award should be granted.
3	EIGHTEENTH AFFIRMATIVE DEFENSE
4	Synopsys' claim under 17 U.S.C. § 1201(a)(1) is barred to the extent it seeks to affect the
5	limitations and/or defenses available to URI under Title 17 of the United States Code, as set forth
6	in 17 U.S.C. § 1201(c)(1).
7	NINETEENTH AFFIRMATIVE DEFENSE
8	Synopsys' claim under 17 U.S.C. § 1201(a)(1) is barred to the extent it is in conflict with
9	the rights enumerated in 17 U.S.C. § 1201(f)(1)-(3).
10	TWENTIETH AFFIRMATIVE DEFENSE
11	Synopsys' claim under 17 U.S.C. § 1201(a)(1) is barred to the extent the actions complained
12	of fall within any exemption to the prohibition against circumvention of technological measures
13	that effectively control access to copyrighted works established by the Library of Congress.
14	TWENTY-FIRST AFFIRMATIVE DEFENSE
15	Synopsys' damages, if any, shall be remitted entirely because URI is an educational
16	institution that was not aware and had no reason to believe that its acts constituted a violation
17	pursuant to 17 U.S.C. § 1203(c)(5)(B)(ii).
18	TWENTY-SECOND AFFIRMATIVE DEFENSE
19	Synopsys' damages, if any, shall be reduced or remitted entirely because URI was not aware
20	and had no reason to believe that its acts constituted a violation pursuant to 17 U.S.C. §
21	1203(c)(5)(A).
22	ADDITIONAL AFFIRMATIVE DEFENSES
23	URI reserves the right to supplement its affirmative defenses as discovery commences and
24	additional information becomes available.
25	JURY DEMAND
26	URI demands a trial by jury on all issues so triable.
27	
28	-8-
	ANSWER Case No.: 5:21-cv-00581-BLF

Dated: March 19, 2021	 Respectfully submitted, NIXON PEABODY LLP By <u>/s/ Bruce E. Copeland</u> Bruce E. Copeland (Bar No. 124888) bcopeland@nixonpeabody.com Andrew H. Winetroub (Bar No. 291847) awinetroub@nixonpeabody.com NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) srichard@nixonpeabody.com NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000 Fax: (401) 454-1030
	By <u>/s/ Bruce E. Copeland</u> Bruce E. Copeland (Bar No. 124888) <u>bcopeland@nixonpeabody.com</u> Andrew H. Winetroub (Bar No. 291847) <u>awinetroub@nixonpeabody.com</u> NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	By <u>/s/ Bruce E. Copeland</u> Bruce E. Copeland (Bar No. 124888) <u>bcopeland@nixonpeabody.com</u> Andrew H. Winetroub (Bar No. 291847) <u>awinetroub@nixonpeabody.com</u> NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	 Bruce E. Copeland (Bar No. 124888) <u>bcopeland@nixonpeabody.com</u> Andrew H. Winetroub (Bar No. 291847) <u>awinetroub@nixonpeabody.com</u> NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	bcopeland@nixonpeabody.comAndrew H. Winetroub (Bar No. 291847)awinetroub@nixonpeabody.comNIXON PEABODY LLPOne Embarcadero CenterSan Francisco, California 94111-3600Tel: (415) 984-8200Fax: (415) 984-8300Steven M. Richard (pro hac vice forthcoming)srichard@nixonpeabody.comNIXON PEABODY LLPOne Citizens Plaza, Suite 500Providence, RI 02903-1345Tel: (401) 454-1000
	 Andrew H. Winetroub (Bar No. 291847) awinetroub@nixonpeabody.com NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) srichard@nixonpeabody.com NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	 awinetroub@nixonpeabody.com NIXON PEABODY LLP One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) srichard@nixonpeabody.com NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	One Embarcadero Center San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	San Francisco, California 94111-3600 Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	Tel: (415) 984-8200 Fax: (415) 984-8300 Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	Steven M. Richard (<i>pro hac vice</i> forthcoming) <u>srichard@nixonpeabody.com</u> NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	srichard@nixonpeabody.com NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	srichard@nixonpeabody.com NIXON PEABODY LLP One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	One Citizens Plaza, Suite 500 Providence, RI 02903-1345 Tel: (401) 454-1000
	Providence, RI 02903-1345 Tel: (401) 454-1000
	Tel: (401) 454-1000
	$Fax \cdot (401) 454 - 1030$
	1 u.X. (101) 15 1 1050
	Attorneys for Defendant
	University of Rhode Island
	-9-