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7 KINGS COLLEGE LONDON; CHARLOTTE HANLON;
8 JOHN WEINMAN; EHSAN KHAN,
9 JOHN BARTOLI-ABDOU; and SELINA GRAHAM

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**
14

15 MMAS RESEARCH, LLC AND
16 DR. DONALD E. MORISKY,

17 Plaintiffs,
18

19 vs.

20 KINGS COLLEGE LONDON;
21 CHARLOTTE HANLON; JOHN
WEINMAN; EHSAN KHAN, JOHN
22 BARTOLI-ABDOU; SELINA
23 GRAHAM AND DOES 1-50,

24 Defendants.

Case No.: 2:22-cv-01479-DMG-JPR

**DEFENDANTS' ANSWER TO
COMPLAINT**

DEMAND FOR JURY TRIAL

DEFENDANTS' ANSWER TO COMPLAINT

Defendants, Kings College London (“Kings College”), Charlotte Hanlon (“Hanlon”), John Weinman (“Weinman”), Ehsan Khan (“Khan”), John Bartoli-Abdou (“Bartoli-Abdou”), Selina Graham (“Graham”) and Does 1-50 (collectively, “Defendants”), by their undersigned attorneys, pursuant to Federal Rule of Civil Procedure 8, respectfully file this answer to the Complaint filed against them by MMAS Research, LLC and Dr. Donald E. Morisky (collectively, “Plaintiffs”), and in support thereof state:

A. RESPONSES TO SPECIFIC ALLEGATIONS.

1. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 1, and therefore, deny same.

2. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 2, and therefore, deny same.

3. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 3, and therefore, deny same.

4. Par. 4 includes no allegations of fact or law. To the extent it does, such allegations are denied.

5. Defendants admit the first sentence of Par. 5. The remaining sentence includes legal assertions to which no reply is necessary. To the extent a reply is necessary, such legal assertions are denied.

6. Admitted.

7. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 7, and therefore, deny same.

8. Denied.

9. Denied.

JURISDICTION AND VENUE

10. Par. 10 includes legal assertions to which no reply is necessary. To the extent a reply is necessary, such legal assertions are denied.

1 11. Par. 11 includes legal assertions to which no reply is necessary. To the
2 extent a reply is necessary, such legal assertions are denied.

3 **GENERAL ALLEGATIONS**

4 **MORISKY MEDICATION ADHERENCE SCALES¹**

5 12. Defendants lack sufficient knowledge or information to form a belief
6 about the truth of the allegations in Par. 12, and therefore, deny same.

7 13. Defendants lack sufficient knowledge or information to form a belief
8 about the truth of the allegations in Par. 13, and therefore, deny same.

9 14. Defendants lack sufficient knowledge or information to form a belief
10 about the truth of the allegations in Par. 14, and therefore, deny same.

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12 15. Defendants lack sufficient knowledge or information to form a belief
13 about the truth of the allegations in Par. 15, and therefore, deny same.

14 16. Defendants lack sufficient knowledge or information to form a belief
15 about the truth of the allegations in Par. 16, and therefore, deny same.

16 17. Defendants lack sufficient knowledge or information to form a belief
17 about the truth of the allegations in Par. 17, and therefore, deny same.

18 18. Defendants lack sufficient knowledge or information to form a belief
19 about the truth of the allegations in Par. 18, and therefore, deny same.

20 19. Defendants lack sufficient knowledge or information to form a belief
21 about the truth of the allegations in Par. 19, and therefore, deny same.

22 20. Defendants lack sufficient knowledge or information to form a belief
23 about the truth of the allegations in Par. 20, and therefore, deny same.

24
25
26 _____
27 ¹ For ease of reference, Defendants utilize the headings in Plaintiffs' Complaint.
28 Defendants do not admit any aspect of such headings and specifically deny any
characterizations or inferences therefrom.

LICENSES

21. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 21, and therefore, deny same.

22. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 22, and therefore, deny same.

23. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 23, and therefore, deny same.

24. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 24, and therefore, deny same.

25. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 25, and therefore, deny same.

26. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 26, and therefore, deny same.

27. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 27, and therefore, deny same.

STATEMENT OF FACTS

28. Denied.

29. Defendants admit that the study identified in Par. 29 was published on or about December 5, 2014 by the University of Cape Town in collaboration with Kings College and authored by Hanlon. Defendants deny the remaining allegations in Par. 29.

30. Denied.

31. Defendants admit that a study was conducted by Kings College and Hanlon at Zewditu Memorial Hospital in or around July 2016. Defendants deny the remaining allegations in Par. 31.

32. Denied.

33. Defendants admit that in or around 2020, Kings College and Hanlon published the study identified in Par. 33. Defendants deny the remaining allegations in Par. 33.

34. Denied.

35. Defendants admit that Kings College and MMAS Research entered into the agreement identified in Par. 35. That agreement speaks for itself and Defendants deny any interpretation of that agreement in a manner that is inconsistent with the terms of that agreement and any other allegations set forth in Par. 35. Defendants deny the remaining allegations of Par. 35.

36. Defendants admit that on or around November 5, 2019, Kings College and Weinman published the study identified in Par. 36. Defendants deny the remaining allegations in Par. 36.

37. Defendants admit that on or around September 2020, Kings College and Khan published the study identified in Par. 37. Defendants deny the remaining allegations in Par. 37.

38. Defendants admit that on or around December 2020, Kings College and Graham published the study identified in Par. 38. Defendants deny the remaining allegations in Par. 38.

39. Defendants admit that on or about August 25, 2021, Kings College and Bartoli-Abdou published the study identified in Par. 39. Defendants deny the remaining allegations in Par. 39.

FIRST CAUSE OF ACTION FOR BREACH OF CONTRACT

40. Par. 40 simply reasserts the allegations in Par. 1 – 39. Defendants reassert their responses to those allegations here.

41. Admitted.

42. The agreement identified in Par. 42 speaks for itself. Defendants deny any interpretation of the agreement inconsistent with its terms.

43. The agreement identified in Par. 43 speaks for itself. Defendants deny any interpretation of the agreement inconsistent with its terms.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. The agreement identified in Par. 48 speaks for itself. Defendants deny any interpretation of the agreement inconsistent with its terms. Defendants further deny the remaining allegations in Par. 48.

49. Denied.

50. Denied.

SECOND CAUSE OF ACTION

COPYRIGHT INFRINGEMENT [17 U.S.C. § 101 *et. seq.*]

51. Par. 51 simply reasserts the allegations in Par. 1 – 50. Defendants reassert their responses to those allegations here.

52. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in Par. 52, and therefore, deny same.

53. Denied.

54. Denied.

55. Denied.

56. The agreement identified in Par. 56 speaks for itself. Defendants deny any interpretation of the agreement inconsistent with its terms. Defendants further deny the remaining allegations in Par. 56.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

1 62. Denied.

2 **THIRD CAUSE OF ACTION**

3 **MISAPPROPRIATION OF TRADE SECRETS UNDER THE DEFEND**

4 **TRADE SECRETS ACT [18 U.S.C. § 1836 *et. seq.*]**

5 63. Par. 63 simply reasserts the allegations in Par. 1 – 62. Defendants
6 reassert their responses to those allegations here.

7 64. Defendants lack sufficient knowledge or information to form a belief
8 about the truth of the allegations in Par. 64, and therefore, deny same.

9 65. Defendants lack sufficient knowledge or information to form a belief
10 about the truth of the allegations in Par. 65, and therefore, deny same.

11 66. Defendants lack sufficient knowledge or information to form a belief
12 about the truth of the allegations in Par. 66, and therefore, deny same.

13 67. Denied.

14 68. Defendants lack sufficient knowledge or information to form a belief
15 about the truth of the allegations in Par. 68, and therefore, deny same.

16 69. Denied.

17 70. Denied.

18 71. Denied.

19 72. Denied.

20 73. Denied.

21 **FOURTH CAUSE OF ACTION**

22 **UNFAIR BUSINESS PRACTICES [B&P § 17200 *et. seq.*]**

23 74. Par. 74 simply reasserts the allegations in Par. 1 – 73. Defendants
24 reassert their responses to those allegations here.

25 75. Denied.

26 76. Denied.

27 77. Denied.

1 **B. GENERAL DENIAL**

2 The remaining allegations in the Complaint include a prayer for relief, to
3 which no response is required. To the extent a response is required, Defendants deny
4 the allegations contained therein and generally deny that Plaintiffs have been
5 harmed or that Plaintiffs are entitled to any relief as alleged in their Complaint or
6 otherwise.

7 **C. AFFIRMATIVE AND OTHER DEFENSES**

8 Defendants assert the following defenses in response to the allegations in the
9 Complaint. Defendants reserve the right to raise any defense, in law, fact or equity,
10 as they further investigate this matter through discovery and otherwise. By alleging
11 these additional defenses, Defendants are not in any way agreeing or conceding that
12 they have the burden of proof or persuasion on any of these issues.

13 **First Defense**

14 1. The Complaint fails to state any claim upon which relief can be
15 granted.

16 **Second Defense**

17 2. Defendants did not engage in some or all of the actions alleged in the
18 Complaint.

19 **Third Defense**

20 3. Plaintiffs' claims are barred, in whole or in part, by the doctrines of
21 waiver, laches, acquiescence, and/or estoppel.

22 **Fourth Defense**

23 4. Plaintiffs' claims are barred, in whole or in part, by the applicable
24 statute of limitations.

25 **Fifth Defense**

26 5. Plaintiffs have not incurred any damages or have failed to mitigate their
27 alleged damages.

1 **Sixth Defense**

2 6. Plaintiffs are not the owners of all copyrights for the allegedly infringed
3 works at issue or are otherwise not authorized to bring some or all of these claims,
4 including because Plaintiffs have not demonstrated that they own all validly,
5 registered copyrights for all of the alleged infringed works, such that their claims for
6 statutory damages and/or attorneys' fees are thereby barred by Plaintiffs' failure to
7 comply with 17 U.S.C. §§ 411 and/or 412.

8 **Seventh Defense**

9 7. Plaintiffs are not entitled to statutory damages, attorneys' fees or costs
10 under the United States Copyright Act (17 U.S.C. §§ 505).

11 **Eighth Defense**

12 8. Plaintiffs' claims are barred because any damages suffered by Plaintiffs
13 was not proximately caused by Defendants.

14 **Ninth Defense**

15 9. The Complaint, to the extent it seeks injunctive relief, is barred because
16 the injury or damages allegedly suffered by Plaintiffs, if any, would be adequately
17 compensated in an action at law for damages, and therefore, Plaintiffs are not
18 entitled to equitable relief.

19 **Tenth Defense**

20 10. Some or all elements of the works allegedly infringed are not capable
21 of copyright protection.

22 **JURY DEMAND**

23 Defendants respectfully request a trial by jury on all issues so triable.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Defendants pray for relief as follows:

- 26 1. A judgment in favor of Defendants denying Plaintiffs all requested relief
27 and dismissing the Complaint in its entirety with prejudice;
28

- 1 2. That Defendants be awarded its reasonable attorneys' fees and costs of suit
2 consistent with the United States Copyright Act (17 U.S.C. §§ 505); and
3 3. That the Court award Defendants such other and further relief as it deems
4 just and proper.

5 DATED: June 16, 2022

DAVIS WRIGHT TREMAINE LLP
SEAN SULLIVAN
ADRIAN F. VALLENS

8 By: /s/ Sean M. Sullivan
Sean M. Sullivan

10 *Attorneys for Defendants*
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11 CHARLOTTE HANLON;
12 JOHN WEINMAN; EHSAN KHAN,
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