

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

Sophia Boyages,

Plaintiff,

v.

The University of Vermont and State
Agricultural College,

Defendant.

Civil Action No. 2:24-CV-538

ANSWER

Defendant The University of Vermont and State Agricultural College (“UVM”), through its attorneys, Dinse P.C., answers Plaintiff Sophia Boyages’ Complaint as follows:

INTRODUCTION

1. Admitted that Plaintiff is bringing an action for alleged copyright infringement; otherwise denied.

2. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

3. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

JURISDICTION AND VENUE

4. This paragraph states a conclusion of law to which no answer is required.

5. This paragraph states a conclusion of law to which no answer is required. Denied that Defendant has engaged in any unlawful conduct.

6. This paragraph states a conclusion of law to which no answer is required.

PARTIES

7. Admitted that Plaintiff was a former administrative assistant to UVM's Director of Athletics. Defendant lacks sufficient information to form a belief as to the truth of the remaining allegations in this paragraph; therefore, they are denied.

8. Admitted that UVM is a public institution located in Burlington, Vermont. As to the remaining allegations of this paragraph, denied.

FACTS

9. Admitted that Plaintiff is a graduate of Denison University. Defendant lacks sufficient information to form a belief as to the truth of the remaining allegations in this paragraph; therefore, they are denied.

10. Denied.

11. Denied.

12. Admitted that Exhibit 2 speaks for itself.

13. Admitted that the image prepared by Plaintiff and UVM's catamount logo are both mountain lion designs. Denied that the image prepared by Plaintiff is a new and original work that was not derived from UVM's catamount logo. The

remainder of this paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

14. Admitted that Plaintiff was an administrative assistant to UVM's Athletics Director. Defendant lacks sufficient information to form a belief as to the truth of the remaining allegations in this paragraph; therefore, they are denied.

15. Admitted that the description of Plaintiffs' duties included the functions alleged in this paragraph. Denied to the extent this paragraph suggests that such functions were exclusive of other duties.

16. Denied.

17. Denied.

18. Defendant lacks sufficient information to form a belief as to the truth of the allegations in this paragraph; therefore, they are denied.

19. Admitted that Plaintiff presented the image at issue to the brand working group on January 31, 2023; denied to the extent this paragraph suggests the design was Plaintiff's "potential idea." Defendant lacks sufficient information to form a belief as to the truth of the remaining allegations in this paragraph; therefore, they are denied.

20. Admitted that Defendant displayed and published the SophCat Design. Further admitted that Exhibit 4 speaks for itself. The remaining allegations in this paragraph are conclusions of law to which no answer is required. To the extent an answer is required, denied.

21. Denied.

22. Denied.

23. Admitted that Defendant did not provide Plaintiff with an assignment contract, otherwise denied.

24. Admitted that Defendant did not obtain a license to the SophCat Design, nor did it need one. As to the remaining allegations, denied.

25. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

26. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

27. Denied.

FIRST COUNT

(Direct Copyright Infringement, 17 U.S.C. § 501 *et seq.*)

28. Non-traversable.

29. Denied.

30. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

31. Denied that Plaintiff has any rights in the SophCat Design, otherwise admitted.

32. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, admitted that Defendant has displayed and published the SophCat Design; otherwise denied.

33. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

34. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

35. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

36. This paragraph states a conclusion of law to which no answer is required. To the extent an answer is required, denied.

AFFIRMATIVE DEFENSES

To the extent disclosed by discovery, this action may be barred in whole or in part because:

1. The Complaint fails to state a claim upon which relief can be granted.
2. The SophCat Design is a derivative work.
3. The SophCat Design was created as a work for hire.
4. The SophCat Design is not copyrightable.
5. Defendant owns all copyrights in the SophCat Design.

DEMAND FOR TRIAL BY JURY

Defendant demands a trial by jury on all issues.

WHEREFORE, Defendant respectfully requests judgment in its favor, together with its costs and such other relief as the Court shall deem just.

Dated at Burlington, Vermont this 6th day of June 2024.

By: /s/ Justin Barnard

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