

FAX COVER SHEET

TO Mary Jo

COMPANY

FAX NUMBER 12023187652

FROM Neal Puckett

DATE 2011-11-04 13:47:35 GMT

RE test fax

COVER MESSAGE

see attached

against Defendants, they are denied. Except as stated, Defendant denies the allegations of ¶ 2 in their entirety.

3. Defendant denies the allegations in paragraph 3.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 4 and, therefore, neither admits nor denies the allegations of ¶ 4 but demands strict proof thereof. Except as stated, Defendant denies the allegations of ¶ 4 in their entirety.
5. Admitted.
6. Defendant does not object to this court's jurisdiction over the pled matter.
7. Admitted.
8. Defendant does not object to this court's jurisdiction over the pled matter. To the extent that the allegations of ¶ 8 are construed against Defendant, they are denied.
9. Defendant does not object to this venue.
10. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 10 and, therefore, neither admits nor denies the allegations of ¶ 10 but demands strict proof thereof. Except as stated, Defendant denies the allegations of ¶ 10 in their entirety.
11. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 11 and, therefore, neither admits nor denies the allegations of ¶ 11 but demands strict proof thereof. Except as stated, Defendant denies the allegations of ¶ 11 in their entirety.
12. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 12 and, therefore, neither admits nor denies the

allegations of ¶ 12 but demands strict proof thereof. Except as stated, Defendant denies the allegations of ¶ 12 in their entirety.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶ 13 and, therefore, neither admits nor denies the allegations of ¶ 13 but demands strict proof thereof. Except as stated, Defendant denies the allegations of ¶ 13 in their entirety.

14. Defendants admit that Plaintiff has in the past attended or participated in ADC events. To the extent that ¶ 14 alleges the intent behind Plaintiff's participation in ADC events, Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations regarding the purpose of Plaintiff's participation and, therefore, neither admits nor denies the allegations but demands strict proof thereof. Except as stated, Defendant denies the allegations of ¶ 14 in their entirety..

15. Defendant admits that Mr. Jandali was invited to the ADC convention in June 2011.

16. Defendant denies that ADC revoked its invitation to Jandali. As to whether Plaintiff attended or did not attend the ADC convention in 2011, Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in ¶ 16 and, therefore, neither admits nor denies the allegations of ¶ 16 but demands strict proof thereof. Defendant admits that Jandali did not perform at the ADC convention in 2011. Except as admitted or otherwise stated, Defendant denies the allegations of ¶ 16 in their entirety.

17. Defendant denies that an audio recording of "Watani Ana" was performed at the ADC convention in 2011. To the extent that ¶ 17 alleges the playing of a rendition of "Watani Ana," Defendant states that one of the many YOU TUBE selections of

“Watani Ana” was played on June 11, 2011, at the ADC convention. Except as admitted or otherwise stated, Defendant denies the allegations of ¶ 17 in their entirety.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Defendant incorporate and realleges its answer to paragraphs 1-22 as though fully set forth herein as ¶¶ 1-23 of their answer.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in ¶ 87 and, therefore, neither admits nor denies the allegations of ¶ 87 but demands strict proof thereof.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

Affirmative Defenses

First Affirmative Defense

Plaintiff’s complaint fails to state a cause of action upon which relief can be granted.

Second Affirmative Defense

Plaintiff has not suffered any damages.

Third Affirmative Defense

Defendant played a YouTube video of the work in question. The YouTube Terms of Service and License Agreement grant Defendant an explicit license.

Fourth Affirmative Defense

Plaintiff knowingly uploaded the video on YouTube which is accepted as a vehicle of wide dissemination. Subsequently Plaintiff also posted the link to the YouTube video on numerous social networking sites. Defendant embedded the YouTube video, and posted a link to the video in public e-mailmessages. Defendant also posted the YouTube video on social media websites, with no objection from the Plaintiff. The actions of the plaintiff constitute an implied license.

Fifth Affirmative Defense

As a registered 501(c)(3) organization Defendant is exempt pursuant to 17 USC § 110(4)(B), which in relevant part states that copyright is not infringed when “the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain...”

Sixth Affirmative Defense

Defendant qualifies for a Fair Use Exemption pursuant to 17 USC §107. As a non-profit organization, defendant did not play the YouTube video for commercial gain; the playing

of the video was well received by the audience members and had a positive impact on the work.

WHEREFORE, Defendant American-Arab Anti Discrimination Committee denies that Plaintiff is entitled to any relief and Defendant prays for:

- A. Judgment in its favor and against the Plaintiff;
- B. An award of costs incurred in this action; and
- C. Such other relief as the Court deems just and appropriate.

Respectfully Submitted on this day of October 7, 2011,

/s/ Haytham Faraj
Haytham Faraj (DC 990192)
1800 Diagonal Road
Suite 210
Alexandria, VA 22314
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2011, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to the following: Mr. Jack Gerstein at Jack.Gerstein@troutmansanders.com; Mr. Prashant Khetan at prashant.khetan@troutmansanders.com; Mr. Michael Hobbs at michael.hobbs@troutmansanders.com, attorneys for Plaintiff.

Respectfully submitted,

/S/ Haytham Faraj
Haytham Faraj (DC 990192)
Attorney for 3D Global Solutions
1800 Diagonal Road
Alexandria, VA 22314
(703)706-0442
Haytham@puckettfaraj.com