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Attorneys for Defendant What's Trending, Inc.

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

STEVE SANDS Plaintiff, v. WHAT'S TRENDING, INC. Defendant.	Civil Action No. 1:20-CV-02735-GBD ANSWER
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Defendant What's Trending, Inc. ("Defendant" or "What's Trending") hereby answers the Amended Complaint in the above-captioned matter, dated August 16, 2020.

NATURE OF THE ACTION

1. The allegation states legal conclusions, and Defendant therefore denies it.

JURISDICTION AND VENUE

2. Admitted.
3. Admitted.
4. Admitted.

PARTIES

5. Defendant lacks information to respond to this allegation, and therefore denies it.

6. Admitted in part: Defendant operates virtually and has no business office as of the time of this answer.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

STATEMENT OF FACTS

11. Defendant lacks information to respond to this allegation, and therefore denies it.

12. Defendant lacks information to respond to this allegation, and therefore denies it.

13. Defendant lacks information to respond to this allegation, and therefore denies it.

14. Defendant lacks information to respond to this allegation, and therefore denies it.

15. Admitted on information and belief.

16. Defendant lacks information to respond to this allegation, and therefore denies it.

17. Defendant lacks information to respond to this allegation, and therefore denies it.

18. Defendant lacks information to respond to this allegation, and therefore denies it.

19. Admitted.

20. Admitted.

21. Admitted.

22. Denied.

CLAIM FOR RELIEF

23. Defendant incorporates by reference each and every allegation in the preceding paragraphs.

24. Denied in part: Defendant did not infringe Plaintiff's copyright because Defendant's use was fair use. Admitted that Plaintiff and Defendant did not enter into a license agreement.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

AFFIRMATIVE DEFENSES

30. Defendant's use of the alleged photograph was fair use.

31. The copyright registration was at issue was invalid.

32. The copyrighted work was in the public domain.

33. Plaintiff failed to register the copyrighted work.

34. Defendant's use of the artwork was *de minimis*.

35. Plaintiff has unclean hands.

PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests judgment as follows:

- A. Dismissal of all claims by Plaintiff against Defendant;
- B. That Defendant be awarded its costs, expenses, and attorneys' fees;
- C. Such other and further relief as the Court may deem just and proper.

Dated: New York, New York
March 9, 2021

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