

FILED

06 APR 24 PM 1:53

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Suzanne Shell - pro se
2 dsshell@ix.netcom.com
3 14053 Eastonville Rd.
4 Elbert, CO 80106
5 Telephone: (719)749-2971
6 Fax: (719)749-2972

3 Defendant

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

12 INTERNET ARCHIVE
13 Plaintiff and Counterclaim Defendant
14 v.

15 SUZANNE SHELL
16 Defendant and
17 Counterclaim Plaintiff and
18 Third Party Plaintiff
19 v.

20 AND RELATED COUNTERCLAIMS
21 AND THIRD PARTY CROSS CLAIMS
22

CASE NO. C 06 0397 JSW


**REPLY TO AFFIRMATIVE
DEFENSES**

23
24 Counterclaim Plaintiff, Suzanne Shell, replies to Affirmative Defenses filed by Internet
25 Archive and states with regard to each:

- 26 1. Ms. Shell denies first affirmative defense (Failure to State Claim) and demands it
27 be stricken as false on its face, or failing that, demands strict proof.
28

- 1 2. Ms. Shell denies second affirmative defense (Implied License) and demands it be
2 stricken as false on its face, or failing that, demands strict proof.
- 3 3. Ms. Shell denies third affirmative defense (Fair Use) and demands strict proof.
- 4 4. Ms. Shell denies fourth affirmative defense (Consent) and demands it be stricken
5 as false on its face, or failing that, demands strict proof.
- 3 5. Ms. Shell denies fifth affirmative defense (No Valid Copyright Registration) and
7 demands it be stricken as false on its face, or failing that, demands strict proof.
- 8 6. Ms. Shell denies sixth affirmative defense (Not Original Work) and demands it be
9 stricken as false on its face, or failing that, demands strict proof.
- 10 7. Ms. Shell denies seventh affirmative defense (Statute of Limitations or Laches) and
11 demands it be stricken as false on its face, or failing that, demands strict proof.
- 12 8. Ms. Shell denies eighth affirmative defense (Copyright Misuse) and demands it be
13 stricken as false on its face, or failing that, demands strict proof.
- 14 9. Ms. Shell denies ninth affirmative defense (Unclean Hands) and demands it be
15 stricken as false on its face, or failing that, demands strict proof.
- 16 10. Ms. Shell denies tenth affirmative defense (Third Party Acts) and demands it be
17 stricken as false on its face, or failing that, demands strict proof.
- 18 11. Ms. Shell denies eleventh affirmative defense (Failure to Mitigate) and demands it
19 be stricken as false on its face, or failing that, demands strict proof.

20 Respectfully Submitted *April 18, 2006*

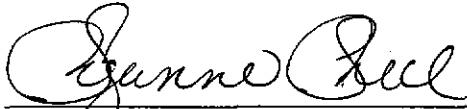
21 
22 _____
23 Suzanne Shell - pro se
24 14053 Eastonville Rd.
25 Elbert, CO 80106
26 719-749-2971
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the attached document REPLY TO AFFIRMATIVE DEFENSES were placed in the United States Mail, first class mail, postage prepaid on April 19, 2006 to:

Perkins Coie LLP
180 Townsend St. 3rd Floor
San Francisco, CA 94107



April 19, 2006

Suzanne Shell