EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

RUDE MUSIC, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	**NO.: 1:12-cv-00640**
	)	**JURY DEMAND**
NEWT 2012, INC., NEWT GINGRICH, and AMERICAN CONSERVATIVE UNION	)	**Judge Kennelly**
	)	
Defendants.	)	

ANSWER OF DEFENDANTS

COME NOW, Defendants Newt 2012, Inc. ("Newt 2012") and Newt Gingrich ("Mr. Gingrich") (collectively, the "Defendants"), by and through their undersigned counsel and hereby submit their Answer to the Complaint as follows:

NATURE OF CASE

1. This is an action for copyright infringement, in violation of 17 U.S.C. § 501, arising from the defendants' unauthorized public performances and distribution of Rude Music's copyrighted musical composition.

RESPONSE: While these Defendants admit that this action sounds in copyright infringement, Defendants specifically deny Plaintiff's allegations of copyright infringement. Defendants deny violation of 17 U.S.C. § 501 and deny that Plaintiff has any valid claims as against Defendants pursuant to the Copyright Act or pursuant to any other state or federal statutes or under common law. In further response, Defendants deny Plaintiff's allegations of unauthorized public performances and distribution of Plaintiff's musical composition by Defendants.

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction of this claim pursuant to 28 U.S.C. §§ 1331 and 1338(a).

RESPONSE: Paragraph 2 of Plaintiff's Complaint states a legal conclusion as to which no responsive pleading is required. To the extent a response is deemed to be required, Defendants aver that this Court has subject matter jurisdiction over Copyright Infringement claims in general, but denies any and all wrongdoing. Further answering, these Defendants deny the remaining averments contained within Paragraph 2 of Plaintiff's Complaint and demand strict proof thereof.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as Defendants solicit and are doing business in this district, and Rude Music is being injured in this district.

RESPONSE: Paragraph 3 of Plaintiff's Complaint states a legal conclusion regarding the general Federal Venue Statute as to which no responsive pleading is required. To the extent a response is deemed to be required, Defendants deny any conduct that would give rise to these allegations in this cause. Further answering, Defendants deny the remaining averments contained within Paragraph 3 of Plaintiff's Complaint and demand strict proof thereof.

PARTIES

3.[sic] Rude Music is an Illinois corporation, with its principal place of business at 5140 Grove Road, Palatine, Illinois. Rude Music is owned solely by Frank M. Sullivan III, and operates as the publisher of Sullivan's music compositions.

RESPONSE: The fourth paragraph of Plaintiff's Complaint is mistakenly identified as paragraph "3." For ease of reference, Defendants have re-numbered the paragraphs of this Answer to coincide with the paragraph numbers enumerated in Plaintiff's Complaint resulting in

two paragraphs being enumerated as paragraph "3." Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within this additional enumerated Paragraph 3 of Plaintiff's Complaint and demand strict proof thereof.

4. Newt 2012, Inc. is a Georgia corporation, having a principal place of business at 3110 Maple Drive, Suite 400, Atlanta, Georgia.

RESPONSE: Defendants admit the averments contained within enumerated Paragraph 4 of Plaintiff's Complaint and, as such, jurisdiction and venue are improper as to this Defendant.

5. Upon information and belief, Newt Gingrich is an individual residing in McLean, Virginia, and is chief executive officer of Newt 2012, Inc.

RESPONSE: Defendants admit the averments contained within enumerated Paragraph 5 of Plaintiff's Complaint and, as such, jurisdiction and venue are improper as to this Defendant.

6. The American Conservative Union is a membership organization, having a principal place of business at 1331 H Street N.W., Washington, D.C.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within enumerated Paragraph 6 of Plaintiff's Complaint.

FACTS

7. The musical band SURVIVOR was formed in 1977, with Sullivan as one of its founding members.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within enumerated Paragraph 7 of Plaintiff's Complaint as pled.

8. Sullivan is a co-author of the musical composition “Eye of the Tiger,” which was the principal theme song for the movie *Rocky III* and achieved number one status in the United Stated and throughout the world. The song won Grammy and People’s Choice awards and was Oscar-nominated.

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within enumerated Paragraph 8 of Plaintiff’s Complaint as pled and demand strict proof thereof.

9. “Eye of the Tiger” is the subject of a valid copyright, which is co-owned by Rude Music and was duly registered in the Copyright Office on June 7, 1982 (PA 141854)

RESPONSE: Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within enumerated Paragraph 9 of Plaintiff’s Complaint and demand strict proof thereof.

10. On information and belief, since at least as early as 2009, Mr. Gingrich took the stage at political conferences and similar public events as a recording of "Eye of the Tiger" was played over the public address system. The events at which the song was featured included, at least, the Conservative Political Action Conference ("CPAC") in 2009, 2010 and 2011, and the Southern Republican Leadership Conference in 2010. The CPAC is hosted by the American Conservative Union's fundraising arm, the American Conservative Union Foundation.

RESPONSE: In response to the averments contained within enumerated Paragraph 10 of Plaintiff’s Complaint, Defendants admit that a recording of “Eye of the Tiger” has been included in background music with other various recordings at certain political events at which Mr. Gingrich has appeared. As the allegations herein, however, lack specificity as to which conferences, which public events, and where and when these events allegedly took place,

Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining averments contained within enumerated Paragraph 10 of Plaintiff's Complaint as pled and demand strict proof thereof.

11. The American Conservative Union has posted on the internet video recordings of at least the 2010 and 2011 conferences, featuring Mr. Gingrich and "Eye of the Tiger." The reproduction and distribution of these recorded performances of the copyrighted composition is unlicensed and unauthorized.

RESPONSE: This allegation is not directed at these Defendants, and accordingly, a response is not required. To the extent that a response is required as to allegations concerning another party's conduct, these Defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained within enumerated Paragraph 11 of Plaintiff's Complaint as pled and demand strict proof thereof.

12. As his campaign for the Republican presidential nomination has ramped up, Mr. Gingrich and Newt 2012, Inc. have caused a recording of "Eye of the Tiger" to be publicly performed at numerous campaign appearances by Mr. Gingrich. For example, in Doylestown, Pennsylvania, Mr. Gingrich entered the packed Moose Lodge for a speech as the song "pulsed," according to the Newt 2012, Inc. website. More recently, during the campaign's pre-caucus swing through Iowa, the copyrighted song played as Mr. Gingrich made his entrance and exit at an event in Des Moines; heralded his arrival at an event in Burlington, Iowa; and blared as his campaign bus rolled into an excavation business in Walford, Iowa. Newt 2012, Inc.'s and Mr. Gingrich's use of the copyrighted work was unlicensed and unauthorized.

RESPONSE: In response to the averments contained within enumerated Paragraph 12 of Plaintiff's Complaint, Defendants admit that a recording of "Eye of the Tiger" has been included

in background music with other various recordings at certain political events at which Mr. Gingrich has appeared. Defendants deny the remaining averments contained within enumerated Paragraph 12 of Plaintiff's Complaint and demand strict proof thereof.

13. Newt 2012's and Mr. Gingrich's unauthorized public performance, or inducement of or contribution to the public performance, of the copyrighted work infringes Rude Music's copyright. Similarly, the American Conservative Union's reproduction and distribution of the video recordings, featuring Mr. Gingrich and "Eye of the Tiger." is unlicensed and unauthorized, and also infringes Rude Music's copyright in the composition.

RESPONSE: Answering solely as to those allegations and averments directed toward these Defendants, these Defendants deny the averments contained within enumerated Paragraph 13 of Plaintiff's Complaint as they pertain to these Defendants and demand strict proof thereof. Defendants are without information or knowledge sufficient to form a belief as to the remaining averments contained within enumerated Paragraph 13 of Plaintiff's Complaint.

14. Mr. Gingrich's and Newt 2012, Inc.'s infringement of "Eye of the Tiger" was willful. Mr. Gingrich is sophisticated and knowledgeable concerning the copyright laws, both as a private individual, as a business owner, and as a former elected official. According to the records of the United States Copyright Office, Mr. Gingrich is the author or co-author of over forty copyrighted works. During his tenure in the United States House of Representatives, the Copyright Act was extensively amended. Mr. Gingrich is chief executive officer of Gingrich Productions, Inc., a Washington, D.C. multimedia production company that features the work of Mr. Gingrich and his wife, Callista Gingrich. Through Gingrich Productions, Inc., they have produced historical and public policy documentaries, produced photographic essays, written books, and recorded audio books. According to election disclosure filings, Mr. Gingrich earned

between $500,000 and $1,000,000 from Gingrich Productions, and in a recent interview, he estimated that he could have sold could be "hundreds of thousands." Moreover, Newt 2012 also has a legal team. Finally, at a recent debate in South Carolina, Mr. Gingrich criticized the proposed Stop Online Piracy Act, stating, "We have a patent office, we have copyright law. If a company finds that it has genuinely been infringed upon, it has the right to sue..."

RESPONSE: Defendants assert that enumerated Paragraph 14 of Plaintiff's Complaint should be stricken for failure to comport with of Fed. R. Civ. P. 10(b). Subject to, and without waiving the aforestated defense, Defendants deny the averments contained within enumerated Paragraph 14 of Plaintiff's Complaint as pled and demand a more definite statement and strict proof thereof. Defendants deny any allegation of infringement, willful or otherwise.

15. As a result of the defendants' willful infringement of Rude Music's copyright, Rude Music has been damaged.

RESPONSE: Defendants deny the averments contained within enumerated Paragraph 15 of Plaintiff's Complaint.

WHEREFORE, Defendants Newt 2012, Inc and Newt Gingrich deny Plaintiff's prayer for relief in its entirety and further deny that Plaintiff is entitled to any relief whatsoever. Defendants request that this Honorable Court dismiss Plaintiff's Complaint in its entirety with all costs cast upon the Plaintiff including, but not limited to, Defendants' reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Personal jurisdiction is improper in this Court.

THIRD AFFIRMATIVE DEFENSE

Venue is improper in this Court.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to add indispensable parties.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing to assert some or all of the claims they have asserted against these Defendants.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the equitable doctrines of waiver, acquiescence and/or estoppel.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff has suffered no damage or irreparable harm.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because the alleged actions hereunder were the actions of third parties other than the Defendants.

NINTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims as pled may be barred by the applicable Statute of Limitations.

TENTH AFFIRMATIVE DEFENSE

Factors other than Defendants' alleged wrongful conduct caused some or all of Plaintiff's alleged damages.

ELEVENTH AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims as pled may be barred by the Doctrines of Laches.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff did not exercise due care and did not act reasonably to protect itself or to mitigate any damages that they may have allegedly sustained by reason of Defendants' alleged wrongful conduct.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the Doctrine of Unclean Hands.

FOURTEENTH AFFIRMATIVE DEFENSE

To the extent any of the acts or omissions alleged in the Complaint occurred, Plaintiff and/or a co-owner/co-author of the alleged copyright authorized, licensed, or consented to it expressly, by implication, or by conduct.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because Defendants acted in good faith.

SIXTEENTH AFFIRMATIVE DEFENSE

Upon information and belief, Plaintiff has failed to meet and plead the statutory requirements that are conditions precedent to maintaining this action and/or to the recovery of statutory damages of any kind.

SEVENTEENTH AFFIRMATIVE DEFENSE

The alleged wrongful conduct of the Defendants constitutes fair use.

EIGHTEENTH AFFIRMATIVE DEFENSE

The alleged wrongful conduct of Defendants is protected by the First Amendment to the United States Constitution.

Defendants reserve the right to file such additional affirmative defenses as may be appropriate upon completion of investigation and discovery.

WHERFORE, Defendants deny that Plaintiff is entitled to any relief whatsoever, including, but not limited to, the relief demanded by Plaintiff in paragraphs 1-4 of Plaintiff's Prayer for Relief at the conclusion of Plaintiff's Complaint.

Defendants request to be awarded all attorneys' fees and costs as well as any and all other relief which may be appropriate under all applicable statutes and/or as this Court deems just and appropriate.

JURY DEMAND

Defendants hereby demand a trial by jury of all issues so triable.

Respectfully submitted,

HALL, BOOTH, SMITH & SLOVER, PC

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CERTIFICATE OF SERVICE

I hereby certify that on March 5th, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants, and I hereby certify that I have mailed by United States Postal Service the document to any non CM/ECF participants.

/s/ Brian A. Rosenblatt