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No Counsel - PRO - SE

Teller, an individual

Plaintiff.

v.

Gerard Dogge (Gerard Bakardy),
an individual

Defendant.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

CASE N° 2:12-cv-00591-JCM-GWF

ANSWER TO COMPLAINT

Filed on 04/11/12
Defense 10 pages & Exhibits 30 pages

Honourable Judge James C. Mahan, Honourable Judge George Foley Jr.,
Forgive me for approaching the Court in this way, defending myself, and in poor
English.

I, Gerard Dogge, residing and working in Belgium - Europe, I'm not a lawyer,
and especially not an American lawyer, who can build up a procedure by referring
to complicated lawsuits from the past in the USA, unknown to the defendant. My
defense is based on common sense and logical honesty.

With the deepest respect for the Court I feel very embarrassed to see that the
American Justice is called upon by Teller to gain more profits in ticket sales by
starting a litigation against me, alleging that I have infringed copyright on a magic
trick with a tiny flower. I will prove to the Court and Jury that this is not the case.

I take note that Mr. Teller demands a trial by Jury, and it is obvious why.
Teller is a celebrity, known by everyone in Las Vegas, and worshiped by many.

Although one may doubt this could be an obstacle for a fair trial, I have
confidence in Justice.

1
2 I would recommend that among the members of the Jury, there should be some
3 'copyright' specialists and preferably some magicians as well. Most people don't
4 know the difference between a Patent and a Copyright, and could be confused
5 when they see a Magic trick. I will do my best to make things clear to the Jury,
6 both in my defense and in my pleadings.

7 I would like to draw the Courts attention to the **misleading and untrue**
8 **statements** in the complaint filed by Mr. Teller.

9 1. (page2-line4) *"The Court jurisdiction is based on (a) Defendant*
10 *conducts business in Nevada".* **This is wrong,** The defendant has only
11 visited Las Vegas for a week vacation, that's all. Gerard Bakardy has
12 not any business in Nevada.

13
14 2. (page2-line16) *Defendant is doing business in the State of Nevada,*
15 *County of Clark.* **This is wrong,** and misleading the Court.

16
17
18 3. (page2-line22) *P& Teller are famous for creating innovative magic*
19 *tricks.* **This is but half true,** as P& Teller build their career also by
20 revealing many, many existing tricks (likewise The Masked Magician).
21 Gerard Bakardy has, as up today, never revealed any trick.

22
23 4. (page5-line2) *Plaintiff suggests that the defendant travelled to Las*
24 *Vegas to see Tellers dramatic performance, Shadows.* **This is wrong,**
25 and based on nothing. I have never seen a 'live' performance from P&T.
26 Like thousands of other people, I've only seen 'Shadows' on YouTube.

27 ./.

28 ./.

1
2 5. (page5-line12) *In fact...in the text beneath the defendants You Tube*
3 *video defendant refers to P&T show performing a similar trick. **In fact***
4 ***this is but half true and deliberately pulled out of context,** the*
5 *complete text beneath the video clarifies the differences between both*
6 *tricks: "...Everything is separate and loose from each other, so how is*
7 *this possible?.... and "now I'm very happy to share my version in a*
8 *different and more impossible way with you, especially when the*
9 *audience can see that the stem and vase filled with water can be*
10 *removed from the table !.."*

11
12 6. (page5-line11, 14) *refers to **Exhibit 3,** This original exhibit contains*
13 ***incriminating screenshots** taken by or on, Tellers request. Filed on*
14 *behalf of Teller and on his responsibility. These screenshots **are the***
15 ***subject in the defamation** lawsuit filed by Gerard Dogge, in Antwerp-*
16 *Belgium.*

17 These very same screenshots have now been manipulated,
18 changed and faked by the plaintiff and... filed again. By doing this, the
19 plaintiff tried to remove the 'DNA' from the evidence. I did not know
20 this was allowed.

21 Logically, the relevant screenshots should only refer to 'Bakardy's action
22 to show or prove alleged infringements and nothing more than that. It
23 is very remarkable that two of the screenshots are not restricted to just
24 that, but show more information about the favorites bar with the most
25 visited website links of the user of the Apple computer:

26 Such as: Stopwatch - plus - Highlights - **CFSelect** - Scale - FitPal -
27 Netflix - **Corbin** - vedge - Tyler - **mantube** - Sean - pdny - Reviews -
28 Twitter - **2 Long** - etc ...

1
2 Four of the favorite web links in this selection are pornographic intended
3 for a gay audience profile and show hardcore porn images for, by and
4 with gay men. In particular CFSelect - Corbin - Mantube - 2 Long.
5 Regardless of the fact that the websites often state that the 'actors' in
6 the pictures and movies are older than 18, several times the very young
7 age of these actors is suggested.

8 These screenshots, used and filed by Teller as exhibits, suggest on
9 purpose that Gerard Bakardy is the one who visits the aforementioned
10 web links, since his name and photograph are standing immediately
11 below the web links. The hardcore porn web links on the screenshots
12 contain very obscene images and several times the suggestion is given
13 that the actors are very young and childlike.

14 By doing so, Teller suggests that Bakardy has pedophile
15 tendencies. The screenshots do not mention that these were taken by
16 Teller or his lawyer. The original screenshots used by Teller in the
17 original official complaint, became public documents and can be seen
18 by everyone, also by the media.

19 The screenshots are widely published on the World Wide Web internet.
20 In this way, Gerard Bakardy is now the subject in several forums being
21 portrayed as a pervert. Teller is fully aware of this, as he changed the
22 exhibits, but the damage to Bakardy (his true purpose) is realized.

23
24 7. (page5-line15) *This whole chapter 24 ..* **mentions an intended**
25 **advertisement** and has NEVER been published. It was on Tellers
26 request that I cancelled the advertisement because he wanted to buy
27 the exclusive rights to my trick. On Tellers request I have sent him a
28 copy of the intended advertisement.

1
2 8. (page6-line10) Plaintiff is suggesting that it was the defendant who
3 approached him, trying to sell his trick for an unacceptable high price.

4 **This is wrong: Gerard Bakardy never approached Teller.** It was
5 Teller who approached Gerard Bakardy and was bidding to get
6 exclusivity.

7
8 9. (page6-line27) The Plaintiff has taken all reasonable steps to secure his
9 copyright... **This is not true.** The most logical thing to do when you
10 have a copyright is.. to show it. Inform the world that your work is
11 copyrighted. Easy, just use the © symbol. **He never did.**

12
13 10. (page7-line5) Plaintiff owns all rights and has done nothing to abandon
14 the copyrighted work.. **This is not true.** For many years there are
15 many more magicians doing exactly the same trick as Tellers 'Shadows'.
16 Copies of this trick were sold, already years ago. **Teller clearly**
17 **abandoned** his copyrighted work..

18
19 11. (page7-line16) Defendants past and present acts violate.. and
20 constitute willful and intentional infringement.. **Wrong and false.**
21 Defendant does not 'act' at all and awaits respectfully for the Courts
22 Order. The only alleged violating action was when the defendant posted
23 a YouTube video 'The Rose & her Shadow'. This video had 14 views
24 only, and was removed by Teller after a few day's.

25
26 12.(page7-line19) Defendant realized unjust profits as a result of the
27 infringement. **This is based on nothing as** the defendant did not
28 realize any profit.

1
2 13. (page7-line21) *As evidenced by defendant's copying, public*
3 *performance, display and prominent use of plaintiff's protected work...*

4 **Based on nothing**, the defendant never performed, published,
5 displayed, sold, etc.. and did not 'gain' a single dollar. The defendant
6 prefers to wait for a judgment with respect for the Court.

7
8 14.(page7-line25) *Plaintiff has suffered, irreparable injury, etc..* **This must**

9 **be a JOKE** as plaintiff declares in several press interviews that this
10 Court case brings more ticket sales to the P& Teller shows. Anyone can
11 see, and notice that P& Teller got a 'free' publicity boost.

12 Although.. 'free' ?? The exhibits filed by Mr. Teller, causing an immense
13 defamation to Gerard Bakardy, do have a price. The life of Gerard
14 Bakardy – Gerard Dogge is ruined. Both professionally and personally.

15
16 15. (page8-line12) *Defendant's use in commerce is confusingly similar ...*

17 **This is in contrast to other statements made by plaintiff**, which
18 states in the media that the defendant's trick is different from Tellers..

19
20 16. (page8-line20) *Defendant has the knowledge that plaintiff owns*

21 *'Shadows'...* **This is based on nothing:** how could someone know that
22 Teller 'owns' a magic trick, how could someone expect that the
23 libertarian Teller would turn out to be a hypocrite, especially when he
24 performs shows all over the world, provoking and challenging all
25 magicians to fool him. In the 'Shadows' video he threatens or
26 challenges everyone, by stating: "*Nobody knows how it's done and no*
27 *one will figure it out.. but that doesn't matter..*" The question now to
28 ask is: Why is this not important.. Why doesn't it matter...?

1
2 Was Mr. Teller just waiting until someone figured it out ? So he could
3 start a litigation procedure. The defendant saw this as a challenge and
4 did figure it out, and re-invented and improved an almost 40 years old
5 trick. The defendant brought it to an higher level by inventing a new
6 prop which reaches further than Teller ever did with 'Shadows'. That's
7 why Teller offered money for exclusivity. This also means that Teller
8 cannot perform or explain Bakardy's trick.

9
10 *17. (page8-line25) As a result of such unfair competition, plaintiff suffers...*

11 **This must be the second Joke**, or a lack of confidence, which I doubt.

12 There is no competition to Teller.

13 And certainly not by Bakardy's performance, in any way. The defendant,
14 Gerard Bakardy is just a beginner. It's not Teller who suffers. The
15 defamation caused by Teller creates suspicion that Bakardy is a
16 pedophile, and the evidence brought forward by Teller has a much
17 bigger impact than the alleged infringement of copyright on a ridiculous
18 magic trick, meant to entertain kids. **This is not a Joke.**

19
20 For so far my reply to some statements made by Plaintiff in his complaint.

21 Further I stress to prefer to convince the Jury and Court with my pleadings in
22 Court which will be based on the evidence, filed hereby as exhibits.

23 ./.

24 ./.

25 ./.

26 ./.

27 ./.

28 ./.

1
2 My pleadings in Court will clarify and prove to the Jury and Court that:

- 3 • There is no infringement on Plaintiff's copyright.
- 4 • There is a huge difference between Plaintiff's 'Shadows' trick and
5 Defendants 'The Rose and her shadow' trick.
- 6 • Defendant is acting in good faith.
- 7 • Plaintiff acts with malicious intent.
- 8 • Plaintiff is reckless and provocative.
- 9 • Plaintiff's copyright is doubtful.
- 10 • The alleged damage, suffered by the Plaintiff is doubtful in contrary to the
11 damages suffered by defendant and caused by Plaintiff.
- 12 • Defendant suffers a massive irreparable damage.
- 13 • The damage caused by Teller is bigger than expected and affects more
14 people than just Bakardy.

15 **Overall conclusion.**

16 Defendant believes that there is only one conclusion to make:

17 The reason for the debate, which has led to a court proceeding, is absurd,
18 ridiculous and most of all decadent.

19 In this times of war, crisis, crime, drugs, murder, etc., it is really embarrassing
20 to use, or, as the complaint of Teller does, to abuse the American legal system
21 and American Courts (all paid by the state or taxpaying citizen) to settle a dispute
22 about a magical trick with a tiny flower. Defendant believes that the Court was
23 meant for other, more important, disputes.

24 Defendant's magic trick was made with just one intention: entertainment for
25 families and children to enjoy. Magicians are like clowns, they only serve to
26 entertain. Obviously stealing from each other is out of the question, and this has
27 not happened here.

28 ./.

1
2 Teller could have bought Bakardy's magic trick, just like any other magician,
3 but he was not satisfied with this. He wanted exclusivity. But Teller did not want
4 to pay for it. At the moment he realized he could not buy the exclusive rights to
5 Bakardy's trick, on the price he had in mind, Teller subsequently began this
6 procedure, in one effort and deliberately starting a smear campaign against
7 Bakardy, using the most unusual and unscrupulous documents suggesting that
8 Bakardy is a pervert. Despite several attempts from Bakardy to come to an
9 agreement outside the Court and outside the media, Mr. Teller chose to fight 'a
10 magic war', publicly in the media and in Court. This leaves Bakardy no other
11 option than to defend himself.

12 The procedure itself is absolutely not absurd or ridiculous. Rather serious. The
13 shameful documents give an unexpected twist on a 'copyright' dispute. This
14 procedure will not ruin Bakardy: Bakardy is already ruined by Teller ...

15 To avoid further waste of money and needless time on an unnecessary trial and
16 expensive traveling costs I would like the Court and the jury to watch a video on
17 YouTube. It's called 'The Bakardy Rose', posted by Gerard Bakardy.

18 <http://www.youtube.com/watch?v=rkq4XfFgCYs&feature=channel&list=UL>

19 In this video Bakardy uses the same 'prop' as in 'The Rose & Her Shadow'
20 video. It will become clear, especially in the last 2 minutes of the video, that
21 Bakardy's prop reaches far more further than Tellers. Teller has never performed
22 "Shadows' in a transparent vase or bottle, he never showed the complete rose
23 stem, he never removed the stem, he never showed what's in his white 'bud'
24 vase. Because he can't... that's what Mr. Teller said in his first phone call to
25 Bakardy. And that's why Mr. Teller (still) wants to buy the exclusive rights to
26 Bakardy's trick.

27 Thus, the whole 'copyright infringement' procedure was started for a simple and
28 different reason: to 'kill' a better trick than Tellers.

Therefore defendant respectfully requests for a judgment to:

- Reject plaintiffs copyright complaint
- Reject plaintiffs total prayer for relief.
- Condemn plaintiff to pay for the Court costs.
- Condemn plaintiff to pay for the costs of the defense.
- Condemn plaintiff to make a public apology to the legal system, Courts and State. Apologizing for his reckless and provocative action, which only costs money to the society.

With the deepest respect,


Gerard Dogge
Abtsdreef 10 /1 --- B2940 Stabroek
Belgium – Europe

*I could have filed about **200.000 exhibits**, such as screenshots showing a minute by minute history of the visitor counter on a forum. They would show that about **240 people per minute** are visiting a forum with links to the incriminating exhibits, filed by Mr. Teller. (see exhibit 28).*

Number of exhibits filed: 29.(+ frontpage)