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5 Attorney for Defendants  
6 Doe/Klim and Doe/Skywalker

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE

11 ART OF LIVING FOUNDATION, a ) Case No.: CV 10-5022 LHK HRL  
12 California corporation, )  
13 Plaintiff, ) ANSWER TO FIRST AMENDED  
14 v. ) COMPLAINT OF DOE/KLIM and  
DOES 1-10, inclusive, ) DOE/SKYWALKER  
16 Defendants. )  
17 )  
18 )  
19 )

20 Defendants Doe/Klim (“Klim”) and Doe/Skywalker (“Skywalker”), without waiving their  
21 rights to preserve their First Amendment rights to anonymity, respond to the Complaint filed by  
22 Plaintiff as follows.

23 1. Klim and Skywalker admit that the Art of Living Foundation (“AoL”) is an  
24 international organization, purportedly educational and humanitarian, based in Bangalore India with  
25 regional centers or chapters in many countries, and that AoL has obtained some form of accreditation  
26 from the UN, and lack sufficient information to form a belief as to the corporate/legal form (if any) of  
27 the multifarious interrelated AoL-affiliated entities, and otherwise deny the allegations of paragraph 1.  
28

- 1           2. Klim and Skywalker admit the allegations of paragraph 2.
- 2           3. Klim and Skywalker admit that Plaintiff offers courses that employ breathing
- 3 techniques, meditation, yoga and Sudarshan Kriya and that all of these are ancient and well known
- 4 practices, that Plaintiff has garnered substantial media attention, and otherwise deny the allegations of
- 5 paragraph 3.
- 6           4. Klim and Skywalker deny that they are former student-teachers and students of
- 7 Plaintiff, lack knowledge or information sufficient to form a belief as to the truth of the allegations of
- 8 paragraph 4 with respect to the other Defendants and on that basis deny them.
- 9           5. Klim and Skywalker admit that each of them has created a blog and otherwise deny the
- 10 allegations of paragraph 5.
- 11           6. Klim and Skywalker deny the allegations of paragraph 6.
- 12           7. Klim and Skywalker admit that Skywalker briefly posted the Breath Water Sound
- 13 Manual on the Wordpress Blog and otherwise deny the allegations of paragraph 7.
- 14           8. Klim and Skywalker admit that the Wordpress Blog is still active and otherwise deny
- 15 the allegations of paragraph 8.
- 16           9. Klim and Skywalker deny the allegations of paragraph 9.
- 17           10. No allegations are asserted in Paragraph 10. To the extent any allegations are implied,
- 18 Klim and Skywalker deny them.
- 19           11. Klim and Skywalker deny the allegation in paragraph 11.
- 20           12. Klim and Skywalker admit the allegations of paragraph 12.
- 21           13. No allegations are asserted in Paragraph 13. To the extent any allegations are implied,
- 22 Klim and Skywalker deny them.
- 23           14. No allegations are asserted in Paragraph 14. To the extent any allegations are implied,
- 24 Klim and Skywalker deny them.
- 25           15. Klim and Skywalker deny the allegations of paragraph 15.
- 26           16. Klim and Skywalker admit that Skywalker is an individual and deny that Skywalker is
- 27 multiple individuals conspiring together.
- 28

1           17. Klim and Skywalker admit that Art of Living Foundation is an international  
2 organization based in Bangalore India that purports to be a nonprofit educational and humanitarian  
3 organization and and lack sufficient information to form a belief as to the corporate/legal form (if  
4 any) of the multifarious interrelated AoL-affiliated entities, and otherwise deny the allegations of  
5 paragraph 17.

6           18. Klim and Skywalker admit that Plaintiff offers courses that employ breathing  
7 techniques, meditation, yoga and Sudarshan Kriya and that all of these are ancient and well known  
8 practices, that and otherwise deny the allegations of paragraph 18.

9           19. Klim and Skywalker admit that AoL purports to be committed to humanitarian aid and  
10 community service and otherwise deny the allegations of paragraph 19.

11           20. Klim and Skywalker admit that an AoL affiliated entity was accredited as a United  
12 Nations NGO and otherwise lack sufficient information to form a belief as to the truth of the  
13 allegations of paragraph 20 and on that basis deny them.

14           21. Klim and Skywalker lack sufficient information to form a belief as to the truth of the  
15 allegations of paragraph 21 and on that basis deny them.

16           22. Klim and Skywalker admit that Art of Living Foundation is an international  
17 organization based in Bangalore India that purports to be a nonprofit educational and humanitarian  
18 organization , lack sufficient information to form a belief as to the corporate/legal form (if any) of the  
19 multifarious interrelated AoL-affiliated entities, and otherwise deny the allegations of paragraph 22.

20           23. Klim and Skywalker admit the allegations of paragraph 23.

21           24. Klim and Skywalker admit that Plaintiff has the legal form of a nonprofit corporation  
22 that is, among other things, dedicated to the teachings of Ravi Shankar and otherwise deny the  
23 allegations of paragraph 24.

24           25. Klim and Skywalker admit that Plaintiff provides instruction on a number of subjects  
25 including breathing and yoga and deny the remaining allegations of paragraph 25.

26           26. Klim and Skywalker admit that Plaintiff teaches Sudarshan Kriya and deny the  
27 remaining allegations of paragraph 26.

28           27. Klim and Skywalker deny the allegations of paragraph 27.

- 1           28. Klim and Skywalker admit the allegations of paragraph 28.
- 2           29. Klim and Skywalker admit the allegations of paragraph 29.
- 3           30. Klim and Skywalker admit that Plaintiff teaches breathing and yoga techniques and  
4 otherwise deny the allegations of paragraph 30.
- 5           31. Klim and Skywalker admit that Plaintiff and AoL idolize Ravi Shankar to the point of  
6 worship and otherwise deny the allegations of paragraph 31.
- 7           32. Klim and Skywalker admit that Plaintiff offers courses designed for specific segments  
8 of students and otherwise deny the allegations of paragraph 32.
- 9           33. Klim and Skywalker admit that Plaintiff charges fees for its courses and otherwise  
10 deny the allegations of paragraph 33.
- 11          34. Klim and Skywalker admit that Plaintiff uses the money it raises to maintain its  
12 facilities and otherwise deny the allegations of paragraph 34.
- 13          35. Klim and Skywalker deny the allegations of paragraph 35.
- 14          36. Klim and Skywalker deny the allegations of paragraph 36.
- 15          37. Klim and Skywalker admit that Plaintiff makes money by offering its courses and  
16 otherwise deny the allegations of paragraph 37.
- 17          38. Klim and Skywalker deny the allegations of paragraph 38.
- 18          39. Klim and Skywalker deny the allegations of paragraph 39.
- 19          40. Klim and Skywalker admit the existence of a Training Guide Phase One and Yes!  
20 Teacher’s Manual, state that they do not know what is being referred to by “Continuation Manual”  
21 and otherwise deny the allegations of paragraph 40.
- 22          41. Klim and Skywalker admit that teachers are required to take verbatim notes during  
23 certain oral presentations relating to Sudarshan Kriya and otherwise deny the allegations of paragraph  
24 41.
- 25          42. Klim and Skywalker deny the allegations of paragraph 42.
- 26          43. Klim and Skywalker deny the allegations of paragraph 43.
- 27          44. Klim and Skywalker deny the allegations of paragraph 44.
- 28          45. Klim and Skywalker deny the allegations of paragraph 45.

1           46. Klim and Skywalker deny the allegations of paragraph 46.

2           47. Klim and Skywalker deny the allegations of paragraph 47.

3           48. Klim and Skywalker admit the existence of an informational booklet entitled the  
4 Breath Water Sound Manual and lack sufficient information to form a belief as to its authorship and  
5 on that basis deny the remaining allegations of paragraph 48.

6           49. The Breath Water Sound Manual speaks for itself; Klim and Skywalker otherwise deny  
7 the allegations of paragraph 49.

8           50. Klim and Skywalker lack sufficient information to form a belief as to the truth of the  
9 allegations of paragraph 50 and on that basis deny them.

10          51. Klim and Skywalker lack sufficient information to form a belief as to the truth of the  
11 allegations of paragraph 51 and on that basis deny them.

12          52. Answering paragraph 52, Klim and Skywalker admit that they have asserted their First  
13 Amendment rights to maintain their anonymity in this proceeding.

14          53. Klim and Skywalker deny that they are former teachers of Plaintiff , admit that they are  
15 former teachers of other AoL affiliated entities, and otherwise lack sufficient information to form a  
16 belief as to the truth of the allegations of paragraph 53 and on that basis deny them.

17          54. Klim and Skywalker admit that in November 2009, Klim started the Leaving the Art of  
18 Living Blog and deny that any other Defendant did so.

19          55. Klim and Skywalker admit that in November 2010, Skywalker started the Beyond the  
20 Art of Living Blog and deny that any other Defendant did so.

21          56. Klim and Skywalker admit that the Beyond the Art of Living Blog is still active and  
22 accessible and that the Leaving the Art of Living Blog is still accessible and deny that the Leaving the  
23 Art of Living Blog has been active since June 2010.

24          57. Klim and Skywalker admit that one of the purposes of the Blogs is to provide former  
25 adherents of AOL and those doubting Ravi Shankar's teachings a space to heal, find answers, and  
26 understanding, and otherwise deny the allegations of paragraph 57.

27          58. Klim and Skywalker deny the allegations of paragraph 58.

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1           59. Klim and Skywalker lack sufficient information to form a belief about the allegations  
2 of paragraph 59 and on that basis deny them.

3           60. Klim and Skywalker admit that Klim uses the fictitious name “Klim” and that  
4 Skywalker uses the fictitious name “Skywalker” and that Defendants use additional fictitious names.

5           61. Klim and Skywalker admit that Defendants have contributed numerous posts and  
6 comments on the Blogs, but deny that numerous posts and comments have been about Plaintiff, and  
7 otherwise deny the allegations of paragraph 61.

8           62. Klim and Skywalker deny the allegations of paragraph 62.

9           63. Klim and Skywalker deny the allegations of paragraph 63.

10          64. Klim and Skywalker lack sufficient information to form a belief about the allegations  
11 of paragraph 64 and on that basis deny them.

12          65. Klim and Skywalker deny the allegations of paragraph 65.

13          66. Klim and Skywalker deny the allegations of paragraph 66.

14          67. Klim and Skywalker deny the allegations of paragraph 67.

15          68. Klim and Skywalker lack sufficient information to form a belief about the allegations  
16 of paragraph 68 and on that basis deny them.

17          69. Klim and Skywalker admit that Skywalker briefly posted the text of the Breath Water  
18 Sound Manual on the Beyond the Art of Living Blog and that Skywalker removed it after receiving a  
19 cease and desist letter from an AoL affiliated entity other than Plaintiff, and otherwise deny the  
20 allegations of paragraph 69.

21          70. Klim and Skywalker deny the allegations of paragraph 70.

22          71. Klim and Skywalker deny the allegations of paragraph 71.

23          72. Klim and Skywalker deny the allegations of paragraph 72.

24          73. Klim and Skywalker incorporate their responses to the allegations in paragraphs 1-72  
25 above.

26          74. Klim and Skywalker deny the allegations of paragraph 74.

27          75. Klim and Skywalker deny the allegations of paragraph 75.

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1           76. Klim and Skywalker lack sufficient information to form a belief about the truth of the  
2 the allegations of paragraph 76 and on that basis deny them.

3           77. Klim and Skywalker lack sufficient information to form a belief about the truth of the  
4 the allegations of paragraph 77 and on that basis deny them.

5           78. The Breath Water Sound Manual speaks for itself, and otherwise Klim and Skywalker  
6 deny the allegations of paragraph 78

7           79. Klim and Skywalker lack sufficient information to form a belief as to the truth of the  
8 allegations of paragraph 79 and on that basis deny them.

9           80. Klim and Skywalker deny the allegations of paragraph 80

10          81. Klim and Skywalker deny the allegations of paragraph 81.

11          82. Klim and Skywalker admit that Skywalker briefly posted the text of the Breath Water  
12 Sound Manual on the Wordpress Blog and otherwise deny the allegations of paragraph 82.

13          83. Klim and Skywalker deny the allegations of paragraph 83

14          84. Klim and Skywalker deny the allegations of paragraph 84.

15          85. Klim and Skywalker deny the allegations of paragraph 85.

16          86. Klim and Skywalker deny the allegations of paragraph 86.

17          87. Klim and Skywalker incorporate their responses to the allegations in paragraphs 1 to 86  
18 above.

19          88. Klim and Skywalker deny the allegations of paragraph 88.

20          89. Klim and Skywalker deny the allegations of paragraph 89.

21          90. Klim and Skywalker deny the allegations of paragraph 90.

22          91. Klim and Skywalker deny the allegations of paragraph 91.

23          92. Klim and Skywalker deny the allegations of paragraph 92.

24          93. Klim and Skywalker deny the allegations of paragraph 93.

25          94. Klim and Skywalker deny the allegations of paragraph 94.

26          95. Klim and Skywalker deny the allegations of paragraph 95.

27          96. Klim and Skywalker deny the allegations of paragraph 96.

28          97. Klim and Skywalker deny the allegations of paragraph 97.

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- 1 98. Klim and Skywalker deny the allegations of paragraph 98.
- 2 99. Klim and Skywalker deny the allegations of paragraph 99.
- 3 100. Klim and Skywalker deny the allegations of paragraph 100.
- 4 101. Klim and Skywalker deny the allegations of paragraph 101.
- 5 102. Klim and Skywalker deny the allegations of paragraph 102.
- 6 103. Klim and Skywalker deny the allegations of paragraph 103.
- 7 104. Klim and Skywalker deny the allegations of paragraph 104.
- 8 105. Klim and Skywalker deny the allegations of paragraph 105.

9  
10 AFFIRMATIVE DEFENSES

11 As and for separate affirmative defenses, Klim and Skywalker allege as follows:

12 FIRST AFFIRMATIVE DEFENSE

13 The Complaint, and each and every claim alleged therein, fails to state facts sufficient  
14 to constitute a cause of action upon which relief may be granted.

15 SECOND AFFIRMATIVE DEFENSE

16 Each and every cause of action in the Complaint is barred by the doctrine of estoppel.

17 THIRD AFFIRMATIVE DEFENSE

18 Each and every cause of action in the Complaint is barred by the doctrine of laches.

19 FOURTH AFFIRMATIVE DEFENSE

20 Each and every cause of action in the Complaint is barred by the doctrine of waiver.

21 FIFTH AFFIRMATIVE DEFENSE

22 Each and every cause of action in the Complaint is barred by the doctrine of unclean  
23 hands.

24 SIXTH AFFIRMATIVE DEFENSE

25 Skywalker and Klim were justified in doing any or all of the acts alleged in the  
26  
27 Complaint.  
28



SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's alleged trade secret is generally known or reasonably ascertainable.

EIGHTH AFFIRMATIVE DEFENSE

Any alleged agreement concerning the secrecy of the alleged trade secrets is barred by the statute of frauds.

NINTH AFFIRMATIVE DEFENSE

Defendants' alleged conduct constituted fair use.

TENTH AFFIRMATIVE DEFENSE

Defendants' alleged conduct is protected by the Free Speech and Free Exercise clauses of the First Amendment

ELEVENTH AFFIRMATIVE DEFENSE

Defendants' alleged conduct was expressly or impliedly licensed or authorized by Plaintiff and/or by AoL and/or Ravi Shankar.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the applicable statute of limitations.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff does not own the copyrights and/or trade secrets at issue and thus has no standing to sue.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff has engaged in Copyright misuse by using its Copyright claim to attempt discover the identity of critics of AoL in order to chill their constitutionally protected speech.

Respectfully submitted,

Dated July 28, 2011

/s/  
Joshua Koltun  
Attorney for Defendants Doe/Klim and Doe/Skywalker

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