UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Inzer Advance Design, Inc.,	:	Case No.: 1:25-cv-00171
	:	
Plaintiff,	:	Judge Hopkins
	:	Magistrate Judge Bowman
v.	:	
	:	
April Mathis d/b/a Mathis Enterprises,	:	
	:	
Defendant.	:	

PLAINTIFF'S RESPONSE TO THIRD PARTY'S REQUEST FOR LEAVE TO FILE AN *AMICUS* BRIEF

Plaintiff Inzer Advanced Designs, Inc. ("Plaintiff") hereby responds to the filing docketed as ECF No. 8 on July 18, 2025 and styled as "Judicial Notice Regarding CM/ECF Status, Service of Filings, Potential *Amicus* Brief Deficiency, and Redundant Duplicates Concurrent With Motion Proper on CM/ECF and *Amicus* Brief in Support of Defendant, April Mathis." In this document, *pro se* third party Gordon Wayne Watts purports to, among other things, request leave to submit an *amicus curae* brief in support of Defendant April Mathis ("Defendant"). (ECF No. 8 at 2-3.) The Court should deny this request.

"Leave to participate as amicus curiae is not a right, but a 'privilege within the sound discretion of the courts.'" *Norman v. RK Holdings, LLP*, No. 2:22-cv-03704, 2025 U.S. Dist. LEXIS 57367, at *15-16 (S.D. Ohio Mar. 27, 2025) (quoting *United States v. Michigan*, 940 F.2d 143, 165 (6th Cir. 1991)). "In evaluating whether to accept the submission of an amicus curiae brief, courts typically consider whether the information offered by the amicus 'is timely, useful, or otherwise necessary to the administration of justice.'" *Id.* (quoting *Michigan*, 940 F.2d at 143). Here, Mr. Watts's proposed *amicus* brief (ECF No. 8-1) is neither useful to the Court nor "otherwise necessary to the administration of justice."

First, Mr. Watts's proposed filing is not relevant to any issue currently pending before the Court. The only pending motion in this matter is Plaintiff's motion to (a) strike Defendant's Answer for failure to comply with Rule 8(b); (b) dismiss Defendant's Counterclaim pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted; and (c) refer this matter to early alternative dispute resolution pursuant to Local Rule 16(a)(1). (ECF No. 7.) Of note, Plaintiff's motion appears to be unopposed, as Defendant did not file any response to the motion by the May 20, 2025 deadline. Regardless, Mr. Watts's proposed *amicus* brief is not directed to the legal issues raised in Plaintiff's motion with respect to the pleading deficiencies in Defendant's Answer and Counterclaim, including Defendant's compliance (or lack thereof) with Rules 8(b) and 12(b)(6). Rather, Mr. Watts's proposed *amicus* filing purports to address, prematurely, the ultimate merits of this dispute. (*See* ECF No. 8-1.) As such, it is simply not relevant to any issue facing the Court at this early stage of litigation.

Second, even as it relates to the ultimate merits of the case, the proposed *amicus* brief offers nothing that would be of value to the Court in analyzing those issues. Mr. Watts is not a lawyer. Nor does he claim to possess any special technical expertise that might be relevant to this case. Rather, he admits to being an "amateur" powerlifter. (ECF No. 8-1 at 1.) Thus, the proposed *amicus* brief contains nothing except Mr. Watts's lay, and often confused,[1] musings on various legal issues. (*Id.* at 3-9.) Needless to say, the Court is more than capable of determining and applying the relevant law without such help.

Accordingly, the Court should deny Mr. Watts leave to file his proposed *amicus* brief.

[1] For example, although the only claims at issue in this case relate to Defendant's alleged infringement of Plaintiff's *patents*, Mr. Watts repeatedly conflates patent law with copyright law in his discussion. (*See, e.g.*, ECF No. 8-1 at 4 (claiming that "[t]he design patented by [Plaintiff] is functional and/or generic, i.e., not unique or creative enough to warrant copyright protection").)

Dated: July 30, 2025

Respectfully Submitted,

/s/ Oleg Khariton

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CERTIFICATE OF SERVICE

I hereby certify that, on July 30, 2025 a true and correct copy of the foregoing was served upon the following via U.S. certified mail:

April Mathis d/b/a Mathis Enterprises
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/s/ Oleg Khariton
Oleg Khariton