## In The Supreme Court of the United States

FOURTH ESTATE PUBLIC BENEFIT CORPORATION, Petitioner,

v.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

#### REPLY BRIEF FOR PETITIONER

JOEL B. ROTHMAN
JEROLD I. SCHNEIDER
SCHNEIDER ROTHMAN
INTELLECTUAL PROPERTY
LAW GROUP, PLLC
4651 N. Federal Highway
Boca Raton, Florida 33431
(561) 404-4350

December 13, 2017

AARON M. PANNER
Counsel of Record
GREGORY G. RAPAWY
COLLIN R. WHITE
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK, P.L.L.C.
1615 M Street, N.W.
Suite 400
Washington, D.C. 20036

(apanner@kellogghansen.com)

 $(202)\ 326-7900$ 



#### **RULE 29.6 STATEMENT**

Pursuant to this Court's Rule 29.6, petitioner Fourth Estate Public Benefit Corporation states that it is a public benefit corporation that has not issued any stock.



## TABLE OF CONTENTS

	Page
RULE 29.6 STATEMENT	i
TABLE OF AUTHORITIES	iii
ARGUMENT	2
I. THE QUESTION PRESENTED MERITS REVIEW	2
II. THE ELEVENTH CIRCUIT'S JUDG- MENT IS INCORRECT	5
CONCLUSION	11



## TABLE OF AUTHORITIES

Page
CASES
Apple Barrel Prods., Inc. v. Beard, 730 F.2d 384 (5th Cir. 1984)
Bruesewitz v. Wyeth LLC, 562 U.S. 223 (2011) 11
Cosmetic Ideas, Inc. v. IAC/Interactivecorp, 606 F.3d 612 (9th Cir. 2010)
Lakedreams v. Taylor, 932 F.2d 1103 (5th Cir. 1991)
Petrella v. Metro-Goldwyn-Mayer, Inc., 134 S.           Ct. 1962 (2014)
STATUTES AND RULES
Copyright Act of 1976, Pub. L. No. 94-553, 90 Stat. 2541
50 Stat. 2041
Copyright Act (17 U.S.C.)
Copyright Act (17 U.S.C.)1, 3, 4, 5, 8, 9
Copyright Act (17 U.S.C.)



17 U.S.C. § 411(a)1, 2, 3, 5, 6, 7, 9, 11
17 U.S.C. § 411(b)
17 U.S.C. § 411(c)
17 U.S.C. § 411(c)(2)
17 U.S.C. § 412 6
17 U.S.C. § 505 4
Sup. Ct. R. 10(a)
LEGISLATIVE MATERIALS
Copyright Law Revision: Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law, 87th Cong. (Comm. Print 1961), available at https://www. copyright.gov/history/1961_registers_report. pdf
studies/:  Study No. 17 – The Registration of Copy- right
Study No. 18 – Authority of the Register of Copyrights To Reject Applications for Regis- tration
H.R. Rep. No. 94-1476 (1976), reprinted in 1976 U.S.C.C.A.N. 5659
H.R. Rep. No. 103-388 (1993) 11



# DOCKET

## Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

#### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### **LAW FIRMS**

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### **FINANCIAL INSTITUTIONS**

Litigation and bankruptcy checks for companies and debtors.

### **E-DISCOVERY AND LEGAL VENDORS**

Sync your system to PACER to automate legal marketing.

