CASE NO. 23-5233

DISTRICT OF COLUMBIA
COURT OF APPEALS

STEPHEN THALER,

Plaintiff and Appellant,

v.

SHIRA PERLMUTTER, Register of Copyrights and

Director of the United States Copyright Office, et al.,

Defendant and Appellee.

APPELLANT'S OPENING BRIEF

On Appeal From Order of the United States District Court
for the District of Columbia

(Oral argument not yet scheduled)

Honorable Beryl A. Howell
Case No. 1:22-cv-01564-BAH

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to Circuit Rule 28(a)(1) Counsel for the Plaintiff-Appellant STEPHEN THALER certifies the following:

(a)   Parties and Amici

Stephen Thaler is the plaintiff in the district court and the appellant in this Court. Dr. Stephen Thaler is an individual, not a nongovernmental corporation or other entity. Therefore, no parent corporations or any publicly held companies own 10 percent or more of the stock of the party we represent.   No law firms, partners, or associates who are expected to appear have not already entered an appearance in this court. No appeal from the same trial court action was previously before this or any other appellate court or agency. STEPHEN THALER has no information identifying organizational victims in criminal cases and debtors and trustees in bankruptcy cases as required under Fed. R. App. P. 26.1(b) and 26.1(c).

Dr. Stephen Thaler is a computer scientist who invents and develops articifial intelligence systems.

The United States Copyright Office is the defendant in the district court and the appellee in this Court.

The Register of Copyrights and Director of the United States Copyright Office is included in her professional capacity as a defendant in the district court and appelle in this Court.

(b)   Rulings Under Review.

Plaintiff-appellant Stephen Thaler appeals the August 18, 2023 memorandum opinion (ECF No. 24) and order (ECF No. 23) of the United States District Court for the Columbia (Beryl A. Howell, J.) granting Defendant-Appellee's Copyright Office's motion for summary judgment and denying Stephen Thaler's motion for summary judgment. The opinion is not yet published in the federal reporter but is available at *Thaler v. Perlmutter*, CV 22-1564 (BAH), 2023 WL 5333236 (D.D.C. Aug. 18, 2023) and reproduced in the Appendix at APPX 185 - 199.

(c)   Related Cases.

There are no cases pending in any court or agency that will directly affect or be directly affected by the Federal Circuit's decision in this appeal.

...

Pursuant to Federal Circuit Rule 47.5, appellant states that to the best of his knowledge:

No appeal from the same trial court action was previously before this or any other appellate court or agency and there are no cases pending in any court or agency that will directly affect or be directly affected by the Federal Circuit's decision in this appeal.

ORAL ARGUMENT REQUESTED

Pursuant to Federal Rule of Appellate Procedure section 34(a), the Appellant Stephen Thaler requests an oral argument on this matter. Appellant requests the oral argument because of the novel, complex, and important issues relating to copyright raised in this matter, and Appellant believes given these issues the Court will benefit from the opportunity to have the oral argument.

TABLE OF CONTENTS

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