



COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0025
May 15, 2024

Jessica N Hussain

CLAIMANT

v.

Apple Company

RESPONDENT

ORDER DISMISSING CLAIM WITHOUT PREJUDICE

The Copyright Claims Board issued orders that notified the claimant on February 23, and April 3, 2024, that the claim and amended claim, respectively, did not comply with the applicable statutory and regulatory requirements for filings before the Board. On May 1, 2024, the claimant filed a second amended claim, which was the final opportunity to file a compliant claim. 17 U.S.C. § 1506(f)(1)(B); 37 C.F.R. § 224.1(d).

A Copyright Claims Attorney reviewed the second amended claim and determined that the infringement claim is still noncompliant because it fails to include specific allegations about how the respondent had access to the claimant's work and how the two works are substantially similar. Additionally, the claim also appears to include possible acts of patent infringement rather than copyright infringement. Allegations in the second amended claim focus on the functional similarities rather than on similarities in copyrightable expression between claimant's registered computer program and the Apple Watch.

The Copyright Claims Attorney referred the claim to a Copyright Claims Officer to confirm that it does not comply with the applicable requirements and that this proceeding should, therefore, be dismissed without prejudice. 17 U.S.C. § 1506(f)(1)(B). The Copyright Claims Officer reviewed the second amended claim and concurs with the finding of noncompliance. For the reasons set forth in the April 3, 2024, noncompliance order, the second amended claim does not present facts sufficient to show a plausible claim of copyright infringement. Accordingly, the Board dismisses the claim without prejudice and closes this case. Dismissal without prejudice means that the allegations may be raised again by filing a new claim if there is no agreement with the respondents to the contrary.

Copyright Claims Board