



COPYRIGHT CLAIMS BOARD

Docket number: 23-CCB-0351

November 8, 2023

Barbara M. Bonneau

CLAIMANT

v.

Reese Witherspoon and Delia Owens

RESPONDENTS

ORDER TO AMEND NONCOMPLIANT CLAIM

The Copyright Claims Board finds that your claim does not comply with the requirements of the CASE Act and related regulations. The claim cannot move forward unless it is amended.

If you wish to proceed with this claim, you must file an amended claim by **December 8, 2023**. If you do not, the Board must dismiss your claim without prejudice, although you may file again in the future before the Board or in federal court. If you file an amended claim and it is found compliant, you will be notified and directed to proceed with service. There is no additional filing fee for an amended claim. 17 U.S.C. § 1506(f)(1)(B).

To make your amended claim compliant, you must resolve the issues identified below. 37 C.F.R. § 224.1(c)(2). You may also choose to correct or edit any errors or other information in your claim before you file it again. You do not need to provide a legal argument in your claim – just a statement of facts and circumstances. Being specific in your description gives the other party and the Board more information about your claim. There is no character limit, so please be as detailed as possible.

Contact Information

The claim must include the phone number of the claimant, or of its legal counsel or authorized representative. 37 C.F.R. § 222.2(c)(3)-(4). If you file an amended claim, include your phone number in the “Claimant” section.

The claim must also include the mailing addresses of the respondents. 37 C.F.R. § 222.2(c)(6). Your claim appears to instead provide the addresses of third parties, listing respondent Reese Witherspoon’s address as “c/o Co[]umbia Studios” and respondent Delia Owens’ address as “c/o Penguin Group.” If you file an amended claim, include addresses for the respondents themselves, not third parties.

Substantial Similarity

You have brought a claim for copyright infringement of a novel titled *These Beans Have Too Much Salt*, which you allege is infringed by Delia Owens’ novel *Where the Crawdads Sing* and Reese Witherspoon’s movie adaptation of that novel. Your claim must make enough factual allegations to support each “element” of the claim. Information about the elements required to assert a copyright infringement claim is available in the [Starting an Infringement Claim](#) chapter of the CCB Handbook. The elements of a copyright infringement claim are:

1. You own a valid copyright in the work, or have been given an exclusive license to the copyright rights at issue in the work,
2. The respondent used one of your exclusive rights in the work without permission,
3. The respondent had access to your work, and
4. The respondent's work is substantially similar to the original elements of expression in your work.

Your allegations do not provide enough clarity about the similarities between your work and the allegedly infringing works. If it is not readily apparent from supplemental materials that are submitted with the claim, you must provide specific allegations about how expressive material in your work and the allegedly infringing works are substantially similar.

You identify *These Beans Have Too Much Salt* as “a psychological literary suspense novel” and “a story about Cajun families caught up in a religious cult,” and you provide a short overview of its plot, featuring “a fishing family of Houma, Louisiana.” Your allegations do not include any comparable information about the respondents' works, except to state that the motion picture was filmed in Louisiana and its title “came from my story, replacing the word cicadas with crawdads.” The “Describe the infringement” section of the claim generally contends that “[t]here are many types of infringements used here,” but you do not describe or show enough details for the Board to assess any particular similarities. You state that you “have compiled a nearly five-hundred page description of the infringement with 250 scenes and about 2500 detailed infringements listed,” and that you “would like to submit the analysis I have written as part of my description later on.” It is not sufficient to contend that many similarities exist without specifics. You have not provided enough information to enable the respondent and the Board to understand the nature of the claim. You are not required to submit hundreds of pages of detailed descriptions, but you must describe or show enough facts to indicate that substantial expressive material was taken for the claim to move forward.

If you submit an amended claim, it must include more factual allegations that support the element of substantial similarity, for example, by identifying particular scenes and details in the respondents' works that are similar to copyrightable expression in your work, and describing how they are similar. Your description should help the respondents and the Board understand the similarities you see between the respondents' allegedly infringing work and the protectable aspects of your work. Include a clear, detailed statement regarding portions of your work that were taken by the respondents in the allegedly infringing works, or documents that are sufficient to show the similarities. If you include copies of the works at issue as supplemental documents, they must be clearly labeled and identified so they can be properly compared to each other.

Access

Your claim also does not provide enough facts about how the respondent had access to your work. “Access” means a reasonable opportunity to view your work before the alleged infringement took place.

In the “Describe the infringement” section of the claim, you allege: “my novel was published in 2016, on Amazon, and temporarily online in pirate blogs and libraries, on my own website, and was shared with other writers,

agents, and publishers.” In general terms, you also allege that your work “was stolen, copied, and transmitted to another writer[.]” Your allegations do not provide enough information about where your work was available to the respondents, or provided to the respondents, before the alleged infringement.

To address this issue, you must file an amended claim with allegations that make access a reasonable possibility, not just hypothetically or theoretically possible. Acceptable allegations of access may include that your work (a) was sent directly to the respondent or a close associate of the respondent; (b) was widely disseminated or was available to the public or respondent; or (c) is so strikingly similar to the respondent’s work that they could not have been created independently.

Alternatively, you can upload copies of your work and the allegedly infringing work if those images demonstrate that the works are so strikingly similar that they could not have been created independently. If you include copies of the works at issue as supplemental documents, then as discussed above, they must be clearly labeled and identified so they can be properly compared to each other.

To submit an amended claim, log into your eCCB account and take the following steps:

1. From your dashboard, click the “**Amend claim**” button and select your docket number from the dropdown list.
2. Your claim will unlock for editing. The information you originally entered will appear in the same order as in your original claim.
3. Make the necessary edits. If you have filed supplemental documents, you must re-upload any documents you wish to include in the amended claim on the “**Documentation**” page. Please include only documents directly related to your claim, and label them clearly.
4. Once you have completed your edits, continue to click through the fillable claim form until you reach the “**Review**” page. The Review page includes all the information that you have provided in the claim up to this point. Carefully double-check the information on this page. If you have any corrections, you can select “**Edit**” to revise any entries necessary. Each section of information has an “**Edit**” button, which will take you back to that section so you can make changes. After you make changes, you can click “**Save & review**” to return to the Review page. Please review your claim carefully. Once you submit your amended claim, you will be unable to edit the claim while it is in compliance review.
5. Once you have completed your review and any revisions, you must confirm that the information in your claim is accurate and truthful to the best of your knowledge. To complete the declaration, type your full name into the “**Digital signature**” box near the bottom of the “**Review filing**” page and click “**Agree & submit.**”

If you have questions, please contact asktheboard@ccb.gov. Include your docket number in the subject line. The Board is unable to provide legal advice. We can only provide legal information and assistance concerning Board procedures and requirements. If you would like to seek further guidance from a lawyer or a law student at

reduced or no cost, please visit the [Pro Bono Assistance](#) page on ccb.gov. You may also refer to the [Compliance Review](#) chapter of the CCB Handbook for more assistance.

Copyright Claims Attorney