

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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**REMARK, LLC,**

*Plaintiff,*

**v.**

**ADELL BROADCASTING  
CORPORATION, doing business  
as WADL-TV,**

*Defendant.*

CASE NO. 2:10-cv-12767-GCS-MKM  
HONORABLE GEORGE CARAM STEEH  
MAGISTRATE JUDGE MONA K. MAJZOUB

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**REPLY BRIEF ON DEFENDANT'S MOTION TO  
DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

**A. Reply on the Copyright Infringement Claim**

The critical defect in Remark's efforts to plead a copyright infringement claim, in both the original Complaint and the First Amended Complaint, is its failure to identify any original, and hence protectable, matter contained in the "Remarkable Mouth" television commercial, of Copyright Reg. No. PA 64-936, or any other work for which it asserts copyright ownership. The "chart" on page 6 of Remark's opposition brief identifies no original content.

Remark misstates the proof elements of a copyright infringement claim on page 5 of its opposition brief, arguing that "access" and "substantial similarity" are all that need be recited in pleading a claim for copyright infringement. The correct statement of the proof elements is from *Feist Publications, Inc. v. Rural Telephone Service Company*, 499 U.S. 340, 361, 111 S. Ct.

# Michigan Criminal Charges Relief Motion Manual

**United States. Congress**



## **Michigan Criminal Charges Relief Motion Manual:**

**State Postconviction Remedies and Relief Handbook** ,2008      **Manual for Courts-martial, United States**  
,2000-09      People v. Jankowski, 408 MICH 79 (1980) ,1980 61253      **Post-conviction Remedies** George N. Brezna,1988  
*Manual for Courts-Martial 2012* United States Department Of Defense,2012 The Manual for Courts Martial MCM United States 2012 Edition updates the MCM 2008 Edition It is a complete reprinting and incorporates the MCM 2008 Edition including all amendments to the Rules for Courts Martial Military Rules of Evidence Mil R Evid and Punitive Articles made by the President in Executive Orders EO from 1984 to present and specifically including EO 13468 24 July 2008 EO 13552 31 August 2010 and EO 13593 13 December 2011 This edition also contains amendments to the Uniform Code of Military Justice UCMJ made by the National Defense Authorization Acts for Fiscal Years 2009 through 2012 Some of the significant changes are summarized and listed below This summary is for quick reference only and should not be relied upon or cited by practitioners in lieu of the actual provisions of the MCM that have been amended The MCM 2012 Edition includes unique changes warranting attention      **A Treatise on the Law of Instructions to Juries in Civil and Criminal Cases** Henry Edward Randall,1922      **Defender Motions Book** ,2004      **Legal Looseleafs in Print** ,2005      *Congressional Record* United States. Congress,1966      American Jurisprudence Trials ,1964 An encyclopedic guide to the modern practices techniques and tactics used in preparing and trying cases with model programs for the handling of all types of litigation  
**State Postconviction Remedies and Relief** Donald E. Wilkes,2005      Congressional Record ,1887  
**Clearinghouse Review** ,1977      *The American Ruling Cases as Determined by the Courts, Including the Fundamental Cases of England and Canada, Also All Reviewing and Illustrating Cases of Material Value from the Latest Official Reports, Completely Annotated* Basil Jones,1912      Bowker's Law Books and Serials in Print ,1998      **Law Notes** ,1911      **Legal Bibliography ...** ,1903      *The Federal Reporter* ,1928      **The Martindale-Hubbell Law Directory** ,2001      West's Annotated Indiana Code Indiana,1978

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