

No.

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**In the Supreme Court of the United States**

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ULTRAFLO CORPORATION,

*Petitioner,*

v.

PELICAN TANK PARTS, INCORPORATED;  
THOMAS JOSEPH MUELLER;  
PELICAN WORLDWIDE, INCORPORATED,

*Respondents.*

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

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**PETITION FOR A WRIT OF CERTIORARI**

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**QUESTION PRESENTED**

Section 102(b) of the Copyright Act renders “ideas” outside the subject matter of copyright; it provides that “[i]n no case does copyright protection for an original work of authorship extend to any idea.” 17 U.S.C. § 102(b).

Section 301(a) provides that the Copyright Act “exclusively” governs all rights relating to “works of authorship that are fixed in a tangible medium of expression and come within the subject matter of copyright as specified by sections 102 and 103.” 17 U.S.C. § 301(a).

The circuits are expressly divided as to whether Section 301(a) preempts state-law claims relating to ideas expressed in tangible media. Here, the Fifth Circuit held that, despite the fact that an idea is not within the subject matter of copyright, Section 301(a) nonetheless preempts petitioner’s Texas-law claim for unfair competition by means of misappropriation. The question presented is:

Whether Section 301(a) preempts state-law claims relating to ideas expressed in tangible media.

## TABLE OF CONTENTS

Question Presented .....	i
Table of Authorities.....	iii
Opinions Below.....	1
Jurisdiction.....	1
Statutory Provisions Involved .....	1
Statement .....	2
A. Legal Background.....	3
B. Factual Background. ....	5
C. Proceedings Below. ....	5
Reasons for Granting the Petition.....	7
A. The Circuits Are Expressly Divided. ....	7
B. The Question Presented Is Important. ....	10
C. The Decision Below Is Wrong. ....	13
Conclusion .....	18
Appendix A – Fifth Circuit decision (January 11, 2017).....	1a
Appendix B – District court decision (January 22, 2015).....	14a
Appendix C – District court decision (September 7, 2012).....	25a
Appendix D – District court decision (October 18, 2011).....	35a

## TABLE OF AUTHORITIES

	Page(s)
<b>Cases</b>	
<i>A Slice of Pie Prods., LLC v. Wayans Bros. Entm't</i> , 392 F. Supp. 2d 297 (D. Conn. 2005).....	11
<i>Act II Jewelry, LLC v. Wooten</i> , 2016 WL 3671451 (N.D. Ill. 2016).....	11
<i>Altria Grp., Inc. v. Good</i> , 555 U.S. 70 (2008).....	17
<i>Baker v. Selden</i> , 101 U.S. 99 (1879).....	16
<i>Bates v. Dow Agrosciences LLC</i> , 544 U.S. 431 (2005).....	17
<i>Beardmore v. Jacobsen</i> , 131 F. Supp. 3d 656 (S.D. Tex. 2015).....	11
<i>BellSouth Advert. &amp; Publ'g Corp. v. Donnelley Info. Publ'g, Inc.</i> , 999 F.2d 1436 (11th Cir. 1993).....	15
<i>United States ex rel. Berge v. Board of Trustees of the Univ. of Alabama</i> , 104 F.3d 1453 (4th Cir. 1997).....	8, 14
<i>Blue Nile, Inc. v. Ice.com, Inc.</i> , 478 F. Supp. 2d 1240 (W.D. Wash. 2007).....	10, 11
<i>Bond v. United States</i> , 134 S. Ct. 2077 (2014).....	13
<i>Boyle v. Stephens Inc.</i> , 1998 WL 690816 (S.D.N.Y. 1998).....	11
<i>BP Auto., L.P. v. RML Waxahachie Dodge, L.L.C.</i> , 448 S.W.3d 562 (Tex. App. 2014).....	5, 12
<i>Coll. of Charleston Found. v. Ham</i> , 585 F. Supp. 2d 737 (D.S.C. 2008).....	11

## TABLE OF AUTHORITIES—continued

	Page(s)
<i>Counts v. Meriwether</i> , 2015 WL 12656945 (C.D. Cal. 2015) .....	8
<i>Doody v. Penguin Grp. (USA) Inc.</i> , 673 F. Supp. 2d 1144 (D. Haw. 2009).....	11
<i>Dresser-Rand Co. v. Virtual Automation Inc.</i> , 361 F.3d 831 (5th Cir. 2004).....	12
<i>Dunlap v. G&amp;L Holding Grp., Inc.</i> , 381 F.3d 1285 (11th Cir. 2004).....	7, 8, 13, 17
<i>Endemol Entm't B.V. v.</i> <i>Twentieth Television Inc.</i> , 1998 WL 785300 (C.D. Cal. 1998) .....	12
<i>Entity Prod. v. Vargo</i> , 2007 WL 3129861 (N.D. Ohio 2007).....	11
<i>Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.</i> , 499 U.S. 340 (1991).....	15
<i>First Am. Bankcard, Inc. v.</i> <i>Smart Bus. Tech., Inc.</i> , 2016 WL 5869787 (E.D. La. 2016).....	11
<i>Fla. Dep't of Revenue v. Piccadilly Cafeterias, Inc.</i> , 554 U.S. 33 (2008).....	15
<i>Forest Park Pictures v. Universal Television</i> <i>Network, Inc.</i> , 683 F.3d 424 (2d Cir. 2012) .....	4, 9
<i>Found. for Lost Boys v. Alcon Entm't, LLC</i> , 2016 WL 4394486 (N.D. Ga. 2016).....	7, 12
<i>Gary Friedrich Enters., LLC v.</i> <i>Marvel Enters., Inc.</i> , 713 F. Supp. 2d 215 (S.D.N.Y. 2010).....	11

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