

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	Copeland, et al. v. Bieber, et al.; No. 14-1427
Originating No. & Caption	Copeland, et al. v. Bieber, et al.; 2:13-cv-00246-AWA-TEM
Originating Court/Agency	Eastern District of Virginia - Norfolk Division

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. § 1291	
Time allowed for filing in Court of Appeals	30 Days	
Date of entry of order or judgment appealed	March 28, 2014	
Date notice of appeal or petition for review filed	April 23, 2014	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 804-379-4071.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>This is an action in law and equity for copyright infringement under the Copyright Act of 1976, 17 U.S.C. § 101 et seq. Plaintiffs, who hold the copyright to their song "Somebody to Love," alleged in their Complaint that Defendants infringed on their copyright by recording and releasing a song under same name thereby unfairly profiting and injuring Plaintiffs. Before filing their claim, Plaintiffs retained an expert musicologist to review both works and provide a determination as to whether Defendants' work was substantially similar to Plaintiffs' source work, and Plaintiffs included a summary of the expert's findings in their Complaint. Defendants filed a motion to dismiss under FRCP 12(b)(6) for failure to state a claim upon which relief can be granted. The Court, after oral argument, granted Defendants' motion and dismissed Plaintiffs' case. In doing so, the Court stated in its order that it was excluding Plaintiffs' expert testimony. The Court first considered the issue of the intended audience of the song, and rejected Plaintiffs' contention that their intended audience was music producers. In considering the issue of "substantial similarity," the Court declined to address the extrinsic, or objective, analysis, and instead limited its review to the intrinsic, or subjective, analysis.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Appellant seeks review of the District Court's ruling to dismiss Plaintiffs' (Appellants') claims for copyright infringement in response to Defendants' Motion to Dismiss for Failure to State a Claim under Federal Rule of Civil Procedure 12(b)(6), and for the following particular issues:

1. Whether the District Court erred in holding that the intended audience of Plaintiffs' copyrighted material is the layperson rather than a music industry producer or expert;
2. Whether the District Court erred in holding that the works at issue are not substantially similar.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Justin Bieber

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Adverse Parties (continued)

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Adverse Party: The Island Def Jam Music Group

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ADVERSE PARTIES (CONTINUED)

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Adverse Parties: (1) Ray Romulus a/k/a Rayro, Individually and d/b/a (2) Please Enjoy the Music; (3) Jonathan Yip, Individually and d/b/a (4) Products of the Street, (5) Jeremy Reeves, Individually and d/b/a (6) SUMPHU

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Appellant (Attach additional page if necessary.)	
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Appellant (continued)	
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<p>Signature: <u>/s/ Duncan G. Byers</u></p> <p>Counsel for: <u>Devin Copenland and Mareio Overton</u></p>	<p>Date: <u>5/15/2014</u></p>
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Certificate of Service: I certify that on <u>May 15, 2014</u> the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):	
<p>Stephen E. Noona Virginia State Bar No. 25377 Kaufman & Canoles, P.C. 150 W. Main Street, Suite 2100 Norfolk, VA 23510 Telephone: 757-624-3239 Facsimile: 757-624-3169 senoona@kaufcan.com Attorney for Justin Bieber, Usher Raymond, IV, Universal Music Corp., and The Island Def Jam Music Group</p>	<p>(See attached for further service information)</p>
<p>Signature: <u>/s/ Duncan G. Byers</u></p>	<p>Date: <u>May 15, 2014</u></p>

CERTIFICATE OF SERVICE

I certify that on May 15, 2014 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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