Ninth Circuit Affirms Dismissal of Copyright Lawsuit Against Relativity Media and the Creators and Producers of the Horror Film *The Unborn*

November 22, 2013

Katten represented Relativity Media and the creators and producers of the horror film *The Unborn* in the US Court of Appeals for the Ninth Circuit in a case filed by screenwriter Daniel Segal, alleging a federal claim for copyright infringement and a state law claim for breach of implied contract. *Segal v. Rogue Pictures*, No. 12-55587, -- Fed. Appx. --, 2013 WL 5998669 (9th Cir. 2013). The Ninth Circuit affirmed the district court's dismissal, with prejudice, of the copyright claim for lack of substantial similarity. It also affirmed the district court's denial of leave to amend to re-assert the claim for breach of implied contract. Joel R. Weiner, Gail Migdal Title and Gloria Franke represented plaintiffs at trial and on appeal. ("9th Circ. Says 'The Unborn' Didn't Rip Off Screenplay," *Law360*, November 13, 2013).

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