Partner Joel Weiner Criticizes Petition for Review of *Unborn* Copyright Ruling

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Joel Weiner, a partner in the Litigation and Dispute Resolution practice, rebutted claims that Relativity Media LLC unit Rogue Pictures stole the plot for *The Unborn* from an author's unproduced screenplay. While a three-judge panel from the US Court of Appeals for the Ninth Circuit cleared the studio of wrongdoing in November, the author now seeks a review by the full circuit, claiming the ruling breached US Supreme Court precedent via an insufficient, cursory examination of the similarity between his screenplay and the movie. Joel counters, “Plaintiffs' challenge to the Ninth Circuit's well-established extrinsic test for evaluating substantial similarity is not only misguided, it is immaterial in this case, as the Ninth Circuit panel ruled that plaintiffs' claim is so meritless that the works at issue 'are not substantially similar under any standard.'" Joel is representing Rogue together with litigators Gail Migdal Title and Gloria Franke. (“9th Circ. Urged to Rehear Copyright Suit Over *The Unborn*,” January 28, 2014)

CONTACTS

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