

The Bare Corporate Receipt Doctrine

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Is it ever legitimate for a company that has received a plaintiff's work (and even still possesses it) to claim that it never had access to the plaintiff's work and avoid liability for copyright infringement on that basis? In a word—yes.

Take, for instance, *Jones v. Blige*, a 2006 case of the U.S. District Court for the Eastern District of Michigan involving the hit song "Family Affair," which was performed by Grammy Award-winning singer, songwriter, producer, and actress Mary J. Blige.¹ In that case, the plaintiffs claimed Ms. Blige, UMG Records, Inc., and others copied the music and lyrics from the plaintiffs' song "Party Ain't Crunk." Performing a traditional copyright infringement analysis, the court considered whether there was substantial similarity between the songs and whether the defendants had access to the plaintiffs' song.

Turning to the issue of access, the court employed a principle of law known as the bare corporate receipt doctrine.² Specifically, the court considered the undisputed facts that (1) one of the plaintiffs, at the request of one of the defendants and before the release of "Family Affair," had delivered a CD of "Party Ain't Crunk" to UMG's corporate offices; and (2) the plaintiff later confirmed with an assistant of a UMG executive that the executive would listen to the CD, which was then sitting on the executive's desk.³ The court explained that, under such circumstances, access could not be established merely because the plaintiffs' work had been left with the company that released the allegedly infringing song.⁴ Rather, such "bare corporate receipt" of the plaintiffs' work is insufficient where there is no evidence of a nexus between the re-

cipients at the company and the alleged infringers.⁵ There must be some evidence that the plaintiffs' work was conveyed to someone with creative input into the allegedly infringing work.⁶

The court found no such nexus. There was no link between the executive/his assistant and the team that created the allegedly infringing song.⁷ Both the executive and his assistant worked in UMG's catalog division and thus were not "in a position to provide suggestions or comments with respect to Defendants' work."⁸ Moreover, no supervisory employee or any employee within the unit from which the defendants' work was developed had the opportunity to hear the plaintiffs' work.⁹ Accordingly, the court determined that access was not even "reasonably possible" under the circumstances.¹⁰

The bare corporate receipt doctrine holds that a company's mere receipt of a plaintiff's work fails as a matter of law to establish access. Instead, the plaintiff must prove something more than that someone at the company received his or her work. Courts use different terms to characterize that "something more." For instance, courts have required the plaintiff to show a "nexus," a "connection," a "relationship," or "crossed paths" between the recipient of the plaintiff's work and the creators of the allegedly offending work. Other courts have required the plaintiff to show that the recipient had "creative control" or "oversight" over the offending work.

These standards are not as pliant as the words themselves otherwise suggest. As explained below, under the bare corporate receipt doctrine, to establish access, a plaintiff must come forward with evidence of some meaningful link between a corporate employee who received the plaintiff's work and the persons who actually created an allegedly infringing work. Thus, the fact that the person who received the plaintiff's work and the person who created the allegedly

infringing work share the same employer falls short of overcoming summary judgment on the issue of access.

The survey of cases set forth below confirms that the bare corporate receipt doctrine has become a powerful tool for corporate defendants. Courts are quite willing to grant summary judgment to defendants on the issue of access where the plaintiff proves nothing more than bare corporate receipt of his or her work. Indeed, because the burden of proving access lies squarely on the plaintiff's shoulders,¹¹ it can be a significant obstacle for a plaintiff seeking to establish a case of copyright infringement against a corporation.

Copyright Infringement Claims

To establish copyright infringement, a plaintiff must plead and prove that (1) he or she is the owner of a valid copyright and (2) the defendant copied elements of his or her copyrighted work that are both original and subject to copyright protection.¹² Under normal circumstances, it is not possible to present direct evidence of copying to satisfy the second element of the test; as a result, the plaintiff generally establishes copying "circumstantially, by demonstrating that the person who composed the defendant's work had access to the copyrighted material and that there is substantial similarity between the two works."¹³

A copyright infringement plaintiff is not required to prove that anyone actually saw his or her work.¹⁴ Rather, to prove access, the plaintiff is required to show only that the alleged infringer had an opportunity to view the plaintiff's work.¹⁵ In order to make such a showing, a plaintiff must establish that the defendant had a "reasonable possibility" to observe the plaintiff's work—a "bare possibility" of access will not suffice.¹⁶ Put differently, to show access, it must be reasonably possible that the paths of the creator of the allegedly infringing work and the infringed work itself intersected.¹⁷

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Identifying this intersection poses unique issues in the context of establishing corporate receipt of, or arguably access to, a plaintiff's work.

Emergence of the Doctrine

In 1945, a lawsuit against Universal Pictures showed that courts will not necessarily find that a corporate defendant had access to a plaintiff's work even where the company expressly admits that it received the work. In that case, *Schwarz v. Universal Pictures Co.*,¹⁸ plaintiff Jack Schwarz sued Universal Pictures Co. and others for allegedly plagiarizing his manuscript in the process of creating a movie.¹⁹ In its answer to the complaint, Universal admitted that it had received the plaintiff's work but the court noted that only "one writer connected with the company had read" the plaintiff's work.²⁰

In granting judgment to the defendants, the U.S. District Court for the Central District of California held that it was "quite evident . . . that there is no access here."²¹ The court found that the person associated with Universal who actually read the plaintiff's work had no part in developing the allegedly infringing motion picture.²² The court reasoned that an admission of access, like Universal's, "in itself, does not mean anything if the access was that of a person who had nothing to do with the creation of the 'accused' story."²³

Approximately twenty years later, the notion of bare corporate receipt took a turn in favor of plaintiffs in courts within the First and Second Circuits and appeared to require a much lesser showing of access than that enunciated in *Schwarz*. First, in *Morrissey v. Procter & Gamble Co.*,²⁴ the plaintiff, the copyright owner of a set of rules for a sales promotion contest, alleged that defendant Procter & Gamble copied his rules in creating its own contest. In the face of a motion for summary judgment, the plaintiff offered evidence that he had mailed his rules to the defendant company at its principal office.²⁵ Reasoning that "[t]here is at least an inference that the letter reached its proper destination," the First Circuit held in *Morrissey* that the plaintiff had offered sufficient evidence on the access issue to survive summary judgment.²⁶ The court

further explained that it would have been error to require the plaintiff, on summary judgment, to show that "the particular responsible employees of the defendant had received his communication."²⁷ The *Morrissey* court also stated that it would be error to grant summary judgment to the defendant even where all of the pertinent employees (i.e., those who were responsible for creating the allegedly infringing work) denied seeing plaintiff's work.²⁸

Similarly, the U.S. District Court for the Southern District of New York in 1971 indicated that access could be implied based upon the bare corporate receipt of the plaintiff's work. In *Bevan v. Columbia Broadcasting System, Inc.*, the plaintiffs claimed that the CBS television series *Hogan's Heroes* infringed their works, including an "unpublished presentation" they had mailed to CBS.²⁹ The *Bevan* court stated that it expected the Second Circuit to follow the view of "bare corporate receipt" enunciated in *Morrissey*, which the *Bevan* court interpreted as meaning that the receipt of the plaintiff's work at the defendant's principal corporate office was sufficient to raise a triable issue of access.³⁰ The court reasoned that it was unfair to "saddle a plaintiff with disproving non-access within a corporate structure foreign to him and by witnesses not his own."³¹

The *Bevan* court's prediction turned out to be wrong. Not only did the Second Circuit not follow the *Morrissey* view (or the *Bevan* view, for that matter), but it and other federal courts later followed an opposite rule of corporate access, not unlike that enunciated decades earlier in *Schwarz*.

"Something More" Necessary

In 1984, the Central District of California marked the boundaries of the bare corporate receipt doctrine in *Meta-Film Associates, Inc. v. MCA, Inc.*³² The plaintiff in *Meta-Film* claimed that the defendants' motion picture, *Animal House*, and their television series, *Delta House*, which was based on the film, infringed his unpublished screenplay, *Frat Rats*.³³ The author of *Frat Rats* had submitted a copy of his work directly to director John Badham, who was under contract with the defendant Universal and had an office on the Universal lot.³⁴

Badham also met with an executive of Universal who was responsible for *Animal House*.³⁵

Attempting to mark the line between access and absence of access in the context of a substantial entertainment company,³⁶ the court in *Meta-Film* explained that there might be access where the person who had viewed the plaintiff's work was either "a supervisor with responsibility for the defendant's project," "part of the same work unit as the copier," or "contributed creative ideas or materials to the defendant's work."³⁷ There also could be access where "[a]n individual in a position to provide suggestions or comments with respect to defendant's work—a supervisory employee or an employee within the unit from which the defendant's work was developed—had an opportunity to view the plaintiff's work."³⁸

By contrast, the *Meta-Film* court explained that "where . . . there is little, if any, nexus between the individual who possesses knowledge of a plaintiff's work and the creator of the allegedly infringing work, and where the defendant presents uncontroverted evidence negating transmission of the plaintiff's work," the plaintiff will have to show "something more" to survive summary judgment on the issue of access.³⁹ The plaintiff in *Meta-Film* failed to make such a showing. Applying the bare corporate receipt doctrine, the court concluded that there was no "nexus between the defendant and the individual possessing knowledge of the plaintiff's work" that was "sufficiently strong to raise a reasonable possibility of access by the defendant to the plaintiff's work."⁴⁰

Underlying this holding was testimony establishing that the director who actually received the plaintiff's work had no recollection of speaking with any executive at Universal about plaintiff's screenplay or of giving it to anyone.⁴¹ He did not oversee the development of the company's films, he did not work in a unit with Universal employees who were working on *Animal House*, and he had no involvement with the film. According to the court, his sole connection with Universal was that he was under contract to the studio with re-

spect to other projects and that he had an office on the Universal lot.⁴² Moreover, the *Animal House* executive with whom the director had met similarly had made no creative contribution to *Animal House*.⁴³ On these facts, the court determined that the “[b]are corporate receipt” of the plaintiff’s work was insufficient as a matter of law to preclude a finding of nonaccess.⁴⁴

The following year, in *Kornfeld v. CBS, Inc.*, the Central District of California again followed this same view of the bare corporate receipt doctrine.⁴⁵ The court explained that the question of access is not whether someone at the defendant company had been exposed to the plaintiff’s work, but rather whether “the person who put the [allegedly infringing work] together . . . had a reasonable opportunity to view or copy plaintiff’s work.”⁴⁶

The plaintiff in *Kornfeld* claimed two modes of access. First, the plaintiff’s work had been described (albeit in a cursory fashion) to a CBS employee who was involved in the development of a miniseries for CBS. This was insufficient to show access. The court emphasized that this CBS employee worked in a different department from the one that developed dramatic series such as the infringing work at issue in the case,⁴⁷ and that the employee was not involved in the development of the allegedly infringing work in any way.⁴⁸ Second, even though an employee of a co-defendant, Lorimar, actually had a copy of plaintiff’s work (and even though Lorimar was involved in the creation of the allegedly infringing series), the court still found no access.⁴⁹ The court reasoned that the Lorimar employee was not involved in any way with the development of the alleged infringing series.⁵⁰ The court concluded that there was “no evidence . . . that anyone connected with the creation and filming of the [allegedly infringing series] had ever heard of the” plaintiff’s work.⁵¹

OTHER CIRCUITS

Plaintiffs Must Show a Relationship Between the Recipient and the Creator of the Offending Work

In 1998, the U.S. District Court for the Eastern District of Michigan applied the bare corporate receipt doctrine in *Glanzmann v. King*.⁵² Plaintiff Edward Glanzmann sued author Stephen King and Columbia Pictures, Inc., among others, alleging that the book and motion picture *Christine* infringed his ten-page story.⁵³ The plaintiff had sent his story to Columbia, and it was undisputed that a secretary at Columbia received his work.⁵⁴ There was no relationship between Columbia and King, however, until the making of the motion picture, long after King had written the book.⁵⁵ The court further explained that “with the multitude of unsolicited scripts Columbia receives it would be unreasonable to presume Columbia was aware of plaintiff’s work.”⁵⁶ Calling the reasoning of the *Meta-Film* case a “realistic view,” the court in *Glanzmann* concluded that the bare corporate receipt of a plaintiff’s submission is not sufficient to establish access and granted summary judgment for the defendants.⁵⁷

Plaintiffs Must Prove Access by the Actual Creators of an Offending Work

One year following *Glanzmann*, the U.S. District Court for the Eastern District of Virginia applied the bare corporate receipt doctrine in *Eaton v. National Broadcasting Co.* Plaintiff Wendy Eaton, author of a pilot script and treatment package for a weekly television series, claimed that NBC’s *Brotherly Love* series was an infringement of her work.⁵⁸ She submitted her work to an executive at NBC, and the executive’s assistant received and reviewed plaintiff’s work.⁵⁹ The assistant put the plaintiff’s work in a cabinet behind his own desk, neither discussed it nor showed it to anyone else, and ultimately threw it away.⁶⁰ However, the plaintiff offered evidence that the assistant told her that he had transmitted plaintiff’s submission to more senior executives at NBC.⁶¹

Less than a year after NBC actually received the plaintiff’s submission, the creators of *Brotherly Love* pitched their idea to “NBC personnel.”⁶² In turn, NBC made suggestions to the series as part of the development process.⁶³ A few months

later, the same assistant who obtained the plaintiff’s work also was given a copy of the *Brotherly Love* pilot script and viewed the pilot.⁶⁴ However, even though he was asked his opinion, the assistant never offered any suggestions and “played no role whatever” in the development of *Brotherly Love*.⁶⁵

The court granted summary judgment for the defendants, finding insufficient evidence of access to create a material question of fact. First, the court stressed that it is “access by the creators of the allegedly infringing work that must be shown,” not just that the networks that aired the show had access.⁶⁶ While acknowledging that “NBC personnel” met with the creators of *Brotherly Love* and helped them develop the series, the court nevertheless stated that the record “unequivocally reflect[ed]” that NBC did not create *Brotherly Love*.⁶⁷

In addition, the court rejected the plaintiff’s argument that the assistant was lying when he now testified that he did not forward the plaintiff’s work to the creators. Rather, the court held that a plaintiff cannot base his or her opposition to a motion for summary judgment entirely on the hope that a fact finder will disbelieve the person who submitted an affidavit on the issue of access.⁶⁸ The court also rejected the plaintiff’s claim that the assistant told her that he had transmitted plaintiff’s submission to more senior executives at NBC.⁶⁹ Such evidence, the court explained, fails to establish that the creators of *Brotherly Love* ever saw it and, indeed, there was “no evidence” that the assistant “actually forwarded” the plaintiff’s work to the NBC executives.⁷⁰ Finally, focusing on the language of *Meta-Film*, the court noted that the assistant did not supervise the alleged copier, work in the same unit or department as the alleged copier, or contribute creative ideas to the alleged copier.⁷¹

Plaintiffs Must Show a Connection Between the Recipient and the Creator of an Offending Work

In 1999, the U.S. District Court for the District of Maryland followed the bare corporate receipt doctrine and granted

summary judgment to the defendants in *Robinson v. New Line Cinema Corp.*⁷² Writer Christopher Robinson claimed that New Line and others involved in the production of the film *Set it Off* infringed his screenplay about women who commit various robberies.⁷³ There was no dispute that New Line obtained and even assessed the plaintiff's screenplay. The plaintiff submitted his screenplay to the manager of the Acquisitions Department at New Line, who admittedly looked for scripts for New Line.⁷⁴ New Line rejected the plaintiff's screenplay and, several years later, released the allegedly infringing film.⁷⁵

The court in *Robinson* flatly rejected the notion that the undisputed submission to New Line established access; to the contrary, the court underscored that "[t]he mere fact that a work is mailed to a corporation which happens to be a defendant is not sufficient by itself to generate a dispute of fact" regarding access.⁷⁶ Rather, the plaintiff must establish "a reasonable possibility of access between the plaintiff's work and the defendant copier"—meaning the person who actually created the infringing work (here, the writer of the initial screenplay for *Set it Off*).⁷⁷ The court found that the New Line manager (who had assessed plaintiff's work) did not work with the writers, did not work in the production department, and did not contribute any creative ideas to the writers. In short, the New Line manager "had no connection" to the infringing work.⁷⁸

The Recipient Must Have Had "Creative Control" over the Offending Work

In 2000, the Southern District of New York granted summary judgment for the defendants in *Tisi v. Patrick* on the issue of access, even where several of the corporate defendants had obtained the plaintiff's work.⁷⁹ Plaintiff Michael Tisi, a songwriter, alleged that the defendants (including EMI Records and Warner Brothers Records) infringed his unpublished song, "Sell Your Soul."

There was no dispute that the senior vice president of promotion at defen-

dant EMI Records obtained, listened to, and played the plaintiff's song for EMI's Artists and Repertory Department.⁸⁰ The plaintiff's song also was sent to defendant Warner Brothers Records, with which the writer of the allegedly infringing song had a recording contract.⁸¹ Nonetheless, the court determined there was "no evidence" that the plaintiff's song was ever conveyed from the two corporate defendants (EMI Records and Warner Brothers Records) to the writer of the allegedly infringing song.⁸² While paying lip service to the notion that "[a]ccess means that the alleged infringer had an opportunity to view or copy plaintiff's work," the court held that the plaintiff failed to show that someone involved with the creation of the allegedly infringing work had access to plaintiff's work.⁸³

Plaintiffs Must Prove a Nexus Between the Recipients and the Alleged Infringers

In 2003, the Second Circuit in *Jorgensen v. Epic/Sony Records* followed the bare corporate receipt doctrine and affirmed summary judgment for the defendants.⁸⁴ Plaintiff John Jorgensen, a songwriter, claimed that his song had been infringed by the defendants' song "Long Lost Lover," among other things.⁸⁵ The plaintiff claimed that the defendants had access to his song because two executives of the defendant corporation actually received the plaintiff's unsolicited mass mailing of his song.⁸⁶ The court held that the plaintiff failed "to show a nexus" between the recipients of plaintiff's work and the songwriters of the allegedly infringing song.⁸⁷ Consequently, the court ruled that a plaintiff fails to raise a triable issue of access absent evidence of a "connection between the individual recipients of the protected work and the alleged infringers."⁸⁸

Showing a "Connection"—Scene II

One year later, the bare corporate receipt doctrine also played a role in *Silberstein v. Fox Entertainment*

Group, Inc., where the plaintiff claimed that the rodent-like creature of "Scrat" from the defendants' movie *Ice Age* was a rip-off of her squirrel-rat hybrid character, "Sqrat."⁸⁹ The Southern District of New York accepted the plaintiff's claim that she gave her work to the director of Field Publicity and Promotions for Twentieth Century Fox (the film division of defendant).⁹⁰ But her claim was unavailing. The director's job involved publicizing a movie only after it has been completed.⁹¹ The court held that this amounted only to "bare corporate receipt" of the plaintiff's work by an individual with no alleged connection with anyone involved with the creation of *Ice Age*.⁹² Granting summary judgment for the defendants on the issue of access, the court held that the plaintiff failed to adduce evidence showing a reasonable possibility that the creators of *Ice Age* ever had access to plaintiff's "Sqrat" character.⁹³

Creators of the Offending Work Must Have Had "Knowledge" of the Submitted Work

In 2005, the U.S. District Court for the District of Oregon applied the bare corporate receipt doctrine in dismissing a plaintiff's claim on summary judgment in *Estate of Elkan v. Hasbro, Inc.*⁹⁴ The plaintiff, the Estate of Gunter Elkan, sued Hasbro, Inc. (and its wholly owned subsidiary, Milton Bradley Co.), alleging that the Hasbro game "Stratego" infringed plaintiff's game "Strategy." The court accepted the plaintiff's evidence that the head of Milton Bradley's research committee received a copy of the "Strategy Game" in 1948.⁹⁵

The plaintiff's evidence, however, failed to overcome summary judgment. There was no evidence, the court explained, that the defendant company's "knowledge" of the plaintiff's work traveled beyond the company's research committee "to the part of the company that puts new games into production."⁹⁶ The court held that the plaintiff failed to raise a triable issue of fact on the basis that "[b]are corporate receipt of a copyrighted work" (without any allegation of a nexus between the recipient and the

alleged infringers) is insufficient to avoid summary judgment on the issue of access.⁹⁷

“Something More”—Scene II

In keeping with the above summary of cases, plaintiffs can raise a triable issue of access only where there is evidence that the corporate employee who saw the plaintiff’s work is involved in some meaningful way in the creation or development of the allegedly infringing work.

In 2003, the U.S. District Court for the Northern District of Illinois, in *JCW Investments, Inc. v. Novelty, Inc.*, considered the bare corporate receipt doctrine.⁹⁸ The plaintiff alleged that the defendants’ dolls infringed its copyright on its “Pull My Finger Fred” doll. The defendants’ president and owner admitted that he saw the plaintiff’s doll at a showroom and based his idea for his dolls on the plaintiff’s work.⁹⁹ The defendant owner/president, in turn, described “his” idea to his company’s art director, who did not see the plaintiff’s doll.¹⁰⁰ The owner/president also gave input into the creation of dolls as a matter of general practice.¹⁰¹

The defendant corporation argued that it did not have access to the plaintiff’s work because the art director did not see the plaintiff’s doll, did not have access to the doll, and therefore could not have copied it.¹⁰² The court disagreed. Granting summary to the plaintiff, the court reasoned that the person who viewed the plaintiff’s work (i.e., the defendant’s owner/president) exercised oversight over the art director’s development of the infringing work and was involved in the development of the defendant’s doll.¹⁰³

In 2005, the Southern District of New York, in *Bill Diodato Photography, LLC v. Kate Spade, LLC*, found a triable issue of fact on access.¹⁰⁴ In that case, an advertising campaign featuring an image of a woman’s feet was the basis of a copyright claim. The plaintiff, a photographer, sued defendant Kate Spade LLC for allegedly infringing his photograph.¹⁰⁵

Kate Spade had requested the plain-

tiff’s portfolio, which included the photograph at issue, for an advertising campaign.¹⁰⁶ The portfolio was actually sent by messenger to Kate Spade twice.¹⁰⁷ One month after receiving the plaintiff’s photograph for a second time, Kate Spade contacted a different photographer, who ultimately created the allegedly infringing work. Kate Spade claimed that it gave no instruction to this new photographer other than to specify which products were to appear in the ad campaign.¹⁰⁸

While acknowledging receipt of the plaintiff’s work, Kate Spade denied having access to it, on the grounds that the actual creator of the allegedly infringing photograph did not have actual access to the plaintiff’s photograph.¹⁰⁹ The creative director denied that she saw plaintiff’s photograph or ever requested it.¹¹⁰ The court rejected Kate Spade’s argument, finding that a question of fact existed as to whether “Kate Spade employees involved in the [allegedly infringing] advertising campaign had access to” the plaintiff’s work.¹¹¹ The court noted that there was more shown here than the “bare corporate receipt” of the plaintiff’s work.¹¹² In this regard, the court found persuasive that there was a relationship between the photographer and the Kate Spade employees who were “involved” in the advertising campaign. Allegedly, those very employees had access to the plaintiff’s work.¹¹³ These relationships, the court held, create an issue of fact as to the “reasonable possibility of access” and the plaintiff need not establish “actual access.”¹¹⁴

Strong Defense

The bare corporate receipt doctrine has emerged as a powerful tool since the *Schwarz* court first recognized the concept over sixty years ago. The doctrine makes clear that a company’s access to a plaintiff’s work is meaningless if the employee with access had nothing to do with the creation of the infringing work. As a result, corporate defendants can secure the dismissal of copyright infringement cases at the summary judgment stage where the access is founded on nothing more than bare corporate receipt.

When a corporation actually has received the plaintiff’s work, the following factors should enable the parties to a copyright infringement case to assess the merits of their respective positions realistically:

- Did the persons who were involved in the actual creation of the allegedly infringing work have a reasonable opportunity to observe the plaintiff’s work in some fashion?
- Is there a connection (i.e., nexus) between the employee who saw the plaintiff’s work and the persons who actually created an allegedly infringing work?
- Did an employee’s knowledge of the plaintiff’s work travel to the department or unit of the company that created an allegedly infringing work?
- Can the plaintiff show some evidence of access beyond the fact that someone who observed plaintiff’s work shares an employer with the creator of the allegedly infringing work?
- Does the evidence establish that the persons who were involved in the actual creation or development of the allegedly infringing work had never heard of plaintiff’s work?
- Is the person who observed the plaintiff’s work part of the same work unit as the person who allegedly did the copying?
- Did the person who observed the work contribute creative ideas, materials, or even suggestions to the allegedly infringing work? 

Endnotes

1. No. 04-60184, 2006 WL 3343741 (E.D. Mich. Nov. 17, 2006).
2. *Id.* at *6.
3. *Id.* at *1, 5.
4. *Id.* at *5.
5. *Id.*
6. *Id.*
7. *Id.* at *6.
8. *Id.*
9. *Id.*
10. *Id.*
11. *See, e.g.,* Mowry v. Viacom Int’l, Inc., No. 03 Civ. 3090 (AJP), 2005 WL 1793773, at *6 (S.D.N.Y. July 29, 2005).
12. Feist Publ’ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340, 361 (1991).
13. Meta-Film Assocs., Inc. v. MCA, Inc., 586 F. Supp. 1346, 1354–55 (C.D. Cal. 1984) (citation omitted).

14. *Bouchat v. Baltimore Ravens, Inc.*, 241 F.3d 350, 354 (4th Cir. 2001).
15. *Id.*; see also *Sid & Marty Krofft Television Prod'ns, Inc. v. McDonald's Corp.*, 562 F.2d 1157, 1163 (9th Cir. 1977).
16. *Meta-Film Assocs., Inc.*, 586 F. Supp. at 1355.
17. *Eaton v. Nat'l Broad. Co.*, 972 F. Supp. 1019, 1023–24 (E.D. Va. 1997).
18. 85 F. Supp. 270 (C.D. Cal. 1945).
19. *Id.* at 271–72.
20. *Id.* at 273.
21. *Id.*
22. *Id.* at 274.
23. *Id.* at 271.
24. 379 F.2d 675 (1st Cir. 1967).
25. *Id.* at 677.
26. *Id.*
27. *Id.*
28. *Id.*
29. 329 F. Supp. 601, 602, 609 (S.D.N.Y. 1971).
30. *Id.* at 609–10.
31. *Id.* at 610. Later courts would likewise recognize the difficulty for plaintiffs in proving that ideas and documents traveled from one place to another within a corporation. See, e.g., *Merritt Forbes & Co. v. Newman Inv. Sec., Inc.*, 604 F. Supp. 943, 957 (S.D.N.Y. 1985) (noting that it is difficult for “an outsider [to] establish[] that ideas or documents flowed from one area of a firm to another).
32. 586 F. Supp. 1346 (C.D. Cal. 1984).
33. *Id.* at 1349.
34. *Id.* at 1352.
35. *Id.* at 1353, 1358.
36. The court’s reasoning was based, in part, on the “realities” of the entertainment business, where “countless unsolicited scripts are submitted to numbers of individuals on studio lots every day.” *Id.* at 1357.
37. *Id.* at 1355–56.
38. *Id.* at 1357.
39. *Id.*
40. *Id.* at 1355.
41. *Id.* at 1352.
42. *Id.* at 1357.
43. *Id.* at 1358.
44. *Id.* at 1359.
45. 226 U.S.P.Q. 1010 (C.D. Cal. 1985).
46. *Id.* at 1013.
47. *Id.*
48. *Id.* at 1011.
49. *Id.* at 1011–12.
50. *Id.* at 1012.
51. *Id.* at 1013.
52. No. 88-CV-70491-DT, 1998 WL 212507 (E.D. Mich. Aug. 29, 1988).
53. *Id.* at *1.
54. *Id.*
55. *Id.* at *2.
56. *Id.*
57. *Id.* at *2–3, 8.
58. 972 F. Supp. 1019, 1020 (E.D. Va. 1997).
59. *Id.* at 1020–21.
60. *Id.* at 1021.
61. *Id.* at 1024–25.
62. *Id.* at 1021.
63. *Id.*
64. *Id.* at 1021–22.
65. *Id.*
66. *Id.* at 1024 n.7.
67. *Id.* at 1021, 1024.
68. *Id.* at 1024.
69. *Id.* at 1024–25.
70. *Id.* at 1025. Reading between the lines, it is possible that the court simply did not believe the plaintiff’s evidence in this regard. See *id.* at 1025 n.9 (the court’s suggestion that it simply did not believe the plaintiff’s evidence).
71. *Id.* at 1025 n.11; see also *Meta-Film Assocs., Inc., v. MCA, Inc.*, 586 F. Supp. 1346, 1355–56 (C.D. Cal. 1984).
72. 57 F. Supp. 2d 211 (D. Md. 1999).
73. *Id.* at 212.
74. *Id.* at 213–14.
75. *Id.* at 213.
76. *Id.* at 214–15.
77. *Id.* at 213.
78. *Id.* at 214–15.
79. 97 F. Supp. 2d 539 (S.D.N.Y. 2000).
80. *Id.* at 541.
81. *Id.* at 541–42.
82. *Id.* at 546.
83. *Id.* at 547–48 (quotations omitted).
84. 351 F.3d 46 (2d Cir. 2003).
85. *Id.* at 48–49.
86. *Id.* at 49.
87. *Id.* at 53.
88. *Id.* at 48.
89. 424 F. Supp. 2d 616 (S.D.N.Y. July 19, 2004).
90. *Id.* at 625–26.
91. *Id.* at 626.
92. *Id.*
93. *Id.* The bare corporate receipt doctrine remains the law in the Second Circuit. As the court recently acknowledged in *Clonus Assocs. v. Dreamworks, LLC*, No. 05 Civ. 7043 (SAS), 2006 WL 2466866, at *4 (S.D.N.Y. Aug. 26, 2006), “[i]n the Second Circuit, a plaintiff must generally prove that the creators themselves, and not only an affiliated corporation, had access to the work that was allegedly copied.” The “[b]are corporate receipt” of a plaintiff’s work, without any evidence of a nexus between the recipients and the alleged infringers, does not create a triable issue of access. *Id.* at *4 n.31 (citation omitted).
94. No. 04-1344-KI, 2005 WL 3095522 (D. Or. Nov. 18, 2005).
95. *Id.* at *1–2.
96. *Id.* at *5.
97. *Id.* at *5–6.
98. 289 F. Supp. 2d 1023, 1027 (N.D. Ill. 2003).
99. *Id.* at 1029 n.5.
100. *Id.* at 1029–30.
101. *Id.* at 1030.
102. *Id.* at 1034–35.
103. *Id.* at 1035, 1040.
104. 388 F. Supp. 2d 382, 391 (S.D.N.Y. 2005).
105. *Id.* at 383.
106. *Id.* at 386, 390.
107. *Id.*
108. *Id.* at 387–88.
109. *Id.* at 389, 391.
110. *Id.* at 391.
111. *Id.*
112. *Id.*
113. *Id.*
114. *Id.*