



Class 3: Fixation and Idea-Expression

Fixation Computer RAM Cases

Hypo

Flappy Bird again Creative Work 1



Variation 1: The knock-offs themselves

Knock-offs
More

Variation 2:

Variation 3:

Williams v. Artic

Facts

Plaintiff created Defender video game

Others, not in this suit, created knock-offs

Defense Command
Other small changes
But everything else virtually identical

Point: This part should be easy: they took far too much

Defendant distributed circuit boards with knock-off code

Three works claimed protected

- 1. The computer program itself.
- 2. "Attract mode"
- 3. "Play mode"

Held

MAI v. Peak

Facts

Quick computer primer

Computer programs
Hard drive
RAM

MAI created operating system (OS) software

Also diagnostic software used to assess problem computers

Peak sold service contracts to companies running MAI's OS

Facts more like a typical trade secrets case
D left P to assist competitor

What is the theory of the case?

When Peak's technicians visited a client and booted a computer, it loaded the OS into RAM

This, according to MAI, is an actionable copy for copyright purposes.

Note: We've jumped ahead a little into infringement analysis.

This is because of the way "copy" plays a role in infringement.

But it really boils down to the meaning of "fixation"

Held

Cartoon Networks

Relevant Facts

Would've called it: "TiVO in the cloud." a few years later

Important technical point:

All shows copied for 1.2 seconds in computer memory and then deleted.

Held

