

24-6425

ORIGINAL

No. _____

FILED
JAN 23 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

CAMERON CATES — PETITIONER
(Your Name)

vs.

JARED SCHLEMOVITZ et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS SECOND CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CAMERON CATES on my own behalf.

(Your Name)

290 Humphrey Road

(Address)

South New Berlin, New York, 13843

(City, State, Zip Code)

607-334-2985

(Phone Number)

QUESTION(S) PRESENTED

How is it that, according to the Second Circuit, "all creative works draw on the common wellspring that is the public domain,"?

What good is copyright law and its definitions when it only protects the well funded ?

Why, after following the original Judge Kahn's instructions to ammend my petition, did my favorable arguments get twisted by Judge Nardacci, the replacement?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

JARED SCHLEMOVITZ, d/b/a/JUNTO SOUNDS
PROCTOR & GAMBLE CORPORATION, d/b/a FEBREZE
GREY GLOBAL GROUP LLC, and
WPP GROUP USA INCORPORATED

RELATED CASES

Robbins Music Corp. et al. v. Alamo Music, Inc., et al.
United States District Court S.D. New York Feb. 18, 1954.

Bright Tunes Music Corp., v. Harrisongs Music, LTD et al.
No. 71 Civ. 602 United States District Court S.D. New York
Aug. 31, 1976 As ammended Sept. 1, 1976

Davis v. The Gap, Inc. 246 F3d 152 (2nd Cir. 2001)

Arnstein V. Porter 154F. 2d 464 (2nd Cir 1946)

Chatteron v. Cave 3A.C. 483, 499-501, 502-504

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Sheet Music "THE CONTINUING STORY OF BUNGALOW BILL" (1968)	
Sheet Music "The Leader Of The Pack" (1964)	

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A & C to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B & D to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 1, 2024

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 28, 2024, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution Article 1, Section 8

"The Congress shall have Power... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Title 17 of the United States Code

Section 101 Definitions

"Fixed" "A work is "fixed" in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of its author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration."

Section 102 Subject matter of copyright: In general

"(a) Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include:... (2) musical works, including any accompanying words;"

Section 103 Subject matter of copyright: Compilations and derivative works.

(b) The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material.

The copyright in such works is independent of, and does not affect or enlarge the scope, duration, ownership or subsistence of, any copyright protection in the preexisting material."

STATEMENT OF THE CASE

My musical work "She Loves Her Job" was fixed in manuscript in 1982. It was registered with the Library of Congress as the preexisting work in the compilation "Songs I wrote in my spare time", PAu 484-226 on February 24, 1983 having followed the Copyright Office Instructions for application for a work of the Performing Arts.

My opening jingle jangle sung melody "I-e love her so.", I allege, has been plucked from my performances of this work by self described "musical assassin" Jared Schlemovitz who sold it to Grey Global Group LLC, owned by WPP Group USA Incorporated and sold to Proctor & Gamble Corporation for use as their odor product mnemonic advertising jingle since 2017 to the present comprising billions of uses of my jingle jangle work.

I brought suit against these parties in United States District Court of the Northern District of New York in 2021, Case # 3:21-cv-00805 (LEK/ML) Judge Kahn dismissed my complaint, DKT #40, with leave to amend on April 27, 2022 though he overlooked that I included proof of public airplay.

I amended my complaint following Judge Kahn's suggestions but replacement Judge Nardacci dismissed my case with prejudice on September 22, 2023.

I timely appealed in the Second Circuit, lost, and respectfully timely requested the three Judges to rehear and was denied October 28, 2024 by Order Docket No. 23-7501.

I timely request within the 90 days from this Order The United States Supreme Court a Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

I authored my work and fixed it in manuscript showing three repetitions.

I followed the application instructions for Copyright Registration and was successful. In doing so I believed I could take my works, perform them publically, sell them to agents, record companies and radio stations with protection from infringement as long as I lived.

I proved to the District Court the commercial availability of my work, its uniqueness in modern music and its literal similarity to the infringing odor product jingle which the defendants do not deny.

I mention three infringement cases favoring the authors/creators which run contrary to the lower courts' opinions in my case. They are: Miklos Rosa's "The Killers" 1954 soundtrack infringed by the "Dragnet" theme. (AKA Robbins Music v. Alamo Music S.D.N.Y. 1954); The Estate of Ronnie Mack "He's So Fine" infringed by George Harrison's "My Sweet Lord" (AKA Bright Tunes Music v. Harrisongs Music S.D.N.Y. 1976); The non de minimus use of Mr. Davis eyeglasses in the Gap's advertisement decided by the Second Circuit in 2001.

I have proved the dissimilarity of defense's Judicial argument of previous use by The Beatles' "The Continuing Saga Of Bungalow Bill"; Morton, Barry, and Greenwich's "Thats when I fell for The Lead-er Of The Pack.".

My jingle jangle melody is literally note for note infringed and deserves compensation to settle.

A melody is not a mere building block but a work made of building blocks.

Artists work to drill into the void to create and become inspired.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cameron Carter

Date: January 22, 2025