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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARR CLIFTON,

Plaintiff,

No. C 13-02923 JSW

v.

JOHN WILEY & SONS, INC.,

**ORDER**

Defendant.

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Now before the Court is Defendant John Wiley & Sons, Inc.'s motion to dismiss six of the twelve registrations at issue in this matter. Defendant contends that four of the subject copyright registrations are invalid as a result of having been registered as Unpublished Single Work Registrations which improperly contain previously published works, and two of the subject copyright registrations are invalid as a result of having been registered as Published Single Work registrations which improperly contain works that were published prior to the stated date of publication.

On November 14, 2013, this Court issued an order to show cause to Plaintiff to explicate the status of the six registrations and his correspondence with the Copyright Office. In response, Plaintiff submitted a brief in which he again concedes that the subject registrations were made in error. Plaintiff also states that he made errors in the allegations of the complaint regarding the registration numbers for the subject images. Lastly, Plaintiff submits a response from the Copyright Office to his query in which he admits his errors. The Copyright Office clearly indicates that the proper recourse is to correct the errors in registration through the filing

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of new registration applications for the previously published photographs.

Because of the state of the record, the Court HEREBY ORDERS that Plaintiff file new registration applications for the registrations that were previously in error. After completion of that process, the Court ORDERS that Plaintiff thereafter file an amended complaint setting out the correct registration numbers for the photographs at issue in this litigation. In the interim, this matter is STAYED pending completion of the registration and amendment process. The pending motion to dismiss is RENDERED MOOT and the hearing set for December 6, 2013 is VACATED.

**IT IS SO ORDERED.**

Dated: December 3, 2013

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE