

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cv-00228-FDW-DSC

BRIDGETREE, INC.,)
)
Plaintiffs,)
)
vs.)
)
RED F MARKETING LLC, TARGET)
POINT, LLC, DANIEL ROSELLI, TENG)
LI, and MARK EPPERLY,)
)
Defendants/Counterclaimants,)
)
vs.)
)
BRIDGETREE, INC., and MARK BECK,)
)
Counterclaim Defendants.)
)
_____)

ORDER

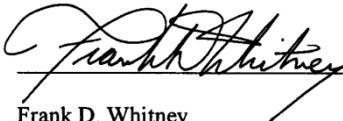

THIS MATTER is before the Court *sua sponte* concerning a narrow issue that has come to the Court’s attention in resolving the parties’ post- trial motions. Although no party has raised the issue at any stage in these proceedings, the Court requests the parties to submit supplemental briefing limited to discussion of the evidence and relevant authorities on the issue of the applicability of the Copyright Act (17 U.S.C. § 101, *et. seq.*) to Plaintiff’s claim against Defendants for conversion. Specifically, the Court wants to know the parties’ positions on whether the doctrine of preemption applies to that claim, and if so, to what effect at this stage in

the proceedings. Although no party has raised this issue, the Court requests supplemental briefing so that the Court may issue an order¹ with a full record.

IT IS THEREFORE ORDERED that Plaintiff and Defendants shall submit a memorandum of law to the Court no later than Wednesday, January 9, 2013, and no longer than 3,000 words. The parties may file a responsive pleading no later than Monday, January 14, 2013, and no longer than 1,500 words. No replies will be permitted.

IT IS SO ORDERED.

Signed: December 20, 2012


Frank D. Whitney
United States District Judge 

¹ The Court notes that although the parties have been waiting patiently for a ruling on their five pending post-trial motions, the Court has been working diligently to resolve those motions. Although the Court has decided those motions, in order to not issue a piecemeal decision, the Court declines to issue a partial ruling and will promptly issue a complete order after supplemental briefing has been received and reviewed.