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April 12, 2000

Stephen E. Feldman, Esq.
12 East 41st Street
New York, NY 10017

Re: Control No. 60-509-8538(F)
#12305 Soccer Mom
#12175 Break/ Lil Sister, Big Sister
#12080 DC Little Devil
#11789 I Love My Daddy
#11967 3D Soccer Ball
#6145 Break, We Are Best Friends

Dear Mr. Feldman:

The Copyright Office Board of Appeals has examined the registration applications for #13305 Soccer Mom, #12175 Break/Lil Sister, Big Sister, #12080 DC Little Devil, #11789 I Love My Daddy, #11967 3D Soccer Ball, and #6145 Break, We Are Best Friends, which were rejected by the Examining Division. The Board has determined that these works satisfy the minimum creativity standard articulated by the Supreme Court in Feist Publications v. Rural Telephone Service Co., 499 U.S. 340 (1991), and that they should be registered.

The file in this appeal has been returned to the Examining Division for processing, and the certificates of registration will be issued shortly.

In determining that these works are sufficiently creative to warrant registration, the Board notes that it is a close question whether any of the works cross the low threshold required by the Feist decision. The Board considers this to be a case "[w]here the quantum of originality is slight and the resulting copyright is 'thin'." See Beaudin v. Ben & Jerry's Homemade, Inc., 95 F.2d 1, 2 (1st Cir. 1996). An ultimate determination as to the scope of protection of a copyrightable work is, of course, within the purview of a court of competent jurisdiction. Nonetheless, despite the Board's

reservations, it has concluded that these works do warrant registration by the Copyright Office.

Sincerely,

David O. Carson

David O. Carson
General Counsel
for the Appeals Board
United States Copyright Office