COPYRIGHT CLAIMS BOARD

Docket number: 24-CCB-0160
July 21, 2026

PerfectPinz LLC	*v.*	K9 King, LLC
CLAIMANT		**RESPONDENT**

FINAL DETERMINATION

This matter has been fully submitted by the parties. For the reasons that follow, the Copyright Claims Board ("Board") finds in favor of Respondent K9 King, LLC ("K9 King" or "Respondent") and dismisses the claim against K9 King with prejudice. The Board denies Claimant's pending requests for sanctions given that the discovery at issue is not relevant to the Board's reasons for finding against Claimant. The Board also finds that Claimant acted in bad faith in this proceeding and orders Claimant to pay K9 King $900 in attorney's fees.

I. Procedural History

PerfectPinz LLC ("PerfectPinz" or "Claimant") filed this copyright infringement claim (Dkt. 1) on June 1, 2024, and filed an amended claim ("Claim") (Dkt. 3) on June 12, 2024. K9 King filed its response ("Claim Response") (Dkt. 14) on October 9, 2024. On July 15, 2025, the Board closed discovery and set the schedule for the filing of written testimony (Dkt. 35). The Board deferred its decision on Claimant's requests for sanctions (Dkt. 21, 22, 28, 32) until it resolved the merits of this case in this final determination.

For its written testimony, PerfectPinz filed its Party Statement ("Claimant Party Statement") twice, attaching evidence to one (Dkt. 36) and not the other (Dkt. 42), as well as an Affidavit of Elliott Brafman ("Brafman Aff.") (Dkt. 41) and additional evidence (Dkt. 38-40, 43-44).[1] K9 King filed a Party Statement (Dkt. 46), a Declaration of Dan Barnes (Dkt. 52), and five exhibits of evidence (Dkt. 48-51, 53). PerfectPinz did not submit any (optional) reply testimony. This case is now ready for final determination.

[1] PerfectPinz's 14-page party statement goes beyond the Board's page limitations. *See* 37 C.F.R. §§ 220.5(b), 222.15(b)(3). However, as the Board is finding for Respondent, there is no need to make PerfectPinz submit a new, properly formatted initial party statement.

II. Factual History

PerfectPinz sells golf paraphernalia. The works at issue, which PerfectPinz created and sold on merchandise, are all clearly *direct and nearly exact* copies of iconic scenes from the extremely famous film *Happy Gilmore* (Universal Pictures, 1996) (the "Movie"). The four works (collectively, "the Works"), with registrations listed in the Claim and verified by the Board, are:

- An image in a cartoon style, replicating an image from the Movie scene in which Happy, on the ground, yells at a golf ball to get in the cup (including telling it to "Go Home" in those words and in other ways), overlaid with the words "Go Home, Ball!" ("Go Home Ball"). Go Home Ball was initially published by PerfectPinz on October 31, 2021, and registered by the Copyright Office with an effective date of November 13, 2023 (Reg. No. VA0002370887).[2]
    - In its papers, Claimant describes this image purely as "a close-up of a short-haired man's face and shoulders in a brown henley t-shirt screaming at a golf ball near the hole, with the text 'Go Home, Ball!'" Claimant Party Statement, at 3. This description, which does not mention the Movie at all, is utterly absurd and arguably crosses the line into bad faith.
- An image in a cartoon style, replicating an image from the Movie scene in which Happy's mentor Chubbs repeats the words "Just Tap It In" to Happy when he is trying to make a putt, overlaid with the text "Just Tap It In," although PerfectPinz removed Chubbs from the image ("Tap It In"). Tap It In was initially published by PerfectPinz on August 18, 2021, and registered by the Copyright Office with an effective date of June 23, 2023 (Reg. No. VA0002352325).
    - In its papers, Claimant describes this image purely as "illustrat[ing] a golfer in a black hockey jersey and blue sweatpants putting on a green, with the text 'Just Tap It In.'" Claimant Party Statement, at 3. Again, this description does not mention the Movie at all and arguably crosses the line into bad faith.

[2] PerfectPinz's citation (Claimant Party Statement, at 2, citing the Brafman Aff.) to Go Home Ball's publication and registration dates is contrary to the copyright registrations themselves. The Board uses the dates found on the copyright registrations.

- An image in a cartoon style, replicating an image from the lengthy Movie scene in which Happy gets in a brawl with longtime *The Price Is Right* host Bob Barker, with Happy famously saying "The Price Is Wrong, Bitch," with *The Price Is Right*'s dollar sign logo next to the overlaid text "The Price Is Wrong" ("Price Is Wrong"). Price Is Wrong was initially published by PerfectPinz on August 18, 2021, and registered by the Copyright Office with an effective date of June 23, 2023 (Reg. No. VA0002352322).
    - In its papers, Claimant describes this image purely as "featur[ing] an elderly golfer in gray pants and a blue/purple collared shirt punching a younger man in a white hockey jersey and red pants on a golf course, near the 'Price is Wrong' text." Claimant Party Statement, at 2-3. This description not only does not mention *Happy Gilmore*, but Claimant never mentions Bob Barker in its papers at all, and it is almost certainly done in bad faith.
- An image in a cartoon style, replicating an image from the Movie scene in which Chubbs holds Happy from behind, teaching him how to swing a golf club, moving Happy back and forth and repeating "It's All in the Hips," with the overlaid text "It's All in the Hips" ("All in the Hips"). All in the Hips was initially published by PerfectPinz on August 18, 2021, and registered by the Copyright Office with an effective date of June 23, 2023 (Reg. No. VA0002370887).
    - In its papers, Claimant describes this image purely as "depict[ing] an African-American man in a flat cap, long-sleeve collared shirt, and gray pants hugging a young white man in a black hockey jersey and blue sweatpants while practicing a swing, near the words 'All in the Hips.'" Claimant Party Statement, at 3. This description not only does not mention *Happy Gilmore*, but Claimant never mentions Chubbs in its papers at all, and it is almost certainly done in bad faith.

PerfectPinz's Party Statement barely mentions the Movie. Its only real substantive reference is to state:

> Respondent's contention that PerfectPinz's copyrights are invalid as purported "rip-offs" of the film Happy Gilmore is baseless and ignores fundamental principles of copyright law. . . . PerfectPinz's designs, while thematically inspired by golf-related humor akin to elements in popular culture, including films like Happy Gilmore, incorporate original artistic renderings, stylized illustrations, unique text placements, and creative compositions that are protectable.

Id. at 3. PerfectPinz also submitted its own interrogatory responses as part of its written testimony. Its response to the interrogatory asking, "If your work is a *derivative work*, identify the elements of your work that previously existed elsewhere and who owns the preexisting elements, and describe your rights to use those preexisting elements" was:

> Complainant's works were inspired by the Happy Gilmore movie, but its works are not "derivative" per se and are instead entirely independent and original. Indeed, the Complainant's works include non-descript/generic cartoon characters (blank faces) playing golf next to text that are not substantially similar to the detailed Happy Gilmore movie and its characters. For example, one of the works is a non-descript golfer putting a golf ball next to the yellow text "Just Tap It In."

Dkt. 43, at 9 (Response to Interrogatory No. 7). Both PerfectPinz's protestations in its Party Statement and in its interrogatory response are objectively false, and it is somewhat insulting that PerfectPinz might have thought that the Board would not know that its Works were direct copies of some of the most famous lines from one of the most famous comedies of all time. Attempting to pull the wool over the Board's eyes in this manner, as discussed below, is not in accordance with PerfectPinz's duties of ethics and truthfulness before the Board.

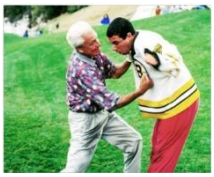
K9 King also produced golf paraphernalia using the same scenes from *Happy Gilmore*. K9 King has submitted its Fiverr communications with third-party designers. K9 King Ex. D (Dkt. 49). It is possible that K9 King saw PerfectPinz's merchandise and decided to put out extremely similar *Happy Gilmore*-inspired merchandise, including the very same scenes. However, when K9 King contacted its main designer to make the allegedly infringing designs, it did not send the designer images of PerfectPinz's merchandise, but instead, it provided stills from the Movie as well as links to what appear to be clips from the Movie. *Id.* at 3, 8, 28, 32, 40-41, 60, 68, 71. And, there is no evidence that any of K9 King's third-party designers ever saw PerfectPinz's merchandise or designs.

III. Legal Analysis

To succeed on a claim for copyright infringement, a claimant must establish "(1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original." *Feist Publications, Inc. v. Rural Telephone Serv. Co., Inc.*, 499 U.S. 340, 361 (1991). Whether PerfectPinz satisfies the ownership prong is debatable. It is possible that Claimant committed fraud on the Copyright Office. It is also possible that all of the Works are infringements of the Movie and not copyrightable on their own, either because they are infringements or because they have no creative additions beyond the Movie itself. The Board does not need to resolve either of those issues because PerfectPinz

cannot satisfy the second prong of its claim. It is clear that PerfectPinz cannot show that K9 King copied enough elements of the Works that are original to PerfectPinz to establish infringement.

Below are images comparing scenes from *Happy Gilmore*, the PerfectPinz deposit copy for each Work, and the allegedly infringing K9 King work:

MOVIE STILLS	PERFECTPINZ	K9 KING
		
		
		
 		

A review of the images shows that the only aspects that are the same in the alleged infringements and in the Works are unique to the Movie itself. Even the choices of the phrases come from the Movie and, under copyright law, words and short phrases like "Go Home, Ball!" are not copyrightable. 37 C.F.R. § 202.1(a). In fact, K9 King's allegedly

infringing works come even closer to the Movie than PerfectPinz's Works, likely because the evidence shows that K9 King's third-party designer used the Movie as a reference, not PerfectPinz's Works. Because of that, the K9 King designs have more details (especially facial details) and more accurately reflect the angles of the Movie (including using a different angle from the Movie where Bob Barker punches Happy Gilmore)—the K9 King version of Tap It In also leaves in Chubbs from the image whereas PerfectPinz had removed Chubbs.

The images speak for themselves and there is little else that needs to be said. These are not identical copies and the similarities of copyrightable expression are from the Movie. Ideas are not copyrightable. 17 U.S.C. § 102(b). "[C]opyright protection may extend only to those components of a work that are original to the author." *Feist*, 499 U.S. at 361. Even if K9 King chose to replicate some of the same Movie scenes as PerfectPinz did and put those images on golf equipment just as PerfectPinz did (and even if K9 King knew of PerfectPinz's merchandise containing the Works), all that K9 King copied, **as it pertains to PerfectPinz**, is the idea of doing that. That is not copyright infringement and, as such, the Board dismisses the claim with prejudice.

IV. Claimant's Request for Sanctions

PerfectPinz has requested the Board to sanction K9 King for failure to retain WhatsApp communications with the manufacturer of K9 King's allegedly infringing products. However, even if PerfectPinz is correct that K9King should have kept its manufacturer communications after merely getting a takedown notice, it is unclear whether those automatically-deleted messages even existed at that time, and, more importantly, the WhatsApp communications at issue appear to be minimally material to this case. As described above, the evidence before the Board shows that K9 King sent movie stills, not PerfectPinz images, to its designer of the alleged infringing works. There is nothing in the record to suggest that the manufacturer deviated from an attempt to duplicate stills from *Happy Gilmore*, meaning that the manufacturer used those designs, and not those of PerfectPinz, in manufacturing the alleged infringements.

Claimant's Request for Sanctions is therefore denied.

V. Claimant Served Interrogatory Responses and Made Filings in Bad Faith

On June 9, 2026, the Board issued an Order to Show Cause ("OSC") as to why PerfectPinz and its attorney/officer Cory Lapin should not be found in bad faith. (Dkt. 54). The OSC asked PerfectPinz and Mr. Lapin to show why they should not be held in bad faith for, in summary, the following: (1) filing copyright registrations that failed to disclose or disclaim the use of *Happy Gilmore*; (2) serving interrogatory responses and filing written testimony, which continued to mischaracterize the Works as described in this Final Determination; and, (3) maintaining this claim despite the Fiverr evidence showing that K9 King sent the *Happy Gilmore* movie stills, and not the Works, to its designer. *Id.*

PerfectPinz (through Lapin) and Lapin filed a Response to the OSC ("OSC Response") (Dkt. 56), and Lapin appeared at a July 7, 2026 conference. Based on the OSC Response and Lapin's representations at the conference, including that the interrogatory responses and written testimony were drafted by a copyright litigation attorney hired by PerfectPinz, the Board is satisfied of two things: that Lapin himself should not be found in bad faith, and that PerfectPinz had good-faith reasons, based on alleged infringing acts by K9 King prior to the Fiverr communications, K9 King sending third-party competitor images to its designers in the past, and PerfectPinz's belief that there might be more information, to not drop the case upon receiving the Fiverr communications.

However, the Board finds that PerfectPinz acted in bad faith in grossly mischaracterizing its use of pre-existing (and unlicensed) material to create the Works. The Board does not need to go beyond what has already been said in this Final Determination. The Works are almost exact duplicates of famous scenes from *Happy Gilmore,* and PerfectPinz exaggerated the Works' originality and minimized and mischaracterized the use of *Happy Gilmore* to the point that bad faith must be found. Its mischaracterizations were without a reasonable basis in law or fact. 17 U.S.C. § 1506(y)(2); 37 C.F.R. § 220.1(c).

The proper penalty for that bad faith is an award of K9 King's attorneys' fees (there are no known or material costs). 37 C.F.R. § 232.3(d). As a reasonable and concrete measurement of those fees, the Board looks at the hours K9 King's counsel worked (whether he actually charged K9 King for that work), at his reasonable $450 hourly rate, addressing the *Happy Gilnore* issue in K9 King's written testimony. K9 King submitted the hours worked (Dkt. 55),

and it appears that 9.6 hours were devoted to written testimony, equaling $4,320. Only a portion of that time, however, would have been devoted to arguing the *Happy Gilmore* issue, and some of that argument was already in K9 King's Claim Response. As such, $900, or approximately 20% of the $4,320, is a reasonable amount to charge for PerfectPinz's bad faith.

VI. Conclusion

The Board dismisses the claim against K9 King with prejudice, denies PerfectPinz's request for sanctions, finds PerfectPinz (but not Cory Lapin) in bad faith, and awards K9 King $900 in attorneys' fees to be paid to K9 King by PerfectPinz.

Copyright Claims Board