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Copyright Claims Board Docket No. 24-CCB-0263

Cade J. Campbell, Claimant

v.

Dallas County Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza, Respondent

RESPONDENT DALLAS COUNTY HISTORICAL FOUNDATION D/B/A THE SIXTH FLOOR MUSEUM AT DEALEY PLAZA'S RESPONSE TO CLAIMANT'S AMENDED REQUEST FOR REVIEW BY THE REGISTER OF COPYRIGHTS

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT, DALLAS COUNTY HISTORICAL FOUNDATION D/B/A THE SIXTH FLOOR MUSEUM AT DEALEY PLAZA

I. INTRODUCTION

Respondent Dallas County Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza ("Respondent" or the "Museum") submits this Response to Claimant Cade J. Campbell's Amended Request for Review by the Register of Copyrights (the "Amended Request"). For the reasons set forth below, Claimant's Amended Request should be denied.

II. PROCEDURAL BACKGROUND

The Copyright Claims Board ("CCB") issued a Final Determination in the Museum's favor on May 27, 2026. Through its Final Determination, the CCB determined that Claimant could not succeed in establishing the first element required for a copyright infringement claim, that is, "ownership of a valid copyright," and thus dismissed his claims. *Feist Publc'ns, Inc. v. Rural Tele. Serv. Co., Inc.*, 499 U.S. 340, 361 (1991).

On June 26, 2026, Claimant filed a Request for Reconsideration of Final Determination (Dkt. 58). In turn, the Museum filed a Response on July 16, 2026 (Dkt. 60), detailing why Claimant had not met the CCB's standard of "clear error of law or fact material to the outcome," or a "technical mistake," which is required for reconsideration to be granted. *See* CCB Handbook, Final Determination, p. 3, "Requesting Reconsideration by the CCB." In between Claimant's filing of the Request for Reconsideration and the Museum's Response, Claimant sent an email to the CCB on July 15, 2026, inquiring whether the CCB had received a "playable" version of Exhibit 6, titled "Keya Morgan Communication." Dkt. 63, p. 3. There is no dispute that the CCB received a transcript of the Keya Morgan Communication.

On July 17, 2026, the CCB denied Claimant's Request for Reconsideration, because Claimant's Request "simply repeats the arguments made in Claimant's previous written testimony

and fails to demonstrate that the CCB has made a clear error of law or material fact or a technical mistake in its determination." *See* July 17, 2026 Order Denying Request for Reconsideration.

On July 21, 2026, Claimant requested Review of the CCB's denial of his request for reconsideration by the Register of Copyrights and also submitted an "exhibit packet" ("Original Request"). Dkts. 62, 63. Claimant's Original Request:

> ask[ed] the Register to review whether the Board abused its discretion in denying reconsideration without addressing a timely procedural and technical concern raised before the denial order: whether the Keya Morgan recording, previously identified in Claimant's exhibit materials, produced to Respondent during discovery, and discussed in Claimant's Request for Reconsideration, was accepted into eCCB as a playable media exhibit.

Dkt. 62, p. 1.

On July 23, 2026, the CCB issued an Amended Order Denying Request for Reconsideration (the "Amended Order"). The Amended Order makes clear that the "Final Determination was not a close question of fact or law," and that the Keya Morgan recording referred to in Claimant's Original Request "contains no facts or information that would change the Final Determination." Amended Order, p. 2.

Undeterred, Claimant filed the Amended Request on July 29, 2026. Dkt. 65. The Amended Request argues that the Amended Order did not adequately address the inquiry in his July 15 email:

> but described uncertainty about whether an identified MP4 had been accepted as a playable exhibit as a failure to attach evidence; conflated that recording with a transcript created later; answered an ultimate-ownership proposition Claimant expressly disclaimed; and recast Dkt. 58 as attacks on isolated evidence before declaring that Claimant had "miss[ed] the point."

Id., p. 2. Claimant then summarizes his argument by stating that the "asserted abuse [of discretion] is that the Board rejected substituted propositions rather than the inquiry and alleged errors actually presented." *Id.*

The Museum now files this response in opposition to Claimant's request. Because the "abuse" alleged by Claimant does not actually constitute abuse of discretion, particularly since the CCB directly stated that the MP4 in question "contains no facts or information that would change the Final Determination," Claimant's request should be summarily denied. *See* Amended Order, p. 2.

III. GOVERNING STANDARD

As the CCB Handbook instructs, the Register of Copyrights "can only change the final determination if the Register decides that the CCB 'abused its discretion' by denying reconsideration." CCB Handbook, p. 4. Stated otherwise, to succeed, Claimant "must show that the CCB had ***no reasonable basis*** to reject [Claimant's] request for reconsideration." *Id* (emphasis added). The CCB Handbook further specifies that the "Register of Copyrights will *not* engage in a review of your entire case." *Id.* Rather, the "review is limited to whether the CCB abused its discretion in denying your request for reconsideration." *Id.*

Because Claimant cannot meet this heightened standard of review—and indeed, appears to concede as much in his Request—Claimant's Amended Request should be denied.

IV. ARGUMENT

Under an abuse of discretion standard, the CCB's denial of Claimant's Request for Reconsideration cannot be overturned unless it was "an arbitrary, capricious, whimsical, or manifestly unreasonable judgment." *See Brown v. Presbyterian Healthcare Serv.,* 101 F.3d 1324, 1331 (10th Cir. 1996). Claimant makes no coherent argument that the CCB came to an arbitrary, capricious, whimsical, or manifestly unreasonable decision in its Original *or* Amended Order denying his Request for Reconsideration. Accordingly, his Amended Request should be denied.

As an initial matter, the CCB's Final Determination specifically discusses the Keya Morgan recording, and includes specific quotations from that call. *See* Final Determination, pp. 2-4. It is thus clear that the CCB had the Keya Morgan evidence before it, in transcript format as submitted by Claimant himself. *See id.*

The CCB confirmed its consideration of the Keya Morgan recording transcript in its Amended Order, when it expressly stated: "the Board has reviewed the transcript of the recording (Dkt. 63)" and again, emphasized that "it contains no facts or information that would change the Final Determination." *See id.* Thus, whether or not the playable version of the Keya Morgan Communication was submitted in evidence by Claimant, it cannot serve as the basis for the CCB's purported abuse of discretion, because the evidence is immaterial to the CCB's Final Determination. *See* Amended Order, p. 2.

Ignoring this critical component of the CCB's reasoning, Claimant stakes his abuse of discretion argument on the idea that the CCB "mischaracterized" the lack of a playable version of the Keya Morgan Communication as the result of Claimant's failure to properly submit it to the CCB. *See* Dkt. 65, p. 4. For his part, Claimant appears to take no responsibility for whether or not the playable exhibit was properly submitted to the CCB.

Regardless, Claimant makes no argument as to how such alleged "mischaracterization" by the CCB constitutes an abuse of discretion. The CCB has made abundantly clear that it reviewed the transcript of the Keya Morgan recording submitted by Claimant as Exhibit 6. *See* Amended Order, p. 2. Whether the "playable" version of the communication was not submitted to the CCB due to a filing error by Claimant or some other reason is immaterial. Either way, the recording has no material bearing on the CCB's determination regarding copyright ownership and thus cannot serve as the basis for an abuse of the CCB's discretion. Moreover, Claimant never explains why

listening to a "playable" audio recording, rather than reading the transcript of the recording ***provided by Claimant***, would have made any difference to the CCB's determination on the merits of his claim.

Further, by stating that he "does not seek a new ownership finding" (Dkt. 65, p. 3) Claimant himself admits that the issue he asks the Register to review has no bearing on the CCB's ultimate determination that he could not establish valid ownership in the copyright at issue. Indeed, it appears Claimant misunderstands the purpose of his Amended Request—if he does not even seek a new determination on the dispositive issue of copyright ownership, then he certainly cannot identify an "abuse of discretion" made by the CCB in denying his Request for Reconsideration of that very determination.

Persuasive caselaw likewise defeats Claimant's position. Courts have specifically held that "[f]ailure to add materials to a record cannot rise to an abuse of discretion when the materials in question have no effect on a case's outcome." *Wright ex rel. Tr. Co. of Kansas v. Abbott Lab'ys, Inc.*, 259 F.3d 1226, 1236 (10th Cir. 2001). Again, Claimant concedes that he does not seek to overturn the CCB's ownership determination, and the CCB has confirmed that the recording in question is not probative of the critical issues in the case or on the CCB's ultimate determination. *See* Dkt. 65, p. 3; Amended Order, p. 2. Thus, Claimant himself necessarily concedes that no abuse of discretion has occurred.

The remainder of Claimant's Amended Request merely rehashes arguments previously raised by him and rejected by the CCB. *See* Dkt. 65, pp. 5-11. Again, Claimant's efforts fail to meet the standard for the Register's Review. To be granted review, Claimant must establish that "the CCB had ***no reasonable basis*** to reject [his] request for reconsideration." CCB Handbook, p.

4 (emphasis added). Claimant has not, and indeed, given the thoroughness of the CCB's analysis and rulings, cannot, meet this burdensome standard.

Because Claimant has identified no "abuse of discretion" by the CCB, his Request for Review should be denied.

V. CONCLUSION

Claimant Cade J. Campbell has not identified any abuse of discretion in the CCB's denial of his Request for Reconsideration. Whether Claimant properly submitted a "playable" copy of the Keya Morgan Communication, and how the CCB characterized that recording, have no bearing on the CCB's Final Determination.

Moreover, it is clear from the Final Determination itself that the CCB considered the substance of the Morgan recording, thus further underscoring the irrelevance of the format of the Keya Morgan Communication.

Accordingly, the CCB did not abuse its discretion in (twice) denying Claimant's Request for Reconsideration. Claimant's Amended Request for Review by the Register of Copyrights likewise should be denied.

Proof of Delivery

I hereby certify that on Monday, August 17, 2026, I provided a true and correct copy of the Respondent Dallas County Historical Foundation d/b/a The Sixth Floor Museum at Dealey Plaza's Response to Claimant's Amended Request for Review by the Register of Copyrights to the following:

Cade J Campbell, represented by Cade J Campbell, served via ESERVICE at entertainmenthistoryllc@gmail.com

Signed: /s/ Lindsay Calhoun