



United States Copyright Office

Library of Congress · 101 Independence Avenue SE · Washington, DC 20559-6000 · www.copyright.gov

August 22, 2007

Mark J. Diliberti, Esq.
Foley & Lardner, LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

**RE: SWIRLED GLOW BULB
Control No. 61-309-7472(F)**

Dear Mr. Diliberti:

The Copyright Office Review Board has reviewed your request to reconsider the Examining Division's denial of a claim to register the SWIRLED GLOW BULB ("the bulb") on behalf of its author and copyright owner, Vicki Jean's Creations, Inc. After considering the materials submitted in support of the claim, the Board has determined that the work is a useful article that does contain conceptually separable features, but that the bulb cannot be registered because those conceptually separable aspects are not sufficiently creative to constitute copyrightable authorship.

ADMINISTRATIVE RECORD

On January 26, 2004, the Copyright Office received your client's application for registration of the SWIRLED GLOW BULB, submitted by Mr. James L. Vana, of your firm. By letter dated February 25, 2004, Examiner Kathryn Sukites advised Mr. Vana that the claim could not be registered because the work is a useful article without any separable features that are copyrightable.

The Examiner explained that a useful article cannot be copyrighted unless (1) it has pictorial, graphic, or sculptural authorship that is physically or conceptually separable from the article's useful function, and (2) the separable authorship is copyrightable. She explained that the SWIRLED GLOW BULB did not have any physically or conceptually separable authorship. Further, even if some feature[s] of the work were deemed to be separable, such features were not sufficiently original to support copyright registration. (Letter from Sukites to Vana of 2/25/2004, at 2.)

