CLASS 5:
IDEA-EXPRESSION DISTINCTION
Class Outline

• Idea-Expression Distinction (§ 102(b))
  – Process v. Expression
  – Idea v Expression
  – Historical Fact v. Expression

• The Merger Doctrine
17 U.S.C. § 102(b)

“In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.”
The Idea/Expression Distinction

2 purposes:

1. Distinguishes what belongs in the public domain from what is copyrightable.

2. Establishes the boundary line between copyright and patent.
## CONDENSED LEDGER

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### FIGURE 4-1

Selden’s blank form for condensed ledger.
“Where the truths of a science or the methods of an art are the common property of the whole world, any author has the right to express the one, or explain and use the other, in his own way. As an author, Selden explained the system in a particular way.”
“The conclusion to which we have come is, that blank account-books are not the subject of copyright; and that the mere copyright of Selden’s book did not confer upon him the exclusive right to make and use account-books, ruled and arranged as designated by him and described and illustrated in said book.”
Examples of unprotected elements in a copyrighted work:

- Ideas
- Expressions that are indistinguishable from (i.e. have merged with) the underlying idea(s)
- Standard or stock elements (scenes a faire)
- Facts
- Other public information
WHO DESTROYED THE HINDENBURG?

ONE OF THE MOST INCREDIBLE AVIATION DISASTERS OF ALL TIME — "CHARGED WITH LURID EXCITEMENT" — Newsweek

BY A. A. HOEHLING
Hoehling v. Universal City Studios
Spinach & Feta Stuffed Chicken Breast
By Sarah in New York
Prep Time: 15 mins Total Time: 45 mins Servings: 4

Ingredients
4 chicken breasts
1 tablespoon instant minced garlic
2 tablespoons olive oil
1 (16 ounce) bags spinach (frozen works great) 1 cup feta cheese
2 cups seasoned bread crumbs
1/2 cup butter (melted)

Directions
Preheat oven to 350.
Prepare chicken for stuffing. (You can either, slice 2 thick chicken breasts in half and make 4, or beat 4 chicken breast until thin and wide.).
Cook spinach in garlic and oil on top of stove until done.
Add in feta cheese and mix well. (You can add as much as you like. I LOVE feta cheese!).
Distribute spinach mixture onto each chicken breast. (You may have some leftover).
Wrap chicken around mixture (kinda like a taco) and secure with a toothpick.
Place in glass baking dish and pour butter over them.
Cook for 30 minutes and serve.
NOTE: I usually have spinach mixture left over and just serve it as a side dish. It's so good that people always want more!
Spinach and Feta Stuffed Chicken Breasts

Yield:
Serves 4 (serving size: 1 stuffed chicken breast half)

Ingredients
1 tablespoon olive oil
1 cup chopped yellow onion
2 tablespoons chopped fresh dill
5 ounces baby spinach
2 ounces crumbled feta cheese (about 1/2 cup)
4 (6 ounce) skinless, boneless chicken breasts
1/2 teaspoon kosher salt
1/4 teaspoon black pepper
1 1/2 teaspoons olive oil

Preparation
Heat a large skillet over medium heat. Add 1 tablespoon olive oil to pan. Add onion; cook 8 minutes, stirring frequently. Remove pan from heat; stir in dill, spinach, and feta cheese. Cool 10 minutes. Cut a horizontal slit through the center of each chicken breast to form a pocket. Stuff each pocket evenly with spinach mixture. Close pockets with toothpicks. Sprinkle with salt and pepper. Add 1 1/2 teaspoons olive oil to pan. Add chicken; cook 4 minutes. Turn chicken. Cover pan, reduce heat to medium, and cook 5 minutes or until chicken is done.