

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Amy Peterson v. Kelly J. Berggren, Lettered and Lined, LLC, and
Stupell Industries, Ltd. Inc.

Peterson · No. 3:25-cv-01268-AB · Decided February 5, 2026

SUMMARY

The United States District Court for the District of Oregon denies motions to dismiss claims arising from alleged copyright infringement of Amy Peterson’s animal-themed wall art. The court holds that Peterson plausibly alleges direct infringement by Kelly J. Berggren and Lettered and Lined, LLC, as well as vicarious and contributory infringement and breach of contract by Stupell Industries, Ltd. Inc. The court also concludes that the settlement agreement’s takedown provision is ambiguous and that the breach-of-contract claim may proceed.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Amy M. Baggio
JURISDICTION	United States District Court for the District of Oregon
DECIDED	February 5, 2026
DOCKET	3:25-cv-01268-AB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss copyright infringement, secondary copyright infringement, and breach-of-contract claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded material facts as true, construes them in the light most favorable to the nonmoving party, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unknown

TOPICS

- copyright infringement
- copyright law
- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Peterson plausibly alleged that the L&L Defendants factually copied her copyrighted works.
2. Whether Peterson plausibly alleged access, probative similarity, and the absence of prior independent creation.
3. Whether Peterson plausibly alleged unlawful appropriation through substantial similarity between her works and the L&L Defendants' images.
4. Whether Peterson plausibly alleged vicarious and contributory copyright infringement against Stupell.
5. Whether Peterson plausibly alleged breach of the settlement agreement despite ambiguity concerning whether the agreement required direct copyright infringement.
6. Whether the court had supplemental jurisdiction over the breach-of-contract claim.

HOLDINGS

1. Peterson plausibly alleged factual copying because she alleged both a reasonable opportunity for access through wide dissemination and similarities probative of copying.
2. The complaint plausibly alleged that the L&L Defendants' images were created after Peterson's works and therefore could not be treated as prior independent creations at the pleading stage.
3. Peterson plausibly alleged unlawful appropriation because the selection and arrangement of protectable elements in the L&L Defendants' images were substantially similar to her works, and the alleged differences were minor details that could be overlooked by an ordinary observer.
4. Peterson plausibly alleged vicarious copyright infringement because she alleged that Stupell had the right and ability to supervise the L&L Defendants' infringing conduct and had a direct financial interest in that conduct.
5. Peterson plausibly alleged contributory copyright infringement because she alleged that Stupell knew of the L&L Defendants' infringement and materially contributed to it by approving and distributing the images.
6. Peterson plausibly alleged breach of contract because she pleaded the existence of a settlement agreement, its relevant terms, Stupell's breach, and resulting damages; the agreement was ambiguous as to whether its obligations depended on direct copyright infringement.
7. The court had supplemental jurisdiction over Peterson's state-law breach-of-contract claim because it arose from the same operative facts as her federal copyright claims.

KEY QUOTATIONS

“The evidence required to show widespread dissemination will vary from case to case.” (Discussion Section II.A.i)

“No matter how similar the plaintiff’s and the defendant’s works are, if the defendant created his independently, without knowledge of or exposure to the plaintiff’s work, the defendant is not liable for

infringement.” (Discussion Section II.A.iii)

“The Court agrees with Plaintiff that she has plausibly alleged substantial similarity.” (Discussion Section II.B)

“The Court instead finds that Plaintiff plausibly alleges substantial similarity and declines to dismiss Plaintiff’s direct copyright infringement claim for this reason.” (Discussion Section II.B)

FACTUAL BACKGROUND

Peterson creates and sells animal-themed wall art depicting animals in bathtubs and with laundry, and she alleges ownership of numerous copyright registrations for those works. She alleged that Berggren and Lettered and Lined copied the selection, arrangement, positioning, composition, and perspective of her works and sold the resulting images through their own and Stupell's retail channels. Peterson further alleged that Stupell had licensed and distributed the L&L Defendants' images, had the ability and responsibility to review or stop their distribution, profited from the sales, and breached a prior settlement agreement by failing to take down images that Peterson considered unauthorized.

PROCEDURAL HISTORY

Amy Peterson filed an amended complaint against Kelly J. Berggren, Lettered and Lined, LLC, and Stupell Industries, Ltd. Inc. The L&L Defendants moved to dismiss the direct copyright infringement and copyright-registration claims, and Stupell moved to dismiss the vicarious infringement, contributory infringement, and breach-of-contract claims. The court denied both motions to dismiss.

DISPOSITION

dismissed

CASES CITED

- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Wilson v. Hewlett-Packard Co., 668 F.3d 1136, 1140 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 U.S. 913, 929–30 (2005)
- A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004, 1013 n.2 (9th Cir. 2001), as amended (Apr. 3, 2001)
- Perfect 10, Inc. v. Giganews, Inc., 847 F.3d 657, 670, 673 (9th Cir. 2017)
- Perfect 10, Inc. v. Visa International Service Association, 494 F.3d 788, 795, 802 (9th Cir. 2007)
- Huskey v. Oregon Department of Corrections, 373 Or. 270, 275, 564 P.3d 142 (2025)
- Valdez v. Allstate Insurance Co., 372 F.3d 1115, 1116 (9th Cir. 2004)
- Walker v. State, 158 F.4th 971, 980 (9th Cir. 2025)
- Pac. First Bank v. New Morgan Park Corp., 319 Or. 342, 348, 876 P.2d 761 (1994)

- *Ness & Campbell Crane, Inc. v. Kleppe*, No. 3:17-CV-01865-HZ, 2018 WL 1702049, at *4 (D. Or. Apr. 5, 2018)
- *Biani v. Showtime Networks, Inc.*, 153 F.4th 957, 962–63 (9th Cir. 2025)
- *Rentmeester v. Nike, Inc.*, 883 F.3d 1111, 1117–22 (9th Cir. 2018)
- *Skidmore as Trustee for Randy Craig Wolfe Trust v. Led Zeppelin*, 952 F.3d 1051 (9th Cir. 2020) (en banc)
- *Woodland v. Hill*, 136 F.4th 1199, 1205, 1207–11 (9th Cir. 2025)
- *Unicolors, Inc. v. Urban Outfitters, Inc.*, 853 F.3d 980, 985 (9th Cir. 2017)
- *Art Attacks Ink, LLC v. MGA Entertainment Inc.*, 581 F.3d 1138, 1143 (9th Cir. 2009)
- *L.A. Printex Industries, Inc. v. Aeropostale, Inc.*, 676 F.3d 841, 847 (9th Cir. 2012)
- *Loomis v. Cornish*, 836 F.3d 991, 997 (9th Cir. 2016)
- *Hanagami v. Epic Games, Inc.*, 85 F.4th 931, 941–45, 947–48 (9th Cir. 2023)
- *Gray v. Hudson*, 28 F.4th 87, 96 (9th Cir. 2022)
- *Williams v. Gaye*, 895 F.3d 1106, 1119 (9th Cir. 2018)
- *Kevin Barry Fine Art Associates v. Ken Gangbar Studio, Inc.*, 391 F. Supp. 3d 959, 968 (N.D. Cal. 2019)