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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHERIE PHILLIPS and STOIC
CHURCH OF PHILOSOPHY,

Plaintiffs - Appellants,

v.

SANDERSON BECK, et al.,

Defendants - Appellees.

No. 08-15961

D.C. No. 1:06-cv-00628-SOM-
KSC

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, Chief Judge, Presiding

Submitted January 10, 2011**

Before: BEEZER, TALLMAN, and CALLAHAN, Circuit Judges.

Cherie Phillips appeals pro se from the district court's summary judgment in her action claiming that Sanderson Beck infringed on her intellectual property rights in her texts including Wisdom Bible of God, Stoic Encheiridion, and Stoic

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Doctrine. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Filipino Yellow Pages, Inc. v. Asian Journal Publ'ns, Inc.*, 198 F.3d 1143, 1146 n.2 (9th Cir. 1999). We affirm.

The district court properly granted summary judgment on Phillips's copyright claims because she did not raise a triable issue as to whether Beck had access to the expanded edition of her *Wisdom Bible of God*, or as to whether there was a substantial similarity between the Phillips's and Beck's other texts. *See Three Boys Music Corp. v. Bolton*, 212 F.3d 477, 481 (9th Cir. 2000) ("Absent direct evidence of copying, proof of infringement involves fact-based showings that the defendant had access to the plaintiff's work and that the two works are substantially similar.") (internal quotations and citations omitted).

The district court properly granted summary judgment on Phillips's trademark claim because she did not establish a triable issue as to whether her title, *Wisdom Bible of God*, had secondary meaning. *See Filipino Yellow Pages*, 198 F.3d at 1147, 1151.

We decline to consider Phillips's contentions regarding claims that were not raised below. *See Dodd v. Hood River Cnty.*, 59 F.3d 852, 863 (9th Cir. 1995).

We are not persuaded by Phillips's remaining contentions, including those

of judicial bias.

AFFIRMED.