

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 26 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

VITALY E. PILKIN,

No. 21-16346

Plaintiff-Appellant,

D.C. No. 4:21-cv-01483-DMR

v.

MEMORANDUM*

GOOGLE LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of California
Donna M. Ryu, Magistrate Judge, Presiding**

Submitted April 11, 2022***

Before: McKEOWN, CHRISTEN, and BRESS, Circuit Judges.

Vitaly E. Pilkin appeals pro se from the district court's judgment dismissing his action alleging copyright infringement. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

12(b)(6). *Cervantes v. United States*, 330 F.3d 1186, 1187 (9th Cir. 2003). We affirm.

The district court properly dismissed Pilkin’s action because even if Pilkin’s disputed narrative may be protected by copyright, the ideas and processes it describes are not. *See* 17 U.S.C. § 102(b) (listing copyright protection exclusions, including any procedure, process, concept, or system, regardless of the form in which it is described, explained, illustrated, or embodied in such work); *Bikram’s Yoga Coll. of India, L.P. v. Evolation Yoga, LLC*, 803 F.3d 1032, 1038 (9th Cir. 2015) (“[C]opyright for a work describing how to perform a process does not extend to the process itself.”).

AFFIRMED.