

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2025

FOR THE NINTH CIRCUIT

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

BEOM SU LEE,

Plaintiff - Appellant,

v.

AMAZON.COM, INC., doing business as
Amazon.com,

Defendant - Appellee.

No. 23-3132

D.C. No. 2:21-cv-01090-RAJ

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Richard A. Jones, District Judge, Presiding

Submitted April 22, 2025**

Before: GRABER, H.A. THOMAS, and JOHNSTONE, Circuit Judges.

Beom Su Lee appeals pro se from the district court's summary judgment in his copyright infringement action. We have jurisdiction under 28 U.S.C. § 1291.

We review de novo. *Guatay Christian Fellowship v. County of San Diego*, 670

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

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

F.3d 957, 970 (9th Cir. 2011) (cross-motions for summary judgment); *Worth v. Selchow & Righter Co.*, 827 F.2d 569, 571 (9th Cir. 1987) (copyright infringement). We affirm.

The district court properly granted summary judgment for defendant because Lee failed to raise a genuine dispute of material fact as to whether the copyrighted materials and the songs in the TJ Media karaoke machine sold on defendant's website are either strikingly or substantially similar. *See Skidmore as Tr. for Randy Craig Wolfe Tr. v. Led Zeppelin*, 952 F.3d 1051, 1064 (9th Cir. 2020) (setting forth elements to establish direct infringement); *A&M Recs., Inc. v. Napster, Inc.*, 239 F.3d 1004, 1013 n.2 (9th Cir. 2001) ("Secondary liability for copyright infringement does not exist in the absence of direct infringement by a third party.").

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.