

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-2320**

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FOOD LION, INCORPORATED,

Plaintiff - Appellant,

versus

CAPITAL CITIES/ABC, INC.; ABC HOLDING COMPANY,  
INCORPORATED; AMERICAN BROADCASTING COMPANIES,  
INCORPORATED; ABC NEWS; LYNN NEUFER; RICHARD  
N. KAPLAN; IRA ROSEN; SUSAN BARNETT,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle Dis-  
trict of North Carolina, at Salisbury. N. Carlton Tilley, Jr.,  
District Judge. (CA-95-513-4)

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Argued: May 9, 1997

Decided: June 19, 1997

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Before HALL, WILKINS, and MICHAEL, Circuit Judges.\*

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Affirmed by unpublished per curiam opinion.

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\* Judge Hall participated in the oral argument of this case, but recused himself thereafter. The case is decided, and the opinion filed, by a quorum of the panel. See 28 U.S.C. § 46(d).

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**ARGUED:** Michael John Mueller, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., Washington, D.C., for Appellant. Nathan Lewin, MILLER, CASSIDY, LARROCA & LEWIN, L.L.P., Washington, D.C., for Appellees. **ON BRIEF:** Richard L. Wyatt, Jr., Charles L. Warren, Steven E. Ross, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., Washington, D.C.; W. Andrew Copenhaver, WOMBLE, CARLYLE, SANDRIDGE & RICE, P.L.L.C., Winston-Salem, North Carolina, for Appellant. William H. Jeffress, Jr., Randall J. Turk, Daniel J. Cloherty, MILLER, CASSIDY, LARROCA & LEWIN, L.L.P., Washington, D.C.; Nathan Siegel, CAPITAL CITIES/ABC, INC., New York, New York, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Food Lion, Inc., appeals an order of the district court dismissing, under Fed. R. Civ. P. 12(b)(6), its action seeking a declaration that it is the owner of the copyright to videotapes made by undercover journalists employed by defendant Capital Cities/ABC, Inc., and damages for the infringement of its alleged copyright. We have considered the briefs and heard the arguments of the parties, and we affirm the judgment of the district court for the reasons stated by that court in its memorandum opinion. Food Lion, Inc. v. Capital Cities/ABC, Inc., 946 F.Supp. 420 (M.D.N.C. 1996).

AFFIRMED