

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

AMY R. WEISSBROD GURVEY,
Plaintiff-Appellant

v.

LIVE NATION ENTERTAINMENT, INC.,
TICKETMASTER, INC., LIVE NATION, INC.,
INSTANT LIVE CONCERTS, LLC, MAJOR LEAGUE
BASEBALL, PHISH INC./LIVE PHISH, HINSHAW &
CULBERTSON, LLP, BAKER BOTTS, LLP, MLB
ADVANCED MEDIA, INC., SHEPPARD, MULLIN,
RICHTER, AND HAMPTON, STEVEN SCHORTGEN,
Defendants-Appellees

COWAN, LIEBOWITZ AND LATMAN, P.C., DOES, 1-
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Defendants

2025-1954

Appeal from the United States District Court for the
Central District of California in No. 2:23-cv-04381-MEMF-
E, Judge Maame Ewusi-Mensah Frimpong.

Decided: October 26, 2026

AMY REBECCA GURVEY, Princeton, NJ, pro se.

STEVEN SCHORTGEN, Sheppard Mullin Richter & Hampton LLP, Dallas, TX, for defendants-appellees Live Nation Entertainment, Inc., Ticketmaster, Inc., Live Nation, Inc., Instant Live Concerts, LLC, Phish Inc./Live Phish, Sheppard, Mullin, Richter, and Hampton, Steven Schortgen. Also represented by JENNIFER AYERS; TODD E. LUNDELL, Costa Mesa, CA.

ROBERT ADAM LAURIDSEN, Keker, Van Nest & Peters LLP, San Francisco, CA, for defendants-appellees Major League Baseball, MLB Advanced Media, Inc. Also represented by FRANCO E. MUZZIO.

MARIAN C. RICE, L'Abbate Balkan Colavita & Contini, Melville, NY, for defendant-appellee Hinshaw & Culbertson, LLP.

MICHAEL HAWES, Baker Botts LLP, Houston, TX, for defendant-appellee Baker Botts LLP. Also represented by PAUL ELLIOTT.

Before STOLL, CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

Amy Weissbrod Gurvey appeals orders from the United States District Court for the Central District of California granting Appellees' motions to dismiss. For the reasons stated below, we affirm.

BACKGROUND

Ms. Gurvey purports to own several U.S. patents which generally describe a ticketing and sports betting management system. Since at least 2006, Ms. Gurvey has filed a series of complaints in both federal and state courts alleging that various combinations of Appellees infringed her

patents, conspired to do so, or conspired to deny her access to the court system.

On June 2, 2023, Ms. Gurvey filed a complaint in the Central District of California, asserting numerous causes of action against Appellees, who then filed motions to dismiss. Per the district court's standing order, "oppositions to motions must be . . . filed no later than fourteen (14) days after the filing of the Motion." *Weissbrod v. Live Nation Ent. Inc.*, No. 2:23-cv-04381-MEMF-E, 2024 U.S. Dist. LEXIS 237104, at *17 n.7 (C.D. Cal. Sep. 27, 2024) (quotations omitted). Ms. Gurvey did not file timely oppositions, but the district court extended Ms. Gurvey's deadline to oppose most motions until February 2, 2024. Despite this extension, Ms. Gurvey failed to file any oppositions to Appellees' motions to dismiss.

On September 27, 2024, more than a year after most Appellees filed motions to dismiss, the district court granted the motions as to all Appellees except for Baker Botts. The court acknowledged that Ms. Gurvey "simply failed to file any opposition in advance of the scheduled hearing" on the motions to dismiss. *Id.* Then, the district court, on March 13, 2025, denied Ms. Gurvey's motion for reconsideration of the September 27, 2024 order and granted Baker Botts' motion to dismiss. *Weissbrod v. Live Nation Ent. Inc.*, No. 2:23-cv-04381-MEMF-E, 2025 U.S. Dist. LEXIS 59597 (C.D. Cal. Mar. 13, 2025). While the district court found that Ms. Gurvey had "not filed any substantive opposition to" Baker Botts' motion, it addressed the motion on the merits and found that "all claims against Baker are barred by [the] *Noerr-Pennington* doctrine, and thus the claims must be dismissed." *Id.* at *6–7, *13, *17.

Ms. Gurvey now appeals. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

DISCUSSION

Ms. Gurvey raises two issues on appeal but both miss the point. While Ms. Gurvey repeatedly argues that the district court “*sua sponte*” dismissed her complaint, *see, e.g.*, Appellant’s Inf. Br. 5, that is not true. Appellees filed motions to dismiss. Ms. Gurvey not only failed to timely respond to the motions to dismiss within the default fourteen-day deadline, but she failed to respond after the district court gave her a lengthy extension. The district court did not act *sua sponte*; it simply granted unopposed motions to dismiss pursuant to the district’s Local Rules after giving Ms. Gurvey repeated chances to cure her failure.

The substantive issues Ms. Gurvey raises for the first time on appeal therefore are not preserved for appeal. “If a party fails to raise an argument before the trial court, or presents only a skeletal or undeveloped argument to the trial court, we may deem that argument waived on appeal” *Fresenius USA, Inc. v. Baxter Int’l, Inc.*, 582 F.3d 1288, 1296 (Fed. Cir. 2009). Ms. Gurvey has waived all arguments. In her filings, Ms. Gurvey repeatedly emphasizes that she is a California attorney in good standing. Her extensive litigation history in both this case and the related New York cases demonstrates that Ms. Gurvey is well acquainted with trial court litigation. Her failure to respond cannot be attributed to an oversight by an inexperienced *pro se* litigant. Accordingly, we hold that Ms. Gurvey waived these arguments on appeal.¹

¹ With respect to Baker Botts, Ms. Gurvey does not challenge any relevant aspect of the district court’s dismissal—i.e., the district court’s *Noerr-Pennington* doctrine finding—on appeal and she has therefore also waived this issue. *See Becton Dickinson & Co. v. C.R. Bard, Inc.*, 922 F.2d 792, 800 (Fed. Cir. 1990).

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CONCLUSION

We have considered Ms. Gurvey's remaining arguments and find them unpersuasive. For the foregoing reasons, we affirm.

AFFIRMED