

Federal Circuit Vacates Statutory Damages Award, Reaffirms Copyright Owner’s Right to Choose Form of Relief

DOLLS KILL, INC., Plaintiff-Appellant, v. MENGERYT, Defendant-Appellee., No. 24-2841, 2025 WL 3033729 (7th Cir. Oct. 30, 2025)

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On October 30, 2025, the Seventh Circuit vacated and remanded a judgment in *Dolls Kill, Inc. v. MengEryt*, holding that the district court erred in awarding statutory damages when the plaintiff had sought disgorgement of the infringer’s profits under 17 U.S.C. § 504(b). The decision makes clear that the Copyright Act entitles a copyright holder to actual damages and profits unless they choose to receive statutory damages, and district courts may not force a plaintiff to accept statutory damages instead.



Dolls Kill is a fashion brand known, according to the court, for “clothing designs with alternative appeal,” and owns the copyright to the “Teddy Deady Backpack” (pictured, left). Dolls Kill sued fifteen Amazon storefronts for copyright infringement for selling identical backpacks. It settled with all but two of the defendants but proceeded against two who failed to appear—MengEryt and Galawaqe—resulting in default judgments.

The Copyright Act, 17 U.S.C. § 504, entitles prevailing copyright holders to actual damages (including disgorgement of profits) under § 504(b) but allows them to elect to instead receive statutory damages under § 504(c). Dolls Kill sought disgorgement of \$273,423.22 in profits from MengEryt, and \$20,206.16 from Galawaqe. Section 504(b) requires a plaintiff seeking profits to submit evidence of only the infringer’s gross revenue, placing the burden on the defendant to prove why the award should be reduced or mitigated. To satisfy this requirement, Dolls Kill relied on an unsworn declaration from its attorney attesting that Amazon had disclosed in third party discovery that the infringers had made Dolls Kill’s claimed amounts from the infringing backpacks. However, the district court without explanation awarded \$1,000 in statutory damages for MengEryt’s and Galawaqe’s willful infringement instead of profits. Dolls Kill subsequently settled with Galawaqe but appealed the district court’s decision as to MengEryt.

On appeal, the Seventh Circuit acknowledged the “flood of similar claims of intellectual property infringement” that have “swamped and, understandably, troubled” courts, referring to the deluge of so-called “Schedule A” cases crowding the Northern District of Illinois’ docket, and the court’s broad discretion to manage these cases, “especially when they result in a default judgment.” However, the court held that the express language of the Copyright Act entitled the copyright holder to actual damages and provided that the copyright holder “may elect” to receive statutory damages instead, which required the district court to honor Dolls Kill’s request to receive profit disgorgement, and that awarding statutory damages when the copyright holder had not elected to receive statutory damages constituted error. However, the Seventh Circuit declined to decide whether an unsworn declaration was sufficient to satisfy § 504(b)’s requirement that the plaintiff prove gross profits, leaving the issue to be resolved on remand.

The recent “Schedule A” trend has tested the Northern District’s caseload capacity and judges’ patience. It has caused Northern District judges to sometimes resort to creative means of dealing with this slew of often overzealous plaintiffs. *Dolls Kill* acknowledges district courts’ broad authority to manage their cases, but that this authority does not permit courts to ignore statutorily guaranteed remedies. Even when handling a default judgment in a mass-filed claim—in a district disproportionately inundated with opportunistic mass-filed claims—the statutory framework governing copyright damages still controls.