



LexisNexis®

Lexis® Legal News

Mealey's® Litigation Report: Cyber Tech & E-Commerce

Mealey's Litigation Report: Cyber Tech & E-Commerce tracks emerging legal issues involving First Amendment, technology patents, telecommunications, domain disputes and cybersquatting, defamation on the web, data breaches, spam, government regulation, jurisdiction, file sharing, social networks, and much more.

Litigation Snapshot

Although the D.C. Circuit recently handed a victory to the Federal Communications Commission on net neutrality, opponents of the FCC's new classifications have promised to continue their fight. Class actions are being filed against a variety of website operators in efforts to ensure equal Internet access for visually impaired and other disabled persons. Intellectual property remains a core issue, from domain disputes, to the provisions of the Digital Millennium Copyright Act to technology firms battling over patents. And other lawsuits continue to be fought in matters of free speech on the web, computer fraud and social media.

Who Needs To Know

- » Attorneys who specialize in computer, technology, intellectual property, or insurance law
- » Risk managers, insurers, and corporate counsel
- » Judges and court staff across the entire U.S. federal judiciary
- » Professors, students, and library staff at every accredited law school in the U.S.

Areas Of Coverage

- » Cybersecurity
- » Domain name disputes and cybersquatting
- » Keyword advertising
- » Online copyright violations
- » Patent infringement
- » Jurisdiction
- » Software
- » Privacy
- » Piracy on the Web
- » Net neutrality
- » Communications Decency Act
- » Digital Music
- » Website accessibility
- » Online speech
- » Social media
- » Virtual currency
- » Computer fraud
- » File sharing

How Lexis Legal News Can Help

Mealey's Litigation Report: Cyber Tech & E-Commerce on Lexis Legal News and via email delivery features unbiased news stories, case summaries, attorney listings, and the PDFs of court and agency documents and regulations. Subscribers also receive expert commentary articles and email bulletins of breaking news. This valuable insight into current news and litigation trends helps subscribers to advise clients, prepare for trial, draft pleadings and briefs, develop case strategies, formulate arguments, and build compelling cases.

TRY IT TODAY

Request complimentary trial access at www.lexislegalnews.com.

To order, contact your LexisNexis account representative or call 800.223.1940.



LexisNexis®

Sample Newsletter and Section News

From: Mealey's Cyber Tech & E-Commerce <service@lexislegalnews.com> Sent: Wed 6/15/2016 3:03 PM
 To: Jane.Doe@Firm.com
 Cc:
 Subject: Mealey's Litigation Report: Cyber Tech & E-Commerce, June 2016, Volume 18, Issue 4

Lexis® Legal News

MEALEY'S CYBER TECH & E-COMMERCE

Net Neutrality

D.C. Circuit Declines To Review FCC's Net Neutrality Order
 WASHINGTON, D.C. — A District of Columbia Circuit U.S. Court of Appeals panel majority on June 14 declined petitions to review a 2015 report and order by the Federal Communications Commission by several telecommunications providers (telecoms), finding that the FCC had the authority to reclassify broadband as a telecommunications service in its effort to "compel Internet openness," commonly known as "net neutrality" (United States Telecom Association v. Federal Communications Commission, et al., No. 15-1063, D.C. Cir.).

Copyright

Judge Denies JMOL In Oracle, Google Java Retrial, Finds Jury Verdict Reasonable

SAN FRANCISCO — Two weeks after a California federal jury found that Google Inc.'s use of Java structure, sequence and organization (SSO) in its Android operating system constituted fair use under the Copyright Act, the presiding judge on June 8 denied motions for judgment as a matter of law (JMOL) by Google and Oracle Inc., finding that the jury's conclusion was reasonable and rejecting both parties' contentions that only verdicts in their respective favors would have been reasonable (Oracle America Inc. v. Google Inc., No. 3:10-cv-03561, N.D. Calif.; 2016 U.S. Dist. LEXIS 74931).

9th Circuit Affirms Sanctions Against 'Copyright Troll' Firm In Downloading Suit

PASADENA, Calif. — A law firm, its principals and their shell companies engaged in fraud, vexatious litigation and a money-making scheme by misusing the subpoena power of the courts, a Ninth Circuit U.S. Court of Appeals panel ruled June 10, affirming a trial court's sanctions award in favor of the John Doe defendant in one of the many copyright infringement suits the firm initiated related to purported online sharing of adult movies (Ingenuity 13 LLC, et al. v. John Doe, Nos. 13-55859, 13-55880, 13-55881, 13-55882, 13-55883, 13-55884 and 13-56028, 9th Cir.; 2016 U.S. App. LEXIS 10657).

3rd Circuit Affirms Copyright Ruling In Favor Of Amazon, CEO

PHILADELPHIA — A Pennsylvania federal judge properly granted defendant Amazon.com Inc. summary judgment on allegations the online "merchant" unfairly withheld copyright royalties from the author of the plaintiff's books.

SECTION HEADER

Links to the topical section of Lexis Legal News.

Lexis® Legal News Search News Advanced Search

Mealey's Cyber Tech & E-Commerce Newsletter RSS

June 21, 2016
North Carolina Federal Judge Denies Injunction Following Jury Verdict
 RALEIGH, N.C. — A plaintiff who was awarded more than \$80 million at the conclusion of a fraudulent inducement and breach of license damages trial in September 2015 was nonetheless denied a permanent injunction on June 17 by a North Carolina federal judge, who noted that the defendant prevailed on summary judgment with regard to copyright infringement (SAS Institute Inc. v. World Programming Ltd., No. 10-25, E.D. N.C.; 2016 U.S. Dist. LEXIS 79234).

June 20, 2016
Microsoft, Xbox Owners Argue Jurisdiction Of Class Action Appeal Before High Court
 WASHINGTON, D.C. — In a June 15 reply brief in the U.S. Supreme Court, petitioner Microsoft Corp. argues that because a putative class of Xbox 360 owners voluntarily dismissed their product defect suit against it, the Ninth Circuit U.S. Court of Appeals did not have jurisdiction to hear their appeal of a trial court's denial of class certification (Microsoft Corp. v. Seth Baker, et al., No. 15-457, U.S. Sup.).

June 20, 2016
2nd Circuit Rules DMCA Safe Harbor Applies To Pre-1972 Works In Vimeo Suit
 NEW YORK — Mostly affirming a trial court's ruling dismissing copyright infringement claims against video-sharing site operator Vimeo LLC, a Second Circuit U.S. Court of Appeals panel on June 16 found that the safe harbor provision of the Digital Millennium Copyright Act (DMCA) is available to recorded works from before 1972 that are governed by state law (Capitol Records LLC, et al. v. Vimeo LLC, et al., No. 14-1048, 2nd Cir.; 2016 U.S. App. LEXIS 10884).

June 17, 2016
Paris Terror Victim's Father Sues Twitter, Facebook, Google For Aiding ISIS
 OAKLAND, Calif. — Asserting that Twitter Inc., Facebook Inc. and Google Inc. have knowingly allowed terrorist organizations like the Islamic State of Iraq and Syria (ISIS) to use their online platforms to recruit and fundraise, the father of a victim of the November 2015 Paris terror attacks filed suit against all three in California federal court on June 14, alleging violation of the Anti-Terrorism Act (Reynaldo Gonzalez v. Twitter Inc., et al., No. 4:15-cv-03282, N.D. Calif.).

June 17, 2016
Apple Petitions Board, Alleges Invalidity Of Telephony Patent
 ALEXANDRIA, Va. — An invention that describes utilization of a Voice over Internet Protocol (VoIP) telephone to call other VoIP subscribers on a private packet-based network or standard public switched telephone network (PSTN) customers on the public telephone network is invalid, Apple Inc. alleges in a June 15 petition for inter partes review by the Patent Trial and Appeal Board (PTAB) (Apple Inc. v. VOIP-Pat.com Inc., No. IPR2016-01198, PTAB).

June 17, 2016
Samsung Tells U.S. Supreme Court To Limit Infringer's Profits In Apple Patent Case

ARTICLE HEADLINE

Links to the full article, related stories, related documents and comments section.

Lexis® Legal News Search News Advanced Search

3rd Circuit Affirms Copyright Ruling In Favor Of Amazon, CEO Share on

Mealey's (May 26, 2016, 12:53 PM EST) — PHILADELPHIA — A Pennsylvania federal judge properly granted defendant Amazon.com Inc. summary judgment on allegations the online merchant unfairly withheld copyright royalties owed to the author of four self-published books, the Third Circuit U.S. Court of Appeals ruled May 23 (Joseph E. Carlin v. Amazon.com Inc., et al., No. 15-2774, 3rd Cir.; 2016 U.S. App. LEXIS 9172).

(Decision available: Document #16-106066-0272.)

According to the panel of Circuit Judges D. Michael Fisher, Patty Shwartz and Robert E. Cohen, plaintiff Joseph E. Carlin "has presented only speculation that Amazon has acted improperly."

"As the District Court concluded, this does not suffice to survive summary judgment," the Third Circuit ruled.

Expanded Distribution

Carlin is the author of "Murkadelphia: Black and White Edition," "Murkadelphia: Full Color Edition," "Repeal Roe... I Tried" and "Real Estate Sales and Listing Training Manual." The defendant's subsidiary "DreadSpace" was utilized by Carlin in 2011, whereby Carlin granted DreadSpace an exclusive license to publish, distribute and sell his books on Amazon.com and "other sales channels," in exchange for paying Carlin royalties for each sale. Additionally, the Third Circuit noted, Carlin "enrolled his books in Amazon.com's 'expanded distribution' program, which allowed retailers outside Amazon.com's umbrella to sell the books."

In a 2014 complaint, Carlin accused Amazon and its founder Jeffrey Bezos (Amazon) collectively of copyright infringement in connection with royalties Carlin says he was never paid. The plaintiff sought damages of \$100 million, but U.S. Judge Leogrove D. Davis of the

Previous Version
 Documents
 Decision
 Related
 Sections
 Metadata Copyright
 Metadata Case Type & E-Commerce
 Metadata Individual Property



LexisNexis®