

The Supreme Court - June 22, 2018

The Supreme Court of the United States issued six decisions today:

WesternGeco LLC v. ION Geophysical Corp., No. 16-1011: Petitioner WesternGeco LLC owns patents relating to a system for surveying the ocean floor. Respondent ION Geophysical Corporation began selling a competing system, in which it manufactured the components in the United States and then shipped them to companies abroad which would combine them into a system indistinguishable from WesternGeco's. WesternGeco successfully sued for patent infringement under 35 U.S.C. §271(f)(2), which imposes liability for shipping components of a patented invention overseas for assembly there, and was awarded damages in royalties and lost profits under §284. The District Court denied ION's post-trial motion that WesternGeco could not recover lost profits because §271(f) does not apply extraterritorially, but the Federal Circuit reversed the lost-profits award. Today, the Court in turn reversed, holding that WesternGeco's damages award for lost profits was a permissible domestic application of §284.

The Court's decision is available [here](#).

Carpenter v. United States, No. 16-402: A person in custody for a series of robberies gave the FBI cell phone numbers of other accomplices, and prosecutors applied for and obtained a court order under the Stored Communications Act to obtain cell phone records for petitioner Timothy Carpenter. Pursuant to the order, law enforcement obtained over 150 days of cell-site records, cataloging Carpenter's movements at nearly 13,000 location points. The District Court rejected Carpenter's motion to suppress the evidence as violating the Fourth Amendment because the data was obtained without a warrant supported by probable cause. The Sixth Circuit affirmed. Today, the Court reversed, holding that the Government's acquisition of Carpenter's cell-site records from his wireless carriers was a Fourth Amendment search, and the Government did not obtain a warrant supported by probable cause before acquiring those records.

Related Capabilities

- Appellate
- Intellectual Property Litigation
- Government Enforcement & Corporate Investigations
- Telecommunications

The Court's decision is available [here](#).

Currier v. Virginia, No. 16-1348: Petitioner Michael Currier was facing a multi-count trial, and agreed to sever the charges and hold two trials instead of one due to concerns the prosecution would introduce probative evidence against him on one count that could prejudicially infect the jury on the other counts. After the first trial, however, Currier argued the second trial would violate his right against double jeopardy. The trial court rejected that argument, and the Virginia Court of Appeals and Virginia Supreme Court both affirmed. The Court today likewise affirmed, on the basis that, because Currier consented to a severance, his subsequent trial and conviction did not violate the Double Jeopardy Clause.

The Court's decision is available [here](#).

Ortiz v. United States, No. 16-1423: President Obama nominated, and the Senate confirmed, certain military officers to serve as judges on the Article I U.S. Court of Military Commission Review, who all continued to serve on the Army or Air Force Court of Criminal Appeals. Here, petitioner Keanu Ortiz – an airman convicted of crimes in the military justice system – argued that his judge's dual service on both courts violated the Constitution's Appointment Clause, as well a statute regulating military service, 10 U.S.C. §973(b)(2)(A)(ii). The Court of Appeals for the Armed Forces ("CAAF") rejected that argument. Today, the Court held that it had jurisdiction to review CAAF decisions even though it is not an Article III court, and then further affirmed the CAAF's determination that the judge's simultaneous service was lawful.

The Court's decision is available [here](#).

Cox v. United States, No. 16-1017: Today, in a case that presented the same issues as *Ortiz v. United States*, No. 16-1423, but also raised a mootness question, the Court dismissed the writ of certiorari as improvidently granted.

The Court's decision is available [here](#).

Dalmazzi v. United States, No. 16-961: Today, in a case that presented the same issues as *Ortiz v. United States*, No. 16-1423 and *Cox v. United States*, No. 16-1017, including a mootness question, the Court dismissed the writ of certiorari as improvidently granted.

The Court's decision is available [here](#).