

The Supreme Court - March 4, 2019

Today, the Supreme Court issued three decisions:

Rimini Street, Inc. v. Oracle USA Inc., No. 17-1625: Section 505 of the Copyright Act permits courts to award “full costs” to a party in a civil action. Broadly interpreting the term “full costs,” the district court in this case awarded Oracle \$12.8 million for expenses not enumerated by the general statute governing “costs.” See 28 U.S.C. §§1821, 1920. The Ninth Circuit upheld that award. Today, the Supreme Court reversed and remanded. The Court held that, notwithstanding its use of the term “full costs,” the Copyright Act does not allow a district court to award expenses beyond those categories enumerated by the general statute governing costs.

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

Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC, No. 17-571: Under §411(a) of the Copyright Act, a party generally cannot bring a civil action for copyright infringement until “registration of the copyright claim has been made.” In this case, Fourth Estate Benefit Corp., a news organization, filed applications to register its copyright for several news articles. Before the Register of Copyrights acted on those applications, however, Fourth Estate filed an infringement suit against Wall-Street.com, LLC, for displaying the articles. The district court dismissed Fourth Estate's complaint as premature because the Register had not acted on the copyright applications, and the Eleventh Circuit, in conflict with other circuits, upheld that dismissal. Today, the Supreme Court affirmed. The Court held that, under §411(a), registration “has been made” when the Register acts on an application—not when an application has merely been filed.

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

BNSF Railway Co. v. Loos, No. 17-1042: Michael Loos, an employee of BNSF Railway Co., was injured while working in BNSF's railyard. In a suit against BNSF, a jury awarded Loos, among other damages, \$30,000 for wages lost during the time Loos was unable to

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work because of the injury. BNSF argued that the lost-wages award was “compensation” under the Railroad Retirement Tax Act and that BNSF must therefore withhold \$3,765 to cover Loos’s share of the taxes under the Act. The district court and the Eighth Circuit rejected BNSF’s argument. Today, the Supreme Court reversed and remanded. The Court held that taxable “compensation” under the Act includes lost-wages awards, even though an employee did not render services for the lost-wages award.

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

The Supreme Court also granted certiorari in one case:

Iancu v. NantKwest, Inc., No. 18-801: Whether the phrase “[a]ll the expenses of the proceedings” in 35 U.S.C. §145 encompasses the personnel expenses that the United States Patent and Trademark Office incurs when its employees, including attorneys, defend the agency in Section 145 litigation.