

Digital Transactions: Part One: Assignment 1

Trintec Industries, Inc. v. Pedre Promotional Products, Inc. (Fed. Cir. 2006)

- Trintec sues on two patents in Dist. Ct. in D.C.
- Pedre -> Multiline -> Joy Jacobs (manufacturer's rep.)
- D.C. long-arm statute
 - In what way is Pedre's web site interactive?
 - Trade shows in D.C.?
 - Joy Jacobs sales visits to D.C.?
 - Active accounts by Pedre in D.C. for products made by allegedly infringed method?
 - USPS sales?



Yahoo! Inc. v. L'Union des Etudiants Juifs de France (9th Cir. 2006)



- LICRA / UEJF sue Yahoo in France and obtains interim orders; 100,000 euros / day
- Yahoo Decl. J. suit in U.S. in California
- Fletcher: California long-arm statute -> due process limits
 - Purposeful availment / purposeful direction
 - Intentional acts / expressly aimed (cease and desist letter; service of Yahoo; interim orders) / likely to cause harm in forum state
 - Claim arises from defendant's forum related activity
- Ferguson: no express aiming at California
- O'Scannlain: LICRA / UEJF could not reasonably foresee being hailed into court for the suit in France and the interim orders; *Calder* test does require conduct to be allegedly wrongful in a non-contract case
- Tashima: *Calder* is misapplied, the interim orders are not a contact

Gator.com Corp. v. LL. Bean, Inc. (9th Cir. 2003)

L.L.Bean

- LL. Bean mails cease and desist letter (from Maine) to Gator in California; adware pop-ups on top of LL. Bean's web site
- Gator Decl. J. in California Dist. Ct.
- General Jurisdiction: substantial or continuous and systematic contacts
 - Extensive marketing and sales in Cal.
 - Extensive interactions with vendors in Cal.
 - Website designed to operate as a virtual store in Cal. (and everywhere); *Zippo* sliding scale for web sites
- Not unreasonable for LL. Bean to be subject to jurisdiction in Cal.

Some factors for conflicts analysis from the Second Restatement of Conflicts of Laws

- the needs of interstate commerce
- the relevant policies of the forum where the conflict analysis is being performed
- the relevant policies of the other states with a claim to regulate the dispute
- the protection of justified expectations
- the policies underlying a particular body of law
- the need for certainty and predictability of results
- and the ease with which the law can be determined and applied

CAT Internet Services v. Magazines.com, Inc. (E.D. Pa. Jan. 4, 2001)

- CAT then has www.magazine.com; plaintiff in federal court in Pennsylvania after earlier state court action in Tennessee
- Federal court diversity jurisdiction defendant in Pennsylvania, Magazines.com, earlier sued CAT in Tennessee state court
- In federal court, CAT alleges tortious interference with prospective contractual relations
- Tennessee state law does not have this tort; Pennsylvania state law does; choice of law analysis on motion to dismiss



Assignment One Problems

- 1.1
- 1.2
- 1.3
- 1.4
- 1.5