

# Daily Journal

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## TOP VERDICTS OF 2015

The largest and most significant verdicts and appellate reversals handed down in California in 2015

### TOP PLAINTIFFS' VERDICTS BY IMPACT

## Craigslist Inc. v. 3taps Inc.

#### case INFO

#### Copyright infringement

Northern District

U.S. District Judge Charles R. Breyer

**Plaintiffs' lawyers:** Latham & Watkins LLP, Perry J. Viscounty, Jennifer L. Barry, David D. Troutman, Andrew M. Gass; Perkins Coie LLP, Christopher Kao, Brian P. Hennessy, J. Patrick Corrigan

**Defense lawyers:** Skadden, Arps, Slate, Meagher & Flom LLP, Allen Ruby, Jack P. DiCanio, James. A Keyte, Michael H. Menitove, Marissa E. Troiano; Locke Lord LLP, Christopher J. Bakes, M. Taylor Florence, Jason Mueller; Focal PLLC, Venkat Balasubramani



JENNIFER L. BARRY



PERRY J. VISCOUNTY

Classified ad website Craigslist took a dim view of those who poached its postings. A Latham & Watkins LLP team won significant settlements with offenders who “scraped” information from the company and used it elsewhere.

The case involved copyright and trademark law, Computer Fraud and Abuse Act violations and breaches of Craigslist’s terms of use.

The outcome showed the utility of Craigslist’s practice, developed by Latham, of asking users to assign their copyright in each post to Craigslist, with a license back to the user, so that Craigslist could register and then prosecute the copyright in the postings against the defendants.

Defendants 3taps Inc. and PadMapper partnered to erect an alternative user interface for browsing Craigslist’s housing ads. Defendant Lovely, an arm of Discover Home Network, used similar techniques to repost Craigslist material. The purloined content amounted to millions of Craigslist user posts daily.

After Craigslist sued over copyright ownership and enforcement claims, Senior U.S. District Judge Charles R. Breyer held that sending a cease-and-desist letter and enacting an IP address block is sufficient notice of online trespassing. Following that ruling the defendants settled.

In April, Breyer approved a \$2.1 million judgment and permanent injunction against

Lovely, barring it from scraping and displaying Craigslist content. In June, the court approved a \$1 million judgment and injunction against 3taps Inc. and PadMapper. *Craigslist Inc. v. 3taps Inc.*, 12-CV03816 (N.D. Cal., filed July 20, 2012).

Latham’s lead lawyers on the case, Perry J. Viscounty and Jennifer L. Barry, said in a joint statement, “The main challenge was the great lengths defendants were willing to go to avoid detection and evade jurisdiction. Engineers at Craigslist were instrumental in keeping the pressure on, until Latham brought a copyright strategy to bear, forcing defendants to capitulate.”

— John Roemer