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The URLs referenced in Bytes frequently link to newspapers and other current news sources. Be aware that these links may fail over time.

COURT DENIES SUMMARY JUDGMENT IN FILE SHARING SUIT

On February 13th, in the United States District Court for the District of Connecticut, Judge Janet Bond Arterton denied summary judgment to the major record labels against an individual consumer charged with copyright infringement. Arterton found that though the defendant did not appear for the proceedings, this only slightly weighed in favor of the record labels. Further, the court found that there was not enough evidence at this stage to decide whether the defendant would have a meritorious defense, and that the record companies would not be prejudiced by denial of the default judgment. The full ruling may be found at

<http://www.groklaw.net/pdf/BrennanOrderDenyingDefaultJudgment.pdf>

GERMAN COURT RULES COMPUTER SURVEILLANCE VIOLATES RIGHT TO PRIVACY

On February 27th, the Constitutional Court of Germany, the country's highest court, ruled that allowing government surveillance of personal computers would violate a constitutional right to privacy. The court noted that allowing surveillance violates a right to communicate freely, for fear of being watched. The court did hold that there was a limit to the right of privacy, and the government would be allowed to spy in extreme cases only after it obtained judicial permission. The Associated Press article on the ruling (in English) may be found at

<http://ap.google.com/article/ALeqM5iVX9uH8YDvpC51rxTu3n74XOmyhQD8V2N3500>

The full court decision (In German) may be found at

http://www.bundesverfassungsgericht.de/entscheidungen/rs20080227_1bvr037007.html

VIRGINIA SUPREME COURT UPHOLDS FIRST FELONY SPAM CONVICTION

On February 29th, the Virginia Supreme Court upheld the first felony spam conviction by a 4-3 margin. Jeremy Jaynes was convicted of sending about 46,000 e-mails within three days to AOL customers. The court rejected Jaynes claim that the Virginia spam statute violated the First Amendment. Jaynes attempted to claim that the statute was overbroad because it could potentially have an effect on other parties who send out mass e-mails. The court rejected his argument, stating that the potential effect on other parties did not excuse Jaynes's conduct. The dissenters found that the law was overbroad, because it prohibited sending all anonymous e-mails regardless of whether it was protected political or religious speech under the First Amendment. Jaynes planned to appeal to the United States Supreme Court. The full opinion may be found at

<http://www.courts.state.va.us/opinions/opnscvwp/1062388.pdf>

SURVEY FINDS COMPANIES FIRE WORKERS FOR E-MAIL, INTERNET USE

On February 28th, the American Management Association and the ePolicy Institute announced the results of a survey on companies who have fired employees for e-mail or Internet abuse. The survey found that about one-fourth of employers had fired employees for misusing e-mail, and the survey found one-third of employers had fired employees for misusing e-mail. The reasons for the firings included excessive personal use, viewing inappropriate content, violating company policy, and breach of confidentiality. Companies also displayed concern with e-mail and Internet use with 65% of employers blocking websites, and 45% monitoring e-mail and Internet use. The full press release from the American Management Association may be found at

<http://press.amanet.org/press-releases/177/2007-electronic-monitoring-surveillance-survey/>

HEARING RAISES PRIVACY QUESTIONS ABOUT CYBER-SECURITY PLAN

On February 28th, the House of Representatives Homeland Security Committee held a hearing on a new security plan known as the "Cyber Initiative." The Bush Administration did not reveal many details about the plan, but the unclassified portions stated a goal of reducing connections between government networks and the Internet. The plan also called for monitoring government networks for malicious activity. Department of Homeland Security Secretary Robert Jamison stated that the plan was necessary because adversaries could hide their attacks in everyday Internet traffic. Jamison reassured the committee that the privacy impact was being assessed and would be open to public review. The full information on the hearing, including a video feed of the hearing and links to Jamison's testimony, may be found at <http://homeland.house.gov/hearings/index.asp?ID=118>

HOUSE HEARING REVEALS RNC WON'T RESTORE BACKUP TAPES

On February 26th, the House of Representatives Oversight and Reform Committee held a hearing on electronic record preservation at the White House. At the hearing, it was revealed by Chairman Henry Waxman that the Republican National Committee (RNC) did not intend to restore missing White House e-mails on its backup tapes. Over 80 White House staffers used RNC e-mail addresses for official business, even though the staffers were only supposed to use official government e-mail for official business. RNC spokesman Danny Diaz stated in his testimony that the RNC was fully compliant with the law. The full transcript and testimony from the hearing may be found at <http://oversight.house.gov/story.asp?id=1763>

EBAY AND MERC EXCHANGE SETTLE, EBAY TO BUY PATENTS

On February 28th, eBay announced that it had reached a settlement in a lawsuit filed by Merc Exchange in 2001 that alleged eBay violated Merc Exchange's patents concerning eBay's "Buy It Now" option. The settlement dismissed all charges against eBay, in exchange for eBay purchasing the patents for an undisclosed amount. The eBay press release may be found at <http://news.ebay.com/releasedetail.cfm?ReleaseID=296670>

JUDGE HOLDS EMBEDDED DIGITAL WATERMARK IS PROTECTED

On February 15th, in the United States District Court for the District of Minnesota, Judge Ann D. Montgomery found that a digital watermark was protected as "copyright management violation," and removal of the watermark constituted a copyright violation. The case involved a photographer who sued a mortgage and financial services company for copyright infringement after it allegedly copied pictures from his website and used them in advertising. The company argued that it could not be held liable for removal of digitally embedded watermarks because the original pictures were never produced. Montgomery disagreed, holding that under the U.S. copyright management information statute, the watermarks were included as "information in connection with copies." The court found that using the original image would have infringed on the copyright. The full opinion may be found at http://pub.bna.com/eclr/06cv1164_021508.pdf

HOUSE BILL COULD UNLOCK IPHONE

On February 27th, the House of Representatives Subcommittee on Telecommunications and Internet held a hearing on legislation that could potentially unlock the iPhone. Subcommittee Chair Ed Markey, a Democrat from Massachusetts, sponsored the bill. If passed, the bill could have far-reaching implications for the wireless industry. The bill would force wireless companies to give detailed maps of coverage areas, allow customers to cancel contracts within 30 days without penalty, and would prorate fees associated with leaving contracts early. Most importantly, the bill would force AT&T to allow consumers to buy the iPhone at an "unsubsidized" price and the consumer would choose the contract length. The full text of the legislation may be found at http://markey.house.gov/docs/telecomm/draft_wireless_legislation.pdf

The full hearing information may be found at http://energycommerce.house.gov/cmte_mtgs/110-ti-hrg.022708.WirelessConsProtecti.on.shtml

PATENT COURT REMANDS MICROSOFT CASE TO DETERMINE DAMAGES

On February 26th, the United States Court of Appeals for the Federal Circuit reversed a damage award for a Guatemalan inventor who sued Microsoft alleging patent infringement with Microsoft Office. The inventor owned a patent with respect to linking database records to spreadsheets and claimed that several versions of Microsoft Office infringed on the patent. A jury awarded the inventor 4 cents per infringing unit, and the United States District Court for the Central District of California increased the damages to 12 cents per copy. The appeals court reversed because the District Court failed to explain how it calculated the award. The inventor was asking for \$2.00 per copy, and the court stated that the damages should be between 4 cents and \$2.00 per copy. The court remanded for further proceedings regarding damages. The full court opinion may be found at <http://www.ca9.uscourts.gov/opinions/07-1236.pdf>

GAO STUDY FINDS FEDERAL AGENCIES SLACKING ON SECURITY

On February 14th, the Government Accountability Office (GAO) released a report that found federal agencies had made some progress in implementing security measures, but that there was still a long way to go. The study found that there were still significant security control deficiencies, as only two of twenty-four agencies surveyed had implemented all five of the measures recommended by the Office of Management and Budget to protect personal information. The study stressed the importance of the measures because at least nineteen federal agencies had experienced at least one type of data breach. The full GAO Report may be found at <http://www.gao.gov/new.items/d08496t.pdf>

STUDY FINDS CYBERSQUATTING MOST POPULAR FORM OF BRAND ABUSE

On February 25th, a study released by MarkMonitor announced that "Cybersquatting" was the most popular form of brand abuse. Cybersquatting is defined as using domain names that mimic larger brands to direct traffic to the illegitimate websites. According to the study, Cybersquatting was up 33% last year, and included a shift to more mainstream brands. The study also found that the United States, United Kingdom, and Germany were the countries hosting most of these websites. The full report may be found at <http://www.markmonitor.com/pressreleases/press-080225f.php>

FEDERAL JUDGE GIVES VISTA CAPABLE LAWSUIT CLASS ACTION STATUS

On February 25th, the *Seattle Post-Intelligencer* reported that United States District Judge Marsha Pechman granted class action status to a consumer case that claimed the Microsoft advertising campaign for Vista was misleading. The complaint alleged that the advertising was misleading because it labeled computers as "Vista Capable" when the only Vista operating system capable of being run was the really watered down Home Basic version, lacking many of the features touted by Microsoft. Pechman held that the two consumers involved in the suit could not sue on behalf of people included in Microsoft's "Express Upgrade" program, because the two consumers did not participate in the program, and damages would differ. But Pechman stated that if such a person was found, he or she could be joined in the lawsuit. Microsoft stated that it clearly laid out the differences between Vista Home Basic and Vista Premium, and that they were reviewing the decision. The full P-I article may be found at http://seattlepi.nwsource.com/business/352442_vista23.html

FEDERAL COURT RULES BASKETBALL TEAM MUST PRODUCE E-MAILS

On February 25th, the United States District Court for the Western District of Washington ordered production of e-mail in a case involving the Professional Basketball Club (PBC) and the city of Seattle. The case involved a contract dispute between the City of Seattle and the PBC about where the Sonics would play its games in upcoming seasons. PBC claimed that it produced all the relevant e-mails from two of the eight members of the team, and objected to producing e-mails for the rest

because it would be unnecessarily burdensome. The court found the PBC was not specific enough in claiming production was unnecessarily burdensome. The court stated it could not assume something was burdensome unless PBC presented evidence to indicate it would be burdensome. Under Federal Rule of Civil Procedure 26(b)(2)(B), the court stated that something more than a simple assertion of burden was required. The court held that the parties had already agreed to search terms for the e-mails, and PBC had to produce the e-mails. The full opinion may be found at http://docs.justia.com/cases/federal/district-courts/washington/wawdce/2:2007cv0_1620/146857/15/

APPLE RELEASES SDK FOR IPHONE TO THE DELIGHT OF BUSINESSES

On March 6th, Apple released the software development kit (SDK) for the iPhone, which will allow developers to create software compatible with the iPhone for release with the iPhone 2.0 firmware update in June. Apple licensed Microsoft's Exchange Active Sync, along with Cisco's IPsec VPN, which would allow for encrypted access to private corporate networks and over-the-air synchronization with Exchange servers. Those features addressed many of the concerns businesses had about switching to the iPhone. The SDK will allow other third-party developers to upload a program to test the compatibility of its programs with the iPhone. At the announcement, Apple brought onstage developers who already made programs for the iPhone, including AOL, which demonstrated an instant messaging application, and Sega and Electronic Arts, which made a gaming application that turned the iPhone into a controller. Developers have to pay a \$99 fee to join Apple's developer program, and the software will be distributed through a new App Store, offered on the iPhone or through iTunes. Developers will be free to set their own prices for the applications, with 30% of the revenue going to Apple. If the applications are free, the only price the developer has to pay is the initial \$99 fee. The full Apple press release may be found at <http://www.apple.com/pr/library/2008/03/06iphone.html>

The developer information, program download, and video stream of the release may be found at <http://developer.apple.com/iphone/program/>

GARTNER REPORTS IPHONE IS OPEN FOR BUSINESS

On March 19th, research analysts Gartner Inc. announced that it was changing its previous review of the iPhone, indicating that the phone was now enterprise ready. Gartner explained that at first, the iPhone's only offering was Internet access. But with the release of the SDK and support for other applications, the iPhone was officially open for business. Gartner also previously expressed concerns about the e-mail security of the iPhone, which would be fixed by the licensing of the Microsoft Exchange Active Sync. Gartner explained that the iPhone will be open to a huge new market, and finally would be able to compete with other smart phones like the BlackBerry. The full press release may be found at <http://www.gartner.com/it/page.jsp?id=626608&format=print>

DEPARTMENT OF DEFENSE BANS GOOGLE TEAMS FROM MILITARY BASES

On February 28th, the U.S. Northern Command issued an order banning Google from gathering street image views to be shown on its Google Maps Street View feature. The order was issued after a Google team mistakenly accessed Fort Sam Houston in Texas. The team took overhead and street level views of the base, which were posted on the website. Department of Defense officials issued the order because of security concerns, afraid that the access could compromise information or put the base in jeopardy. The full press release may be found at <http://www.defenselink.mil/news/newsarticle.aspx?id=49214>

MISSOURI ATTORNEY GENERAL FILES SUIT AGAINST WEBSITE THAT PROVIDES PERSONAL DATA

On February 20th, Missouri Attorney General Jay Nixon announced that he filed suit against Publicdata.com, a website that allowed anyone with a credit card to buy information about Missouri consumers, including social security numbers. The website was already involved in another criminal case of identity theft investigated by the Attorney General's office. In that case, the defendant admitted she got the names, addresses, private information, and physical description of

Missourians off the PublicData website. The defendant used the information to make over \$200,000 in fraudulent charges. The lawsuit requested both temporary and permanent injunctions to shut down the website, along with damages and costs. The full press release from the Attorney General may be found at <http://ago.mo.gov/newsreleases/2008/022008.htm>

RESEARCH INSTITUTE LINKS IPODS TO CRIME WAVE

On March 4th, the Urban Institute (UI) held a panel discussion on the effect of the iPod on violent crime. In September 2007, UI released a research paper on the topic that claimed that iPod popularity may account for an increase in the crime rate. The paper argued that robberies and homicides increased around the same time the iPod became immensely popular – in 2005 and 2006 – and that the iPod's popularity caused the crime wave. The report explained the correlation, as iPods were highly coveted items, had a high resale value, had no theft protection (unlike cell phones) so the thief may still use the iPod after it is stolen, and that iPod users were easy to identify (white headphones in ears) and unaware of their surroundings. The full report may be found at http://www.urban.org/UploadedPDF/411552_icrime_wave.pdf

The information from the panel discussion may be found at <http://www.urban.org/Pressroom/firsttuesdays/info.cfm>

WORLDWIDE CHILD PORN RING BUSTED

On March 4th, a grand jury in the United States District Court for the Northern District of Florida returned a 35 count indictment against 12 individuals for their involvement in an online child pornography enterprise. Overall, 22 arrests were made in America, Germany, Australia and the United Kingdom. The FBI helped with the investigation, and announced on March 6th that 20 of the victims on the site had been rescued so far. The ring was one of the largest ever, with over 400,000 images and videos posted. The ring also was one of the hardest to crack because the group used encryption tools to prevent police from identifying it. The full FBI press release may be found at http://www.fbi.gov/page2/march08/innocentimages_030608.html

The press release on the indictment may be found at <http://jacksonville.fbi.gov/dojpressrel/pressrel08/childporn030408.htm>

CSO RELEASES MAP OF DATA BREACH NOTIFICATION LAWS

As part of its disclosure series, security information CSO released an interactive map of all states that have data breach notification laws. When a viewer clicks on the state, the map gives information about the data breach notification law in that state. The article noted that only 11 states did not have data breach notification laws on the books, and most states followed California's groundbreaking legislation on the issue. The full map may be viewed at <http://www.csoonline.com/read/020108/ammap/ammap.html>

JUDGE OVERTURNS SANCTIONS FOR SIX ATTORNEYS IN QUALCOMM CASE

On March 5th, District Judge Rudi M. Brewster of the United States District Court for the Southern District of California reversed and remanded the sanction order for six attorneys in the Qualcomm decision issued on January 7th. The judge ruled that the attorneys were wrongly denied an opportunity to argue a self-defense exception to Qualcomm's assertion of attorney-client privilege. After the motion was denied, new depositions by the court indicated that there was adversity between Qualcomm and the attorneys, which changed the factual basis on which the previous motion was denied. The court stated that the attorneys had a due process right to defend themselves through the self-defense claim. The full opinion may be found at <http://www.ediscoverylaw.com/Brewster.pdf>

7TH CIRCUIT HOLDS CRAIGSLIST NOT LIABLE FOR BIASED HOUSING ADS

On March 17th, the United States Circuit Court for the Seventh Circuit ruled that Craigslist was immune from liability for biased housing advertisements on its website. The lawsuit alleged that the site violated the Fair Housing Act, which prohibits discriminatory housing practices. Some of the ads on Craigslist explicitly or implicitly stated no minorities or no children. The court ruled that Craigslist was protected by the Communications Decency Act of 1996. Judge Frank Easterbrook found that though the law was not enacted to protect Internet Service Providers in that way, the general statute offered protection for unforeseeable situations. Easterbrook further explained that it would be difficult, costly, and inefficient for Craigslist's 30 person staff to monitor all 30 million posts that go on Craigslist each month. Easterbrook suggested that instead the site could be used as an investigation tool to send a list of landlords/people for the Attorney General to investigate. The full opinion may be found at <http://abajournal.com/files/Craigslist.pdf>

BRITISH COMPANY MAKES CAMERA TO DETECT HIDDEN ITEMS

On March 7th, British Company Thruvision, in collaboration with the European Space Agency, introduced its T5000 camera that can detect items (for example, explosives, drugs, or other weapons) from up to 80 feet away. The technology could be used at airports or sports venues to speed up the security process. The camera identifies an object by the natural electromagnetic rays it emits, collects the rays, processes them to form images, and does not capture any physical body features. The full Thruvision press release may be found at <http://www.thruvision.com/articles/latest-news-thruvision-announce-the-t5000-an-extended-range-outdoor-security-imaging-system....html>

ZAPMEDIA SUES APPLE FOR PATENT INFRINGEMENT

On March 12th, company ZapMedia sued Apple for patent infringement concerning Apple's method of distributing digital media through iTunes. The complaint alleged that Apple violated two separate patents. ZapMedia requested royalties from Apple's usage of the allegedly protected technology, and injunctive relief to prevent further infringement. The full complaint may be found at <http://docs.justia.com/cases/federal/district-courts/texas/txedce/2:2008cv00104/108560/1/0.pdf>

SOUTH DAKOTA GOVERNOR SIGNS BILL BANNING ANNOYING TEXT MESSAGES

On March 13th, South Dakota Governor Mike Rounds signed a law to go into effect July 1st that would make sending threatening text messages a criminal offense. The law expanded on an existing law banning threats/harassment for telephones to include cell phones and computers connected to the Internet. The law would make it a crime to threaten, harass, or annoy with lewd language, threaten injury/property damage, attempt extortion, or disturb repeatedly by anonymously contacting people. The penalties are up to one year in jail and up to \$2,000 in fines. The full text of the legislation may be found at <http://www.legis.state.sd.us/sessions/2008/Bills/HB1313P.htm>

EU APPROVES GOOGLE-DOUBLECLICK MERGER

On March 11th, European regulators approved Google's acquisition of web advertising firm DoubleClick, finally closing the deal after a long fight against regulators. The European Commission found that the two companies were not in competition, and therefore could not engage in anti-competitive behavior. The main concern with the acquisition was user privacy, and the Commission stated that Google would still have to comply with all privacy laws. The full press release from the EU may be found at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/426&format=HTML&aged=0&language=EN&guiLanguage=en>

Chairman Eric Schmidt's reaction in the Google blog may be found at <http://googleblog.blogspot.com/2008/03/weve-officially-acquired-doubleclick.html>

NY GOVERNOR LINKED TO PROSTITUTION RING, RESIGNS

On March 10th, it was revealed that New York State Governor Eliot Spitzer was linked to an online prostitution ring named the Emperors Club VIP. He apparently operated under the name Client 9,

and met prostitutes in a Washington, D.C. hotel. A federal wiretap led officials to Spitzer. Spitzer announced March 11th that he would resign his post as Governor, making Lieutenant Governor David Paterson the new Governor of New York. It was unclear whether or not Spitzer would face federal charges for his involvement in the prostitution ring. The New York Times coverage on the scandal may be found at <http://www.nytimes.com/2008/03/13/nyregion/13recon.html>

CUTTING EDGE LEGAL TECHNOLOGY DEMONSTRATED IN PATENT TRIAL

On March 10th, David Horrigan with *Law Technology News* reported an unusual demonstration of legal technology in a patent trial between Muth Mirror Systems and Gentex Corporation. The trial was moved to a federal bankruptcy court, where the courtroom technology was not as advanced as the usual district courtroom technology. Both sides worked together and hired a consulting firm to transform the once technology barren courtroom into a legal technologists dream. The transformation was assembled for the trial, with the parties splitting the costs, and was disabled after the trial was complete. Gentex's attorneys were given an award for innovative use of technology during a trial. The full article may be found at <http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1204804003957>

JUDGE SETS PROTOCOL FOR FORENSIC EXAMINATION OF COMPUTER

On March 7th, Magistrate Judge John M. Facciola of the United States District Court for the District of Columbia set a protocol for forensic examination of a computer after the two parties in the case could not reach agreement on the matter. In the case of *Equity Analytics, Inc. v. Lundin*, the parties were in dispute over many terms of the forensic search after Equity claimed that Lundin gained illegal access to its electronically stored information after he was fired. Concerns were over the terms for searching the computer, because the computer contained Lundin's personal information. There also was concern over the return of the hard drive after it was copied. Facciola ultimately asked for Equity's expert for reports on the issues, because it was unclear what the implications of the search terms or hard drive copying were. The full opinion may be found at https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2007cv2033-32

EPIC FILES FTC COMPLAINT AGAINST STALKER SPYWARE

On March 6th, the Electronic Privacy Information Center (EPIC) filed a complaint with the Federal Trade Commission (FTC) voicing concern with companies offering "stalker spyware." EPIC explained that the programs allow individuals to spy on other individuals, and could help abusers spy on victims. In its complaint, EPIC alleged that the companies promoted illegal surveillance and did not warn users about misuse. The complaint asked for the FTC to investigate and stop those practices, along with damages for the victims. The full complaint may be found at http://epic.org/privacy/dv/spy_software.pdf

FBI USES FAKE HYPERLINKS TO CATCH CHILD PORN VIEWERS

On March 20th, CNet blogger Deaclan McCullagh reported that the FBI had been using fake hyperlinks to catch online predators. The hyperlinks typically would say they contained illicit images, and when the perpetrator clicked on them, the IP address would be recorded and the FBI would obtain a warrant to search the person's home. That was what happened to history professor Roderick Vosburgh, who was convicted of clicking on an illegal hyperlink and possessing a hard drive with child pornography (there were two grainy images of female minors on the hard drive.) The technique to capture criminals raised questions about entrapment. No successful entrapment defense had been made to the charges thus far. Further concerns were raised about people who clicked on links accidentally, or stored something inadvertently through e-mail. Other experts wondered if posting fake hyperlinks would extend to other crimes. The full CNet story may be found at http://www.news.com/8301-13578_3-9899151-38.html?tag=bl

A copy of Vosburgh's indictment may be found at <http://www.usdoj.gov/usao/pae/News/Pr/2007/mar/vosburgh.pdf>

A news article on Vosburg's guilty verdict from the Philadelphia Inquirer may be found at http://www.philly.com/inquirer/local/20071107_Guilty_verdict_in_child-porn_case.html

SPAM KING PLEADS GUILTY TO FRAUD AND TAX EVASION

On March 14th, "Spam King" Robert Soloway pleaded guilty to charges of fraud and tax evasion, and will be sentenced on June 20. Soloway could face up to twenty-six years in jail, along with fines up to \$625,000. Prosecutors dropped most of a forty count indictment, including actual spamming charges, to get Soloway's plea. The government planned to present evidence at the sentencing hearing about Soloway's involvement in sending out wrongful e-mails. The press release from the Seattle Attorney General may be found at <http://www.usdoj.gov/usao/waw/press/2008/mar/soloway.html>

PUBLICRESOURCE.ORG ANNOUNCES 1.8 MILLION PAGES OF FEDERAL COURT DECISIONS AVAILABLE ONLINE

On February 11th, website PublicResource.org announced that 1.8 million pages of federal case law were now available online – for free. The resource included all U.S. Supreme Court decisions and all U.S. Court of Appeal opinions since 1950. The cases were made available as part of a bigger initiative to increase access to information for all Americans. The press release with information on how to access the site may be found at http://bulk.resource.org/courts.gov/0_Press_20080211.pdf

OREGON WOMAN'S LAWSUIT COULD FORCE RIAA TO REVEAL INVESTIGATION TECHNIQUES

On February 19th, Tanya Anderson, the woman who was accused by the Recording Industry Association of America (RIAA) of illegally downloading and distributing copyrighted music files, had her counterclaims against the RIAA dropped. But Anderson said she would file an amended lawsuit after the court found she did not sufficiently state her claims against the RIAA. Anderson alleged libel, negligence, and invasion of privacy, among other things. According to Anderson's attorney, if the complaint were allowed, the RIAA would have to disclose how it identifies the individuals sued for copyright infringement. The full story from Computerworld may be found at <http://www.pcworld.com/article/id,143458-pg,1/article.html>

FCC NAMES VERIZON, AT&T WINNERS OF WIRELESS AUCTION

On March 20th, the Federal Communications Commission (FCC) announced the winners of the 700 MHz wireless spectrum. Verizon and AT&T ended up with the biggest share (80% of the spectrum) and the largest bill, as the two wireless giants paid \$16 billion of the \$19.6 billion raised in the auction. Verizon's winnings come amidst promises to open its network to other devices. The full FCC announcement may be found at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-08-595A1.pdf

The FCC Commissioner's statement may be found at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280968A1.pdf

NEW JERSEY AG SUBPOENAS CAMPUS GOSSIP SITE

On March 19th, New Jersey Attorney General Anne Milgram announced that the state would be investigating the website JuicyCampus.com for potential violations of New Jersey's Consumer Fraud Act. Milgram issued a subpoena to the site asking how schools get picked to be on the site, how it verifies the school affiliation of posters, and how the parental consent forms are verified. The site contained inappropriate comments about some students, and though the website claimed it would take inappropriate comments off the site, it did not seem to enforce the practice. Milgram stated that the website should be accountable for not adhering to its policies. The Attorney General's press release may be found at <http://www.nj.gov/oag/newsreleases08/pr20080318b.html>

JUDGE GIVES WHITE HOUSE 3 DAYS TO EXPLAIN MISSING E-MAIL

On March 18th, U.S. Magistrate Judge John Facciola issued an order demanding that the Executive Office of the President (EOP) file a response in three days as to why a large amount of White House e-mails could not be produced. The orders asked why the EOP should not have to make copies of media possessed by any employees from the missing time period. The case involved two ethics groups, including Citizens for Responsibility and Ethics in Washington (CREW), and Facciola stated that the irreparable damage to the groups' claims must also be considered. The full opinion may be found at <http://www.citizensforethics.org/files/Memorandum%20Order.pdf>

A follow up article on March 22nd, on the CREW website, stated that the EOP claimed that production of the e-mails was too difficult because the EOP destroyed hard drives as part of a program to replace old computers. The CREW article may be found at <http://www.citizensforethics.org/node/31305>

TEXAS COURT RULES GPS TRACKING ALLOWED UNDER 4TH AMENDMENT

On March 13th, the Texas Court of Appeals for the Third District at Austin ruled that a woman's Fourth Amendment right was not violated by investigators using GPS to track her whereabouts. Wendy Mae Davidson was convicted of murdering her husband, a member of the United States Air Force. Air Force agents investigated the murder by placing a GPS tracking device on Davidson's car to see if it would lead them to anything. It led them to the place where the husband's body was dumped. After pleading guilty, Davidson appealed, stating that the agent had no right to track her on a private residence, but could track her on public roads. The court found that Davidson had no expectation of privacy in an "open field." The court explained the "open fields doctrine" allowed an officer to search the area without a warrant, and upheld Davidson's conviction. The full opinion may be found at <http://www.3rdcoa.courts.state.tx.us/opinions/html opinion.asp?OpinionId=16614>

SUPREME COURT DENIES MICROSOFT ANTITRUST APPEAL

On March 17th, the United States Supreme Court denied certiorari in a Microsoft antitrust case. The effect of the decision was to allow Novell to bring claims against Microsoft stating that Microsoft tried to shut down some of Novell's applications like WordPerfect because Microsoft felt threatened. Microsoft claimed that the antitrust claims could not go forward because Novell was not a direct competitor in operating systems. Chief Justice Roberts recused himself from the decision because he owned stock in Microsoft. The court order may be found at <http://www.supremecourtus.gov/orders/courtorders/031708pzor.pdf>

USA TODAY REPORTS BOTNET SCAMS ON THE RISE

On March 17th, *USA Today* reported that botnet scams quickly became the most popular scams on the Internet. Botnets distribute e-mail spam, and when an unknowing consumer clicks on the e-mail, his or her computer is infected. According to firm Darendella, there were 7.3 million unique instances of bots carrying out activities on an average day in January, up from 330,000 in August 2006. The current system for getting rid of botnet threats was outdated, and needed to be increased to fight the threats. The full USA Today report may be found at http://www.damballa.com/downloads/news/ITN_USA_Today.pdf

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