

# Copyright case: Media Rights Technologies Inc. v. Microsoft Corp., USA

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Dismissal on claim preclusion grounds of suit brought by Media Rights Technologies, Inc., mostly affirmed, but reversed as to products that Microsoft sold after the date when MRT filed a patent infringement suit against Microsoft involving the same set of operative facts, which had been dismissed.

The U.S. Court of Appeals in San Francisco has mostly affirmed a California federal district court's dismissal of a suit by Media Rights Technologies, Inc. (MRT) against Microsoft for (1) copyright infringement, (2) violations of the Digital Millennium Copyright Act, and (3) breach of contract, based on the fact that a prior suit by MRT against Microsoft for patent infringement involving the same technology had been dismissed with prejudice. However, the Ninth Circuit reversed the district court's decision as to any copyright infringement claims arising after MRT filed its original patent infringement suit. Claim preclusion applied to the earlier sales because the patent infringement suit and the copyright infringement suit arose out of the same operative facts, which involved allegations that Microsoft stole anti-piracy technology from MRT and used it in Microsoft products. The post-filing copyright infringement claims were allowed to proceed, however, because each time Microsoft sold a product containing the allegedly stolen code, it committed a new copyright infringement violation. Thus, MRT could pursue copyright infringement claims for sales occurring after April 25, 2013, on the theory that those claims did not exist when MRT filed the original patent infringement suit (Media Rights Technologies, Inc. v. Microsoft Corp., May 2, 2019, Gould, R.).

Case date: 02 May 2019  
Case number: No. 17-16509  
Court: United States Court of Appeals, Ninth Circuit

A full summary of this case has been published on [Kluwer IP Law](#).