
Kluwer Copyright Blog

Copyright case: Affordable Aerial Photography, Inc. v. Property Matters USA, LLC, USA

Matthew Hersh (Wolters Kluwer Legal & Regulatory) · Thursday, September 26th, 2024

The district court erred in taking the statute of limitations into account in determining who was the prevailing party.

A defendant in a copyright infringement action is not the prevailing party for purposes of the attorney fee statute where the plaintiff has voluntarily dismissed its case without prejudice—even if that plaintiff would be barred by the statute of limitations from refiling the lawsuit, the U.S. Court of Appeals for the Eleventh Circuit has held. The court, in affirming the decision of Judge Aileen Cannon, best known for her role in presiding over the classified documents trial of former President Trump, found that the practical effect of the statute of limitations bar did not change the fact that a dismissal must have a “judicial imprimatur” for the defendant to be considered a prevailing party (*Affordable Aerial Photography, Inc. v. Property Matters USA, LLC*, No. 23-12563 (11th Cir. July 30, 2024)).

Case date: 30 July 2024

Case number: No. 23-12563

Court: United States Court of Appeals, Eleventh Circuit

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

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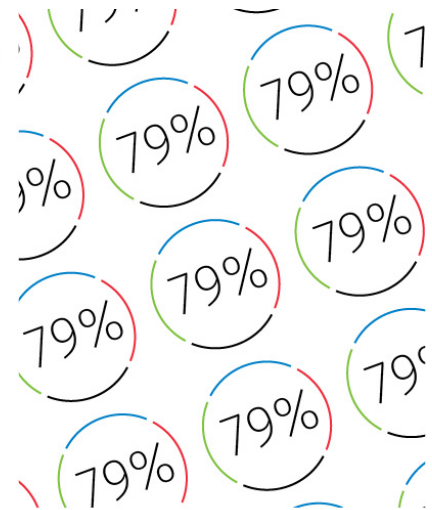
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