

James D. Weinberger Quoted in Managing IP Regarding SCOTUS's Involvement in Resolving Circuit Court Splits

Fross Zelnick partner [James D. Weinberger](#) speaks to *Managing IP* in their recent article on whether a July ruling in the U.S. Court of Appeals for the Ninth Circuit will affect where plaintiffs file copyright suits in the future. The ruling in *Starz Entertainment v MGM Domestic Television* determined that plaintiffs could recover damages for all infringements, [More](#)

Fross Zelnick partner [James D. Weinberger](#) speaks to *Managing IP* in their recent article on whether a July ruling in the U.S. Court of Appeals for the Ninth Circuit will affect where plaintiffs file copyright suits in the future. The ruling in *Starz Entertainment v MGM Domestic Television* determined that plaintiffs could recover damages for all infringements, despite whether they occurred before the plaintiff knew or reasonably should have known of them. This differs from a 2020 ruling in the Second Circuit which states that plaintiffs could only recover damages within 3 years of filing the suit, regardless of if they knew about them or not. This may lead to more plaintiffs filing in the Ninth Circuit over other venues to receive larger and more flexible awards.

However, the circuit split could potentially be repaired – defendant MGM will most likely file an petition for certiorari to the U.S. Supreme Court – if its recent request for a rehearing is denied. James told *Managing IP* that the discrepancy between the two court of appeals is “notable enough to make the case worthy of SCOTUS’s time.”

James says, “Parties are going to be gravitating to courts to take advantage of the differences and that’s not supposed to happen. One of the points of having a Supreme Court is to resolve circuit splits.”

To read more, please click [here](#). (Subscription required.)

Primary Contacts

James D. Weinberger