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CONTACTS

Matthew Ritter
Marketing Project Manager
mritter@woodcock.com
215-564-5127

Woodcock Washburn Wins Reinstatement of Landmark \$18.9 Million Copyright Verdict

Philadelphia – Woodcock Washburn continues its victories on behalf of The Graham Company, a Philadelphia-based insurance broker, in its long-running copyright infringement battle against broker USI and former employee Thomas Haughey. In June 2006, Woodcock Washburn attorneys David Wolfsohn and Aleksander Goranin won an \$18.9 million jury verdict after proving that that USI and Haughey had infringed The Graham Company’s copyrights for a period of 13 years by copying its books and using them in hundreds of insurance proposals to net tens of millions of dollars in commission revenue.

Most recently, on March 19, the judge that presided over that trial rejected USI’s and Haughey’s attempts to overturn that verdict as “excessive,” ruling that “there was ample evidence presented at trial” to support the jury’s \$18.9 million damages calculations. Among the “compelling evidence” identified by the court was proof that USI “willfully destroyed financial documents relevant” to the case, even after being ordered by the court to produce them.

This recent victory follows on the heels of a win last year before the Court of Appeals for the Third Circuit. In that appeal, the Third Circuit held that The Graham Company was entitled to damages for the entire 13-year period of USI’s infringement, rejecting an argument that The Graham Company was placed on notice of USI’s infringement in the early 1990s.

Of particular note for copyright law, that Third Circuit appeal helped to clarify the law governing when the time for bringing a copyright claim starts to run under the Copyright Act’s statute of limitations. The Third Circuit sided with The Graham Company, holding that a “discovery rule” applies to start the clock at the time a copyright owner knew or should have know of the infringement. The court rejected USI’s argument that an “injury rule” must be applied to start the running of the limitations period at the time the violation in fact takes place, regardless of whether the owner could have discovered it. In so doing, the Third Circuit rejected rulings from district courts in the Second Circuit in favor of an “injury rule” for the copyright statute of limitations. Last year, Woodcock Washburn successfully defended against USI’s attempt to have the U.S. Supreme Court take up this statute of limitations question and potentially reverse the Third Circuit’s decision to adopt the “discovery rule.”

About Woodcock Washburn LLP

Woodcock Washburn LLP, with offices in Atlanta, Philadelphia, and Seattle, has specialized in intellectual property law since 1946. Rated as one of the top IP law firms in the United States by IP Law & Business, the Firm was also named the top intellectual property firm in Pennsylvania by Chambers USA. The Firms’ lawyers and scientific advisors provide national and international clients a full range of services that include litigation, patent procurement, IP strategies, trademarks & copyrights, licensing, and standards & open source software across a wide range of industries and technologies. For more information: www.woodcock.com.