

EBAY AND THE BLACKBERRY®: A MEDIA COVERAGE CASE STUDY

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I. INTRODUCTION

On May 15, 2006, the Supreme Court issued its decision in *eBay Inc. v. MercExchange, L.L.C.*¹ The Court rejected the Federal Circuit's "general rule . . . that a permanent injunction will issue once infringement and validity have been adjudged."² It unanimously held, instead, that the four-factor test that governs the availability of permanent injunctive relief generally³ "appl[ies] with equal force to disputes arising under the Patent Act."⁴

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The authors thank Danny Hayes, Keith Bybee, Mark Obbie, Roger Parloff, Will Majarian, and the participants at the July 2007 Workshop on Comparative, Transnational, & Emerging Issues in Property Law at Durham University, the panel on Property, Citizenship, and Social Entrepreneurism in a Global Marketplace at the 2007 Law & Society Annual Meeting, the 7th Annual Intellectual Property Scholars Conference, and the Fall 2007 symposium: "Creators vs. Consumers: The Rhetoric, Reality and Reformation of Intellectual Property Law and Policy" at Syracuse University for their helpful comments on various aspects of our project on media coverage of the patent system, which includes this study. Special thanks to Cara Grisin for her outstanding and indispensable research assistance.

1. 126 S.Ct. 1837 (2006).

2. *Id.* at 1841 (quoting *MercExchange, L.L.C. v. eBay Inc.*, 401 F.3d 1323, 1338 (Fed. Cir. 2005)(vacated and remanded by 126 S.Ct. 1837).

3. "A plaintiff must demonstrate: (1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction." *Id.* at 1839.

4. *Id.* at 1839.