

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ORACLE USA, INC., a Colorado
corporation; ORACLE AMERICA, INC.,
a Delaware corporation; ORACLE
INTERNATIONAL CORPORATION, a
California corporation,
Plaintiffs-Appellees,

v.

RIMINI STREET, INC., a Nevada
corporation; SETH RAVIN, an
individual,
Defendants-Appellants.

Nos. 16-16832
16-16905

D.C. No.
2:10-cv-00106-
LRH-VCF

ORDER

On Remand from the United States Supreme Court

Filed April 16, 2019

Before: Susan P. Graber, Jacqueline H. Nguyen,
and Michelle T. Friedland, Circuit Judges.

Order

SUMMARY*

Copyright / Costs

Pursuant to the Supreme Court’s decision in *Rimini Street, Inc. v. Oracle USA, Inc.*, 139 S. Ct. 873 (2019), the panel vacated the portion of the district court’s judgment awarding non-taxable costs in a copyright suit and remanded for further proceedings.

ORDER

In *Oracle USA, Inc. v. Rimini Street, Inc.*, 879 F.3d 948 (9th Cir. 2018), we affirmed in part, reversed in part, and vacated in part the district court’s judgment in favor of Plaintiffs Oracle USA, Inc. and related entities on claims alleging, among other things, copyright violations by Defendants Rimini Street, Inc. and Seth Ravin. Pertinent here, we held that the district court properly awarded Oracle approximately \$12.8 million in non-taxable costs pursuant to 17 U.S.C. § 505. *Oracle*, 879 F.3d at 965–66. We rejected, as foreclosed by binding circuit precedent, Defendants’ argument that the district court was limited, when assessing costs, to the types of costs specified in the general costs statute, 28 U.S.C. § 1920. *Oracle*, 879 F.3d at 965–66. We therefore affirmed the portion of the district court’s judgment awarding non-taxable costs. *Id.*

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

The Supreme Court granted certiorari, *Rimini Street, Inc. v. Oracle USA, Inc.*, 139 S. Ct. 52 (2018) (mem), and held that our circuit precedent was erroneous, 139 S. Ct. 873 (2019). The Court held that the Copyright Act authorizes district courts to award only those “costs specified in the general costs statute, [28 U.S.C.] §§ 1821 and 1920.” *Id.* at 881. The Court remanded the case for further proceedings. *Id.*

Pursuant to the Supreme Court’s decision, we vacate the portion of the district court’s judgment awarding Oracle \$12.8 million in non-taxable costs, and we remand the case to the district court for further proceedings consistent with this order and the Supreme Court’s opinion.

VACATED in part and REMANDED. The parties shall bear their own costs on appeal.