

GAUNTLETT & ASSOCIATES

David A. Gauntlett (SBN 96399)

James A. Lowe (SBN 214383)

Brian S. Edwards (SBN 166258)

Christopher Lai (SBN 249425)

18400 Von Karman, Suite 300

Irvine, California 92612

Telephone: (949) 553-1010

Facsimile: (949) 553-2050

info@gauntlettlaw.comjal@gauntlettlaw.combse@gauntlettlaw.com

Attorneys for Defendants

Akanoc Solutions, Inc.,

Managed Solutions Group, Inc.

and Steve Chen

UNITED STATES DISTRICT COURT**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

LOUIS VUITTON MALLETTIER, S.A.,

Plaintiff,

vs.

AKANOC SOLUTIONS, INC., MANAGED
SOLUTIONS GROUP, INC., STEVEN CHEN
AND DOES 1 THROUGH 10, INCLUSIVE,

Defendants.

Case No.: C 07-3952 JW (HRL)

**SUPPLEMENTAL JURY
INSTRUCTION NO. 6**

JURY INSTRUCTION No. ____

**CONTRIBUTORY COPYRIGHT INFRINGEMENT – INDUCED, CAUSED OR MATERIALLY
CONTRIBUTED TO DIRECT INFRINGEMENT**

A defendant materially contributes to copyright infringement if the defendant's equipment was expressly engineered, and the defendant's services were disseminated and promoted, explicitly for the purpose of facilitating the exchange of counterfeit goods.

1 *A&M Records, Inc. v Napster, Inc.*, 239 F.3d 1004 (9th Cir. 2001) (“Napster was a file sharing
2 program which, while capable of non-infringing use, was **expressly engineered to enable the easy
exchange of pirated music** and was widely so used.”)

3 *Perfect 10, Inc. v. Visa Intern. Service Ass'n*, 494 F.3d 788, 799 n. 10 (9th Cir. 2007) (“In fact, as
4 virtually every interested college student knew-and as the program's creator expressly admitted-**the
sole purpose of the Napster program was to provide a forum for easy copyright infringement.**
5 [citation omitted] **Perfect 10 does not contend** that Defendants' payment systems were **engineered
for infringement** in this way, and we decline to radically expand Napster's cursory treatment of
6 “material contribution” to cover a credit card payment system that was not so designed

7 *Perfect 10, Inc. v. Visa International Service Association*, 494 F.3d 788, 801 (9th Cir.2007) (“**The
8 software systems in Napster and Grokster were engineered, disseminated, and promoted
explicitly for the purpose of facilitating piracy of copyrighted music** and reducing legitimate
9 sales of such music to the extent. **Most Napster and Grokster users** understood this and **used those
systems to purloin copyrighted music.** . . . Perfect 10 does not allege that Defendants **created or
10 promote their payment systems** as a means **to break laws.**”)