Hi socrateaser,

P filed a state complaint in CA for various COAs, relying on a transfer to P of a copyright. P also filed a copyright infringement claim in OH federal court.

In the state action, the court found the transfers to be invalid. Seeing this, P filed a Motion to Dismiss with prejudice the federal claim. D is opposing the MTD, seeking costs and fees.

In its Opposition to the MTD, D quotes extensively from the CA state case, including a quote from the state judge chastising the D for failing to produce evidence sufficient to show a valid license.

Q: Under what authority can D use the state law case (they don’t cite authority) in this manner? It’s not a published opinion, and this isn’t really a collateral estoppel issue….