

## OT13 Case List

Cases are sorted by sitting. 5-4 decisions are highlighted in red.

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
<b>I. October (11)</b>							
12-79	Chadbourn & Parke LLP v. Troice	CA5	Oct 7, 2013	Feb 26, 2014	7-2	Breyer	Affirmed; The Securities Litigation Uniform Standards Act of 1988 does not preclude the plaintiffs' state-law class actions contending that the defendants assisted in perpetrating a Ponzi scheme by falsely representing that uncovered securities that plaintiffs were purchasing were backed by covered securities.
12-872	Madigan v. Levin		Oct 7, 2013	Oct 15, 2013			Dismissed
12-536	McCutcheon v. Federal Election Commission	USDC	Oct 8, 2013	Apr 2, 2014	5-4	Roberts	Reversed and Remanded; Because aggregate limits restricting how much money a donor may contribute to candidates for federal office, political parties, and political action committees do not further the government's interest in preventing quid pro quo corruption or the appearance of such corruption, while at the same time seriously restricting participation in the democratic process, they are invalid under the First Amendment.
12-414	Burt v. Titlow	CA6	Oct 8, 2013	Nov 5, 2013	9-0	Alito	Reversed; The Sixth Circuit failed to apply the "doubly deferential" standard of review recognized by the Court's case law when it refused to credit the state court's reasonable factual finding and assumed that counsel was ineffective where the record was silent.
12-562	United States v. Woods	CA5	Oct 9, 2013	Dec 3, 2013	9-0	Scalia	Reversed; The district court had jurisdiction to determine whether the partnerships' lack of economic substance could justify imposing a valuation-misstatement penalty on the partners.
12-929	Atlantic Marine Construction Company v. U.S. District Court	CA5	Oct 9, 2013	Dec 3, 2013	9-0	Alito	Reversed and Remanded; A forum-selection clause may be enforced by a motion to transfer under 28 U.S.C. § 1404(a), which provides that, "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented."

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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-682	Schuette v. Coalition to Defend Affirmative Action	CA6	Oct 15, 2013	Apr 22, 2014	6-2	Kennedy	Reversed; An amendment to Michigan's constitution that prohibits state universities from considering race as part of its admissions process does not violate the Constitution's Equal Protection Clause.
12-729	Heimeshoff v. Hartford Life Insurance	CA2	Oct 15, 2013	Dec 16, 2013	9-0	Thomas	Affirmed; Absent a controlling statute to the contrary, a participant in an employee benefit plan covered by the Employee Retirement Income Security Act of 1974 and the plan may agree by contract to a particular limitations period, even one that starts to run before the cause of action accrues, as long as the period is reasonable.
11-965	Daimler AG v. Bauman	CA9	Oct 15, 2013	Jan 14, 2014	9-0	Ginsburg	Reversed; Daimler cannot be sued in California for injuries allegedly caused by conduct of its Argentinian subsidiary when that conduct took place entirely outside of the United States.
12-609	Kansas v. Cheever	ST	Oct 16, 2013	Dec 11, 2013	9-0	Sotomayor	Vacated and Remanded; When a defense expert who has examined the defendant testifies that the defendant lacked the requisite mental state to commit a crime, the prosecution may offer evidence from a court-ordered psychological examination for the limited purpose of rebutting the defendant's evidence.
12-464	Kaley v. United States	CA11	Oct 16, 2013	Feb 25, 2014	6-3	Kagan	Affirmed and Remanded; When challenging the legality of a pre-trial asset seizure under 21 U.S.C. § 853(e)(1), a criminal defendant who has been indicted is not constitutionally entitled to contest a grand jury's determination of probable cause to believe that he committed the crimes charged.

## II. November (12)

12-417	Sandifer v. United States Steel Corporation	CA7	Nov 4, 2013	Jan 27, 2014	9-0	Scalia	Affirmed; The time petitioners spend donning and doffing their protective gear is not compensable by operation of the Fair Labor Standards Act, 29 U.S.C. § 203(o).
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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-574	Walden v. Fiore	CA9	Nov 4, 2013	Feb 25, 2014	9-0	Thomas	Reversed; When the conduct of the defendant, a Georgia police officer, occurred entirely in Georgia, the mere fact that his conduct affected plaintiffs with connections to Nevada does not authorize jurisdiction over him in Nevada.
12-158	Bond v. United States	CA3	Nov 5, 2013	Jun 2, 2014	9-0	Roberts	Reversed and Remanded; Section 229 of the Chemical Weapons Convention Implementation Act of 1998, which criminalizes, among other things, the possession or use of “chemical weapons,” does not reach Bond’s conviction for simple assault, arising from her efforts to poison her husband’s mistress by spreading chemicals on (among other things) her doorknob, causing only a minor burn that was easily treated with water.
12-815	Sprint Communications v. Jacobs	CA8	Nov 5, 2013	Dec 10, 2013	9-0	Ginsburg	Reversed; Sprint’s lawsuit against members of the Iowa Utilities Board, seeking a declaration that the Telecommunications Act of 1996 preempted a decision by the IUB holding that intrastate fees applied to long-distance Voice over Internet Protocol calls, does not fall within any of the three classes of exceptional cases for which Younger abstention is appropriate; federal court abstention is not in order simply because a pending state-court proceeding involves the same subject matter.
12-1128	Medtronic v. Mirowski Family Ventures LLC	CAFC	Nov 5, 2013	Jan 22, 2014	9-0	Breyer	Reversed and Remanded; When a licensee seeks a declaratory judgment against a patentee to establish that its products do not infringe the licensed patent, the patentee bears the burden of persuasion on the issue of infringement.
12-696	Town of Greece v. Galloway	CA2	Nov 6, 2013	May 5, 2014	5-4	Kennedy	Reversed; The town’s practice of opening its town board meetings with a prayer offered by members of the clergy does not violate the Establishment Clause when the practice is consistent with the tradition long followed by Congress and state legislatures, the town does not discriminate against minority faiths in determining who may offer a prayer, and the prayer does not coerce participation with non-adherents.
12-1036	Mississippi v. AU Optronics Corp.	CA5	Nov 6, 2013	Jan 14, 2014	9-0	Sotomayor	Reversed and Remanded; Under the Class Action Fairness Act, because Mississippi is the only named plaintiff, the suit does not qualify as a “mass actions” – that is, a civil action “in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiff’s claims involve common questions of law or fact.”

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12-7515	Burrage v. United States	CA8	Nov 12, 2013	Jan 27, 2014	9-0	Scalia	Reversed and Remanded; At least when the use of a drug distributed by the defendant is not an independently sufficient cause of the victim's death or serious bodily injury, a defendant cannot be liable for penalty enhancement under the penalty enhancement provision of the Controlled Substance Act unless such use is a but-for cause of the death or injury.
12-3	Lawson v. FMR LLC	CA1	Nov 12, 2013	Mar 4, 2014	6-3	Ginsburg	Reversed and Remanded; The anti-retaliation protection that the Sarbanes-Oxley Act of 2002 provides to whistleblowers applies to employees of a public company's private contractors and subcontractors.
12-895	Rosemond v. United States	CA10	Nov 12, 2013	Mar 5, 2014	7-2	Kagan	Vacated and Remanded; For purposes of "aiding and abetting" liability under 18 U.S.C. § 924(c), which prohibits "us[ing] or carr[ying] a firearm "during and in relation to any crime of violence or drug trafficking crime," the government must show that the defendant actively participated in the underlying drug trafficking or violent crime with advance knowledge that a confederate would use or carry a gun during the crime's commission. The Court vacated the decision below and remanded the case because the trial court failed to instruct the jury that the defendant must have "advance knowledge" – that is, knowledge sufficiently in advance to have some "realistic opportunity to quit the crime" – that the gun would be used or carried.
12-7822	Fernandez v. California	ST	Nov 13, 2013	Feb 25, 2014	6-3	Alito	Affirmed; The Court's decision in <i>Georgia v. Randolph</i> , holding that the consent of one occupant is insufficient to authorize police to search a premises if another occupant is present and objects to the search, does not apply when an occupant provides consent well after the objecting occupant has been removed from the premises.
12-99	Unite Here Local 355 v. Mulhall		Nov 13, 2013	Dec 10, 2013			Dismissed

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<b>III. December (11)</b>							
12-138	BG Group v. Argentina	CADC	Dec 2, 2013	Mar 5, 2014	7-2	Breyer	Reversed; When reviewing an arbitration award made under an international treaty, U.S. courts should interpret and apply “threshold” provisions concerning arbitration using the framework developed for interpreting similar provisions in ordinary contracts. Under that framework, the local litigation requirement is a matter for arbitrators primarily to interpret and apply, and courts should review their interpretation with deference.
12-515	Michigan v. Bay Mills Indian Community	CA6	Dec 2, 2013	May 27, 2014	5-4	Kagan	Affirmed and Remanded; Michigan’s suit against the Bay Mills Indian Community to enjoin the tribe from operating a gaming facility on non-Indian lands is barred by tribal sovereign immunity.
12-462	Northwest v. Ginsberg	CA9	Dec 3, 2013	Apr 2, 2014	9-0	Alito	Reversed and Remanded; The Airline Deregulation Act preempts a state-law claim for breach of the implied covenant of good faith and fair dealing if it seeks to enlarge the contractual obligation that the parties voluntarily adopt.
12-873	Lexmark International v. Static Control Components	CA6	Dec 3, 2013	Mar 25, 2014	9-0	Scalia	Affirmed; Static Control has adequately pleaded the elements of a Lanham Act cause of action for false advertising; an injury to a commercial interest in sales or business reputation proximately caused by the defendant’s misrepresentation.
12-1038	United States v. Apel	CA9	Dec 4, 2013	Feb 26, 2014	9-0	Roberts	Vacated and Remanded; For purposes of 18 U.S.C. § 1382, which makes it a crime to re-enter a “military installation” after having been ordered not to do so, a portion of an Air Force base that contains a designated protest area and an easement for a public road qualifies as a “military installation.”
12-315	Air Wisconsin Airlines Corp. v. Hooper	ST	Dec 9, 2013	Jan 27, 2014	9-0	Sotomayor	Reversed and Remanded; Under the Aviation and Transportation Security Act, airlines and their employees are immune from civil liability for reporting suspicious behavior, but – pursuant to 49 U.S.C. § 44941(b) – that immunity is not available for disclosures “made with actual knowledge that the disclosure was false, inaccurate, or misleading” or “with reckless disregard as to the truth or falsity of that disclosure.” Immunity under the ATSA may not be denied under Section 44941(b) without a determination that a disclosure was materially false. applies to materially true statements.

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12-992	Ray Haluch Gravel Company v. Central Pension Fund	CA1	Dec 9, 2013	Jan 15, 2014	9-0	Kennedy	Reversed and Remanded; A decision on the merits is a “final decision” even if the award or amount of attorney’s fees remains to be determined.
12-930	Scialabba v. Cuellar de Osorio	CA9	Dec 10, 2013	Jun 9, 2014	5-4	Kagan	Reversed and Remanded; The Board of Immigration Appeals has interpreted the Child Status Protection Act as providing a remedy only to “aged-out” non-citizens – that is, those who turned twenty-one while their visa application is pending – who qualified or could have qualified as principal beneficiaries of a visa petition, rather than only as derivative beneficiaries piggy-backing on a parent. That is a permissible construction of the statute.
12-1182	EPA v. EME Homer City	CADC	Dec 10, 2013	Apr 29, 2014	6-2	Ginsburg	Reversed and Remanded; The Clean Air Act directs the Environmental Protection Agency to establish national ambient air quality standards (NAAQS) for pollutants at levels that will protect public health. Once EPA settles on a NAAQS, the Agency must designate “nonattainment” areas, i.e., locations where the concentration of a regulated pollutant exceeds the NAAQS, and each state must submit a State Implementation Plan, or SIP, to EPA within three years of any new or revised NAAQS. From the date EPA determines that a State SIP is inadequate, EPA has two years to promulgate a Federal Implementation Plan, or FIP. Among other things, the CAA mandates SIP compliance with the Good Neighbor Provision, which requires SIPs to “contain adequate provisions . . . prohibiting . . . any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will . . . contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any” NAAQS. The CAA does not require that states be given a second opportunity to file a SIP after EPA has quantified the state’s interstate pollution obligations. Nor does the Good Neighbor Provision require EPA to disregard costs and consider exclusively each upwind state’s physically proportionate responsibility for each downwind air quality problem. EPA’s cost-effective allocation of emission reductions among upwind states is a permissible, workable, and equitable interpretation of the Good Neighbor Provision.
12-820	Lozano v. Alvarez	CA2	Dec 11, 2013	Mar 5, 2014	9-0	Thomas	Affirmed; The Hague Convention on the Civil Aspects of International Child Abduction creates a near-automatic return remedy for children who have been abducted to another country. To invoke that return remedy, the parent seeking the child’s return must file a petition seeking the return within one year of the child’s abduction. After one year has passed, the Convention still directs the court to order the child’s return, “unless it is demonstrated that the child is settled in its new environment.” The Court holds that the one-year period may not be equitably tolled, even if the abducting parent has concealed the child’s whereabouts until after the one-year period has passed.

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12-794	White v. Woodall	CA6	Dec 11, 2013	Apr 23, 2014	6-3	Scalia	Reversed and Remanded; Because the Kentucky Supreme Court's rejection of respondent's Fifth Amendment claim was not objectively unreasonable, the Sixth Circuit erred in granting the writ of habeas.
<b>IV. January (12)</b>							
12-5196	Law v. Siegel	CA9	Jan 13, 2014	Mar 4, 2014	9-0	Scalia	Reversed and Remanded; The bankruptcy court exceeded its authority when it ordered that a debtor's exempt assets be used to pay administrative expenses incurred as a result of the debtor's misconduct.
12-1281	National Labor Relations Board v. Noel Canning	CADC	Jan 13, 2014	Jun 26, 2014	9-0	Breyer	Affirmed; The Recess Appointments Clause authorizes the president to fill any existing vacancy during any recess – whether occurring during or between sessions of Congress – of sufficient length. However, for purposes of the clause, the Senate is in session whenever it indicates that it is, as long as – under its own rules – it retains the capacity to transact Senate business.
12-1200	Executive Benefits Insurance Agency v. Arkinson	CA9	Jan 14, 2014	Jun 9, 2014	9-0	Thomas	Affirmed; When, under the reasoning of <i>Stern v. Marshall</i> , the Constitution does not permit a bankruptcy court to enter final judgment on a bankruptcy-related claim, the relevant statute nevertheless permits a bankruptcy court to issue proposed findings of fact and conclusions of law to be reviewed de novo by the district court.
12-1173	Marvin M. Brandt Revocable Trust v. United States	CA10	Jan 14, 2014	Mar 10, 2014	8-1	Roberts	Reversed and Remanded; When a railroad abandons the right of way granted under the General Railroad Right-of-Way Act of 1875, the private party who acquired the land underlying the right of way obtains full rights over the right of way, which was an easement terminated by the railroad's abandonment.
12-1408	United States v. Quality Stores Inc.	CA6	Jan 14, 2014	Mar 25, 2014	8-0	Kennedy	Reversed and Remanded; Severance payments to employees who are involuntarily terminated issue are taxable wages for purposes of the Federal Insurance Contributions Act.

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12-1371	United States v. Castleman	CA6	Jan 15, 2014	Mar 26, 2014	9-0	Sotomayor	Reversed and Remanded; Castleman's state conviction for misdemeanor domestic assault qualifies as a "misdemeanor crime of domestic violence" for purposes of possessing a firearm under 18 U.S.C. § 922(g)(9).
12-1168	McCullen v. Coakley	CA1	Jan 15, 2014	Jun 26, 2014	9-0	Roberts	Reversed and Remanded; A Massachusetts law which makes it a crime to stand on a public road or sidewalk within thirty-five feet of a reproductive health care facility violates the First Amendment.
11-681	Harris v. Quinn	CA7	Jan 21, 2014	Jun 30, 2014	5-4	Alito	Reversed in Part, Affirmed in Part, and Remanded; The First Amendment prohibits the collection of an agency fee from the plaintiffs in this case, home health care providers who do not wish to join or support a union.
12-1315	Petrella v. MGM Inc.	CA9	Jan 21, 2014	May 19, 2014	6-3	Ginsburg	Reversed and Remanded; In a case by the owner of a screenplay alleging copyright infringement, the doctrine of laches cannot be invoked as a bar to the pursuit of a claim for damages brought within the three-year window established by Section 507(b) of the Copyright Act. However, in extraordinary circumstances, laches may, at the very outset of the litigation, curtail the relief equitably awarded.
12-9490	Navarette v. California	ST	Jan 21, 2014	Apr 22, 2014	5-4	Thomas	Affirmed; Under the totality of the circumstances, the traffic stop precipitated by an anonymous but reliable tip to 911 complied with the Fourth Amendment because the officer had reasonable suspicion that the truck's driver was intoxicated.
12-1493	Abramski v. United States	CA4	Jan 22, 2014	Jun 16, 2014	5-4	Kagan	Affirmed; Regardless whether the actual buyer could have purchased the gun, a person who buys a gun on someone else's behalf while falsely claiming that it is for himself makes a material misrepresentation punishable under 18 U.S.C. § 922(a)(6), which prohibits knowingly making false statements "with respect to any fact material to the lawfulness of a sale of a gun."

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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-8561	Paroline v. United States	CA5	Jan 22, 2014	Apr 23, 2014	5-4	Kennedy	Vacated and Remanded; Restitution to the respondent, who was sexually abused as a young girl to produce child pornography, is proper under 18 U.S.C. § 2259 only to the extent the defendant, who pleaded guilty to possessing images of child porn, including two images of the respondent, was the proximate cause of the victim's losses. Victims should be compensated and defendants should be held accountable for the impact of their conduct on those victims, but defendants should only be made liable for the consequences and gravity of their own conduct, not the conduct of others.
<b>V. February (7)</b>							
12-1146	Utility Air Regulatory Group v. Environmental Protection Agency	CADC	Feb 24, 2014	Jun 23, 2014	7-2	Scalia	Affirmed; The Clean Air Act neither compels nor permits the Environmental Protection Agency to adopt an interpretation of the Clean Air Act requiring a stationary source of pollution to obtain a "Prevention of Significant Deterioration" or Title V permit on the sole basis of its potential greenhouse-gas emission. However, EPA reasonably interpreted the Clean Air Act to require sources that would need permits based on their emission of chemical pollutants to comply with "best available control technology" for greenhouse gases.
12-9012	Robers v. United States	CA7	Feb 25, 2014	May 5, 2014	9-0	Breyer	Affirmed; A provision of the Mandatory Victims Restitution Act of 1996 requires property crime offenders to pay "an amount equal to . . . the value of the property" minus "the value (as of the date the property is returned) of any part of the property that is returned." In that provision, the phrase "any part of the property" refers to the property that was lost as a result of the crime – in this case, involving a fraudulent loan application, the money lent by the bank. The property is not "returned" until it is sold and the victim receives money from the sale. Here, that means that a sentencing court should reduce the amount of restitution by the amount of money the bank received when it sold the houses that were collateral for the fraudulent loans, rather than by the (greater) value of the houses when the bank foreclosed on them.
12-1163	Highmark Inc. v. Allcare Health Management Systems	CAFC	Feb 26, 2014	Apr 29, 2014	9-0	Sotomayor	Vacated and Remanded; All aspects of a district court's exceptional-case determination under 35 U.S.C. § 285, which allows an award of attorney's fees to the prevailing party in patent litigation in "exceptional cases," should be reviewed for abuse of discretion.

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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-1184	Octane Fitness LLC v. Icon Health & Fitness Inc.	CAFC	Feb 26, 2014	Apr 29, 2014	9-0	Sotomayor	Reversed and Remanded; Section 285 of the Patent Act authorizes a district court to award attorney's fees in patent litigation in "exceptional cases" – that is, cases which stand out from the others with respect to the substantive strength of a party's litigating position or the unreasonable manner in which the case was litigated. District courts should determine whether a case is exceptional "in the case-by-case exercise of their discretion, considering the totality of the circumstances." The Federal Circuit's Brooks Furniture Mfg. v. Dutailier framework, pursuant to which a case is "exceptional" only if the district court finds either litigation-related misconduct of an independently sanctionable magnitude or determines that the litigation was both "brought in subjective bad faith" and "objectively baseless," superimposes an inflexible framework onto statutory text that is inherently flexible.
12-10882	Hall v. Florida	ST	Mar 3, 2014	May 27, 2014	5-4	Kennedy	Reversed and Remanded; Florida's threshold requirement, as interpreted by the Florida Supreme Court, that defendants show an IQ test score of 70 or below before being permitted to submit additional intellectual disability evidence is unconstitutional because it creates an unacceptable risk that persons with intellectual disabilities will be executed.
12-1117	Plumhoff v. Rickard	CA6	Mar 4, 2014	May 27, 2014	9-0	Alito	Reversed and Remanded; The use of deadly force by police officers in this case – firing multiple rounds into a car during a high-speed chase, contributing to the death of the driver and a passenger – was not unreasonable given the threat to public safety posed by the driver's reckless behavior. As such, the officers did not violate the Fourth Amendment. But in any event, the officers were entitled to qualified immunity because they did not violate any clearly established law.
13-317	Halliburton v. Erica P. John Fund	CA5	Mar 5, 2014	Jun 23, 2014	9-0	Roberts	Vacated and Remanded; Investors can recover damages in a private securities fraud action only if they prove that they relied on the defendant's misrepresentation in deciding to buy or sell a company's stock. In <i>Basic Inc. v. Levinson</i> , the Supreme Court held that investors could satisfy this reliance requirement by invoking a presumption that the price of stock traded in an efficient market reflects all public, material information-including material misstatements. Halliburton has failed to provide the "special justification" necessary to overrule that presumption. However, even if plaintiffs do not need to directly prove that the misrepresentation affected the stock price to invoke the Basic presumption, defendants can defeat the presumption at the class certification stage through evidence that the misrepresentation did not in fact affect the stock price.

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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
<b>VI. March (6)</b>							
13-299	Clark v. Rameker	CA7	Mar 24, 2014	Jun 12, 2014	9-0	Sotomayor	Affirmed; Funds held in inherited Individual Retirement Accounts are not “retirement funds” within the meaning of 11 U.S.C. §522(b)(3)(c) and therefore not exempt from the bankruptcy estate.
13-354	Burwell v. Hobby Lobby Stores	CA10	Mar 25, 2014	Jun 30, 2014	5-4	Alito	Affirmed; As applied to closely held corporations, the regulations promulgated by the Department of Health and Human Services requiring employers to provide their female employees with no-cost access to contraception violate the Religious Freedom Restoration Act.
13-115	Wood v. Moss	CA9	Mar 26, 2014	May 27, 2014	9-0	Ginsburg	Reversed; Two Secret Service agents who ordered that individuals protesting the policies of President George W. Bush be moved away from the outdoor area at which the president was eating, placing them further away from the president than the president’s supporters, are entitled to qualified immunity from the protesters’ lawsuit alleging viewpoint discrimination in violation of the First Amendment when there was a legitimate security rationale for the removal of the protesters.
13-298	Alice Corporation Pty. Ltd. v. CLS Bank International	CAFC	Mar 31, 2014	Jun 19, 2014	9-0	Thomas	Affirmed; Because Alice Corporation’s patent claims involving (1) a method for exchanging financial obligations, (2) a computer system as a third-party intermediary, and (3) a computer-readable medium containing program code for performing the method of exchanging obligations are drawn to a patent-ineligible abstract idea under 35 U.S.C. § 101, they are not patent eligible under Section 101.
13-316	Loughrin v. United States	CA10	Apr 1, 2014	Jun 23, 2014	9-0	Kagan	Affirmed; A conviction under 18 U.S.C. § 1344(2), which makes it a crime to “knowing execut[e] a scheme ... to obtain “property owned by, or under the custody of, a bank “by means of false or fraudulent pretenses,” does not require the government to prove that a defendant intended to defraud a financial institution.
12-751	Fifth Third Bancorp v. Dudenhoeffer	CA6	Apr 2, 2014	Jun 25, 2014	9-0	Breyer	Vacated and Remanded; When a decision by a fiduciary of an “employee stock ownership plan” (ESOP) to buy or hold the employer’s stock is challenged in court, the fiduciary is not entitled to a “presumption of prudence.” Instead, ESOP fiduciaries are subject to the same duty of prudence that applies to Employee Retirement Income Security Act (ERISA) fiduciaries in general, except that they need not diversify the fund’s assets.

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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
<b>VII. April (11)</b>							
12-761	POM Wonderful LLC v. Coca-Cola Company	CA9	Apr 21, 2014	Jun 12, 2014	8-0	Kennedy	Reversed and Remanded; Competitors may bring Lanham Act claims alleging unfair competition from false or misleading product descriptions on food and beverage labels regulated by the Federal Food, Drug and Cosmetic Act.
12-842	Argentina v. NML Capital Ltd.	CA2	Apr 21, 2014	Jun 16, 2014	7-1	Scalia	Affirmed; The Foreign Sovereign Immunities Act of 1976 does not provide a foreign-sovereign judgment debtor with immunity from post-judgment discovery of information concerning its extraterritorial assets.
13-193	Susan B. Anthony List v. Driehaus	CA6	Apr 22, 2014	Jun 16, 2014	9-0	Thomas	Reversed and Remanded; A preenforcement challenge to an Ohio statute that prohibits certain “false statements” during a political campaign is justiciable, and the challengers have alleged a sufficiently imminent injury for purposes of Article III, when they have pleaded specific statements that they intend to make in future election cycles that are arguably proscribed by the Ohio law and there is a history of past enforcement of the law insofar as one challenger was the subject of a complaint in a recent election cycle.
13-461	ABC Inc. v. Aereo Inc.	CA2	Apr 22, 2014	Jun 25, 2014	6-3	Breyer	Reversed and Remanded; Aereo publicly performs copyrighted works, in violation of the Copyright Act’s Transmit Clause, when it sells its subscribers a technologically complex service that allows them to watch television programs over the Internet at about the same time as the programs are broadcast over the air.
13-301	United States v. Clarke	CA11	Apr 23, 2014	Jun 19, 2014	9-0	Kagan	Vacated and Remanded; A taxpayer who wants to question Internal Revenue Service agents about their motives for issuing a summons may do so if he can point to “specific facts or circumstances plausibly raising an inference of bad faith.”
13-339	CTS Corporation v. Waldburger	CA4	Apr 23, 2014	Jun 9, 2014	7-2	Kennedy	Reversed; North Carolina’s statute of repose is not preempted by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which instead only preempts state statutes of limitations on bringing state-law environmental tort cases.

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13-369	Nautilus Inc. v. Biosig Instruments	CAFC	Apr 28, 2014	Jun 2, 2014	9-0	Ginsburg	Vacated and Remanded; A patent is invalid for indefiniteness if its claims, read in light of the patent's specification and prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.
13-483	Lane v. Franks	CA11	Apr 28, 2014	Jun 19, 2014	9-0	Sotomayor	Affirmed in Part, Reversed in Part, and Remanded; Testimony in a criminal prosecution by a government employee about fraud in the program where he works is protected by the First Amendment; however, the supervisor who fired him in retaliation for that testimony has qualified immunity from suit because it was not "beyond debate" that the employee's testimony was protected.
13-132	Riley v. California	ST	Apr 29, 2014	Jun 25, 2014	9-0	Roberts	Reversed and Remanded; The police generally may not, without a warrant, search digital information on a cellphone seized from an individual who has been arrested.
13-212	United States v. Wurie		Apr 29, 2014	Jun 25, 2014			Consolidated and decided with <i>Riley v. California</i> .
12-786	Limelight Networks Inc. v. Akamai Technologies	CAFC	Apr 30, 2014	Jun 2, 2014	9-0	Alito	Reversed and Remanded; A defendant is not liable for inducing infringement under 35 U.S.C. § 271(b) when no one has directly infringed until Section 217(a) or any other statutory provision.

### VIII. Summary Reversals (6)

12-1217	Stanton v. Sims	CA9	-	Nov 4, 2013	9-0	Roberts	Reversed and Remanded; Because a police officer was not "plainly incompetent" in entering the plaintiff's house in hot pursuit of a fleeing third party, he was entitled to qualified immunity against plaintiff's claim that he unreasonably searched her property.
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Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
13-113	Ford Motor Company v. United States	CA6	-	Dec 2, 2013	9-0	Roberts	Vacated and Remanded; The case is remanded back to the Sixth Circuit for consideration of the government's new argument that jurisdiction for Ford's lawsuit is proper only in the U.S. Court of Federal Claims due to the Tucker Act.
13-6440	Hinton v. Alabama	ST	-	Feb 24, 2014	9-0	Roberts	Vacated and Remanded; The failure of the lawyer for a defendant in a capital murder trial to seek additional funds to hire, as a replacement for an expert whom he knew to be inadequate, an expert to rebut the core of the prosecution's case was unreasonable, and therefore constitutionally deficient, when that failure was based not on any strategic decision, but rather on a mistaken belief that available funding was capped at \$1,000.
13-551	Tolan v. Cotton	CA5	-	May 5, 2014	9-0	Roberts	Vacated and Remanded; Because the Fifth Circuit failed to adhere to the fundamental principle that at the summary judgment stage, reasonable inferences should be drawn in favor of the non-moving party, the decision below is vacated and remanded so that the Fifth Circuit can determine whether, when the evidence offered by the petitioner -- who was shot by the respondent, a police officer -- is properly credited and factual inferences are reasonably drawn in his favor, the police officer's actions violated clearly established law.
13-5967	Martinez v. Illinois	ST	-	May 27, 2014	9-0	Roberts	Reversed and Remanded; When the defendant received a directed not-guilty verdict after going to trial against a prosecution team that was not prepared for trial and therefore declined to present evidence, he was properly "at risk of conviction" such that jeopardy attaches and he may not be retried.
13-9085	Williams v. Johnson	CA9	-	Jul 1, 2014	9-0	Roberts	Vacated and Remanded; After the Supreme Court ruled in a habeas case during OT12 and remanded it back to the Ninth Circuit, the court of appeals should have considered the merits of the habeas petition in light of the Supreme Court's ruling rather than dismissing the petition altogether.