

Re: An update regarding PhotoRobot

From Amanda Prose <aprose@wck.com>
To mattguertin<MattGuertin@protonmail.com>
CC Megan Neumann<mneumann@wck.com>
Date Saturday, January 14th, 2023 at 1:56 PM

There isn't a database I know of that allows you to search court cases by the evidence used. You can try a keyword search on scholar.google.com to see if there is an opinion in a case that relied on internet archive records.

As for the use of such printouts from the internet archives - they are not accepted as a matter of absolute or irrefutable fact when submitted to a court or the patent office. They must be accompanied by a signed or witnessed statement attesting to their accuracy otherwise the evidence can, and would be, easily challenged by anyone who the printouts were used against. I guess what I am saying is that the internet archives can be supportive of an argument for example, but it's not evidence that can't be rebutted. So the print outs themselves and without a witness statement or other evidence/declaration are not considered by any court or the patent and trademark office as 'gospel.'

Best regards,

Amanda