

**Lucent Info. Mgmt. v. Lucent Techs., Inc.,
5 F. Supp. 2d 238 (D. Del. 1998)**

Year	1998
Court	United States District Court for the District of Delaware
Key Facts	In related trademark litigation, plaintiff Lucent Information Management, Inc. (LIM), which sold computer document management systems, had sued defendant Lucent Technologies, Inc., a supplier of telecommunication and information systems. Plaintiff's copyright infringement claim arose during the discovery phase of the trademark litigation. To bolster its trademark defense, defendant had conducted a business survey to test the name "Lucent," which involved sending different survey letters to businesses and following up with a telephone interview. One of the letters defendant used for its survey was "an almost exact duplicate" of a copyright protected letter owned by LIM.
Issue	Whether defendant's unauthorized reproduction of substantial portions of plaintiff's letter and letterhead for a survey during the discovery phase of litigation was fair use.
Holding	The court held that defendant's use of plaintiff's copyrighted letter was fair use. In reaching its conclusion, the court relied on its findings that defendants only used plaintiff's letter as part of its preparation for litigation, and that plaintiff did not claim that it was profiting from or that customers were willing to buy copies of the letter. The court also relied on its findings that the letter was not meant to be "creative or original" and "merely communicates" facts.
Tags	Third Circuit; Textual work; Used in government proceeding
Outcome	Fair use found

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