No. 25-459

In the Supreme Court of the United States

MICHAEL SALAZAR,
Petitioner,

v.

PARAMOUNT GLOBAL, DBA 247SPORTS,
Respondent.

On Writ of Certiorari to the
United States Court of Appeals for the Sixth Circuit

BRIEF OF THE SOFTWARE & INFORMATION INDUSTRY ASSOCIATION AND COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION AS *AMICI CURIAE* IN SUPPORT OF RESPONDENT

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INTERESTS OF THE *AMICI CURIAE*

The Software & Information Industry Association (SIIA) and Computer & Communications Industry Association (CCIA) submit this brief as *amici curiae* in support of Respondent.[1]

SIIA is comprised of nearly 400 companies from across the software and digital information economy. Its membership includes firms in software, digital content, data and analytics, education technology, publishing, and financial information. Through its divisions, events, and advocacy, SIIA works to promote a vibrant information ecosystem that fosters the creation, dissemination, and productive use of information.

CCIA is an international not-for-profit association representing a broad cross-section of communications, technology, and internet industry firms. For more than fifty years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than $100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. CCIA and its members have been leaders in the research, development, and implementation of countless digital services and products that have helped create the dynamic and open internet ecosystem of today.

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[1] No counsel for a party authored this brief in whole or in part, and no person or entity other than *amici* and their counsel made a monetary contribution to the preparation or submission of this brief. We note that other lawyers at Davis Wright Tremaine LLP have independently prepared an *amicus* brief on behalf of a different *amicus*, the Chamber of Progress, in this litigation.

Amici are committed to ensuring that the legal and regulatory framework governing the digital economy is fair, workable, and practicable given the realities of modern online services. One way *amici* do this is by preparing and submitting *amicus* briefs in cases with broad significance to technology industries.

Amici have a strong interest in cases that affect the ability of their members to operate websites, applications, and digital platforms using tools and practices that are now cornerstones of the internet economy. *Amici*'s members rely on routine analytics, targeted advertising, attribution, and measurement tools to support free or lower-cost services. Many members whose principal business is not hosting video materials nonetheless host ancillary or incidental video content alongside their main offerings—including tutorials, product demonstrations, webinars, instructional clips, training modules, and embedded media. Members' continued ability to use these tools and provide their core services is threatened by the efforts of Petitioner and other plaintiffs to expand liability under the Video Privacy Protection Act beyond that statute's clearly defined, narrow scope.

INTRODUCTION AND SUMMARY OF ARGUMENT

Petitioner asks this Court to turn an analog-era video privacy statute into a sweeping code for the modern internet. But nothing in the statute's text, context, or purpose supports reading that 1988 law protecting video-rental records so broadly and in a fashion that is essentially incoherent.

Congress passed the Video Privacy Protection Act of 1988 (VPPA), 18 U.S.C. § 2710, nearly forty years ago, after a reporter widely publicized a list of 146 video tapes rented by Judge Robert Bork. The reporter sought the judge's Potomac Video rental history during his Supreme Court confirmation proceedings, based on a belief that "[t]he only way to figure out what someone is like is to examine what that someone likes."[2]

The VPPA is a product of the era in which it was enacted. The statute is brief, but the circumstances that motivated its passage give the limited text a clear and specific object: Congress acted to prevent the disclosure of information identifying video tapes a person intentionally sought out through a rental, sale, or subscription. In 1988, consumers watched movies by buying VHS tapes at big box stores or renting them from businesses like Blockbuster or Potomac Video. The statute reflects that reality by penalizing the "[w]rongful disclosure of video tape rental or sale records." 18 U.S.C. § 2710. In Congress's view, information about an individual's video-transaction history warranted protection because those transactions could reveal something personal about the individual who made them. *See* 134 Cong. Rec. 10,259 (1988) (protecting "choice[s] of movies" because they "reveal our likes and dislikes," "reflect our individuality," and "describe us as people").

Watching videos on the modern internet is fundamentally different from buying them at Best

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[2] Michael Dolan, *The Bork Tapes*, Wash. City Paper (Sept. 25–Oct. 1, 1987), https://perma.cc/37V2-T2ZD.

Buy or renting them at Blockbuster. Much of the video content people watch today is offered for free on websites or in apps. The content is different too—videos no longer consist primarily of full-length films or television episodes delivered for home viewing; they are often brief clips embedded in webpages and are encountered while browsing from virtually anywhere.

Petitioner takes the position that, despite the statute defining a "consumer" as "any renter, purchaser, or subscriber of goods or services from a video tape service provider," 18 U.S.C. § 2710(a)(1), a plaintiff need not rent, purchase, or subscribe to "video cassette tapes or similar audio visual materials," *id.* § 2710(a)(4), to fall within the Act. Rather, Petitioner argues that entirely incidental video content—say, a product demo video in an online store—is sufficient to create VPPA liability. Nonsense. Applying the statute beyond consumers who pay for actual video services cannot be squared with the statute's text and structure, which are a result of the narrow problem the VPPA was enacted to address.

"Consumer" also cannot be read in isolation. Its meaning is informed by the VPPA's other defined terms, namely "personally identifiable information" and "video tape service provider." *Id.* § 2710(a)(3), (a)(4). Both reinforce the statute's focus on video tapes and other similar materials. And they too do not naturally encompass pixel-based claims tied to articles, incidental clips, or video advertising untethered from any meaningful identification of a person as having requested or obtained specific video materials.

Finally, in the unlikely event of genuine uncertainty on these points, the VPPA's punitive nature, and the profound and potentially devastating consequences of Petitioner's theory, require that any ambiguity be resolved against imposing the expansive liability Petitioner seeks. If incidental video on a webpage is enough to trigger liability, then virtually any business with an internet presence will be a potential VPPA defendant. Any purchase or subscription from a company that happens to host free video content on its website could expose that business to $2,500 in statutory penalties per violation if, like most businesses, that company uses ordinary advertising or analytics tools. But the VPPA is not a roving mandate for policing routine internet activity, and the Court should reject Petitioner's attempt to make it one.

ARGUMENT

I. The VPPA Is Not A General-Purpose Internet-Tracking Law.

Petitioner urges the Court to ignore what the VPPA makes clear. The statute "protects the privacy of people who buy or rent video tapes." 134 Cong. Rec. 31,840 (1988). It does so through "narrow" protections intended to prevent "[v]ideo stores" from "disclosing their customers['] names, addresses and [the] specific video tapes rented or bought by the customers." 134 Cong. Rec. 31,070 (1988).

The statute was designed for a different technological era, one where "consumption of commercial video content occurred through the sale or rental of prerecorded videocassette tapes." 158 Cong. Rec. H6,850 (2012). The fixed meaning of "consumer" thus cannot be divorced from the VPPA's

original context and video-specific purpose. Read naturally, the statute does not reach a person who neither rents, nor purchases, nor subscribes to video tapes or similar materials. And both the VPPA's title and its structure confirm what the text makes plain—in enacting the VPPA, Congress "did not protect every person who sees a video somehow." *Pileggi v. Wash. Newspaper Publ'g Co.*, 146 F.4th 1219, 1237 (D.C. Cir. 2025).

A. Petitioner's interpretation would radically expand the VPPA beyond its original focus.

Petitioner asks the Court to find that a statute prohibiting disclosure of analog-era video-rental records is actually a comprehensive regulation of the routine digital advertising and analytics practices of modern internet businesses. That reading abstracts the statute from its context and places decisive weight on the wrong act (purchasing *anything*). Congress intended to protect only a person's affirmative, video-related decisions—to rent, purchase, or subscribe to traditional audio-visual media such as VHS tapes—from disclosure. It did so because those private decisions may reveal something personal about the individual who made them. *See* 134 Cong. Rec. 10,259. Petitioner would have the statute's application turn on entirely unrelated purchases of non-audio-visual material—a pet toy, say, or pair of earplugs—tied to the fact that that purchaser also *saw* a video of any length or focus on the same website, based on the VPPA's omission of "video" before "goods and services" in its definition of "consumer." 18 U.S.C. § 2710(a)(1).

That is not a plausible reading of the VPPA. Understanding "consumer" to include those who

never rent, purchase, or subscribe to audio visual goods or services divorces liability from the statute's purpose. As the D.C. Circuit explained, it is "both textually strained and logically improbable that Congress meant for an omitted adjective in the first half of the definition of 'consumer' to transmogrify the [VPPA] into a much more sweeping and unadministrable website privacy statute that inexplicably turns on purchasing something—anything—at some however-distant point in time before viewing a video." *Pileggi*, 146 F.4th at 1236 (emphasis omitted).[3]

The proposed class in this case illustrates the staggering breadth of the rewrite Petitioner urges. The Complaint defines the class as including "[a]ll persons in the United States with a digital subscription to an online website owned and/or operated by Defendant." App.98a. That class does not attempt to vindicate the rights of people whose private decisions about which videos to watch have been disclosed. It sweeps in individuals who subscribe to anything the defendant offers, including entirely non-video subscriptions, and later happen to encounter video on the defendant's website. If that theory is replicated across the countless businesses

[3] Petitioner and his *amici* stress concerns about general consumer privacy. But it is the legislature's role to balance the interests for and create claims addressing consumer privacy in the internet age. Indeed, several states have enacted such laws—*see, e.g.*, California Consumer Privacy Act, Cal. Civ. Code § 1798.100 *et seq.*; Texas Data Privacy and Security Act, Tex. Bus. & Com. Code Ann. § 541.001 *et seq.*—and Congress has considered and is considering multiple consumer privacy statutes, *see, e.g.*, SECURE Data Act, H.R. 8413, 119th Cong. (2026).

that offer digital subscriptions, the potential scope of VPPA liability expands dramatically. And through that expansion, Petitioner claims the power to regulate *all* targeted advertising on the internet via one-off class action settlements.

That theory has no limiting principle. Under Petitioner's reading, any purchase or subscription to any good or service offered by the defendant at any point in time could potentially suffice—even if the transaction had nothing to do with video—so long as the website the "consumer" later visits contains some video content. The result is that a person who encounters a free video on the homepage of the 247Sports website today would fall within Petitioner's expansive VPPA interpretation if she purchased a mug from a Paramount Studios gift shop fifteen years ago; but another passive viewer of the *same* free video who never made an unrelated purchase would not be covered by the VPPA. It makes no sense to grant video-privacy protections to some website visitors but not others based solely on purchases or transactions that have nothing to do with the videos on the site. "Nothing in the Act's language, structure, or purpose warrants such haphazard and unreasoned line-drawing." *Pileggi*, 146 F.4th at 1234.

The logical conclusion, therefore, is that in passing the VPPA, Congress *did not* regulate the general internet viewing activity of anyone who once bought some other good or service, and by extension, the targeted advertising practices of all websites that include incidental video content. Put differently, these absurd results point in only one direction: that Congress did not "hide [internet] elephants in [video rental] mouseholes" when it passed the VPPA.

Whitman v. Am. Trucking Ass'ns., 531 U.S. 457, 468 (2001).

B. The statutory context forecloses reading "consumer" in isolation.

Petitioner's reading also divorces the question of who qualifies as a "consumer" from the text's video-specific purpose. The VPPA's "title and terms both point to a narrower reading," *Dubin v. United States*, 599 U.S. 110, 120 (2023), of "consumer" than the one Petitioner urges. Start with the title. Congress named the statute "[w]rongful disclosure of video tape rental or sale records." 18 U.S.C. § 2710. Including "rental or sale records" in the title "suggests [video tape transactions] [are] at the core of" the VPPA. *Dubin*, 599 U.S. at 124. Congress could have (but did not) name the statute "wrongful disclosure of video tape *viewing* records." Its choice underscores that to fall within the statute's ambit, and thus, to be a consumer, an individual must have rented, purchased, or subscribed to *video* goods or services. Indeed, there would be no way for one's "video tape rental or sale records" to be wrongfully disclosed had that person not rented, purchased, or subscribed to video.

This focus is also confirmed by the VPPA's sub-headings, another "tool[] available for" interpreting a statute's meaning. *See id.* at 120–21 (quoting *Almendarez-Torres v. United States*, 523 U.S. 224, 234 (1998)). The subtitle of the statute's liability section is, yet again, "Video Tape Rental and Sale Records." 18 U.S.C. § 2710(b).

In light of these signifiers, Petitioner is left to argue that Congress intentionally omitted the "video" modifier from the goods or services a

consumer must rent, purchase, or subscribe to for purposes of the Act. That is wrong. Statutory interpretation is not an exercise in "scrutiniz[ing] a statute atomistically—chopping it up and giving each word the broadest possible meaning." App.13a. And defined terms cannot be read in isolation from the statute in which they appear. *See King v. Burwell*, 576 U.S. 473, 486 (2015).

Here, "given that the term 'video' already appears in the title, five times in the definitional section, and thirteen times in the statute as a whole—and keeping in mind the statute's animating purpose—Congress could reasonably have assumed that its regulatory focus was clear" when it omitted "video" from the definition of consumer. *Pileggi*, 146 F.4th at 1235–36.

II. The VPPA's Text And Structure Independently Confirm That It Does Not Reach Petitioner's Pixel-Based Theory.

Respondent has already explained why Petitioner is not a "consumer" under the VPPA. *See* Resp. Br. 18–24. *Amici* wholeheartedly agree with those arguments and, to avoid duplication, do not repeat them here.

Apart from that threshold "consumer" question, Petitioner's theory that a consumer need not ever purchase, rent, or subscribe to video goods or services to recover punishing sums under the VPPA also runs roughshod over the VPPA's other operative terms. Considered together, these terms make clear that the VPPA does not regulate ordinary webpage-level tracking or the routine use of internet advertising and analytics technologies. That is why pixel-based theories of VPPA liability—alleging that a website's

embedded tracking technology improperly transmitted video-related webpage data to a third party for advertising or measurement purposes—find no footing in the statute.

A. The statute's defined terms are interlocking and video-specific.

The VPPA's operative definitions work together and are expressly tied to video materials and services. A "consumer" is "any renter, purchaser, or subscriber of goods or services from a *video tape service provider*." 18 U.S.C. § 2710(a)(1) (emphasis added). A "video tape service provider," in turn, is one "engaged in the business … of rental, sale, or delivery of prerecorded video cassette tapes or similar audio visual materials." *Id.* § 2710(a)(4). Video tape service providers are prohibited from knowingly disclosing "*personally identifiable information* concerning any consumer of such provider." *Id.* § 2710(b)(1) (emphasis added). Personally identifiable information "includes information which identifies a person as having *requested or obtained specific video materials* or services from a video tape service provider." *Id.* § 2710(a)(3) (emphasis added).

These interlocking definitions all point in the same direction: Congress addressed disclosure of information tied to a person's intentional acquisition of video materials or services via rental, sale, or subscription. The definitions of "personally identifiable information" and "video tape service provider" both underscore that the VPPA is a poor fit for pixel-based claims arising from the incidental display of video on a modern website.

Personally identifiable information. Recall that the VPPA prohibits knowing disclosures of consumers' "personally identifiable information"—that which "identifies a person as having requested or obtained specific video materials or services from a video tape service provider." *Id.* § 2710(a)(3), (b)(1). To "request" something means "[t]o ask for something or for permission or authority to do, see, hear, etc., something; to solicit."[4] And when a consumer seeks to "obtain" something, they desire "[t]o get hold of by effort; to get possession of; to procure; to acquire, in any way."[5] Those terms speak to an individual's selection of the relevant video material or service, rather than the passive receipt of video advertising content or the incidental presence of video on a webpage.

The definition is also "transaction-oriented"—it is limited to "information that identifies a particular person as having engaged in a specific transaction with a video tape service provider," i.e. "only those transactions involving the purchase of video tapes and *not other products*." S. Rep. No. 100-599, at 12 (1988) (emphasis added). And as explained *supra* at 3, Congress sought to protect information exposing a consumer's affirmative selection of a video specifically because of what the choice to rent or purchase that video might reveal about the consumer.

Consider, for example, a seconds-long video advertisement about a hotel that plays automatically when a reader opens a finance article they find

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[4] *Request*, Black's Law Dictionary (5th ed. 1979).

[5] *Obtain*, Black's Law Dictionary (5th ed. 1979).

interesting. The ordinary meaning of "request" and "obtain" confirm that someone who merely scrolls through the finance article while that video begins to play has done neither. And a claim based on that advertisement is a poor fit for another reason: The hotel video that auto-plays on the finance article is at most tangentially related to the content the reader sought out. In light of the VPPA's privacy goals, a publisher disclosing that a reader saw that video reveals nothing meaningful about the consumer and bears no resemblance to the deliberate selections that worried Congress.

Video tape service provider. The VPPA's definition of "video tape service provider" encompasses only those "engaged in the business … of rental, sale, or delivery of prerecorded video cassette tapes *or similar audio visual materials*." 18 U.S.C. § 2710(a)(4) (emphasis added). For businesses that do not rent, sell, or deliver "prerecorded video cassette tapes," imposing liability requires courts to find that a website rents, sells, or delivers audio visual materials *similar to* prerecorded video cassette tapes.

This Court does not "determine what 'similar'" means in the abstract; it reads the term "in light of the [VPPA's] 'text and context.'" *Delaware v. Pennsylvania*, 598 U.S. 115, 127 (2023) (quoting *Sw. Airlines Co. v. Saxon*, 596 U.S. 450, 459 (2022)). The relevant comparator is not the catchall phrase "similar audio visual materials," but the principal term "video cassette tapes." *Cf. Delaware*, 598 U.S. at 128 (application of a statute covering "a money order … or other similar written instrument" turned on whether the disputed instruments were similar to

money orders, not merely written instruments) (alteration in original).

Incidental video clips on the internet have little in common with video cassette tapes. They are similar neither in "function" nor "operation." *Id.* Video cassette tapes were used to deliver full-length movies and television programs for home viewing; incidental web video is simply embedded digital content that one encounters while browsing a webpage from anywhere. Indeed, apart from them both being prerecorded audio visual materials, incidental internet video has essentially nothing in common with the full-length movies and television shows available through video cassette tapes in 1988.

The Senate Reports confirm what the text makes clear: Congress included "similar audio visual materials" in the definition of "video tape service provider" to ensure that technological successors in home movie viewing—"laser disks, open-reel movies, or CDI technology"—would not escape the VPPA. S. Rep. No. 100-599, at 12. The 2012 amendments allowing consumers to give advance consent to disclosures reflect the same understanding, describing the VPPA as regulating "the way that American consumers rent and watch *movies and television programs*" and "share their *movie or television* preferences." S. Rep. No. 112-258, at 2–3 (2012) (emphases added). Nothing in the text or history suggests that Congress quietly enacted a general regulation for incidental video clips embedded in modern websites.

Finally, if the Court somehow finds that the statute's narrow scope is not already clear, the rule of lenity resolves it. The VPPA is codified in Title 18 of the U.S. Code, which is entitled "Crimes and

Criminal Procedure," Pub. L. No. 80-772, 62 Stat. 683 (1948), and the statute authorizes punitive civil penalties. The rule of lenity applies to penal statutes, including civil statutes that impose penalties designed to punish defendants. *Bittner v. United States*, 598 U.S. 85, 102 (2023) ("[T]he rule of lenity applies 'to civil penalties.'" (quoting A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 217, 297 (2012))); *see also Pileggi*, 146 F.4th at 1233 (applying same to VPPA).

The VPPA's authorization of punitive damages thus warrants reading its liability provisions narrowly. *See id.* (holding VPPA must "be construed against … expansive liability" to "ensur[e] fair notice to regulated parties"). The Court should reject Petitioner's expansive interpretation of the statute, which converts the VPPA into a broad internet-privacy statute applicable to ordinary tracking practices across the entire software and information economy without fair notice.

B. Pixel-based advertising allegations fit poorly within the statutory text.

Petitioner's pixel theory is a poor fit for the statutory language just discussed.

For starters, pixel-based VPPA cases typically involve the transmission of webpage, event, or URL information for advertising, attribution, or measurement purposes. That sort of data sharing does not necessarily disclose that a person "requested or obtained specific video materials or services" within the meaning of 18 U.S.C. § 2710(a)(3).

Furthermore, purchasing, renting, or subscribing to a video is not a prerequisite for watching one on

today's internet, unlike in 1988. As noted above, a video may autoplay as a reader scrolls through an article. It may be embedded on a page for reasons incidental to the content the user actually sought out. Or it may be a third-party video advertisement served to the user. In none of those circumstances does the user naturally "request" or "obtain" the video in the ordinary sense of those terms.

That mismatch is especially stark here. Petitioner's Complaint incorporates a screenshot that allegedly displays the "content name of the video the digital subscriber watched." *See* App.95a. But the screenshot merely discloses an *article* URL that, without more, does no such thing. At most, it shows that a user visited a page on which video also happened to appear. That is not the same as an individual's affirmative selection of specific video materials or services, and again shows why expanding VPPA liability in this manner makes no sense.

III. Petitioner's Interpretation Would Create Absurd Consequences For The Digital Economy.

Holding that the VPPA applies to "consumers" who do not subscribe to or purchase audio visual goods or services would have wide-reaching, catastrophic effects on a host of American companies, including *amici*'s members.

This suit is just one of many recent class-action cases against businesses across every industry invoking the VPPA to recover damages for ordinary

targeted advertising practices.[6] By and large, the defendants in these cases are not video service providers. Nor are the majority of *amici*'s members. For most of those companies, video is not even a core offering, let alone the primary one. But modern websites are multimedia channels by default, and as a result, these defendants, like *amici*'s many members, include video as an ancillary feature of their principal offerings. To name a few, articles often contain embedded clips; software companies post user tutorials; educational services offer webinars; and data and analytics businesses may post customer service videos or recordings of conferences.

Companies, including *amici*'s members, also commonly use digital advertising, analytics, and measurement technologies on their websites. These technologies are standard across the modern internet. Many use data-tracking software, like Meta Pixels, that assist with assessing the effectiveness of their Facebook advertising campaigns, and enable them to better target ads to those who have previously interacted with their website.

Under Petitioner's reading, the commonplace combination of incidental video and routine website tracking becomes the trigger for VPPA liability whenever someone purchases or subscribes to any of

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[6] *See* Archis A. Parasharami & Sophia Mancall-Bitel, *Pixel Tools Spur a New Wave of Class Action Litigation Under the Video Privacy Protection Act*, Am. Bar Ass'n (Apr. 22, 2025), https://perma.cc/PM26-YAW9 (estimating that around 200 VPPA lawsuits have been filed each year over the past few years). Indeed, Petitioner himself has brought at least two such lawsuits, and his counsel perhaps fifty.

a company's offerings, expanding the VPPA far beyond its text or the circumstances that motivated its passage.

The consequences of that expansion are extraordinary. VPPA penalties are not modest. The statute authorizes recovery "not less than liquidated damages in an amount of $2,500," as well as punitive damages, attorneys' fees and costs, and "other" appropriate "preliminary and equitable relief." 18 U.S.C. § 2710(c)(2). And that $2,500 minimum applies to each "act" in violation of the statute, *see id.* § 2710(c)(1), (2)(A), so each qualifying transmission of information to a third party could trigger a separate award, even where actual damages are low (or more likely, non-existent). And most of the recent VPPA lawsuits have—like this case—been brought as class actions.

Petitioner's broad reading of the VPPA thus attaches catastrophic consequences to conduct that many companies regard as routine, innocuous, and far removed from the disclosure of a person's video-purchase or rental history. Many would not reasonably expect the VPPA to apply to their activities at all, given that their businesses are not centered on providing video.

Petitioner's theory would also require companies to distinguish between ordinary website visitors and visitors who, at some unknown prior time, happened to purchase any good or service from them. It is not clear how companies could reliably do that. What would be a "daunting task under any circumstances" is made harder by the fact that "usernames employed by those visiting websites do not always, or even often, match credit or debit card names," and that cash purchases leave no usable trail at all.

Pileggi, 146 F.4th at 1234 (citing Mary Madden, Pew Research Center, *Public Perceptions of Privacy and Security in the Post-Snowden Era* (Nov. 12, 2014), https://perma.cc/9GJW-JA98).

Moreover, Petitioner's theory would discourage ordinary measurement and advertising practices, distort the design of websites and services, and burden companies whose offerings bear little resemblance to the video-rental or video-subscription services at which the statute was aimed. Those compliance burdens would fall the hardest on smaller companies and startups, which may lack the resources to engineer around these uncertain and expansive VPPA theories.

In the end, to avoid litigation, companies would face pressure to treat *all* website visitors as potential VPPA claimants whenever a site contains any video content, however incidental, and whenever common analytics or advertising tools are used. Nothing in the text, context, or history of the VPPA suggests that Congress intended that. The Court should not make that untenable result the default for all companies with an internet presence.

CONCLUSION

Amici curiae respectfully request that the Court affirm the Sixth Circuit's decision.

Respectfully submitted,

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