



Open-sourcing and crowdsourcing cybersecurity, Daily Journal

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After Clapper v. Amnesty International USA, 133 S. Ct. 1138 (2013), it appeared that defendants in cyberbreach cases could easily defeat most plaintiffs by arguing that plaintiffs have failed to show Article III standing. Cases following Clapper in 2014 taught us that although standing and damages are still difficult to prove, defendants may need to be prepared to fight on additional grounds.

As plaintiffs in cyberbreach cases still need to rely on theories of negligence, whether an organization took "reasonable" precautions remain...