

|   | Emoji/Emoticon | Which?   | Where used?                    | Did court display? | More than 1x    | Type of legal issue    |
|---|----------------|--|--------------------------------|--------------------|-----------------|------------------------|
| <b>2004</b>   |                |  |                                |                    |                 |                        |
| MicroStrategy, Inc. v. Business Objects, S.A., 331 F. Supp. 2d 396 (E.D. Va. 2004)              | Emoticon       | Smiley   | Email                          | No                 | No              | Trade Secret           |
| <b>2007</b>   |                |  |                                |                    |                 |                        |
| Hiller v. United States, 2007 U.S. Dist. LEXIS 85536 (N.D. Cal. Sept. 28, 2007)                 | Emoticon       | Not specified                                      | Web posting (jeep No (omitted) |                    | Yes             | Personal Injury        |
| State v. Atchison, 15 Neb. App. 422 (Neb. Ct. App. 2007)  | Emoticon       | Devil, Wink, Smug, Batting Eyelashes               | IM                             | Yes                | Yes             | Sexual Predation       |
| U.S. v. Cochran, 510 F. Supp. 2d 470 (N.D. Ind. 2007). Affirmed U.S. v. Cochran, 534 F.3d 6     | Emoticon       | French kiss and others                             | Yahoo Chat                     | No                 | Yes             | Sexual Predation       |
| <b>2008</b>   |                |  |                                |                    |                 |                        |
| Fair Hous. Council v. Roommates.com, LLC, 521 F.3d 1157 (9th Cir. 2008)                         | Emoticon       | Multiple   | Web posting (Roo No            |                    | No              | Housing Discrimination |
| SD Prot., Inc. v. Del Rio, 2008 U.S. Dist. LEXIS 112043 (E.D.N.Y. Sept. 10, 2008)               | Emoticon       | Smiley   | Email                          | Yes                | No              | Contract               |
| U.S. v. Angle, 2008 U.S. Dist. LEXIS 34074 (N.D. Ind. Apr. 24, 2008), repeated U.S. v. Angle,   | Emoticon       | Smiley   | Email                          | Yes                | No              | Sexual Predation       |
| Woodson v. Lason Systems, 2008 WL 11333778 (W.D. Tex. Nov. 4, 2008)                             | Emoticon       | Unspecified  | MSN and Yahoo I                | No                 | No              | Employment Termination |
| <b>2009</b>   |                |  |                                |                    |                 |                        |
| Smith v. Rose, 2009 U.S. Dist. LEXIS 43787 (W.D. Wis. May 20, 2009)                             | Emoticon       | Smiley   | Hand-written                   | No                 | No              | Prison                 |
| State v. Pischel, 277 Neb. 412 (2009)   | Emoticon       | Anger and others                                   | IM                             | No                 | Yes             | Sexual Predation       |
| State v. Prine, 13 So.3d 758 (La. Ct. App. May 20, 2009), habeus denied Prine v. Winn Corr. i   | Emoticon       | Smiley   | Chatroom                       | No                 | No              | Sexual Predation       |
| In re Trans Union Corp. Privacy Litig., 2009 U.S. Dist. LEXIS 116934 (N.D. Ill. Oct. 1, 2009)   | Emoticon       | Smiley   | Email                          | No                 | No              | Attorneys Fees         |
| U.S. v. Brown, 2009 U.S. Dist. LEXIS 59671 (S.D. Ind. July 13, 2009)                            | Emoticon       | "smiling and winking"                              | Chat                           | No                 | No              | Sexual Predation       |
| <b>2010</b>   |                |  |                                |                    |                 |                        |
| Career Agents Network, Inc. v. careeragentsnetwork.biz, 722 F. Supp. 2d 814 (E.D. Mich. 201     | Emoticon       | Smiley face or winky [sounded like a smiley to me] | Text message                   | No                 | No              | Attorneys Fees         |
| FTC v. LucasLaw Center Inc., 2010 WL 11506885 (C.D. Cal. June 3, 2010)                          | Emoticon       | Smiley   | Email                          | No                 | No              | Fraud                  |
| Gearren v. McGraw-Hill Cos., 690 F. Supp. 2d 254 (S.D.N.Y. 2010)                                | Emoticon       | Unspecified  | Email                          | No                 | No              | ERISA                  |
| Lenz v. Universal Music Corp., 2010 U.S. Dist. LEXIS 16899 (N.D. Cal. Feb. 25, 2010)            | Emoticon       | Winky  | Email                          | Yes                | Yes             | Copyright Takedown     |
| In re Oladiran, 2010 U.S. Dist. LEXIS 106385 (D. Az. Sept. 21, 2010)                            | Emoticon       | Smiley   | Letter                         | No                 | No              | Attorney Discipline    |
| State v. Nero, 122 Conn. App. 763 (2010)  | Emoticon       | Winking, Happy Face, Confused                      | Chatroom                       | No                 | Yes             | Sexual Predation       |
| <b>2011</b>   |                |  |                                |                    |                 |                        |
| Microsoft Corp. v. Shah, 2011 U.S. Dist. LEXIS 2995 (W.D. Wash. Jan. 12, 2011)                  | Emoticon       | N/A  | Website                        | No                 | Yes             | Trademarks             |
| People v. Lesser, 2011 WL 193460 (Cal. Ct. App. Jan. 21, 2011)                                  | Emoticon       | Blushing and more                                  | Chat                           | No                 | Yes             | Sexual Predation       |
| People v. Patel, 2011 Cal. App. Unpub. LEXIS 8245 (Cal. Ct. App. Oct. 27, 2011)                 | Emoticon       | Unspecified  | Yahoo chatroom                 | No                 | No              | Sexual Predation       |
| State v. Jacques, 332 Wis. 2d 804 (Wis. Ct. App. 2011)  | Emoticon       | Blushing and more                                  | Chat                           | No                 | Yes             | Sexual Predation       |
| <b>2012</b>   |                |  |                                |                    |                 |                        |
| Mims v. Chilton Med. Ctr., 2012 U.S. Dist. LEXIS 27755 (M.D. Ala. Mar. 2, 2012)                 | Emoticon       | "I love you"                                       | Text message                   | No                 | No              | Harassment             |
| Intellect Wireless, Inc. v. HTC Corp., 910 F. Supp. 2d 1056 (N.D. Ill. 2012), affirmed 732 F.3d | Emoticon       | N/A  | N/A                            | No                 | Yes             | Patent                 |
| People v. Reyes, 2012 Cal. App. Unpub. LEXIS 5347 (Cal. Ct. App. July 20, 2012)                 | Emoticon       | "Sad face"   | Handwritten journ:             | No                 | No              | Physical assault       |
| Piping Rock Partners, Inc. v. David Lerner Associates, Inc., 2012 WL 5471143 (N.D. Cal. Nov.    | Emoticon       | "Laughing face"                                    | "Post"                         | No                 | No              | Defamation             |
| State v. Croft, 2012 Kan. App. Unpub. LEXIS 1061 (Kan. Ct. App. 2012)                           | Emoticon       | Smiley   | Yahoo Messenger                | No                 | No              | Sexual Predation       |
| U.S. v. Shinn, 681 F.3d 924 (8th Cir. 2012)   | Emoticon       | Butt cheeks  | Chatroom                       | No                 | No              | Sexual Predation       |
| Xen, Inc. v. Citrix Sys., 2012 U.S. Dist. LEXIS 153787 (C.D. Cal. Oct. 25, 2012)                | Emoticon       | Angry face   | N/A                            | No                 | No              | Trademark              |
| <b>2013</b>   |                |  |                                |                    |                 |                        |
| Allstate Ins. Co. v. Chretien, 2013 U.S. Dist. LEXIS 175458 (D. Me. Nov. 5, 2013)               | Emoticon       | Not clear  | Email                          | Not clear          | No              | Non-compete            |
| Arnold v. Reliant Bank, 932 F. Supp. 2d 840 (M.D. Tenn. 2013)                                   | Emoticon       | Smiley   | Written document               | No                 | No (repeats 2x) | Discrimination         |
| Commonwealth v. Bogle, 2013 Pa. Super. Unpub. LEXIS 2589 (Pa. Superior Ct. June 20, 201         | Emoticon       | Sad face   | Written letter                 | No                 | No              | Sentencing             |
| Finlay v. Potteiger, 2013 WL 2046546 (W.D. Penn. Jan. 23, 2013)                                 | Emoticon       | Not specified                                      | IM                             | No                 | Yes             | Sexual Predation       |
| People v. Zamora, 2013 Cal. App. Unpub. LEXIS 5537 (Cal. Ct. App. Aug. 5, 2013)                 | Emoticon       | Sad face   | Text message                   | Yes                | No              | Sexual Predation       |
| Scroggin v. Credit Bureau of Jonesboro, Inc., 973 F. Supp. 2d 961 (E.D. Ark. 2013)              | Emoticon       | Train wreck  | Online postings                | No                 | No              | Debt collection        |
| State v. Stern, 346 Wis. 2d 731 (2013), habeus denied Stern v. Meisner, 812 F.3d 606 (7th Cir   | Emoticon       | Smiley   | Email                          | No                 | No              | Sexual Predation       |
| United States v. Capps, 2013 CCA LEXIS 842 (A.F. Ct. Crim. App. Oct. 9, 2013)                   | Emoticon       | Smiley   | Text message                   | No                 | No              | Sexual Predation       |

|   |                      |  |                    |     |     |  |
|---|----------------------|--|--------------------|-----|-----|--|
| United States v. Christensen, 2013 U.S. Dist. LEXIS 52464 (D. Mont. Apr. 11, 2013)                              | Emoticon             | Smiley   | Email              | Yes | Yes | Criminal defense                       |
| <b>2014</b>   |                      |  |                    |     |     |  |
| Apatoff v. Munich Re Am. Servs., 2014 U.S. Dist. LEXIS 106665 (D. N.J. Aug. 1, 2014)                            | Emoticon             | Smiley   | Email              | Yes | Yes | Discrimination                         |
| Ghanam v. Does, 303 Mich. App. 522 (Mich. Ct. App. 2014)  | Emoticon             | Tongue sticking out smiley                           | Online postings    | Yes | Yes | Defamation                             |
| Kinsey v. State, 2014 Tex. App. LEXIS 5551 (May 22, 2014)   | Emoticon             | Winky  | Text messages      | No  | No  | Sexual Predation                       |
| Mobile Telecommunications Technologies, LLC v. Sprint Nextel Corp., 2014 WL 10726788 (E. Moticon/emoji (in 1N/A |                      |  | N/A                | Yes | Yes | Patent scope                           |
| Rhodes v. Commonwealth, 2014 Ky. App. Unpub. LEXIS 499 (Ky. Ct. App. June 27, 2014)                             | Emoticon             | Winky  | Facebook messag    | No  | No  | Sexual Predation                       |
| <b>2015</b>   |                      |  |                    |     |     |  |
| Brown v. State, 2015 Kan. App. Unpub. LEXIS 221 (Kan. Ct. App. Mar. 20, 2015)                                   | Emoticon             | Smiley, winky, "indistinguishable"                   | Yahoo chat         | No  | Yes | Sexual Predation                       |
| Enjaian v. Schlisel, 2015 WL 3408805 (E.D. Mich. May 27, 2015)  | Emoticon (but plaint | Unclear (maybe tongue sticking out smiley and big s  | Text messages      | Yes | Yes | Wrongful search                        |
| Eksouzian v. Albanese, 116 U.S.P.Q.2d 1972 (C.D. Cal. Aug. 7, 2015)   | Emoji                | Unspecified  | Instagram          | No  | No  | Trademark Settlement                   |
| Garza v. State, 2015 Tex. App. LEXIS 2205 (Tex. Ct. App. Mar. 10, 2015)   | Emoticon             | Winky  | Text message       | No  | No  | Criminal Defense                       |
| Hope-Jackson v. Washington, 311 Mich. App. 602 (2015)   |                      |  |                    |     |     |  |
| Lawyer v. Fino, 459 S.W.3d 528 (Mo. Dist. Ct. App. 2015)  | Emoticon             | Smiley   | Text message       | No  | No  | Stalking                               |
| In re L.F., 2015 WL 3500616 (Cal. Ct. App. June 3, 2015)  | Emoji                | Laughing, clapping hand, 100                         | Twitter            | No  | Yes | Criminal Threat                        |
| Mobile Telecommunications Technologies, LLC v. Blackberry Corp., 2015 WL 12698062 (N.D. Emoji and Emoticon N/A  |                      |  | N/A                | No  | No  | Patent                                 |
| Parcel Mgmt. Auditing & Consulting, Inc. v. Dooney & Bourke, Inc., 2015 U.S. Dist. LEXIS 222                    | Emoji                | Smiley   | Email              | Yes | No  | Contract                               |
| People v. Arana, 2015 Cal. App. Unpub. LEXIS 4485 (Cal. Ct. App. June 23, 2015)                                 | Emoticon             | Winky  | Not sure           | No  | No  | Sexual Predation                       |
| People v. Krasnoperov, 2015 Cal. App. Unpub. LEXIS 343 (Cal. App. Ct. Jan. 15, 2015)                            | Emoticon (true?)     | Crossing finger and unspecified [ :-* ]              | AOL messenger      | No  | Yes | Murder                                 |
| QED Holdings, LLC v. Block, 2015 WL 12659935 (C.D. Cal. June 11, 2015)  | Emoticon             | Unspecified  | Email              | No  | No  | Attorney-client relationship formation |
| Starry Assocs. v. United States, 125 Fed. Cl. 613 (Ct. Fed. Claims 2015) and 2016 WL 40136                      | Emoticon             | Smiley   | Email              | No  | No  | Contract                               |
| State v. Ramey, 2015 WL 9393557 (Ohio Ct. App. Dec. 22, 2015)   | Emoji                | 100'   | Twitter            | No  | No  | Criminal Assault                       |
| TransPerfect Global, Inc. v. Elting (In re Shawe & Elting LLC), 2015 Del. Ch. LEXIS 211 (Del. (                 | Emoticon             | Smiley   | Text message       | No  | No  | Corporate governance                   |
| <b>2016</b>   |                      |  |                    |     |     |  |
| Afont v. Alaska Airlines, Inc., 2016 WL 7011336 (Cal. App. Ct. Dec. 1, 2016)                                    | Emoji                | Hearts   | Text message       | No  | No  | Discrimination                         |
| Bellisle v. Landmark Medical Center, 2016 WL 4987119 (D. R.I. Sept. 15, 2016)                                   | Emoji                | Scissors   | Text message       | No  | No  | Discrimination                         |
| CREF, LLC v. Puskarz, 2016 WL 3912534 (Conn. Super. Ct. July 8, 2016)   | Emoticon             | Unspecified  | Unspecified        | No  | No  | Landlord-Tenant                        |
| In the Interest of DJC, 2016 WL 7379248 (Tex. App. Ct. Dec. 21, 2016)   | Emoticon             | Kisses and hearts                                    | Facebook           | No  | No  | Domestic violence                      |
| Doe v. Brown Univ., 2016 U.S. Dist. LEXIS 132824 (D. R.I. Sept. 28, 2016)                                       | Emoji                | Winky, Smiley  | Text message       | No  | Yes | Sexual Assault                         |
| Forziati v. Gray Box Consultant, 2016 U.S. Dist. LEXIS 112268 (D. Mass. June 30, 2016)                          | Emoticon             | Unspecified  | Facebook Messag    | No  | No  | Employment                             |
| Gatter v. IKA-Works, 2016 WL 7338770 (E.D. Pa. Dec. 19, 2016)   | Emoji                | Winky  | Text message       | No  | No  | Employment                             |
| Moldovan v. Polito, 2016 Tex. App. LEXIS 8283 (Tex. App. Ct. Aug. 2, 2016)                                      | Emoticon             | Unspecified  | Email              | No  | No  | Defamation                             |
| Odermatt v. Way, 2016 U.S. Dist. LEXIS 69202 (E.D.N.Y. May 25, 2016)  | Emoticon             | Mixed smile :-/                                      | Facebook post      | Yes | No  | Civil rights                           |
| Olivas v. State, 2016 Tex. App. LEXIS 13853 (Tex. Ct. App. Dec. 30, 2016)                                       | Emoticon             | Frown  | Text message       | No  | No  | Murder                                 |
| Painter v. Ill. DOT, 2016 U.S. Dist. LEXIS 94940 (C.D. Ill. July 20, 2016)                                      | Emoticon             | Smiley   | Email              | No  | Yes | Discrimination                         |
| People v. Cramer, 2016 Cal. App. Unpub. LEXIS 5667 (Cal. App. Ct. Aug. 1, 2016)                                 | Emoji                | bombs, guns, knives, needles, and [a] fork and knife | Text message       | No  | No  | Criminal assault                       |
| People v. Leuthold, 2016 Ill. App. Unpub. LEXIS 2700 (Ill. App. Ct. Dec. 19, 2016)                              | Emoticon             | Smiley   | Text message       | No  | No  | Murder                                 |
| People v. Moye, 2016 N.Y. Misc. LEXIS 1553 (N.Y. Sup. Ct. Mar. 31, 2016)  | Emoji                | money with wings, sad face                           | Facebook post      | No  | Yes | Evidence                               |
| People v. Murphy, 2016 Cal. App. Unpub. LEXIS 485 (Cal. Ct. App. Jan. 22, 2016)                                 | Emoticon             | Crossing finger and :-*                              | AOL messenger      | No  | Yes | Murder                                 |
| People v. Saxon, 2016 WL 8540133 (Colo.O.P.D.J. Nov. 7, 2016)   | Emoji                | Unspecified  | Text message       | No  | Yes | Attorney discipline                    |
| Ragunauth v. Bisailon, 2016 WL 3451762 (Conn. Superior Ct. June 1, 2016)  | Emoji                | Smiley and gun                                       | Text message       | No  | Yes | Stalking                               |
| State v. Guzman, 276 Ore. App. 208 (Ore. Ct. App. Jan. 27, 2016)  | Emoticon             | Sad face   | Text message       | No  | No  | Criminal assault                       |
| State v. McBride, 2016 Iowa App. LEXIS 1246 (Ia. Ct. App. Nov. 23, 2016)  | Emoji                | Fists and others                                     | Facebook comme     | No  | Yes | Criminal assault                       |
| State v. Sanders, 2016 WL 5885392 (Ohio Ct. App. Sept. 30, 2016)  | Emoji                | Not specified  | Text message       | No  | No  | Domestic violence                      |
| State v. Thomassie, 2016 La. App. LEXIS 2347 (La. Ct. App. Dec. 21, 2016)                                       | Emoji                | Red-cheeked smiley                                   | Text message       | No  | No  | Sexual Assault                         |
| State v. Warner, 2016 Neb. App. LEXIS 161 (Neb. App. Ct. Aug. 23, 2016)   | Emoticon             | Smiley   | Facebook post      | No  | No  | Sexual Predation                       |
| U.B. v. Cassandra B., 2016 Cal. App. Unpub. LEXIS 1441 (Cal. Ct. App. Feb. 29, 2016)                            | Emoticon             | Smiley with halo                                     | Facebook messag    | No  | No  | Custody                                |
| U.S. v. Epps, 2016 WL 3771845 (6th Cir. July 15, 2016)  | Emoticon             | Gun pointed at head                                  | Facebook post      | No  | No  | Sentencing                             |
| U.S. v. Holley, 2016 WL 6595129 (N.D. Fla. Nov. 7, 2016)  | Emoticon             | Winky  | Craigslist messagi | No  | No  | Sexual Predation                       |
| U.S. v. Wilson, 2016 U.S. Dist. LEXIS 87908 (D.N.J. July 6, 2016)   | Emoticon             | Handgun, explosion                                   | Twitter            | No  | Yes | Firearm possession                     |
| <b>2017</b>   |                      |  |                    |     |     |  |
| Canale v. Clarke, 2017 U.S. Dist. LEXIS 128280 (E.D. Va. Aug. 11, 2017)   | Emoticon             | Angel next to devil, jumping up and down tingling bu | Yahoo Chat         | No  | Yes | Sexual predation                       |
| Commonwealth v. Beattie, 2017 WL 3484292 (Pa. Superior Ct. Aug. 15, 2017)                                       | Emoticon             | Smiley   | Facebook messag    | No  | No  | Probation revocation                   |
| Commonwealth v. Castano, 2017 Mass. LEXIS 758 (Mass. Oct. 6, 2017)  | Emoji                | Face with Xs for eyes                                | WhatsApp messa     | No  | Yes | Murder                                 |
| Commonwealth v. Paddy, 2017 Pa. Super. Unpub. LEXIS 2425 (Pa. Superior Ct. June 23, 2017)                       | Emoji                | Gun  | Social media post  | No  | No  | Firearm violation                      |
| Delacruz v. State, 2017 Tex. App. LEXIS 3563 (Tex. App. Ct. Apr. 21, 2017)                                      | Emoji                | Smiley   | Myspace Post       | No  | No  | Murder                                 |
| Doe v. Western New England University, 2017 WL 113059 (D. Mass. Jan. 11, 2017)                                  | Emoji                | "Positive"   | Text message       | No  | Yes | Sexual assault                         |

|   |          |                               |                   |     |     |   |
|---|----------|-------------------------------|-------------------|-----|-----|---|
| El Pueblo De Puerto Rico v. Pola, 2017 PR App. LEXIS 2839 (P.R. App. Ct. Sept. 15, 2017)          | Emoji    | Kissing face                  | Text message      | No  | No  | Sexual assault?                             |
| Gonzales v. Organogenesis, Inc., 2017 U.S. Dist. LEXIS 86096 (S.D. Cal. June 5, 2017)             | Emoticon | Smiley                        | Text message      | No  | No  | Employment discrimination                   |
| Gonzalez v. Texas, 2017 WL 360690 (Tex. Ct. App. Jan. 25, 2017)                                   | Emoji    | Unspecified                   | Facebook message  | No  | Yes | Murder                                      |
| Graham v. Prince, 2017 U.S. Dist. LEXIS 111521 (S.D.N.Y. July 18, 2017)                           | Emoji    | Raised fist                   | Instagram message | No  | Yes | Copyright                                   |
| Harmon v. Radcliff, 2017 WL 5664754 (Ohio Ct. App. Nov. 27, 2017)                                 | Emoji    | Devil                         | Text message      | No  | No  | Custody dispute                             |
| Jackson v. McCurry, 2017 WL 6559912 (M.D. Ga. Dec. 22, 2017)                                      | Emoji    | Unspecified                   | Text message      | No  | No  | School discipline                           |
| J.S. v. Grand Island Public Schools, 297 Neb. 347 (Neb. 2017)                                     | Emoji    | Fire and gun                  | "a social media w | No  | Yes | Student suspension                          |
| Keck v. Indiana, 2017 WL 3710902 (Ind. Ct. App. Aug. 29, 2017)                                    | Emoticon | Sad face                      | Text message      | No  | No  | Harassment                                  |
| Koerner v. Vigilant Ins. Co., 2017 U.S. Dist. LEXIS 172283 (E.D. La. Oct. 18, 2017)               | Emoticon | Smiley                        | Email             | Yes | No  | Contract breach                             |
| Mooneyhan v. Telecomms. Mgmt., 2017 U.S. Dist. LEXIS 188743 (E.D. Mo. Nov. 15, 2017)              | Emoticon | Smiley                        | Email             | No  | Yes | Employment discrimination                   |
| Murgia v. Commonwealth, 2017 Va. App. LEXIS 141 (Va. Ct. App. May 30, 2017)                       | Emoji    | Smiley                        | Text message      | No  | Yes | Sexual predation                            |
| New York v. United Parcel Service 2017 U.S. Dist. LEXIS 43495 (S.D.N.Y. March 24, 2017), c        | Emoticon | Smiley                        | Email             | No  | Yes | Settlement Agreement re cigarette shipment) |
| Shen v. Albany Unified School District, 2017 WL 5890089 (N.D. Cal. Nov. 29, 2017)                 | Emoji    | Laughing face                 | Instagram         | No  | Yes | First Amendment                             |
| State v. Calderon, 2017 WL 1365357 (La. Ct. App. Apr. 12, 2017)                                   | Emoji    | Crying face                   | Facebook message  | No  | No  | Murder                                      |
| State v. Calhoun, 2017 WL 5192435 (Ohio Ct. App. Nov. 9, 2017)                                    | Emoji    | Unspecified                   | Backpage post     | No  | No  | Prostitution                                |
| State v. Decker, 2017 Minn. App. Unpub. LEXIS 402 (Minn. Ct. App. May 8, 2017)                    | Emoji    | Smiley                        | Facebook message  | No  | No  | Indecent exposure                           |
| State v. Shepherd, 2017 Ohio App. LEXIS 328 (Ohio Ct. App. Jan. 30, 2017)                         | Emoji    | Winky                         | Text message      | Yes | Yes | Criminal assault                            |
| Stewart v. Durham, 2017 U.S. Dist. LEXIS 88656 (S.D. Miss. June 9, 2017)                          | Emoji    | Blowing kiss; wink            | Text message      | No  | Yes | Emotional distress                          |
| Supreme Xtract v. Laplante, 2017 Me. Super. LEXIS 59 (Me. Superior Ct. May 9, 2017)               | Emoticon | Smiley, "multiple"            | Instagram         | No  | Yes | Contract breach                             |
| United States v. Dish Network LLC, 2017 U.S. Dist. LEXIS 85543 (C.D. Ill. June 5, 2017)           | Emoji    | Smiley                        | Email             | Yes | No  | Telemarketing law violation                 |
| United States v. (D-11) Cary Dailey, 2017 U.S. Dist. LEXIS 193962 (E.D. Mich. Nov. 27, 2017)      | Emoji    | "Guns and drugs"              | Instagram         | No  | Yes | Bond revocation                             |
| United States v. Johnson, 2017 WL 6205412 (D. Md. Nov. 21, 2017)                                  | Emoji    | Unspecified                   | Instagram         | No  | No  | Evidence                                    |
| United States v. Olaya, 2017 U.S. Dist. LEXIS 72520 (E.D. Mich. Apr. 19, 2017)                    | Emoji    | "Nervous" emoji               | Text message      | No  | No  | Search and seizure                          |
| In re W. B., 2017 WL 2417781 (Ga. Ct. App. June 5, 2017)  | Emoji    | guns, bombs, and dollar signs | Facebook message  | No  | No  | Burglary                                    |
| Western Institutional Review Bd. v. Jenkins, 2017 U.S. Dist. LEXIS 157891 (W.D. Wash. Sept. 2017) | Emoticon | Smiley                        | Email             | Yes | No  | Employment (non-compete)                    |
| Wilson v. Phillips, 2017 WL 5495402 (Tenn. Ct. App. Nov. 15, 2017)                                | Emoji    | Unspecified                   | iMessage          | No  | No  | Child custody                               |
| WordLogic Corp. v. Flesky, Inc., 2017 WL 5152369 (N.D. Ill. Nov. 7, 2017)                         | Emoticon | Unspecified                   | Mobile devices    | No  | Yes | Patent                                      |

## 2018

|  |          |   |                  |     |     |                           |
|--|----------|---|------------------|-----|-----|---------------------------|
| In re Bard Iv Filters Prods. Liab. Litig. v. C. R. Bard, 2018 U.S. Dist. LEXIS 24766 (D. Ariz. Fe    | Emoji    | Cowboy  | Social media     | No  | No  | Evidence                  |
| Bellue v. Sheriff, 2018 U.S. Dist. LEXIS 156493 (M.D. La. Sept. 14, 2018)                            | Emoji    | Winky   | Text message     | No  | Yes | Discrimination            |
| Bollinger v. State Dept of Educ., 2018 Ohio App. LEXIS 4027 (Ohio Ct. App. Sept. 17, 2018)           | Emoji    | Angel face  | Text message     | No  | No  | Sexual predation          |
| Briggs v. Kent Sch. Corp., 2018 Conn. Super. LEXIS 4465 (Conn. Super. Ct. Nov. 9, 2018)              | Emoji    | Unspecified   | Social media     | No  | No  | Discovery                 |
| City of Delaware v. Boggs, 2018 Ohio App. LEXIS 4996 (Ohio Ct. App. Nov. 19, 2018)                   | Emoji    | Unspecified   | Facebook message | No  | No  | Harassment                |
| Commonwealth v. Casbohm, 2018 Mass. App. LEXIS 182 (Mass. Ct. App. Dec. 27, 2018)                    | Emoticon | Unspecified   | Unspecified      | No  | No  | Sexual predation          |
| Crowley v. State, 2018 Tex. App. LEXIS 5767 (Tex. Ct. App. July 26, 2018)                            | Emoji    | Grimacing   | Text message     | No  | No  | Murder                    |
| D'Agata v. D'Agata, 2018 WL 1734724 (Conn. Superior Ct. March 14, 2018)                              | Emoji    | Unspecified   | Text message     | No  | No  | Child custody             |
| In re Elijah H., 2018 Ill. App. Unpub. LEXIS 1099 (Ill. Ct. App. June 29, 2018)                      | Emoji    | Smiley and winky                                    | Facebook post    | No  | Yes | Juvenile delinquency      |
| Emerson v. Dart, 2018 WL 3853761 (7th Cir. Aug. 14, 2018)  | Emoji    | Smiley, poop  | Facebook post    | Yes | Yes | Witness retaliation       |
| Estrada-Puentes v. Nevada, 2018 WL 1720662 (Nev. Ct. App. March 30, 2018)                            | Emoji    | "Kissing"   | Text message     | No  | No  | Murder                    |
| E*Trade Financial Corp. v. Eaton, 2018 U.S. Dist. LEXIS 68683 (D. Ariz. Apr. 24, 2018)               | Emoji    | Unspecified   | Text message     | No  | No  | Employment                |
| Fairbanks v. Roller, 2018 WL 2727897 (D.C.D.C. June 6, 2018)   | Emoji    | Face With Stuck-Out Tongue and Winking Eye          | Twitter post     | No  | No  | Defamation                |
| Gonzalez v. State, 544 S.W.3d 363 (Tex. Ct. Crim. App. April 11, 2018)                               | Emoji    | Smiley  | Facebook message | No  | No  | Murder                    |
| Guirguis v. Brown, 2018 WL 853037 (Cal. Ct. App. Feb. 14, 2018)                                      | Emoji    | Two eyes  | Instagram post   | No  | No  | Contract/arbitration      |
| Hill-Rom Services, Inc. v. Tellisense Medical, LLC, 2018 WL 5044686 (S.D. Ind. Oct. 17, 2018)        | Emoji    | Unspecified   | Email            | No  | No  | Trade Secrets             |
| In re Jacobson, 2018 Iowa App. LEXIS 325 (Iowa Ct. App. April 4, 2018)                               | Emoji    | Zipper mouth, skull                                 | Text message     | Yes | No  | Child custody             |
| K.N. v. Stowell, 2018 Cal. App. Unpub. LEXIS 5823 (Cal. App. Ct. Aug. 27, 2018)                      | Emoji    | Winky   | Email            | No  | No  | Stalking                  |
| Lindsey v. Tex. State Bd. of Veterinary Med. Examiners, 2018 Tex. App. LEXIS 2994 (Tex. Ct. Emoticon | Emoticon | Cat, laughing/crying                                | Facebook post    | No  | Yes | Professional licensure    |
| In re M.J., 2018 Md. App. LEXIS 157 (Md. Ct. Special App. Feb. 14, 2018)                             | Emoji    | Surgical mask face                                  | Twitter post     | No  | No  | Harassment                |
| Murdoch v. MedJet Assistance, 2018 U.S. Dist. LEXIS 33400 (N.D. Ala. March 1, 2018)                  | Emoji    | Smiley  | Text message     | No  | Yes | Employment harassment     |
| Nexus Servs. v. Moran, 2018 U.S. Dist. LEXIS 47911 (W.D. Va. March 23, 2018)                         | Emoji    | "Hitler emoji"                                      | Email            | No  | Yes | Civil rights              |
| People v. Bogseth, 2018 WL 842904 (Mich. Ct. App. Feb. 13, 2018)                                     | Emoticon | Unspecified   | Facebook post    | No  | No  | Murder                    |
| People v. Brumsey, 2018 WL 2174086 (Cal. App. Ct. May 11, 2018)                                      | Emoticon | Unspecified   | Unspecified      | No  | No  | False Imprisonment        |
| People v. Gary, 2018 WL 416080 (Cal. App. Ct. Jan. 16, 2018)   | Emoji    | Unspecified   | Text message     | No  | No  | Trafficking               |
| People v. George, 2018 WL 1100942 (Cal. App. Ct. March 1, 2018), on rehearing, 2018 WL 2'            | Emoticon | "the precise meaning of which we decline to take ju | Text message     | No  | No  | Murder                    |
| People v. Hastings, 2018 Mich. App. LEXIS 3561 (Mich. Ct. App. Nov. 27, 2018)                        | Emoji    | two eyes, thumbs down, face with tongue hanging o   | iMessage         | No  | Yes | Sexual predation          |
| People v. Kelso, 2018 WL 1830494 (Cal. App. Ct. April 17, 2018)                                      | Emoticon | Smiley, winky and sad face                          | Email            | No  | Yes | Sexual predation          |
| People v. Odle, 2018 Colo. Discipl. LEXIS 70 (Colo. Sup. Ct.   | Emoji    | Kiss  | Text message     | No  | No  | Attorney discipline       |
| People v. Romero, 2018 Cal. App. Unpub. LEXIS 3550 (Cal. App. Ct. May 23, 2018)                      | Emoticon | Sad face  | Facebook message | No  | No  | Murder                    |
| Randall v. Ups, 2018 U.S. Dist. LEXIS 175969 (D. Ore. Oct. 12, 2018)                                 | Emoji    | Unspecified   | Text message     | No  | NO  | Harassment                |
| Starry Assocs. v. United States, 2018 U.S. App. LEXIS 17017 (Fed. Cir. June 22, 2018)                | Emoticon | Smiley  | Email            | No  | No  | Contract                  |
| State v. Ahmed, 2018 Minn. App. LEXIS 490 (Minn. Ct. App. Dec. 17, 2018)                             | Emoji    | Smiley  | Facebook         | No  | No  | Nonconsensual Pornography |
| State v. Aracena, 2018 WL 3978016 (N.C. App. Ct. Aug. 21, 2018)                                      | Emoji    | Face with tears of joy                              | Facebook         | No  | Yes | Robbery and assault       |
| State v. Caslin, 2018-Ohio-5362 (Ohio Ct. App. Dec. 31, 2018)  | Emoticon | "Enthusiastic"                                      | Facebook         | No  | No  | Rape                      |
| State v. Harper, 2018 Fla. App. LEXIS 12666 (Fla. Dist. Ct. App. Sept. 5, 2018)                      | Emoticon | Winky   | Text message     | Yes | No  | Entrapment                |

|   |                    |  |                     |     |     |                      |
|---|--------------------|--|---------------------|-----|-----|----------------------|
| State v. King, 2018 N.J. Super. Unpub. LEXIS 2215 (N.J. Superior Ct. Oct. 9, 2018)              | Emoji              | 100, middle finger                                 | Facebook            | No  | Yes | Witness Tampering    |
| State v. Lewis, 292 Or.App. 1 (Ore. Ct. App. May 23, 2018)                                      | Emoji              | Smiley   | Text message        | No  | No  | Sexual predation     |
| State v. M.F., 2018 WL 333493 (N.J. App. Div. Jan. 9, 2018)                                     | Emoji              | Lips and broken hearts                             | WhatsApp message    | No  | Yes | Restraining order    |
| State v. Nickell, 2018 WL 1158897 (Mo. Ct. App. March 6, 2018)                                  | Emoji              | Unspecified  | Facebook message    | No  | No  | Sexual predation     |
| State v. Pyles, 2018 Ohio 4034 (Ohio Ct. App. Oct. 4, 2018)                                     | Emoji              | Unspecified  | Text message        | No  | No  | Witness intimidation |
| State v. Robertson, 2018 WL 1975966 (Ohio Ct. App. April 26, 2018)                              | Emoji              | Sad  | Facebook post       | No  | No  | Sexual assault       |
| State v. Stotts, 2018 Ohio App. LEXIS 4207 (Ohio Ct. App. Sept. 21, 2018)                       | Emoji              | Unspecified  | Text message        | No  | No  | Sexual assault       |
| State Line Bag Co. v. Companionlabs Sys., 2018 U.S. Dist. LEXIS 142550 (W.D. Mo. Aug. 22, 2018) | Emoticon           | Winky  | Email               | No  | No  | Contract             |
| T.C. v. Metropolitan Government of Nashville, 2018 WL 3348728 (M.D. Tenn. July 9, 2018)         | Emoticon           | Unspecified  | Social media        | No  | No  | Discrimination       |
| Ukwauchu v. State, 2018 WL 2711167 (Tex. Ct. Crim. App. June 6, 2018)                           | Emoji and Emoticon | Court doesn't say, but appears to be smirking face | Text message        | Yes | Yes | Sexual assault       |
| U.S. v. Dadona, 2018 WL 3241488 (U.S. Air Force Ct. Crim. App. July 2, 2018)                    | Emoji and Emoticon | Unspecified ("This opinion quotes Kik messages as  | Kik Messages        | No  | No  | Sexual predation     |
| U.S. v. Edwards, 2018 U.S. Dist. LEXIS 7456 (S.D. Ohio Jan. 17, 2018)                           | Emoji              | Laughing face and skull                            | Facebook post       | No  | No  | Witness retaliation  |
| U.S. v. Jefferson, 2018 U.S. App. LEXIS 36657 (10th Cir. Dec. 28, 2018)                         | Emoji              | Firearm  | Facebook post       | No  | Yes | Robbery              |
| U.S. v. Lanier, 2018 U.S. Dist. LEXIS 176411 (E.D. Tenn. Oct. 15, 2018)                         | Emoji              | Unspecified  | Text message        | No  | No  | Jury interference    |
| U.S. v. Schweitzer, 2018 WL 3326645 (U.S. Air Force. Ct. of Crim. App. May 8, 2018)             | Emoji and Emoticon | Frown emoji, grin emoji, sad face emoticon         | Yahoo Messenger     | No  | Yes | Sexual predation     |
| U.S. v. Smith, 2018 CCA LEXIS 48 (U.S. Air Force Ct. of Crim. App. Jan. 31, 2018)               | Emoji              | Winky  | Craigslist post; Ya | No  | Yes | Sexual predation     |
| U.S. v. Westley, 2018 U.S. Dist. LEXIS 118571 (D. Conn. July 17, 2018)                          | Emoji              | "celebratory emojis," car, cloud, phone, gas       | Facebook post       | No  | Yes | Gang activities      |

## 2019

|  |       |             |                   |    |    |                           |
|--|-------|-------------|-------------------|----|----|---------------------------|
| Doe v. Univ. of Ky., 2019 U.S. Dist. LEXIS 8897 (E.D. Ky. Jan. 18, 2019)                   | Emoji | Stars       | Text message      | No | No | Sexual assault            |
| Lema v. BTS Holdings, 2019 N.J. Super. Unpub. LEXIS 150 (N.J. Superior Ct. Jan. 18, 2019)  | Emoji | Heart       | "Social media app | No | No | Employment discrimination |
| Richmond Compassionate Care Collective v. 7 Stars Holistic Found., 2019 Cal. App. Unpub. L | Emoji | Unspecified | Unspecified       | No | No | Antitrust                 |