

Monthly TCPA Digest — January 2022

January 21, 2022 | Article | By [Russell H. Fox](#), [Joshua Briones](#), [Jonathan P. Garvin](#), [Esteban Morales](#), [Matthew Novian](#)

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We are pleased to present our latest *Monthly TCPA Digest*, providing insights and news related to the Telephone Consumer Protection Act (TCPA). In this issue's Regulatory Update, we cover the FCC's clarified guidance for callers using the Reassigned Numbers Database (RND). As we've noted previously, to avoid TCPA liability, high-volume callers should set up a process for checking the RND before making calls. We also discuss the TRACED Act Annual Report to Congress. Issued on December 28, it includes a wealth of information on TCPA complaints and related actions by the FCC as well as other data relevant to our readers.

In our Litigation Update, we discuss the Ninth Circuit's reasoning, in an unpublished decision, that the LiveVox Platform is not an automatic telephone dialing system (ATDS). In addition, we look at a circuit split focused on what type of fax communication constitutes an "unsolicited advertisement" under the TCPA.

If you have suggestions for topics you'd like us to feature in this newsletter, or any questions about the content in this issue, please feel free to reach out to an attorney on Mintz's [TCPA and Consumer Calling Practice team](#).

In This Edition

Part I – TCPA Regulatory Update

[Commission Issues Clarification on “No Data” Reports from Reassigned Numbers Database](#)

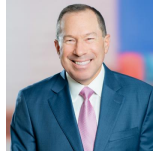
[Commission Issues TRACED ACT Report to Congress](#)

Part II – TCPA Litigation Update

[Ninth Circuit Concludes LiveVox Not an ATDS](#)

[TCPA Fax Circuit Split in the Second and Third Circuits](#)

Authors



Russell H. Fox, Member

Russell H. Fox is a wireless communications attorney at Mintz. He guides clients through federal legislative, regulatory, and transactional matters. Russell also participates in FCC proceedings, negotiates spectrum agreements, and represents clients in spectrum auctions.



Joshua Briones, Member / Managing Member, Los Angeles Office

Joshua Briones is a commercial litigator who defends consumer class actions for Mintz. He's represented clients in a wide range of industries, including financial services, life sciences, manufacturing, and retail, in cases involving false advertising, unfair trade practices, and other claims.



Jonathan P. Garvin, Associate

Jonathan Garvin is an attorney at Mintz who focuses on legal challenges facing companies in the communications and media industries. He advises clients on transactional, regulatory, and compliance issues before the FCC involving wireless, broadband, broadcast, and cable matters.



Esteban Morales, Member

Esteban Morales is a Mintz litigator who handles class action defense and financial services litigation for companies of all sizes. He defends clients targeted in class action suits, and the results include dismissals at the pleading stage. Esteban practices in Mintz's Sports Law Practice.



Matthew Novian

More Viewpoints

Monthly TCPA Digest — December 2021

December 27, 2021 | Article | By Russell Fox, Joshua Briones, Jonathan P. Garvin, Adam B. Korn

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