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B. David Naidu

This book describes the application of substantive laws such as the Federal Food, Drug, and Cosmetic Act; the Clean Water Act; and the Clean Air Act—to each segment of the biotechnology/nanotechnology industry. Also discussed are international issues and ongoing development of regulations governing these fields.

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eISBN 9780769870045

### Clean Tech Intellectual Property: Eco-marks, Green Patents, and Green Innovation

Eric L. Lane

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Michael L. Rustad

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### License, Royalty & Revenue Agreements: Drafting, Monitoring, and Auditing

Written by an expert in third-party auditing with contract compliance experience, this uniquely focused book navigates the nuances of drafting financial terms for license and other self-reporting agreements and shows how proper monitoring and auditing should occur once a deal is in place.

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### Internet Crimes, Torts & Scams: Investigations and Remedies

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### Technology Licensing and Development Agreements

Cynthia Cannady

*Technology Licensing and Development Agreements* is an indispensable guide for business people, technologists, and lawyers who deal with intellectual property and contracts. The book provides practical advice on how to conduct negotiations, how to draft agreements, and how to monitor compliance. The author discusses technology contracts in the context of intellectual property strategy, and provides a framework for selecting and adjusting IP strategies. Chapters on material terms define, analyze, and discuss best practices, and offer sample clauses for more than 40 material terms. Additional chapters address special contexts for technology agreements, including antitrust and university contracts. The book includes specific chapters devoted to IP valuation, with clear explanations of methodology, and ethics in technology contracting, providing practical examples and a checklist.

An accompanying convenient CD includes more than 20 helpful form contracts and templates.

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eISBN 9780769870397



*"Technology Licensing and Development Agreements is a book that's grounded in practice and thus highly relevant to practitioners. It also addresses strategic issues in intellectual property, which are fast growing in importance for law firms and their clients. Lastly, Cynthia Cannady writes in a systematic way, without any jargon. A refreshing and highly valuable book!"*  
—Dr. Georges Haour, Professor at IMD, (International Institute for Management Development), Lausanne, Switzerland



## Intellectual Property

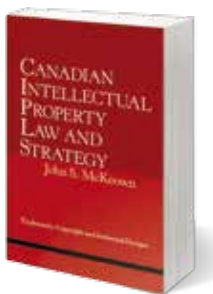
### NEW EDITION! Canadian IP Law and Strategy, 2013 Edition

John S. McKeown

This book provides a unique, strategic, transnational approach to protecting IP rights in Canada for legal practitioners outside Canada. It is a single, unified source for trademark, copyright, and industrial design law in Canada, including detailed analysis of the processes required to obtain and maintain intellectual property protection, with helpful examples drawn from the author's extensive practice experience.

The 2013 Edition has been revised to include: (1) updates to cases and practice directions relating to trademarks, including a detailed review of the decision of the Supreme Court of Canada, which has had a significant impact on the determination of whether confusion has occurred; (2) updates to cases relating to trademark oppositions and actions for infringement; (3) discussion of the changes made to the Canadian CIRA Domain Name Dispute Resolution policy; and (4) discussion of the recent amendments to the Copyright Act and the recent series of Supreme Court of Canada decisions interpreting the provisions of the Act prior to the amendments.

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## Intellectual Property in Government Contracts, Second Edition

James G. McEwen, David S. Bloch, Richard M. Gray, and John T. Lucas

State and national governments often meet their technologically intensive needs by entering into contracts and financing deals with private companies. These contracts, and the complex rules that accompany them, have elevated the risk of intellectual property loss for private-sector contractors. *Intellectual Property in Government Contracts, Second Edition* provides a comprehensive appraisal of United States federal procurement laws relating to intellectual property, plus a detailed survey of state procurement rules and a comparison of the approaches adopted by the European Union and other industrialized countries. It provides strategic guidance for the protection of IP in government contracts, and the various ways to enforce IP rights in the event of government violation. Written by knowledgeable and highly experienced professionals in the field, this book offers detailed advice and commentary concerning strategies, opportunities, and traps for the unwary. This book assists attorneys on both sides of the equation to approach government deals with the dual objectives to maximize the tremendous upside potential while protecting IP rights. This Second Edition has been comprehensively updated, rewritten, and revised to reflect new developments in federal intellectual property and procurement law over the last three years. It includes considerably expanded coverage of civilian agencies.



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## Business of Intellectual Property

Christopher M. Arena and Edward M. Carreras

No longer solely the domain of the legal department, strong intellectual property practices are an integral part of company operations, and require that lawyers understand the fundamentals of business practice and that business executives understand the law. In *The Business of Intellectual Property*, Chris Arena and Ed Carreras explain the growing importance of intellectual property assets from both legal and business perspectives, and offer strategic advice on how to manage IP assets for competitive advantage, profitability and return on investment.

Focusing on the intersection of law and business, *The Business of Intellectual Property* combines statutory frameworks, case law, business and legal principles of accounting and valuation, and—most impressively—multiple case studies of successful companies, to give readers the strategic vision and practical advice they need to integrate such processes into their company's operations.

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## BRAND NEW TITLE! Criminal Enforcement of Intellectual Property Rights: U.S. Perspective

Sherri L. Schornstein

Counterfeiting and piracy were once limited to T-shirts and music sold on street corners. Today, copyright owners encounter infringers more often than customers. Counterfeit goods are sold via the Internet to consumers and wind their way through supply chains into everything from cell phones to weapons platforms. Rights owners suffer brand diminution and economic loss. Counterfeits threaten public health and safety, causing unscheduled maintenance, property damage, physical injury, and even death. Some counterfeits imperil national security by jeopardizing military readiness and mission success enabling cyber espionage, while negatively impacting the safety of service members. Theft of trade secrets derails fair competition and deprives businesses of the fruits of their investments. Economic espionage can imperil national security through the compromise of military technologies.

In *Criminal Enforcement of Intellectual Property Rights: U.S. Perspective*, career federal prosecutor Sherri Schornstein demystifies the criminal legal process by guiding readers through the federal prosecution maze. She offers detailed information about criminal enforcement, including the roles of government agencies and how private industry can develop case referrals. She also provides cross-industry interviews with former high-ranking government insiders, investigators, attorneys, academics, and brand protection professionals who share experiences concerning the enforcement challenge. This book will be a valuable addition to every industry sector and a resource for those in other countries seeking to understand how the U.S. criminal justice system addresses IP crime.

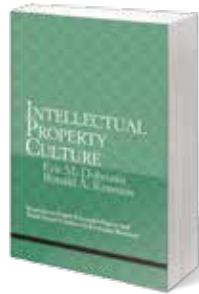
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## Intellectual Property Culture and Compliance, Second Edition

Eric M. Dobrusin and Ronald A. Krasnow

*Intellectual Property Culture* is designed to help attorneys and executives build a business culture in which the development and management of intellectual property is as painless and productive as possible. This Second Edition offers more practice tips, coverage of the America Invents Act (passed in 2011), recent Supreme Court patent cases, and new appendices featuring additional helpful and practical tools.

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## Patent Law

### Thesaurus of Patent Claim Construction, Second Edition

Stuart B. Soffer and Robert C. Kahrl

Claim construction is a major phase of a patent litigation where the meaning and scope of the claims themselves—the invention—is determined by the court. The outcome of this definition phase is crucial to the respective infringement and invalidity positions of the parties. The *Thesaurus of Claim Construction* directs practitioners to the cases in which claim terms have previously been construed, and further to the sources of the evidence used by past courts to construe the terms in dispute.

This two-volume Second Edition is updated to include over 3,500 additional entries, some of which focus on biotechnology, pharmacology, and clean tech. Ordinary Skill is now included as a topic.

Highlights include:

- A unique, comprehensive thesaurus for claim construction terms
- Written by two experts with a wealth of experience in IP law and technology
- An excellent source of relevant cases tailored to the needs of those specifically interested in claim terms

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### Rules of Patent Drafting: Guidelines from Federal Circuit Case Law

Joseph E. Root

*Rules of Patent Drafting: Guidelines from Federal Circuit Case Law* addresses a major development in patent law over the last two decades—the Disclosure Revolution. Claim construction now depends more on support from the specification than any other factor, and other determinants of validity have followed suit. Written description, the doctrine of equivalents, and definiteness all look to the specification to determine the application of each of these doctrines, and others as well. This book guides the drafter in meeting all the requirements that the Federal Circuit has set out for patent validity. Beyond demonstrating how to ensure bare validity, the book goes further to illustrate techniques for achieving desired coverage through rules teaching breadth in drafting, claiming, and prosecuting.

The rules-based approach to patent drafting provides a clear framework to assist both the beginner and the experienced practitioner. A learner is guided through the facets of a rule piece by piece, looking to Federal Circuit rationale for each clause. Seasoned drafters can quickly update themselves or clarify specific points with precision. For either reader, the clear exposition communicates essential information rapidly and thoroughly.

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*"The contents and insights are refreshingly different from the type of thing that seems to be rehashed in books aimed at beginners. Furthermore, the author, Joseph Root, supports his contentions and illustrates his approach with reference to Federal Circuit Court of Appeal decisions...What is particularly refreshing though, is the style. The author emphasizes his points with similes and metaphors taken from an impressive range of books, films, and TV series. Despite thoroughly addressing weighty subject matter, the book is not a heavy read."*  
—The IP Factor

## Winning the Patent Damages Case: A Litigator's Guide to Economic Models and Other Damage Strategies, Second Edition

Richard F. Cauley

*Winning the Patent Damages Case*, is a guide for patent litigators and in-house counsel who are either considering an action for patent infringement or who are facing the specter of a lengthy, expensive litigation. It offers readers an analytical framework for determining the likely damages award in a patent case, which is critical to the decision of whether to settle the case and for how much. It provides valuable information on how to structure the patent case from the outset and assists accused infringers in how to prepare a "shadow" damages case that may result in a much more reasonable damages award in the event of a loss. The book also provides practical suggestions on how to select and work with a damages expert.

The second edition discusses the Federal Circuit's decision in *Lucent v. Gateway* on the entire market rule and damages allocation, as well as subsequent decisions which have employed its reasoning. This decision marks a sea change in awarding damages where the patented technology is a small component or feature in an infringing product. The discussion centers on the implications of this decision on future damages awards for such patents, how this decision is likely to be used by the courts in the future, and how litigants need to change the way they manage their damages cases to account for this change in the law.

Other new developments include whether plaintiffs can use licenses obtained in litigation to prove an "established royalty" under the Georgia-Pacific factor No.1; and courts awarding ongoing royalties instead of imposing injunctions.

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## NEW EDITION! U.S. Patent Prosecutors Desk Reference, 2013 Edition

Joshua P. Graham and Thomas G. Marlow

*U.S. Patent Prosecutor's Desk Reference* assists patent prosecutors in responding to Office Actions issued by the United States Patent and Trademark Office (USPTO) rejecting patent application claims. It provides a comprehensive and updated source of law, organized by sections corresponding to the types of rejections made by the USPTO. Each section of this reference work includes the basis for the rejection, responses to the rejection, and legal authority supporting the responses.

This 2013 Edition includes all cases from the Federal Circuit and Board of Patent Appeals through December 31, 2012, and is updated with:

- Federal Circuit and Board of Patent Appeals and Interferences opinions issued in 2012
- A focus on precedential and informative opinions from the Board of Patent Appeals and Interferences
- Selected opinions of the United States Supreme Court
- Selected statutes as amended by the America Invents Act
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## NEW EDITION! Business Method and Software Patents, 2013 Edition

Morgan D. Rosenberg and Richard Apley

In its 2010 decision in *Bilski v. Kappos*, the U.S. Supreme Court redefined patentable subject matter for business methods and computer software, but did so without imposing definitive tests and definitions, effectively leaving such guidance for future court decisions and the United States Patent and Trademark Office (USPTO). As a result, the law is essentially being written at present, and will continue to be written and narrowed over the next decade. This title addresses the drafting of business-method and software patents in the wake of *Bilski v. Kappos*, offering a review and analysis of all relevant case law and guidelines presented by the USPTO.

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## NEW EDITION! Essentials of Patent Claim Drafting, 2013 Edition

Morgan D. Rosenberg

*The Essentials of Patent Claim Drafting* is a practical guide to the drafting of patent claims in U.S. patent applications. The actual mechanics of assembling both basic and complex claims are covered in-depth from simple mechanical cases to complex chemical and pharmaceutical cases. The emphasis is on the how-to of claim drafting, rather than on the history and theory of claiming. It contains multiple examples for all types of claims a practitioner is likely to draft, and provides an easy reference for the drafting of particular types of claims. *The Essentials of Patent Claim Drafting* is written primarily for novice patent attorneys and patent agents, as well as law students and those studying for the Patent Bar Exam.

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## Patent Appeals: The Elements of Effective Advocacy in the Federal Circuit

Mark Simon Davies

*Patent Appeals: The Elements of Effective Advocacy in the Federal Circuit* is a practical guide to appellate advocacy for patent attorneys appearing before the federal appellate court responsible for patent law. The book guides readers through the organizational requirements needed for a Federal Circuit appellate brief, as set out in the Federal Rules of Appellate Procedure, with an emphasis on developing an appellate style for briefing a patent appeal.

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## NEW EDITION! Patent Application Drafting, 2013 Edition

Morgan D. Rosenberg

This 2013 Edition has been revised to include changes to patent practice necessitated by the latest case and statutory law, including the 2011 America Invents Act (AIA). The author has added "real-world" instruction and guidance for the successful drafting of patent applications, using examples from a wide variety of types, styles, and technical arts.

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David Hricik

*Patent Ethics: Litigation* is a unique guide to the ethical issues arising in the course of the patent litigation process. By providing relevant rules and case law, it allows practitioners to identify ethical problems before they arise and to address them most effectively when they do. This treatise combines rules and patent-specific cases with commentary by the author, which distills the author's own experience and expertise in ethics and patent litigation into effective practice strategies.

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David Hricik and Mercedes Meyer

*Patent Ethics: Prosecution* serves as an essential guide to the ethical issues arising in the course of the patent prosecution process. This treatise is the first of its kind to combine the United States Patent and Trademark Office (PTO) rules with commentary by the authors, which distills the authors' own experience and expertise in patent prosecution into effective practice strategies.

The Second Edition features new analysis of current client conflicts in patent practice, including when both prosecution and opinion work become "adverse" to a client, the conflicts of interest created by the AIA's approach to the best mode, and duty of candor post-*Therasense*. It also includes an updated PTO Code completely annotated with OED decisions on each provision.

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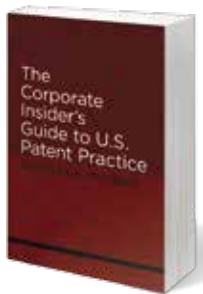


## Corporate Insider's Guide to U.S. Patent Practice

Charles R. Macedo

Given the growing importance of patents to businesses both in the United States and abroad, there is a growing demand for a succinct guidebook to serve as a reference for attorneys and "c-level" executives who have not (and most likely will not) be trained as specialists in the patent field. *The Corporate Insider's Guide to U.S. Patent Practice* meets this need by providing a basic understanding of patent practice in the United States as it relates to both obtaining and enforcing patents. It also provides an overview of patent licensing and related transactions.

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Joel Davidow and James Toupin

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This new edition adds a co-author, James Toupin, former general counsel of the U.S. Patent and Trademark Office, and covers major developments in the field since 2008, including the Leahy-Smith America Invents Act, the adoption of a but-for test for inequitable conduct, and antitrust decisions relating to patent-pool abuse and pay-for-delay arrangements.

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## U.S. Patent Opinions and Evaluations, Second Edition

David L. Fox

*U.S. Patent Opinions and Evaluations* provides expert, up-to-date, practical advice and guidance on the four principle issues of patent opinions and evaluations: claim construction and claim scope, infringement, validity, and enforceability. This second edition features a first-of-its-kind discussion of opinions of non-willful infringement based on the Seagate two-prong test for objective willfulness and an evaluation of the test, including analyses of Federal Circuit decisions applying the test.

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# Trademark, Copyright and Entertainment Litigation Law

## Trademark and Copyright Litigation: Forms and Analysis

Mark V.B. Partridge and Phillip Barengolts

There is a growing demand for practice-tested advice and commentary related to winning strategies. *Trademark and Copyright Litigation: Forms and Analysis* is designed to satisfy that demand by offering the actual and recommended sample documents for federal court trademark and copyright litigation. Presented in chronological order, the forms proceed from the inception of a case through trial and appeal, (i.e., complaint, answer, discovery requests, motions and supporting memoranda, preparation outlines, pretrial orders, witness outlines, appeal documents and briefs).

The information is created and collected by Partridge and Barengolts from existing materials obtained from their own practice, as well as from other attorneys and court records. A unique feature of the book will be the use of actual documents from well-known trademark and copyright cases, with commentary on the strengths, and, in some instances, the weaknesses of these particular “real-world” examples.

This publication:

- Provides the actual and recommended sample documents for federal court trademark and copyright litigation
- Includes “real world” documents from well-known trademark and copyright cases, with commentary on the strengths and weaknesses
- Is presented in chronological order; the forms proceed from the inception of a case through trial and appeal

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*“Trademark and Copyright Litigation is the rare and helpful combination of a forms book and a treatise all in one. It offers readers a trove of useful examples, with sample complaints, briefs, motions, and other templates that busy practitioners can rely on for fast, efficient document preparation. More than that, the analysis of hundreds of points of copyright and trademark law contained within the examples is concise and insightful, and provides a starting point for research on a particular issue.”*

—Matt Griffin, Senior Counsel—Trademarks, Kraft Foods

## Trade Secrets: Law and Practice

David W. Quinto and Stuart H. Singer

The value of a business is more than ever a reflection of the value of the company’s ideas, which makes trade secrets an increasingly important part of this equation. *Trade Secrets: Law and Practice* is the first legal treatise to cover the subject from a trial lawyer’s perspective, and it should be on the desk of every firm litigator and in-house counsel involved in the protection of trade secrets.

Written by two highly experienced trial lawyers, David Quinto and Stuart Singer, *Trade Secrets: Law and Practice* assembles case-law analysis and strategic advice on prosecuting and defending trade secret misappropriation actions, maintaining legally sufficient trade secret protection measures, and supervising outside attorneys in the course of litigation.

This Second Edition contains a new overview of litigation burdens, presumptions and inferences; a comprehensive analysis of the applicability of the Computer Fraud and Abuse Act (CFAA) to trade secret misappropriation claims; the latest developments in the evolving approaches to the Uniform Trade Secrets Act (UTSA) preemption of common law and state statutory claims; and an expanded state-by-state analysis of trade secret litigation.

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## Trade Dress: Evolution, Strategy and Practice

Darius C. Gambino and William L. Bartow

While the concept of trade dress has existed for some time, the doctrine remained dormant for many years until the Supreme Court decisions in *Two Pesos*, *Wal-Mart* and *Traffix Devices*. These decisions raised the profile of trade dress, and changed its perception for many practitioners. Ultimately, these decisions increased attention to trade dress at the developmental stage. As with patents, many companies have implemented programs to identify and protect trade dress as early as possible, especially in the wake of these decisions. There is no doubt that trade dress litigation will soon not only become a major competitor to patent litigation as a means of resolving disputes, but in most instances, a significantly cheaper and more viable alternative.

*Trade Dress: Evolution, Strategy, and Practice* analyzes the differences between the two major types of trade dress—product configuration and product packaging—describes the standards of proof for each, and explains how these standards have been interpreted (and in some cases misinterpreted) by the federal courts. The book also reviews the evolution of trade dress in the United States and its recent emergence as an enforcement alternative. Finally, it offers practical suggestions on how best to utilize trade dress rights in protecting a client’s intellectual property.

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## Trademark Surveys: A Litigator’s Guide

James T. Berger and R. Mark Halligan

In trademark litigation, surveys are an important component that can determine infringement or dilution of a trademark. They often entail complicated legal and procedural issues, and typically require the services of an outside expert and a survey support team.

*Trademark Surveys: A Litigator’s Guide* is a legal guide on developing and critiquing trademark surveys. In addition to describing the process and different types of surveys that may be employed, the authors provide strategic insight into how best to use these surveys to save time and money. The last chapter offers practical considerations when requesting the services of a survey expert, and the appendices provide a series of sample survey protocols.

Features include:

- Explains how to develop and critique trademark surveys
- Provides strategic insights into the best way to use the surveys to the benefit of a client’s case
- Provides practical considerations when requesting the services of a survey expert
- Contains a series of helpful survey protocols in the appendices of the book

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## NEW EDITION! False Advertising and the Lanham Act, 2014 Edition

Thomas M. Williams

Section 43 of the Lanham Act is an invaluable tool for intellectual property and commercial litigators. It includes causes of action for trademark infringement-type “passing off” claims, false advertising, trademark dilution, and domain-name cybersquatting. It is the cornerstone for civil litigants seeking redress for competition-related torts in federal courts. However, Section 43(a) is not a general catch-all for commercial grievances, and is arguably the most misinterpreted and misapplied subsection in the Lanham Act, despite having an extensive body of case law delineating specific causes of action and proofs. Practitioners are well-advised to grasp its nuances before proceeding under the banner of “unfair competition.”

The 2014 Edition includes analysis of a number of new cases, including the circuit split on whether antitrust-based standing rules are applicable to false advertising claims and the U.S. Supreme Court’s 2013 grant of certiorari on that topic in *Lexmark International v. Static Control Components*.

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## Trade Secret Law and Corporate Strategy

Darin Snyder and David Almeling

*Trade Secret Law and Corporate Strategy* is an accessible introduction to all things trade secret. It examines the audacious schemes of trade secret thieves by presenting dozens of case studies and the lessons to learn from them. It also offers best practices for protecting trade secrets from theft, investigating a suspected breach, and enforcing a trade secret in court and other forums. Preeminent intellectual property lawyers Darin Snyder and David Almeling have written this book for anyone who wants to learn about trade secrets: business people and engineers, judges and students, even attorneys who don’t specialize in trade secret law.

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*“Tom Williams has created an exhaustive analysis of false advertising claims under the Lanham Act. Well written and insightful, this treatise thoroughly and thoughtfully summarizes Section 43(a)(1)(B), including the key court decisions essential to its interpretation. False Advertising and the Lanham Act is an invaluable desk reference for the commercial litigator, and a must for every intellectual property counselor’s library.”*

—Peter J. Albert, Associate General Counsel, The Progressive Group of Insurance Companies

## Gray Markets: Prevention, Detection and Litigation

David R. Sugden

It's often said that the 21st century is characterized by a flat world in which globalization, technology, and the Internet have each contributed to level the economic playing field. But for companies that manufacture and sell their products internationally, the world is not exactly flat—it is tilted. From cars to cigarettes to pianos to pharmaceuticals, products that were manufactured to be sold in other countries are finding their way back to the United States where they are sold through unauthorized and illegal channels. This unauthorized economy—the “gray market”—is growing in size and scope at an alarming rate: information technology manufacturers alone have estimated losses at \$40 billion in annual sales. In *Gray Markets: Prevention, Detection, and Litigation*, David Sugden provides the first comprehensive analysis of the gray market as well as a blueprint for attorneys and businesses to prevent, detect, and litigate gray market cases.



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## An Associate's Guide to the Practice of Copyright Law

Meaghan Hemmings Kent and Joshua Kaufman

*An Associate's Guide to the Practice of Copyright Law* guides associates through what is typically the most challenging part of their job: knowing where to find information and what specifically they need to complete a particular task or assignment. Written by a senior associate and a supervising partner, the authors rein in the work process for associates and give practice-oriented advice on important topics such as what questions to ask a client, what research to conduct, what elements must be met for various causes of action, the potential repercussions for various actions and the proper alternatives to be considered. The book also includes sample documents and pleadings, references to secondary sources and key cases in copyright law. A CD-ROM containing many forms in electronic format is included.

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C. Adrian Zapatero, author;  
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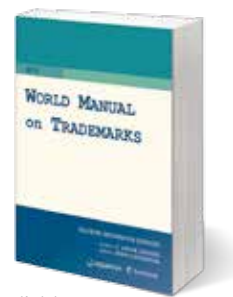
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