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LexisNexis® IP Law and Strategy Series

LexisNexis® is committed to providing intellectual property professionals with authoritative legal resources that provide trusted, highly valuable content to help achieve better outcomes for your clients. That commitment was strengthened with the recent acquisition of over 30 intellectual property treatises and practice guides from the Oxford University Press U.S. Law Division. Joining the ranks of authoritative Matthew Bender® works like Nimmer on Copyright® and Chisum on Patents, these treatises, with dozens more in the pipeline, ensure LexisNexis’ continued position as the leading resource for IP primary, legal news, analytical and workflow solutions. The titles in this collection cover a range of topics including patent claim drafting, patent ethics, and trademark and copyright litigation; written by renowned authors from top tier law firms. We are excited to present the LexisNexis IP Law & Strategy Series.

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Emerging Issues

Biotechnology and Nanotechnology: Regulation Under Environmental, Health, and Safety Laws
B. David Nardu

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.

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.

Internet Crimes, Torts & Scams: Investigations and Remedies
This title helps attorneys understand the increasing range of illegal and malicious internet activity and a similarly expanding number of response or enforcement options. It is problem-oriented and cuts across many practice areas including intellectual property enforcement, libel, third-party liability, forensics, and global jurisdictional issues.

Clean Tech Intellectual Property: Eco-marks, Green Patents, and Green Innovation
Fred L. Cole

This book is the first comprehensive review of intellectual property and clean technology. It analyzes the interplay of clean technologies and IP regimes using industry trends, legal developments, and case studies to demonstrate how IP law is influencing the growth of clean tech and how green business models are shaping IP practice.

Software Licensing: Principles and Practical Strategies
Michael L. Rustad

Software Licensing: Principles and Practical Strategies provides practitioners with a comprehensive analysis of the concepts and methods of software licensing with an emphasis on the contract and intellectual-property interface of this process.

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 laws 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.

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.

"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 to 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.
Criminal Enforcement of Intellectual Property Rights: U.S. Perspective

State and national governments often meet these challenges with significant federal and state legislation and funding as well as proactive enforcement of intellectual property laws. These laws are designed to deter counterfeiting and piracy, protect creators and innovators, and encourage investment in research and development.

Business of Intellectual Property

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 the legal and business perspectives, and offer strategic advice on how to manage IP assets for competitive advantage, profitability and return on investment.

Intellectual Property Culture and Compliance, Second Edition

Eric M. Ostroff and Ronald A. Krotoski

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 pervasive and productive as possible. This Second Edition offers more practical tips, coverage of the America Invents Act (passed in 2011), recent Supreme Court patent cases, and new appendices featuring additional helpful and practical tools.

Thesaurus of Patent Claim Construction

Stuart B. Soffer and Robert C. Kahrl

This thesaurus addresses a major development in patent law—claim construction. Claim construction is a major phase of a patent litigation where the meaning and scope of the claims is determined by the court. The outcome of this definition phase is crucial to the economic advantage, profitability and return on investment of the patentee. The Thesaurus of Patent Claim Construction 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.

Rules of Patent Drafting: Guidelines from Federal Circuit Case Law

Joseph E. Root

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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

Rules of Patent Drafting: Guidelines from Federal Circuit Case Law

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Rules of Patent Drafting: Guidelines from Federal Circuit Case Law addresses a major development in patent law over the last two decades—the Disclosure Revocation. 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 definitiveness 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 novice or experienced practitioner, 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.

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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 much 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 Vario-Lux 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 damages for future patent actions, such as how does this decision likely 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.
Trademark, Copyright, and Entertainment Litigation Law

Trademark and Copyright Litigation: Forms and Analysis
Mark G.B. Partridge and Philip 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 this 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

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 appendix provides 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

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.

Trade Dress: Evolution, Strategy and Practice
Thomas E. Gammon and Velocia L. Borten

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, those decisions increased attention to trade dress at the development 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 cases, 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.

Trade Secrets: Law and Practice
David W. Quinter 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 Quinter and Stuart Singer, Trade Secrets: Law and Practice assembles case-law analysis and strategic advice on protecting and defending trade secret misappropriation actions, maintaining legally sufficient trade secret protection measures, and supplanting 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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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 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 as 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.

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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The world of intellectual property has changed considerably during the last 30 years as a result of globalization and the inception of the Internet and digital era. Now, more than ever, in this constantly changing, fast-paced environment, patent and trademark professionals need complete, reliable and up-to-date information on the local IP practice for countries throughout the world in order to protect their IP assets globally. To satisfy that need, LexisNexis and Equinox Information Services have partnered to publish the World Manual on Patents. Updated and revised annually in five convenient paperback volumes, this work includes the practice, proceedings, and application handling for patents in more than 200 jurisdictions. The information is collected from official trademark and patent offices, specialized publications, and websites. A worldwide network of local associates in more than 100 law firms is used to verify the accuracy of the data.

World Manuals

C. Ashim Zapatero, author; Erwin Contuggerena, editor

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Features:
- Provides the most current information on how to obtain utility models, industrial models, and designs in over 200 jurisdictions, making this the most comprehensive survey of its kind.
- In this easy-to-use, multi-volume format, countries are arranged alphabetically and content has been standardized across each entry, helping researchers save time and money.
- Regular electronic updates are available for subscribers between editions, providing readers with the most up-to-date content available.

World Manual on Intellectual Property eBook
C. Adrian Zapatero, author; Erwin Cortagerena, editor


The World Manual on Intellectual Property eBook set gives you quick access to global practice, proceedings, application handling, and legislation for intellectual property in more than 200 jurisdictions. The information is collected from official intellectual property offices, specialized publications, and websites. A worldwide network of over 100 local associates is used to verify the accuracy of the data. Quarterly updates provide readers with the most up-to-date content available. These eBooks provide:
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- Content standardized across each entry, helping researchers save time and money


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