

## AIPLA Model Patent Jury Instructions

The **AIPLA Model Patent Jury Instructions** are provided as general assistance for the litigation of patent issues. One of the **Instructions'** fundamental goals is to provide a model that will not be biased in favor of either the patent owner or the accused infringer. The Instructions are not meant to address every conceivable issue that might arise in patent litigation. Instead, Instructions are provided on those issues that most typically arise in patent litigation and that have clear precedential support. Even so, it is incumbent upon the litigants to tailor these Instructions to the particular case and to simplify the tasks for the jury by not providing superfluous Instructions. It is also intended that these Instructions will be used in conjunction with other instructions dealing with non-patent issues such as credibility and that the trial court will further the jury's understanding of these Instructions by relating the legal principles in the Instructions to the particular factual contentions of the parties.

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

*Meaghan Hemmings Kent, Joshua Kaufman*

**An Associate's Guide to the Practice of Copyright Law** authored by by Meaghan Hemmings Kent & Joshua Kaufman, 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.

## Baxter World Patent Law

*J.W. Baxter, John P. Sinnott, William Joseph Cotreau, Jessica Sinnott*

- Explains the complete patent process, from filing to grant, for all industrialized nations
- Covers all post-acceptance events
- Discusses patent terms, renewal fees, infringement and licensing for all nations and regional patent systems
- Details principal patent conventions
- Covers new legislation as enacted

## Bender on Privacy and Data Protection

As you grapple with difficult privacy and data protection issues, you won't want to be without **Bender on Privacy and Data Protection**. This timely resource provides a framework to help you make sense of important questions in this rapidly-evolving area of law.

Designed for the busy practitioner, the resource is divided into four parts:

- Federal law
- State law
- International law
- Issues that warrant a special focus, such as privacy policies, behavioral advertising, search engines, cloud computing, the cost of privacy measures, and RFID (radio frequency identification).

Practice Insights sections set out important take-aways and practical implications. For further convenience, expert legal analysis is broken into subsections with lists and bullet points to help you find just the right information quickly and easily. In addition, many chapters have one or more Appendices that set out important supplementary materials, including text and analysis of relevant U.S. and international privacy and data protection law.

## Biotechnology & Nanotechnology Regulation

*David Naidu*

**Biotechnology & Nanotechnology: Regulation Under Environmental, Health, and Safety Laws** authored by David Naidu, analyzes regulation governing biotechnology and nanotechnology industries. Regulation of biotechnology, which generally encompasses the manipulation of living materials by passing genetic information from one organism to another, emerged in the 1970's and is of major concern to the medical, pharmaceutical, chemical manufacturing, and agricultural fields. Nanotechnology, which refers to the design and production of molecular-sized devices and products, is a more recent field whose regulation has an impact on the same industries as biotechnology and also affects semiconductors, communications technology, cosmetics, and consumer products.

Additional regulation is quite likely because the need for knowledge of the risks involved in industry processes and products is increasing. Both fields are subject to the same regulatory schemes, and 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.

#### Features

- Examines controversies generated by biotechnology in both the United States and Europe and explains how these controversies will affect the ongoing development of regulation
- Regulation of biotechnology and nanotechnology is of major concern to the medical, pharmaceutical, chemical manufacturing, and agricultural fields
- The fields of biotechnology and nanotechnology have grown rapidly and are expected to require increased levels of legal services

## Business Method & Software Patents

*Morgan D. Rosenberg & Richard J. Apley*

**Business Method and Software Patents** authored by Morgan D. Rosenberg & Richard J. 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.

**Business Method and Software Patents** addresses the drafting of business-method and software patents in the wake of *Bilski v. Kappos*. Morgan Rosenberg and Richard Apley offer a review and analysis of all relevant case law and guidelines presented by the United States Patent and Trademark Office (USPTO).

With the use of actual patents filed by the authors, this work provides practical information and guidance on the drafting of successful patent applications.

#### Features

- A practical "how to" guide on the drafting of business method applications, particularly claims in U.S. patent applications
- Covers in detail the mechanics of assembling both basic and complex business method and software applications
- Provides helpful illustrations taken from issued U.S. patents and examples of published U.S. patent applications
- Offers a wide variety of examples of different claim types and styles, as well as templates and checklists

## Canadian Intellectual Property Law and Strategy

*John McKeown*

**Canadian Intellectual Property Law and Strategy** (2013 Edition), by John McKeown, provides a comprehensive overview of Canadian law relating to trademarks, copyright and industrial designs, along with strategic, practice-oriented commentary regarding how such laws can best be used for business advantage.

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 of 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.

**Canadian Intellectual Property Law and Strategy** (2013 Edition) is organized into three parts:

The first part of the book is devoted to trademarks. The book, in addition to providing an overview of Canadian trademark law, deals with how a foreign trademark owner can use the system most advantageously. The initial focus is on acquisition of rights while later chapters describe the best strategies to maintain and protect trademark rights in Canada.

The second part of the book is devoted to copyright, with a broad, business-oriented treatment that reflects the potentially far-reaching impact of the law. The approach is of a general commercial nature, emphasizing how rights can be protected in Canada. Specific attention is given to understanding which rights are available and the steps that should be taken to protect those rights,

whether by means of the appropriate assignments and registrations, or enforcement actions in the Canadian courts. The third part of the book focuses on industrial designs, and explains what needs to be done and when by manufacturers to protect their products. The emphasis is on the steps required to protect and assert rights against infringers.

## California Intellectual Property Handbook

Eliminate the need to search through scattered titles and codes to find the intellectual property statutes you need. In this resource, you will find complete and fully updated text provisions of all relevant California and federal intellectual property statutes with expert commentary.

Features of the **California Intellectual Property Handbook** include:

- Consultant commentary
- An introductory article highlighting an overview of intellectual property law
- The full text of California statutes dealing with trademarks, name protection, trade secrets, protection of inventions, sound recordings and films, and computers
- The laws regulating franchising, unfair competition and advertising
- The full text of the federal copyright, patent, trademark and other relevant federal statutes

## Chemistry for Patent Attorneys

*Francis J. Waller, Justin J. Hasford*

**Chemistry for Patent Attorneys**, written by science and technology researcher Francis J. Waller, PhD, with consulting editor Justin J. Hasford, a partner at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, provides a practical introduction to organic and polymer chemistry, chemical reactions used to prepare large -scale industrial chemical intermediates and polymers, catalysis that enable these reactions, biochemistry, and other emerging technologies. It will be useful to lawyers seeking to understand how these disciplines are used in end applications, such as pharmaceutical intermediates or drugs, conducting polymers, photovoltaics, new monomers for polymers, and even proteomics, all of which are covered in detail. The book also provides an extensive vocabulary that will allow patent attorneys to communicate more effectively with their clients and inventors involved in chemistry -related inventions.

The eBook versions of this title feature links to Lexis Advance for further legal research options.

## Chinese IP Cases and Commentaries

*Catherine Sun*

**China Intellectual Property & Case Commentaries** provides a comprehensive collection of "must-know" Chinese case law on intellectual property law with helpful expert commentary to guide you through the complexities of intellectual property law in China.

Ms. Sun has written and practiced extensively in intellectual property in China and recognized the importance of examining key intellectual property cases after China first established the specialized intellectual property courts more than 20 years ago. Although China is not a case law regime, the cases in China Intellectual Property & Case Commentaries will nevertheless serve to reveal the most vibrant Chinese intellectual property law issues, shed some light on the meanings of tedious statutes, as well as show how a particular set of facts are analyzed and decided by the judiciary in China.

**China Intellectual Property & Case Commentaries** will further guide you through the intricacies of intellectual property case law in China. As Ms. Sun notes: "The [case] conclusion may not be uniform, and the result may be perplexing, but cases [will] no doubt provide a deeper clue of judicial thinking which cover more or less the loopholes created inherently by a code law regime. "

The eBook versions of this title feature links to Lexis Advance for further legal research options.

## Chisum on Patents

*Donald S. Chisum*

Every legal detail you need to secure and protect a patent claim. Donald S. Chisum's masterwork gives you authoritative analysis of all issues pertaining to patent law – including doctrines, rules and case law relating to patentability, validity and infringement. Whether you're applying for a patent, appealing a patent application denial or litigating patent infringement **Chisum on Patents** puts authority on your side.

**Chisum on Patents** is the most cited treatise in patent law today – cited more than 800 times by the U.S. federal courts and twice as much as the nearest competitor since it was released in October 1978.

One-stop research saves you time and money. **Chisum on Patents** gives you the information you need to answer questions on every

topic in patent law:

- What constitutes a patentable invention
- Fundamental requirements of patentability – originality, novelty, utility and nonobviousness
- Perfecting rights to a patentable invention
- Rules regarding disclosure and submitting claims
- Double patenting
- Rules in priority of invention
- Patent application process – from filing through examination and appeals
- Restriction requirements and divisional applications
- Continuation applications
- Requirements for obtaining the benefit of a prior patent filing in a foreign country
- Applications for reissue
- Substantive aspects of infringement

Draft patent claims quickly and confidently. **Chisum on Patents** saves you time with over 300 pages of guidance on how best to draft patent claims – including a detailed explanation of patent claim interpretation. Stay up-to-date with the latest changes in patent law. Updated five times a year, no other treatise on patent law keeps you as current as **Chisum on Patents**. It provides clarifying analysis of the most important recent decisions and how they may affect your claims. What's more, **Chisum on Patents** provides abstracts of all published decisions of the Court of Appeals for the Federal Circuit in a topically arranged outline.

## Clean Tech Intellectual Property

*Eric L. Lane*

**Clean Tech Intellectual Property** authored by Eric L. Lane: Eco-marks, Green Patents, and Green Innovation, by Eric L. Lane, 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. The book explains how clean tech companies can leverage green patents to create and expand their businesses and includes strategies and cases studies relating to prosecuting green patent applications, building green patent portfolios, and licensing clean technologies. The effects of significant green patent and trademark litigation on the clean tech industry are also examined. Special focus is given to issues of "eco-mark" prosecution and green branding, from the brand owner perspective and from a consumer protection standpoint, including a discussion of "greenwashing." The book critically examines clean tech IP policies and discusses the international debate over the role of IP in efforts to curb global climate change.

### Features

- First comprehensive review of intellectual property and clean technology
- Analyzes the interplay of clean technologies and the various IP regimes using trends, statistics, legal developments and case studies
- Special focus given to patent litigation, patent prosecution and issues of trademark prosecution and branding

## Compendium II of Copyright Office Practices

**The Compendium II: Copyright Office Practices** is the general guide on registration, recordation, and related practices for U.S. copyrights. It is a manual that describes U.S. copyright policy under the 1976 Copyright Act. The Compendium II version of the manual replaced the original Compendium. The original version described procedures and policy under the 1909 Copyright Act. This manual is generally consulted by Copyright Office staff and the public.

## Copyright and the Public Domain

**Copyright and the Public Domain** brings much needed clarity to the question of what is protected by copyright and what is not. In plain language, it explains how and why works of authorship enter the public domain. It provides detailed coverage of: copyright requirements; the duration of copyright; copyright forfeiture and abandonment; the "publication" requirement; non-protectable elements within a copyrighted work; restoration of copyrights to foreign works under GATT; conducting copyright renewal searches; non-copyright restrictions that may protect works in the public domain; and many other important issues.

## Corporate Counsel Solutions: Intellectual Property Management: Strategies & Tactics

*Lackebach Siegel*

**Corporate Counsel Solutions: Intellectual Property Management: Strategies & Tactics** is a practical resource for corporate counsel,

who need timely, easy-to-find and practical information on matters pertaining to a company's intellectual property assets. Issues including cybersquatting, IP licensing, patents and copyright and trade secret protection are covered with explanations of the practical effects of owning and enforcing the various forms of intellectual property. This Corporate Counsel Solutions volume provides practice insights including warnings, practice tips, additional resources and checklists and forms that will save corporate counsel research and drafting time.

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

*Charles R. Macedo*

**Corporate Insider's Guide to U.S. Patent Practice** authored by 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.

Written by Charles R. Macedo, a practicing attorney at an elite intellectual property firm, **The Corporate Insider's Guide to U.S. Patent Practice** offers readers a high-level, practice-oriented approach to patents that never loses sight of the business implications at stake. In short, it teaches what every executive should know in terms of how best to spot patent-related issues effecting both short and long-term organizational goals.

### Features

- Offers a strategic, practice-oriented overview of United States patent practice
- Highly qualified author/attorney affiliated with elite firm and possessing a wealth of experience in patent practice in the U.S. and abroad
- Ideal for in-house counsel looking for a compact and accessible guide to the essentials of patent practice

## Court of Appeals for the Federal Circuit Practice & Procedure

*Donald R. Dunner, Charles L. Gholz, J. Michael Jakes, George E. Hutchinson, Richard L. Rainey*

**Court of Appeals for the Federal Circuit: Practice and Procedure** provides detailed coverage of the procedure for patent and trademark cases on review in the Court of Appeals for the Federal Circuit from the U.S. Patent and Trademark Office and the U.S. District Courts.

Discusses the applicable Rules for practice before the Federal Circuit and provides the necessary practice forms.

## 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.

### Features

- Provides in-depth information about the criminal enforcement of intellectual property rights in the United States
- Explains the criminal legal process with ways to develop cases for criminal referral
- Describes how to present a case to the government for investigation and prosecution
- Provides detailed resource and reference information along with the links to the Internet sources to facilitate further research
- Contains helpful appendices to supplement the analysis along with pertinent contact information for government and industry trade groups

- Details groundbreaking prosecutions for distribution of counterfeit microelectronics
- Provides a time line of semiconductor counterfeiting in China
- Explains parallel issues between counterfeit integrated circuits and counterfeit pharmaceuticals

## Entertainment Industry Contracts

*Donald C. Farber*

An authoritative form resource with expert guidance on negotiating and drafting contracts in the major areas of the entertainment industry, including entertainment software.

- Each area was written by one or more experts in the field, using forms and giving commentary based on their practice of law in the area
- "State-of-the-Art" forms in a unique format: Contract clauses (and alternative clauses) are in the left-hand column of the page, while the instructions on filling out the clauses and advice on negotiating the proper terms for your client are in the right-hand column of the page
- Contains contract clauses that conform to the requirements of the Berne Convention Implementation Act of 1988 and to U.S. Supreme Court decisions on work for hire and renewal of copyright
- Complete, workable contracts in every major area of entertainment law – over 300 contracts in all

## Entertainment Litigation

*Charles J. Harder*

**Entertainment Litigation** authored by Charles J. Harder, provides in-depth discussion and analysis of the substantive law regarding the subjects that most frequently arise in entertainment litigation, and provides guidelines, tips and recommendations on how to properly litigate in these areas, on behalf of both plaintiffs and defendants, including studios, talent and independent producers and distributors. Also includes sample complaints, briefs, motions and other practice materials. With contributed chapters from top lawyers in the field, Harder and his co-authors tackle virtually all aspects of entertainment litigation, using the most up-to-date substantive law and practice guidelines, including in-depth discussion of the following subject areas: copyright infringement and idea submission, trademark infringement, right of publicity, defamation, anti-SLAPP law, invasion of privacy and stalking, Talent Agencies Act, profit participation and audit claims, labor and employment litigation and insurance law as they relate to the entertainment industries. Discussion focuses on federal law and state-specific laws and procedures in California and New York, and also covers the substantive and procedural law in both Canada and the U.K.

### Features

- Analyzes the substantive law related to subjects that most frequently arise in entertainment litigation, including copyright, trademark, right of publicity, right of privacy and stalking, defamation and obscenity, anti-SLAPP, profit participation and audit claims, Talent Agency Act, employment law and insurance law
- Offers guidelines, tips, and recommendations on all of these topics from leading practitioners in the field
- Covers federal law, state specific law in California and New York, and international coverage in Canada and the U.K.

## Essentials of Patent Claim Drafting

*Morgan D. Rosenberg*

**Essentials of Patent Claim Drafting** (2013 Edition), by Morgan D. Rosenberg covers the actual mechanics of assembling both basic and complex claims from simple mechanical cases to complex chemical and pharmaceutical cases. The claims of a patent application are, in many ways, the most important part of the application. The claims define the legal scope of patent protection granted by an issued patent, and also determine the course of the patent prosecution process. A properly drafted patent claim must take into account technical breadth, legal strategy, and conformance with U.S. statutory law, U.S. Patent and Trademark Office guidelines, and over a hundred years of case law.

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 which 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.

The 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 claims, using examples of claims from a wide variety of types, styles, and technical arts.

### Features



- A practical how-to guide on the drafting of patent claims in U.S. patent applications
- Covers in detail the mechanics of assembling both basic and complex claims
- Discusses claim drafting from the perspectives of both initial patent application drafting, as well as future patent prosecution
- Offers a wide variety of examples of different claim types and styles
- Provides helpful illustrations and real world examples taken from issued U.S. patents and published applications

## European Patent Law and Practice

**European Patent Law and Practice** contains:

- Overview of European Patent Procedure
- Kinds of Patents
- Application for European Patents
- Examination of Application
- Novelty
- Inventive Step
- Post-acceptance, Publication and Terms of Patent
- Renewal Fees
- Exploitation: Working and Infringement
- Licenses of Right and Compulsory Licenses
- Other Conventions Relevant to European Patent Practice
- Marking and False Marking
- National Transitions and New Organizations
- Infringement: Contributory, Product and Process and Criminal
- Contested Patent Office Proceedings
- The Deposit of Microorganisms for the Purposes of Patent Procedure
- Country-by-country Analysis of Patent Legislation
- Electrical Circuit Layout Protection
- And more

## False Advertising and the Lanham Act

*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 cyberpiracy. 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".

In **False Advertising and the Lanham Act** Thomas Williams addresses false advertising claims under Section 43(a)(1)(B) of the Lanham Act. The book covers established precedent and Section 43(a) false advertising case law, including key decisions where courts have developed essential analytical tools to flesh out sparse statutory language. 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*.

The book is organized by topic. Chapter One describes actionable claims under Section 43(a)(1)(B), and includes an analysis of the Supreme Court's *Dastar* opinion, which sets important boundaries for Section 43(a) claims. Chapter Two identifies various tests for Section 43(a)(1)(B) standing, including the circuit split on whether antitrust-based standing rules are applicable to false advertising claims. Chapter Three analyzes each of the requisite Skil factors for establishing a false advertising claim. Chapter Four addresses Section 43(a)(1)(B) pleadings, including the impact of the Supreme Court's *Twombly* and *Iqbal* decisions on notice pleading rules. Chapter Five examines defenses to false advertising claims. Chapter Six reviews injunctive relief requirements and Chapter Seven outlines monetary relief available to prevailing parties.

### Features

- Addresses all phases of false advertising claims under Section 43(a)(1)(B) of the Lanham Act
- Provides in-depth analysis of the courts' application of Section 43(a)(1)(B) through core precedent and unpublished decisions
- Compares and contrasts Section 43(a)(1)(A) and (B), explaining critical differences between "passing-off" and false advertising
- Includes analysis of Supreme Court's *eBay* and *Winter* decisions
- User-friendly layout for targeting key information, with topics organized by chapter, including factor-by-factor analysis of claims and remedies

## Federal Acquisition Regulations: Intellectual Property and Related Rights

A complete tool for the practitioner, providing in-depth analysis of intellectual property issues arising from the Federal Acquisition Regulations (FAR), especially FAR Part 27 (Patents, Data and Copyrights). This unique resource is the first to focus on the recent changes to the FAR and-a must for procurement specialists.

## Federal Circuit Bar Association Model Patent Jury Instructions

The Federal Circuit Bar Association (FCBA) is a national organization for the bar of the Court of Appeals for the Federal Circuit. Leadership of the Association comes from all areas of the country and represents all areas of the legal community of the Federal Circuit. The Association was organized to unite the different groups who practice within the legal community of the Federal Circuit. The Association offers a forum for common concerns and dialogue between bar and court, government counsel, private practitioners, litigators, and corporate counsel.

The **FCBA Model Patent Jury Instructions** offer a comprehensive resource for Federal Circuit practitioners. They are written in a clear, straightforward style. Judges and lawyers will find these instructions key resources, ready for tailoring to the particular case.

## Federal Taxation of Intellectual Property Transfers

**Federal Taxation of Intellectual Property Transfers** bridges the gap between intellectual property law and tax law by explaining how to: achieve capital gains tax treatment for licensing agreements; deal with the "sale" requirements for capital gains taxation; qualify for safe harbors; avoid the pitfalls inherent in copyright transfers; and determine when patents, trade secrets, trademarks, copyrights and other intellectual properties qualify as capital assets. This tax-planner's tool also discusses judicial and legislative developments as they relate to capital assets sold or exchanged and provide a full analysis of amortization deduction rules and recovery of acquisition costs.

## Garrod Patent Glossary – Chemical, Pharmaceutical and Biotechnology Arts

The **Garrod Patent Glossary of Judicial Claim Constructions in the Chemical, Pharmaceutical and Biotechnology Arts** is an indispensable resource for validating the terms in patent claims. It provides patent prosecutors and litigators with cites to cases that define specific words and phrases used in patent claims. Using the **Glossary**, patent professionals have a reliable index of cases that have previously defined the terms they are researching. The knowledge gained from the **Glossary** helps patent drafters and litigators avoid costly disputes and hearings.

## Garrod Patent Glossary – Electronics, Computer and Business Method Arts

The **Garrod Patent Glossary of Judicial Claim Constructions in the Electronics, Computer and Business Method Arts** is an indispensable resource for validating the terms in patent claims. It provides patent prosecutors and litigators with cites to cases that define specific words and phrases used in patent claims. Using the **Glossary**, patent professionals have a reliable index of cases that have previously defined the terms they are researching. The knowledge gained from the **Glossary** helps patent drafters and litigators avoid costly disputes and hearings.

## Garrod Patent Glossary – Mechanical, Electro-Mechanical and Medical Devices Arts

The **Garrod Patent Glossary of Judicial Claim Constructions in the Mechanical, Electro-Mechanical and Medical Devices Arts** is an indispensable resource for validating the terms in patent claims. It provides patent prosecutors and litigators with cites to cases that define specific words and phrases used in patent claims.

## Getting the Deal Through: Copyright

Copyright addresses the key issues that are of concern to rights holders and their counsel when navigating copyright law in unfamiliar jurisdictions, covering such areas as: legislation and enforcement, agencies, subject matter and scope of copyright, copyright formalities, ownership and copyright, duration of copyright, copyright infringements and remedies and relationship to international copyright conventions.

## Getting the Deal Through: Domains & Domain Names

Topics covered include domain registration processes – including the associated costs, the duration of the registration, and the processes and mechanisms of transferring a domain – disputes arising from domain names, the litigious process – including possible



remedies, damages and appeals – and strategies used when deciding between ADR and litigation in resolving disputes.

## Getting the Deal Through: Patents

A guide to patent litigation and patent office procedures across the world, produced by local specialists: types of enforcement proceedings, trial format and timing, standing to sue, standards of proof, inducement/contributory infringement, infringement by foreign activities and by equivalents, discovery, litigation timetable and costs, appeals, alternative dispute resolution, absolute novelty, obviousness or inventiveness, patent unenforceability, voluntary and compulsory licensing, patenting timetable and costs and patent office appeals and opposition and patent duration and modification.

## Getting the Deal Through: Trademarks

Expert local insight into the major trademark law issues across multiple jurisdictions, covering: ownership and scope of trademarks, application for registration, appeal of failed applications, third-party opposition to registration, duration and maintenance of marks, assignment, markings, types of trademark enforcement proceedings, procedural format and timing, discovery, litigation costs, defences and remedies and appeals.

## Gilson on Trademarks

*Anne Gilson LaLonde, Jerome Gilson*

This definitive work features:

- Comprehensive and current treatment of trademark law in the United States, with clear explanations of basic principles and expert discussion of complex issues
- More than 450 trademark practice forms on all aspects of USPTO proceedings, complete with drafting guides, practice tips and filing requirements
- Detailed analysis of infringement, false advertising, counterfeiting, dilution and trademark law remedies with extensive case citation
- Full coverage of domain name registration and protection under U.S. law and the UDRP
- More than 450 trademark practice forms on all aspects of USPTO proceedings, complete with drafting guides, practice tips, and filing requirements
- Primary Source Appendices
- The USPTO's Acceptable Identification of Goods and Services Manual (ID Manual)
- The USPTO's Trademark Manual of Examining Procedure (TMPEP)

## Global IP Law Service Quick Charts

**Global IP Law Service Quick Charts** from Equerion Information Services, Inc., cover IP practice and proceedings guidelines for all 24 regions of the world. The easy to use format of the Quick Charts allows the IP practitioner to compare information for each country in a given region. The Quick Charts are easy to access, easy to download, and easy to read. The pre-compiled information provided by Quick Charts save valuable time and effort. You do not have to spend time selecting, compiling, and formatting the information. **Global IP Law Service Quick Charts** are ready when you are!

Quick Charts are accessible by a link in the document for a given region. A dollar sign (\$) may appear next to the link. The dollar sign (\$) indicates that a transactional charge may apply to access Global IP Law Service Quick Charts. If you do not have a subscription to Global IP Law Service Quick Charts, you will incur a transactional charge when you click on the link to access the Quick Chart. This charge occurs once prior to 12:00 AM EST. Multiple clicks prior to 12:00 AM EST does NOT incur additional charges. Clicking the link again following 12:00 AM EST will result in an additional charge.

The following 24 regions are covered:

1. ARIPO
2. Benelux
3. Caribbean
4. Central America
5. Central Asia
6. Eastern Africa
7. Eastern Asia
8. Eastern Europe
9. European Community
10. GCC
11. Middle Africa

12. Northern Africa
13. Northern America
14. Northern Europe
15. OAPI
16. Oceania and Pacific
17. South America
18. South-Eastern Asia
19. Southern Africa
20. Southern Asia
21. Southern Europe
22. Western Africa
23. Western Asia
24. Western Europe

For a list of countries in each region, contact your LexisNexis Sales Associate.

There is no charge to search in the file or use the TOC. There is a transactional charge to download a Quick Chart. Subscription pricing is available. For price and subscription information, contact your LexisNexis Sales Associate.

## Gray Markets: Prevention, Detection and Litigation

*David R. Sugden*

**Gray Markets: Prevention, Detection and Litigation** authored by 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.

In **Gray Markets**, Sugden introduces readers to a variety of strategies to prevent a brand owner's products from finding their way into unauthorized distribution channels. From educational and contractual methods that communicate the importance of gray market abstinence, to on-site security and modern tracking technologies, and to the use of private investigators and even "dumpster dives," the book offers specific methods to prevent supply chain leakage, while also examining the legal boundaries of gray market investigations.

### Features

- A must-have, strategic guide for practitioners to detect and prevent gray market activity, as well as learn effective judicial remedies, legal theories and defenses in both criminal and civil proceedings
- The first comprehensive analysis of the business and law of the gray market
- Written by a legal expert in the fields of Intellectual Property and Brand Integrity: Mr. Sugden has argued favorable verdicts, winning multi-million dollar settlements in gray market cases, including a recent \$10 million judgment for Nortel

## Intellectual Property Counseling and Litigation

*Lester Horwitz, Ethan Horwitz*

A comprehensive practice guide to both client counseling and dispute resolution in all areas of intellectual property law. Written by a host of leading U.S. intellectual property attorneys, the work covers:

- The developing law in areas such as counterfeit goods, computer chip and software protection, biotechnology, process patents and design protection
- The relationship between intellectual property law and other business law: bankruptcy, antitrust, arbitration, government contracting, insurance and export control
- International aspects of the law, including patent and trademark protection, overseas licensing concerns and foreign litigation problems
- Litigation procedure and strategy for every type of case with step-by-step guidance through each phase of litigation, from complaint drafting to discovery to trial tactics and damages
- Procedure before special intellectual property tribunals, including the U.S. Claims Court, the Trademark Trial and Appeals Board, and the Court of Appeals for the Federal Circuit

## Intellectual Property Culture and Compliance, 2d Edition

*Eric M. Dobrusin & Ronald A. Krasnow*

**Intellectual Property Culture and Compliance**, 2d Edition by Eric M. Dobrusin & Ronald A. Krasnow: With the increasing public awareness of patents, U.S. Congress having enacted patent reform, and the U.S. Supreme Court taking on expanding numbers of patent cases, the pressure on innovation-based organizations to define and improve their intellectual property culture is higher than ever before. The proper management of intellectual property assets is essential to a healthy business, but knowing how to proactively protect IP assets is far from intuitive. IP laws are complicated and require nuanced treatment by the executives in charge of making strategic deals and developing a company's assets.

**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.

With decades of combined experience in both the law and business of intellectual property, Dobrusin and Krasnow deliver an excellent guide for any company seeking to develop or improve its IP program. Filled with illuminating examples and anecdotes from the authors' real-world experiences, the book contains valuable practical advice along with sample agreements, notice letters, employee training materials, patent status reports, IP policies, questionnaires, timelines, and other resources.

#### Features

- Helps attorneys and executives build a business culture in which the development and management of intellectual property is straightforward and productive
- Offers valuable practical advice along with sample agreements, notice letters, employee training materials, patent status reports, IP policies, and other helpful resources
- Contains illuminating examples and anecdotes from the authors' real-world experiences
- 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

## Intellectual Property in Eastern Europe & Commonwealth of Independent States

This reference tool examines and monitors the laws of 31 Eastern European countries as they transform from a centrally-planned economy into a market economy. English translations of forms and laws are included for the busy practitioner. The full text of important bilateral and multilateral treaties and agreements that are shaping Central and Eastern Europe today are provided and several of these international instruments are accompanied by commentary.

#### Subject matter includes:

- Copyrights
- The Court System and Dispute Resolution
- Industrial Designs
- Patents
- Trademarks
- Service Marks
- Appellations of Origin
- Country-specific coverage includes:
  - Tariffs in Uzbekistan
  - Legal protection of computer programs and databases in the Russian Federation
  - Law of geographical indications in Belarus
  - Law on commercial secrets in Kyrgyz Republic
  - Law of competition in Estonia
  - Provisions applying to literary, musical, and cinematographic forms of work in Hungary
  - Law of patents for plant varieties in Moldova.

## Intellectual Property in Government Contracts, 2d Edition

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

**Intellectual Property in Government Contracts** by 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 3 years. It includes considerably expanded coverage of civilian agencies.

#### Features

- Multifaceted investigation of U.S. federal and state level IP procurement practices, providing valuable advice to attorneys on both sides of intellectual property litigation in government contracts
- Provides practical guidance to avoid pitfalls of government IP contracting, and remedies for government misuse of IP rights
- Written by four prominent intellectual property specialists whose combined experience spans the private and government sectors
- Comprehensively updated, rewritten, and revised to reflect new developments in federal intellectual property and procurement law over the last 3 years, with dramatically expanded coverage of civilian agencies
- Revised and updated analysis of IP and procurement laws in all 50 States and the District of Columbia.
- Expanded coverage of administrative claims procedures.
- New discussions of government out-licensing of IP and uses of open-source software
- Expanded guidance and templates for negotiating specialized IP licenses

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### Intellectual Property Law: Commercial, Creative, and Industrial Property

**Intellectual Property Law** covers all major fields of intellectual property: patents, process patents, trade secrets, copyright, technological protection of copyrighted works under the Digital Millennium Copyright Act, online copyright and trademark liability, semiconductor chip protection, import exclusion, database protection, software protection, Web publishing, trademarks, trade dress, Internet domain names, parallel imports and "gray goods," and unfair competition. **Intellectual Property Law: Commercial, Creative, and Industrial Property** also discusses the TRIPs Agreement, the Madrid Protocol and other international conventions, and compares the basic principles of U.S. law with those of Asian and European law.

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### Intellectual Property Law: Damages & Remedies

**Intellectual Property Law: Damages and Remedies** addresses two crucial concerns of intellectual property owners – how to recover monetary compensation when an infringement has occurred and how to prevent further infringement. This unique work explains how compensation and remedies are determined in every scenario, including infringement on the Internet. You'll read about: ex parte seizures and stopping infringing goods at the border; provisional rights and remedies for patent owners; injunctive relief; monetary damages; punitive and statutory enhanced damages; attorneys' fees and costs; and more. This is the first resource to turn to for coverage of all the issues that arise once liability for infringement has been established.

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### Intellectual Property Licensing: Forms and Analysis

**Intellectual Property Licensing: Forms and Analysis** is a comprehensive collection of forms, checklists and agreements designed to help attorneys deal with virtually any intellectual property licensing issue. It provides both the documents you need and the guidance to put them to use. The nearly 100 helpfully annotated forms and agreements: copyright, trademark and patent agreements; work-for-hire agreements; nondisclosure and noncompete agreements; exit-interview guidelines; privacy/publicity releases and celebrity endorsement agreements; merchandising agreements; software development, distribution and licensing agreements; music licensing agreements; dramatic performance licensing agreements; and sample corporate copyright and trade secret policies.

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### Intellectual Property Protection in Asia

In today's global business environment, knowledge of the intellectual property laws of the Asian countries and the manner in which they are administered is essential. This work will help you determine where, when, and how to establish and exercise rights to intellectual property in eight of the most important Asian countries.

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### International Copyright Law and Practice

**International Copyright Law and Practice** integrates the global analysis of international copyright with in-depth chapters on national laws.

**International Copyright: An Introduction:** In this framework chapter, the General Editor explains how, systematically, to deal with international cases

**The Law of the European Community and Copyright:** This chapter explains how European law conditions the exploitation of copyright and neighboring rights throughout the European Union.

**National Chapters:** Experts on the spot explain the laws of Argentina, Australia, Belgium, Brazil, Canada, China, France, Germany,

Greece, Hong Kong, Hungary, India, Israel, Italy, Japan, Korea, the Netherlands, Poland, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

## Internet Crimes, Torts and Scams: Investigation and Remedies, Second Edition

Melise Blakeslee

**Internet Crimes, Torts and Scams: Investigation and Remedies** by Melise Blakeslee helps attorneys understand the increasing range of illegal and malicious internet activity and a similarly expanding number of response or enforcement options. Reflecting a "real-world" dynamic, the book is problem-oriented and cuts across many practice areas including intellectual property enforcement, libel, third-party liability, forensics, and global jurisdictional issues. It will aid practitioners who need to identify not only the type of problem a client faces but how to investigate and best respond to protect a client's interests in any given situation.

In **Internet Crimes, Torts and Scams**, Melise Blakeslee draws upon her extensive experience investigating and litigating internet-based legal problems to produce a unique and accessible book for any attorney advising a client on internet-related risks. Topics covered in this comprehensive text include: investigation techniques such as how to interpret email headers, global jurisdiction, investigation of counterfeiters, intellectual property, the problems of anonymity on the Internet, and preparation of complaints. Also included are extensive appendices, including ICANN complaints, motions, a list of online resources, and guidelines for the seizure of electronic evidence.

In the Second Edition, all chapters have been thoroughly updated to reflect developments related to key word advertising, trademark infringement, and "hot news." New sections on quasi in rem jurisdiction, false light, and jurisdictional issues in trademark and copyright disputes have been added. In addition, there are new practice tips and updated appendices reflecting changes in ICANN rules for dispute procedures.

### Features

- Features a number of topical issues including but not limited to: Internet Jurisdiction, Cybersquatting, Key Word Advertising, Defamation, Copyright, Counterfeiting, and Investigative Techniques
- Written by a high-profile partner with extensive experience in preventing/prosecuting internet fraud
- Provides a unique combination of current technology, the state of the law, and remedies available to attorneys to provide their clients with the best and most efficient aid against internet-related crime

## IP Strategy, Valuation, and Damages

Stevan Porter, Michelle Rakiec, Albert B. Kimball

In **IP Strategy, Valuation, and Damages** (2014 Edition), Stevan Porter and Michelle Rakiec, with consulting editor Albert B. Kimball, provide accessible and actionable information about intellectual property in a business context. The book begins by explaining foundational elements of IP, including the different types of IP, their unique characteristics, and their relevance in business, before moving on to valuation of IP, quantifying infringement damages, and how to use IP in business strategy articulation and execution. Each topic is addressed theoretically, linking familiar business concepts and frameworks to IP, and is punctuated with illustrative examples that provide real-world context and immediacy to the discussion.

## The Law of Advertising

Peter E. Rosden, Jim Astrachan, Donna Thomas, Eric George Rosden

The Law of Advertising brings you comprehensive coverage of the rules governing each party to the advertising contract: media, consumer, advertiser, and advertising agency.

This latest edition now includes a discussion on the passage of the Leahy-Smith America Invents Act, which amended a plaintiff's ability to bring a qui tam action against someone who falsely labeled a good as patented. Under the amended Section 292, only the government may bring a criminal action against someone for falsely labeling a good as patented, and only a person who has actually suffered a competitive injury as a result of a violation of the section may bring a civil action. Also under this amended section, it is no longer a violation to mark a product as patented if the underlying patent on the product has expired. New text has also been added as a result of the growth of online advertising and the use of new technology as a platform for advertising. This has led to a need for ad agencies to strike an increasingly delicate balance between effectively marketing a client's product or service and avoiding patent infringement liability. There are an ever expanding number of features and functions on the Internet that are patented, but many people don't know that some of these seemingly standard features are patented.

Other critical topics you'll find inside The Law of Advertising include:

- Latest developments at the FTC
- Consumers' federal remedies
- State remedies

- State-by-state listing of cites to statutes regulating advertising
- Corrective advertising
- Comparative advertising
- Children's advertising
- Legal and medical advertising
- Tax treatment of advertising income
- Advertising injury insurance
- Cable television advertising
- Internet advertising
- Telemarketing
- Direct marketing
- Securities advertising

The eBook version of this title features links to Lexis Advance for further legal research options.

First published in 1973.

## Law of the Internet

*F. Lawrence Street, Mark P. Grant*

Internet law is changing almost as fast as technology itself – making it vital to the success of your case that your research is based on all the latest laws and key decisions that interpret them.

**Law of the Internet** is an easy-to-use resource written for busy practitioners like you, with summaries of major cases and statutes, and forms you can adapt to the specifics of your case. Stay ahead of the game with this annually-updated, one-volume treatise, which provides comprehensive analysis of legal issues raised by the Internet and insightful commentary on future directions the law may take.

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

*Sidney Philip Blum*

**License, Royalty & Revenue Agreements: Drafting, Monitoring and Auditing** authored by Sidney Philip Blum, 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. This book will modernize and remold how agreements are written and will greatly enhance the bottom line of licensors and other contractors. Lawyers involved in drafting license and other self-reporting contracts typically understand boilerplate provisions but not the financial nuances that are subject to high degrees of interpretation that eventually costs their clients significant money and business relationships. Billions of dollars are lost annually and significant litigation results from poorly thought-out critical financial, monitoring and auditing terms. Unfortunately, these shortcomings are generally not discovered until a royalty audit or in litigation, at which point it's often too late to undo the damage, leaving the licensor with no choice but to accept pennies on the dollar or the inability to terminate a poor agreement. *Financial Elements of Contracts: Drafting, Monitoring and Compliance Audits* helps lawyers and contract administrators avoid such pitfalls and maximize recoupment.

### Features

- Uniquely focused book that provides extremely valuable information about how to properly protect a party receiving self-reported information and identifies the opportunities for reasonable penalties when the contract is violated
- Written by an expert in third-party auditing with contract compliance experience
- Aids practitioners with guidance on how to avoid the pitfalls of licensing, from the beginning contracting phase through to monitoring and auditing

## Licensing of Intellectual Property

**Licensing of Intellectual Property** is the definitive treatise in the field. It provides in-depth coverage of not only standard contract provisions, but also the intellectual property, antitrust, misuse, and common-law and unauthorized copying issues involved in licensing transactions that are not always directly reflected in contract language. These include: implied licenses; the difficult relationship between antitrust and intellectual property; antitrust and misuse limitations on licensing terms; the influence of trade secret protection and patent expiration and invalidation on licensing and royalty terms; licensees' standing to sue for infringement of licensed intellectual property; the use of declaratory judgments to challenge the validity, enforceability or infringement of licensed intellectual property; and the effect of the Supreme Court's eBay decision on licensing-related remedies. Appendices provide sample patent licensing and Web publishing agreements.

## Managing Complex IP Litigation



David Dolkas

In **Managing Complex IP Litigation** (2014 Edition), David (Dave) Dolkas, a partner at McDermott, Will & Emery in Silicon Valley, sets forth the methodologies, processes, and protocols that he has developed over 30 years as a litigator, including 15 years as a trial attorney on complex IP and patent infringement cases. The book will be invaluable to any litigator transitioning from a tasked or project-based role on complex cases to leading either a segment (or "project") or the entire complex case (a "program"). Dolkas instructs readers on how best to Manage, Analyze, and ultimately Present (or "MAP") the "proof points" of a complex case to a judge or jury in a presentation that will be compelling, persuasive, and highly believable.

## Manual of Patent Examining Procedure

The **Manual of Patent Examining Procedure** (MPEP), Ninth Edition, March 2014 contains the latest USPTO updates to all chapters of the MPEP except Chapters 800, 900, 1000, 1300, 1700, 1800, 1900, 2000, 2300, 2400, 2500, and Appendix P.

This LexisNexis product has also been updated to include the most current information available at the time of publication, including PTO forms available as of September 2014. Appendix L containing the United States Code Title 35 Patents is current through Public Law 113-163, approved August 8, 2014, while Appendix R that includes Title 37 Code of Federal Regulations Patents, Trademarks, and Copyrights is current through September 18, 2014. Appendix T also contains the Regulations Under the Patent Cooperation Treaty as in force from July 1, 2014.

## McGrady on Domain Names

Paul D. McGrady, Jr.

**McGrady on Domain Names** is a unique, practical resource for attorneys advising clients on issues and problems that arise in connection with domain names, including questions involving domain name disputes, registration, and maintenance.

The information assembled in these volumes is essential to attorneys representing brand owners, parties opposing brand owners, registrars, registries, and ancillary service providers in the domain name industry. Chapters present available information for all countries and all generic domain names in a clear, easy-to-use format.

Contents include:

- Formal and informal dispute procedures, with analysis
- Extensions currently associated with each jurisdiction
- Registry contact information
- Access to lists of known accredited registrars
- Registration and transfer processes and procedures
- Renewal terms and processes
- Chapter appendices setting out forms, registry policies, examples, and other hard-to-find, practical information
- Thousands of direct links to domain registries and other important sources of information on the web.

## Milgrim on Licensing

Roger M. Milgrim

**Milgrim on Licensing** offers a complete guide to the intellectual property transaction. The publication covers licensing in all substantive areas of intellectual property, and provides practical guidance on drafting individual clauses and complete agreements.

Coverage includes:

- Licensing characteristics of patents, trade secrets, trademarks and copyrights
- Licensing of multiple intellectual property
- Antitrust considerations
- The effects of NAFTA on licensing
- Drafting and sample contract clauses

## Milgrim on Trade Secrets

Roger M. Milgrim

In addition to its analysis of traditional trade secret problems, such as those arising between owners of trade secrets and their employees, this treatise provides full coverage of other legal issues, including criminal, administrative, antitrust and tax considerations. **Milgrim on Trade Secrets** is the complete guide to protecting and using trade secrets and other intangible property.

Coverage includes:

- Protection by contract and by operation of law
- Substantive and procedural problems of litigation
- Taxation and antitrust issues related to trade secrets
- Effect of the employer-employee relationship on trade secrets
- Relationship between trade secrets and other areas of intellectual property

## Music and Copyright

*Ron Rosen*

**Music and Copyright** authored by Ron Rosen: The highly topical area of copyright law, as applied to music, is widely misunderstood by lawyers, business people, and - perhaps most seriously - the federal judiciary. More than ever, there is a need to understand music infringement issues within the context of copyright litigation. In **Music and Copyright**, Ron Rosen provides readers with a practical and strategic roadmap to the music-infringement litigation process, beginning with the client's claim or defense and continuing through the selection and use of trial experts, discovery, motion practice, and trial.

Renowned for his expertise and career-long commitment to entertainment, intellectual property, and commercial litigation, Ron Rosen has condensed his experience into an essential guide for anyone involved in music-infringement litigation. Packed with elucidating examples from the author's own practice, **Music and Copyright** navigates the often thorny terrain between notions of the legal and the musical providing practical advice, case studies, forms, and commentary along the way.

### Features

- In-depth, practical coverage of a music infringement action--from the claim/defense through discovery, motion practice, the selection and use of experts, and trial
- Written by a highly-respected copyright litigator
- Packed with elucidating examples from the author's own practice
- Music and Copyright navigates the often thorny terrain between notions of the legal and the musical providing practical advice, case studies, forms, and commentary along the way

## New York Intellectual Property Law

*Hugh C. Hansen*

A one-stop reference to the New York and federal statutes and NYCRR regulations governing intellectual property matters. In this resource, you'll find:

- An introductory chapter that clarifies complex statutes and explains the interplay of state and federal law
- The complete text of applicable New York statutes and regulations as well as the federal statutes
- Expert practice commentary accompanying key provisions of the law
- Helpful checklists alerting you to all statutes and regulations impacting on a specific issue
- Sample agreements and litigation forms

## Nimmer on Copyright

*Melville B. Nimmer, David Nimmer*

Cited in more court opinions than any other treatise on the subject of U.S. copyright law, **Nimmer on Copyright** provides comprehensive insights into copyright protection in the digital age as well as exhaustive discussions of traditional issues. This definitive work on copyright law is a rich resource for the expert, as well as the practitioner just beginning to explore the arena.

**Nimmer on Copyright** is an easy-to-follow treatise containing:

- In-depth, comprehensive insights into copyright protection in the digital age as well as exhaustive discussions of traditional copyright issues
- Extensive analysis covering specific media such as printed works; plays and motion pictures; music; artistic property; and digital technological developments such as copyright protection systems and the Internet
- Interpretation of all provisions of the Copyright Act, and thorough coverage of the Digital Millennium Copyright Act
- Outstanding litigation forms provided by top intellectual property litigators
- State-of-the-art transactional forms with side-by-side commentary written by leading copyright law practitioners
- Text of all relevant statutes, regulations, treaties and legislative histories

**Nimmer on Copyright** has appeal both to the domestic and international audience. Accompanying the emergence of global communications, U.S. copyright issues are being faced by foreign parties and lawyers, as protected works are easily being transmitted from foreign locales into this country.

## 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** authored by Mark Simon Davies: The need for a legal "Elements of Style" aimed at U.S. patent litigators has long been acknowledged by patent law attorneys and judges within the Federal Circuit. The United States Court of Appeals for the Federal Circuit has recently embarked on a campaign to improve the quality of briefing. With *Patent Appeals: The Elements of Effective Advocacy in the Federal Circuit*, Mark Davies has provided attorneys with an indispensable guide to briefing and arguing cases before the Federal Circuit.

**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. It is an essential manual of instruction for litigators and anyone interested in understanding the procedures of writing a winning appellate brief and presenting it in court. Topics include clear writing, the importance of presentation, the types of arguments most likely to succeed, and the formal requirements for filing a brief. Other issues include effective oral argument presentation and petitions for panel rehearing and rehearing en banc. Samples (all written by the author) are included.

## Patent Application Drafting

Morgan D. Rosenberg

**Patent Application Drafting** (2013 Edition) by Morgan D. Rosenberg: The proper drafting of a patent application takes into account technical breadth, legal strategy, conformance with a vast number of rules and regulations codified in U.S. statutory law, guidelines issued by the United States Patent and Trademark Office, and over a hundred years of constantly evolving case law. Present texts on the drafting of U.S. patent applications generally fall into two categories: First are the weighty legal treatises that focus on theory and case law to the detriment of practical information; second are the "patent it yourself" books, which are very basic and limited in scope, and thus not of much use to a practicing patent attorney or patent agent.

**Patent Application Drafting** actually teaches the drafting of patent applications from a practical perspective. Intended as an introductory text, it covers the entire patent application and includes many helpful examples illustrating the process from start to finish. It is written for novice patent attorneys, agents, law students, and for those preparing for the patent bar exam.

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.

### Features

- Teaches the drafting of patent applications from a practical perspective
- Covers the entire patent application and includes many informative, wide-ranging, real-world examples illustrating the process from start to finish
- Both a textbook and a reference book providing very general and very specific information respectively
- Provides numerous appendices with additional examples, checklists, and further specific information
- Contains a helpful and thorough glossary of patent-specific terms defined in language anyone can understand

## Patent Case Management Judicial Guide

The **Patent Case Management Judicial Guide** features:

- Comprehensive patent law content in single volume covers early case management, preliminary injunctions, discovery, claim construction, pretrial case management, trial and post-trial procedures. Therefore, the content for practicing in highly-technical and expanding area of law is at your fingertips.
- Glossaries include local patent rules and model patent jury instructions. These are current with model patent jury instructions prepared by National Jury Instruction Project (June 2009).

Although similar in many respects to other forms of complex civil litigation, patent cases pose distinctive case-management challenges. As the number, size, and complexity of patent cases have grown throughout the United States over the past several decades – paralleling expansion in the role of high technology enterprises in the U.S. economy – the need for a comprehensive, user-friendly, and practical judicial guide for managing patent cases has become increasingly apparent.

Recognizing this, the authors surveyed the range of approaches and perspectives on patent case management, fostered discussion and analysis of patent case management techniques, and developed this authoritative guide for judges, law clerks, practitioners, and patent and civil procedure professors and scholars.

The **Patent Case Management Judicial Guide** is a collaborative effort between the Federal Judicial Center and the Berkeley Center for Law & Technology of the University of California - Berkeley School of Law.

## Patent Commentaries Analyzing the America Invents Act

Years of efforts in Congress to reform U.S. patent law culminated in the enactment of the America Invents Act ("AIA") on September 16, 2011. **Patent Commentaries Analyzing the America Invents Act** analyzes and provides commentary dealing with the America Invents Act.

## Patent Ethics: Litigation

*David Hricik*

**Patent Ethics: Litigation** authored by David Hricik 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. **Patent Ethics: Litigation** is the second of two volumes on patent ethics. This treatise is the first of its kind to combine 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.

**Patent Ethics: Litigation** covers many vital topics, including conflicts of interest specific to patent practice, pre-suit investigation and pleading requirements regarding inequitable conduct as well as infringement, prosecution bars, ethical issues concerning expert witnesses, and the risks that attend litigating a patent that a firm obtained for the plaintiff.

### Features

- A unique and well-organized tool for confronting practical ethical issues and conflicts of interest that increasingly arise in patent litigation
- This book is a unique treatise on patent litigation, covering multifaceted aspects of the law, including essential patent ethics rules and case law, as well as practice-oriented strategies and examples to assist practitioners
- Written by respected practitioner and professor with many years of experience in patent litigation.

## Patent Ethics: Prosecution

*David Hricik and Mercedes Meyer*

**Patent Ethics: Prosecution**, by David Hricik and Mercedes Meyer, is an essential guide to the ethical issues arising in the course of the patent prosecution 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. **Patent Ethics: Prosecution** is one of two volumes on patent ethics -- the second focuses on litigation -- and is the first of its kind to combine the United State 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 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.

### Features

- A unique and well-organized tool for confronting practical ethical issues and conflicts of interest that increasingly arise in patent prosecution
- Analyzes essential patent ethics rules and case law, as well as practice-oriented strategies and examples to assist practitioners who need to resolve "real-world" issues
- Written by practitioner (Meyer) and scholar (Hricik) with many years of experience in patent prosecution

## Patent Infringement: Compensation and Damages

**Patent Infringement: Compensation and Damages** is a complete, concise and detailed guide. It explains each step, from a finding of infringement to a determination of damages. The process starts with determining the damages period and damages base, from both a product and a geographic perspective. Next, the appropriate theory -- reasonable royalty or lost profits -- is applied. Then enhancements or limitations are considered, as well as the likelihood and effect of an injunction. It shows you the method used, the possible variations, the unique patent law doctrines that may apply, and the strategies to consider in seeking terms most advantageous to your client. The resource also examines how awards of damages are treated under accounting rules, and discusses the admissibility of evidence from expert witnesses respecting damages.

## Patent Law Digest

*Donald S. Chisum*

Written by the top expert on patent law, this **Patent Law Digest** is a reference tool that provides rapid access to every Federal Circuit patent decision and that contains concise summaries of all patent decisions of the U.S. Court of Appeals for the Federal Circuit. This publication combines the pertinent statutes, rules, and case authority on United States patent law and procedure. Updated annually, it features a topically arranged outline with summaries and explanations of the published decisions of the United States Court of Appeals for the Federal Circuit.

## Patent Law for Scientists and Engineers

*Basil M. Angelo, Lucas T. Mikeska, Michichiro Izumi, and Koichiro Nakanishi*

Written by a team of experts in patent law and engineering, **Patent Law for Scientists and Engineers** provides a substantive introduction to patent law for engineers, scientists, and decision makers involved in the patenting process. The book explains the underlying motivations and policies of the patent right, the importance of the patent right in industry, and the conceptual framework of the modern United States patent system. Against this backdrop, the patent prosecution process is explained with particular attention paid to potential pitfalls for the uninitiated. This book is also suitable for use as a textbook for undergraduate or graduate level engineering, science, or business courses in intellectual property law or business management.

## Patent Litigation Procedure & Tactics

*Lester Horwitz, Ethan Horwitz*

**Patent Litigation Procedure & Tactics** discusses all stages of patent litigation, contains sample jury instructions, issues checklist and litigation forms.

The publication offers tactical strategies for infringement suits and provides checklists of black letter law for claim construction, infringement, validity, doctrine of equivalents and prosecution history estoppel.

## Patent Law Perspectives

*Martin J. Adelman*

**Patent Law Perspectives** contains an analysis of developments in patent law and the effects of these developments on current and future practice. This exhaustive treatise will save you hours of time.

Coverage includes:

- Validity
- Infringement
- Remedies Relating to Patent Infringement
- Court Procedures
- Arbitration
- Patent and Trademark Office (PTO) Practice and Court Review of PTO
- Decisions
- Licensing and Sale
- Taxation
- Government Proceedings, Contracts and Awards
- Trade Secrets and Unfair Competition
- Lack of Candor in PTO and Fraudulent Procurement

## Patent Licensing Transactions

*Harold Einhorn, Revisions by Thomas J. Parker*

**Patent Licensing Transactions** delivers coverage of:

- Royalty bases and rates
- Domestic and foreign patent licensing
- Assignments
- Territorial limitations and duration
- Termination of agreements
- Antitrust
- U.S. taxation of domestic and foreign patent transactions
- Government and university licensing

- Over 300 pages of forms

## Patent Litigation: Client Handbook

**Patent Litigation: Client Handbook** covers:

- Summary of Substantive Patent Law
- Pre-litigation and Litigation Management Issues
- Pleadings, Jurisdiction and Venue
- Case Management and Discovery
- Experts
- Markman
- Summary Judgment
- Pre-trial
- Trial
- Post-trial/Appeal
- Reissue and Reexamination

## Patent Office Rules and Practice

*Lester Horwitz*

This essential reference provides patent registration applicants with guidelines on the practices and procedures relating to the filing and review of patent applications filed in the Patent and Trademark Office.

The forms, which are accepted by the PTO, cover nearly every aspect of practice before the PTO and almost every conceivable situation the practitioner might run into, including: transmittal letters for every type of submission to the PTO; forms necessary for filing regular, continuation-in-part, divisional, and international applications; requests for re-issue and re-examination; actions after final rejection and appeals; and responses, amendments, and letters to the PTO.

**Patent Office Rules and Practice** include:

- The text of the sections of various United States Code titles that relate to patent law
- The full text of the Patent Cooperation Treaty, accompanying regulations and administrative instructions
- The text of the Manual of Patent Examining Procedure (MPEP)
- The text of selected relevant notices, directives, clarifications and Helpful Hints issued by the PTO
- More than 350 practice-proven blank forms that can be filled out, and filed with the PTO

## Patent Related Misconduct Issues in U.S. Litigation

*Joel Davidow and James Toupin*

**Patent Related Misconduct Issues in U.S. Litigation** (Second Edition) by Joel Davidow and James Toupin is designed to serve as the first comprehensive review of conduct defenses and counterclaims, with a focus on existing case law and litigation strategies. The Second 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.

The first section of the book addresses claims involving misuse of the patenting process, with a focus on patents on a product or process the patentee did not invent as claimed and inequitable conduct claims, including intentional failure to cite material references and false or misleading declarations. From here the book turns to claims based on the misuse of the litigation process, including baseless and bad-purpose suits. The third and final section of the book describes claims based on the misuse of the competitive (antitrust) and licensing processes. Each section of the book is divided into sections devoted to law and strategy, with practical guidance related to handling document demands and other discovery requests, expert testimony and waiver issues. This book is designed to provide patent litigators with a double arsenal of unprecedented case-law analysis and litigation strategy related to the "wild cards" of infringement cases: affirmative defenses and counterclaims based on assertions of patent-holder misconduct. Such claims can include:

- inequitable conduct, including intentional failure to cite material references and false or misleading declarations
- misuse of the litigation process, including baseless and bad-purpose suits
- claims that an opposing party knew or should have known that the patent was invalid or not infringed
- antitrust law violations
- tortious interference
- defamation
- RICO allegations

In addition, each chapter of the book has a section devoted to litigation strategy related to a particular claim, with practical guidance on a range of issues including:



- document demands and party depositions used to show that putative inventor had access to another's similar invention
- deposition tactics to establish what the inventor or patent holder knew and when they knew it, along with indications of intent.
- the use of expert testimony to establish materiality or intent
- summary judgment and motion practice
- the use of expert testimony to prove claims of market definition and market power
- third-party discovery to prove what persons skilled in the art understood or how the market functions
- waiver of privilege issues
- the use of discovery to establish the existence of past licenses and negotiations
- post-verdict Rule 11 claims or recovery under 35 USC § 285

#### Features

- Written by knowledgeable intellectual property lawyers with extensive antitrust, patent, and trade litigation experience in both the private and public sectors
- The first book of its kind to provide a comprehensive review of misconduct claims and defenses, with reference to existing case law and litigation strategies
- Unique multifaceted approach that combines practical advice for litigators with critical analysis of older doctrines

## Rules of Patent Drafting

*Joseph Root*

**Rules of Patent Drafting** by Joseph Root: Patents are invalidated every day for reasons often stemming from avoidable error. Rules of Patent Drafting: Guidelines from Federal Circuit Case Law helps patent drafters avoid such errors with a set of patent drafting rules derived from Federal Circuit decisions. By focusing on drafting principles, instead of abstract legal concepts, the reader gains a coherent, integrated understanding of what the Federal Circuit requires. The rules point the way to confident drafting.

**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 the 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.

#### Features

- Written by a very experienced practitioner and patent drafter, who has a wealth of experience with Patent Law. Root's career spans the entire life of the Federal Circuit, and it includes patent preparation, prosecution, and litigation, from both hands-on and management perspectives.
- Provides important information that even the most expert patent drafters will find invaluable to help avoid patent invalidation
- Gives patent drafters a wealth of strategic, organized information on the relevant case law issued by the Federal Circuit
- A new approach to learning patent drafting, presenting an integrated set of rules. Each rule is internally coherent and complete, so that full understanding of the rule produces a complete grasp of all important facets of a topic.
- Text combines thoroughness and accessibility. Federal Circuit cases are fully presented, with sufficient factual treatment to assist understanding. Clear organization and writing promote understanding by IP specialists and non-lawyers alike

## Section 337 Patent Investigation Management Guide

Patent litigation in the United States has grown steadily over the past 20 years. As District Courts became bogged down with such cases - - which can take 3 to 5 years to reach the trial stage - - many patent owners have gravitated toward the U.S. International Trade Commission's policing of unfair trade practices under Section 337 of the Trade Act. **Section 337 Patent Investigation Management Guide** is a comprehensive, user-friendly, and practical manual for experienced ITC professionals as well as new entrants to this important branch of patent enforcement. Organized around the contours of ITC investigations, this treatise provides invaluable insight into the nuances of ITC procedures. Section 337 Patent Investigation Management Guide also serves as a critical resource for companies seeking to evaluate their options, enforcement strategies, and defense tools, as well as for the full range of patent professionals - - many of whom have little experience with the ITC process. Also available in lexis.com.

## Software Licensing: Principles and Practical Strategies

Michael L. Rustad

**Software Licensing: Principles and Practical Strategies** authored by Michael L. Rustad, 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. Author Michael L. Rustad examines key clauses and negotiating points that both licensors and licensees confront in licensing software, as well as provides insight into the larger business implications of software-licensing strategies.

### Features

- Comprehensive analysis of the vital aspects of software licensing law for practitioners.
- Written by an expert in international business law and software licensing and the law.
- Provides practitioners with useful case-scenarios, analysis and forms specifically oriented to software licensing.

## Taxation of Intellectual Property and Technology

Marvin Petry, Kenneth R. Appleby

**Taxation of Intellectual Property and Technology** fully integrates the latest legislative, administrative, and judicial changes in the tax law as well as the patent, trademark, and copyright and trade secret laws. In addition, the resource covers Internet taxation and international taxation. It is a comprehensive guide to the federal tax consequences of the development, purchase, sale and licensing of intellectual properties, including inventions (whether or not patentable), trade secrets, trademarks, trade names, copyrights, and computer software.

Because of the highly transitory nature of the tax law and of the intellectual property law, rapid pace of technological development, especially the development of electronic commerce and the Internet, and the complex and often uncertain interplay between the two, **Taxation of Intellectual Property and Technology** is a must-have resource for intellectual property professionals, taxation professionals, and for general attorneys and accountants having some familiarity with either taxation or intellectual property.

## Technology Licensing and Development Agreements

Cynthia Cannady

**Technology Licensing and Development Agreements** authored by Cynthia Cannady: Technology licensing and development agreements are increasingly important to businesses in both the United States and abroad, in industries including computer hardware and software, nanotech, biotech, medical devices, pharmaceuticals, bioinformatics, energy, and environmental technology.

**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.

### Features

- Includes chapters on antitrust and standards licensing and on agreements with universities and national laboratories
- Addresses ethics in technology contracts, a subject not often treated in other works
- Step-by-step guide to negotiating and drafting technology contracts
- Provides a term-by-term analysis of material terms in licensing and development agreements, with definitions, best practices, and sample clauses
- Contains a convenient CD with helpful sample form contracts and templates
- Offers a framework that identifies 15 IP strategies and shows how technology licensing and development agreements relate to each of them with specific examples of each strategy

## Telecommunications Regulation: Cable, Broadcasting, Satellite, and the Internet

Charles D. Ferris, Frank W. Lloyd

**Telecommunications Regulation: Cable, Broadcasting, Satellite, and the Internet** is the most comprehensive treatise available on local, state, and federal regulation of these emerging modes of telecommunications. Formerly known as **Cable Television Law**, the treatise features detailed discussions of the topics at the heart of the tension between telephone, data, and video regulation. With its coverage of the latest developments, established law, and historical background, **Telecommunications Regulation: Cable,**

**Broadcasting, Satellite, and the Internet** is a complete reference resource for both in-house and outside counsel to television, telephone, cable, satellite, broadcasting, computer, and online companies.

The extensive appendix system includes full coverage of telecommunications statutes and FCC and Copyright Office regulations; and details valuable governmental contacts and websites. A partial list of chapters includes:

- Antitrust
- Cable In Other Countries
- Cable Programming Networks
- Cable Telecommunications
- Cable Television Franchising
- Consumer Equipment Compatibility
- Direct Broadcast Satellites
- Franchising of Cable TV Systems
- FCC Broadcasting Regulation
- FCC Cable Ownership Restrictions
- High Definition Television
- Internet Issues for Cable Operators
- International Developments
- Leased Commercial Access to Cable
- Multipoint Distribution Service
- Negotiations for Pole Attachments
- Privacy Issues in Cable
- Rate Regulation
- Satellite Master Antenna Television
- Satellite Video Delivery Services
- Tax Issues
- Theft of Service
- Transfer of Cable TV Systems

## The Business of Intellectual Property

*Christopher M. Arena and Edward M. Carreras*

**Business of Intellectual Property** authored by 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. With extensive experience in the legal departments of major corporations (Coca-Cola, BellSouth, AT&T) as well as firm practice at leading IP specialist Woodcock Washburn, Arena and Carreras are uniquely positioned to demystify the complicated intersection of intellectual property and the business operations upon which it is increasingly built.

### Features

- A winning combination of strategic vision and practical advice that focuses on the intersection of law and business.
- Arena and Carreras demystify the complicated law of IP and explain how to strategically manage these assets for competitive advantage, increased profitability, and higher returns on investment.
- 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.

## The Law on Advertising of the Russian Federation

**The Law on Advertising of the Russian Federation** creates a framework for regulating communications with consumers. It is a consumer protection law which addresses the relationship between the seller of a product or service and the potential purchaser. It prohibits unfair and deceptive representations of the conditions, qualities, and properties of products and services. The law applies to a broad range of industries, including general goods and services, the alcohol industry, the financial services industry, the arms industry, and the medical and healthcare industries. It supports the principles of fair competition, the unity of economic space in the Russian Federation, the exercise of consumers' rights to fair and accurate advertising, the establishment of conditions for the production and expansion of social advertising, the prevention of violations of the Russian Legislation on Advertising, and the preclusion of inappropriate advertising.

## The Legislation on Copyright of the Russian Federation, 3rd Edition

**The Legislation on Copyright of the Russian Federation, 3rd Edition**, provides, in English and Russian, the text of Part IV of the Civil Code of the Russian Federation regulating copyright. The current provisions on copyright of the Civil Code of the Russian Federation are effective from January 1, 2008. The code was in 2010 and 2011.

## The Patent Legislation of the Russian Federation

**The Patent Legislation of the Russian Federation 2012** provides, in English and Russian, the text of Part IV of the Civil Code of the Russian Federation regulating patent law. The current Patent Law is included in Part IV of the Civil Code of the Russian Federation, which came into force on January 1, 2008 and amended in 2010 and 2011.

## Thesaurus of Claim Construction

*Stuart B. Soffer and Robert C. Kahrl*

**Thesaurus of Patent Claim Construction** by Stuart B. Soffer & 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 Cleantech. Ordinary Skill is now included as a topic.

### Features

- 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

## Trade Dress: Evolution, Strategy and Practice

*Darius C. Gambino & William L. Bartow*

**Trade Dress: Evolution, Strategy and Practice** by Darius C. Gambino & 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 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.

### Features

- Describes and analyzes the differences between the major types of trade dress: product configuration and product packaging
- Focuses on the evolution of trade dress in order to provide a more comprehensive understanding of the basis for the law and its impact on strategy decisions
- Covers various trade dress remedies including injunctions and monetary damages
- Covers various trade dress defenses, including functionality
- Explains how others use trade dress, and the best ways to protect intellectual property in general

## Trade Secrets: Law and Practice

*David W. Quinto & Stuart H. Singer*

**Trade Secrets: Law and Practice** authored by David W. Quinto & 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.

This book is an invaluable resource for both firm-based litigators and in-house attorneys. It sets a new standard for the insightful analysis of U.S. trade secret law and practice.

#### Features

- Co-written by two highly-experienced litigators
- Unique, comprehensive coverage of U.S. trade secret law from a trial lawyer's perspective, uniting case law analysis with litigation strategy
- Aids in maximizing business value, strategic technology and intellectual property management

## Trademark & Copyright Litigation

*Mark V.B. Partridge and Phillip Barengolts*

**Trademark and Copyright Litigation** authored by Mark V.B. Partridge and Phillip Barengolts has become increasingly complex reflecting the ever increasing share of value represented by brands and creative works. As a result, there is a growing demand for practice-tested advice and commentary related to winning strategies. **Trademark and Copyright Litigation: Forms and Analysis** by Mark V.B. Partridge and Phillip Barengolts 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.

#### Features

- Provides the actual and recommended sample documents for federal court trademark and copyright litigation
- Actual "real world" documents are from well-known trademark and copyright cases, with commentary on the strengths and weaknesses
- Presented in chronological order, the forms proceed from the inception of a case through trial and appeal

## Trademarks and Unfair Competition: Critical Issues in the Law

**Trademarks and Unfair Competition: Critical Issues in the Law** is a complete, concise guide to trademark and unfair competition and addresses the emerging issues of greatest importance to businesses today. The authors, expert practitioners who teach and who have helped shape legislation, provide in-depth analysis, real-world work samples, and valuable strategic information on everything from the trademark registration process to social media issues.

#### Topics covered include:

- advantages and risks of seeking federal trademark protection;
- the scope of anti-dilution law under the Trademark Dilution Revision Act of 2006;
- online trademark protection, domain name enforcement and the impact of the new top-level domain names;
- working with U.S. Customs and Border Protection and using track and trace technology;
- treatment of material differences by the ITC in gray market goods disputes;
- aesthetic functionality in trade dress law;
- right of publicity and dilution laws, claims, and defenses;
- and each step of the process of shepherding an application to register through the United States Patent and Trademark Office, including objections, TTAB proceedings, and international protections.

## Trademarks and Unfair Competition Deskbook

*David C. Hilliard, Janet A. Marvel, Joseph Nye Welch II*

Expertly advise and represent your clients on evolving trademark issues with the **Trademarks and Unfair Competition Deskbook**. This guide is a unique and easy-to-use reference tool offering an up-to-date synthesis of current and developing trademark and unfair competition law in one concise volume.

**Trademarks and Unfair Competition Deskbook** guides you through the latest decisions and legislative enactments affecting trademark practice law. Comprehensive case analysis and commentary cover evolving legal and business issues including:

- Federal dilution law
- Anticybersquatting statutes
- Intent to use registration system
- State sovereign immunity
- Protection of trade dress
- Internet domain name conflicts
- Deceptive advertising in the commercial use of the internet and efforts by the FTC and FDA to combat such schemes
- Counterfeit goods and 2006 anti-counterfeiting amendment
- The First Amendment vs. the protection of trade identity
- Recent Supreme Court decisions, including KP Permanent Make-Up, Grokster, and Dastar

## Trademark Surveys: A Litigator's Guide

*James T. Berger & R. Mark Halligan*

**Trademark Surveys: A Litigator's Guide** authored by James T. Berger & 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

- 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 Secrets

**Trade Secrets** provides a general overview of the governing laws and leading cases, as well as practical advice and case citations for a host of situations – from invention assignments to non-competition covenants. You'll learn about conflict avoidance and what information can and cannot be protected. You'll find detailed explanations of internal policies, information protection plans, and negotiation strategies you can adopt to avoid disputes. This treatise is a suitable reference for those unfamiliar with the field as well as for intellectual property experts.

## Trade Secret Law and Corporate Strategy

*Darin Snyder & David Almeling*

**Trade Secret Law and Corporate Strategy** authored by Darin Snyder & David Almeling: Trade secrets--stealing them, protecting them, enforcing them--are increasingly big business. To understand why, consider any information you know about your job that you're supposed to keep confidential. That information may qualify as a trade secret. Trade secrets thus concern everyone from the engineer who invents a better mousetrap to the marketer who knows pre-release prices, from the CEO who drafts the company's five-year plan to the HR rep who manages the organizational chart, and so on.

**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.

### Features



- Provides an accessible introduction to trade secret law in the United States
- Offers "best practices" for businesses and organizations that need to create, maintain, protect, and enforce their own trade secrets and to avoid misappropriating others
- Details how to respond to the loss of trade secrets, from investigation to litigation
- Helps companies protect their trade secrets by explaining how to adopt policies that prevent the loss of confidential information
- Written in a case-study format which shows real-world examples of trade secret litigation and the lessons that can be learned from them

## U.S. Patent Opinions & Evaluations, 2d Edition

David L. Fox

**U.S. Patent Opinions & Evaluations** authored by David L. Fox: Patent opinions and evaluations are used in virtually all endeavors involving United States patents, including litigation, prosecution, licensing, product design, product launch, evaluation for acquisition or disposition of intellectual property, bankruptcy, and U.S. securities issues. In **U.S. Patent Opinions and Evaluations**, David Fox 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. The case law, including *Bilski* and developments in indirect and joint infringement, has been completely updated, along with effects on willfulness, including updates related to the America Invents Act of 2011. Finally, the book has been restructured for easier use by attorneys preparing opinions and for those relying on these opinions.

David L. Fox masterfully addresses the needs of the practicing attorney preparing a patent opinion, combining discussions and the framework of the current law with specific practice tips. He also provides clear, straight-forward guidance for non-patent professionals on the principles of U.S. patent law and the fundamentals of U.S. patent opinions and evaluations, allowing them to better understand and rely on them. **U.S. Patent Opinions and Evaluations** covers everything from general issues--including overviews of opinions, rules for preparing competent opinions, and waiver to nuts-and-bolts issues such as claim construction and claim scope, infringement, validity, and enforceability. The "Practice Tips" and the appendices provide further practical guidance by setting forth exemplary outlines of opinions and evaluations. A subject index enables quick and easy use of the book as a reference for specific topics.

### Features

- Written by a well-respected senior counsel and PhD with years of extensive experience in intellectual property law as well as biotechnology and chemistry
- Uses a unique, strategic approach to provide guidance and real-life examples for patent litigation
- Comprehensive and forward-looking approach to patent evaluations and opinions with helpful practice tips and subject-matter organization for ease of reference

## U.S. Patent Prosecutors Desk Reference

Joshua P. Graham & Thomas G. Marlow

**U.S. Patent Prosecutor's Desk Reference** authored by Joshua P. Graham & Thomas G. Marlow: Patent prosecution is more than drafting patents--it is also advocating patentability. The challenge that each patent prosecutor be an effective draftsman and advocate is compounded by mounting pressure to procure high quality patents at minimum cost. There is a need for a quick, reliable reference to assist prosecutors in creating, researching, and supporting patentability arguments.

In the **U.S. Patent Prosecutor's Desk Reference**, Joshua P. Graham and Thomas G. Marlow assist 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
- Full text of cited sources available at [www.usppdr.com](http://www.usppdr.com) (<http://www.usppdr.com>)

This desk reference cites five different authority sources: statutes that govern the granting of patents; the Manual of Patent

Examining Procedure, Eighth Edition, which dictates how examiners determine whether a patent application should be allowed; decisions by the Board of Patent Appeals and Interferences, which is the administrative body of the U.S. Patent and Trademark Office that reviews decisions made by the examiners; the U.S. Court of Customs and Patent Appeals, which was the body that reviewed decisions made by the Board of Patent Appeals and Interferences until the Federal Circuit came into existence in 1982; the U.S. Court of Appeals for the Federal Circuit, which reviews decisions made by the Board of Patent Appeals and Interferences. The **U.S. Patent Prosecutor's Desk Reference** provides a comprehensive and reliable guide for prosecutors who create, research, and support patentability arguments.

Discussions of the decisions made by the Board of Patent Appeals and Interferences, the U.S. Court of Customs and Patent Appeals, and the U.S. Court of Appeals for the Federal Circuit generally have four parts: Technology Area, Quotable Language, Rejection Response, and Relevant Facts.

#### Features

- Assists patent prosecutors in responding to Office Actions issued by the U.S. Patent and Trademark Office rejecting patent application claims
- Provides a comprehensive and updated source of law, organized by sections corresponding to the types of rejections made by the USPTO
- Cites five different authority sources: statutes, the "Manual of Patent Examining Procedure, 8th Edition;" decisions by the Board of Patent Appeals and Interferences, the U.S. Court of Customs and Patent Appeals, and the U.S. Court of Appeals for the Federal Circuit

## Winning the Patent Damages Case

*Richard F. Cauley*

**Winning the Patent Damages Case**, by Richard F. Cauley, is a guide for patent litigators and in-house counsel who are either considering an action for patent infringement or who are facing the spectre 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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