

Table of Laws and Rules

UNITED STATES CONSTITUTION

	Sec.		Sec.
Art. I, § 8. 1:1 n.6; 1:2 n.2, 3; 2:1; 2:29		Amend V	11:16
n.2; 2:31 n.1; 4:37 n.1; 5:1 n.1		Amend 7	7:6
Art. III	4:1	Amend XI	7:11; 10:7
Art. VI	13:24 n.1	Amend 14	4:2
Amend 1	10:36		

COPYRIGHT ACT

Sec.	Sec.	Sec.	Sec.
1(f)	5:3	512	5:26
101	13:25	601	6:9
301	11:23	1204	5:25
303	6:13	Ch 12	5:25
407	6:11		

DIGITAL MILLENNIUM COPYRIGHT ACT

Sec.	Sec.
Title II	5:26

INTERNAL REVENUE CODE

Sec.	Sec.	Sec.	Sec.
501(a)	3:4	501(c)(3)	3:4

LANHAM ACT

Sec.	Sec.	Sec.	Sec.
1	9:12	15	9:1; 13:27
2	9:38	32	10:5
8	9:41; 13:27	35	10:15
10	13:27	36	10:14
13	9:38	42	14:23

LANHAM ACT—Continued

Sec.	Sec.	Sec.	Sec.
43(a).....	8:16; 8:23; 9:39; 10:5; 10:8; 10:10; 10:11 n.11; 10:14; 10:15; 10:35 n.1; 10:36; 10:37; 10:38 n.28; 10:39; 10:40; 14:23 n.1	43(c).....	10:5
		44.....	9:12
		44(d).....	9:9 n.1
		44(e).....	9:10 n.1

SARBANES-OXLEY ACT

Sec.	Sec.	Sec.	Sec.
302.....	15:14	404.....	15:14

TARIFF ACT OF 1930

Sec.	Sec.
337.....	14:20

UNITED STATES CODE ANNOTATED

7 U.S.C.A. Sec.	Sec.	15 U.S.C.A. Sec.	Sec.
2531.....	13:26 n.6	1052(b).....	9:29 n.1
9 U.S.C.A. Sec.	Sec.	1052(c).....	9:29 n.10, 11
1 et seq.....	10:24 n.23	1052(d).....	9:25 n.1
11 U.S.C.A. Sec.	Sec.	1052(e)(1).....	9:30 n.1
101(35A).....	13:33	1052(e)(2).....	9:31 n.1, 2
365(a).....	13:33 n.1	1052(e)(3).....	8:17 n.6
365(c)(1).....	13:33 n.10	1052(e)(4).....	9:32 n.1
365(n).....	13:33 n.5	1052(f).....	8:11 n.7; 8:17 n.6; 9:4 n.3; 9:30 n.1, 4; 9:31 n.1, 2; 9:32 n.1; 9:33 n.1, 5
503(b).....	13:33	1056(a).....	9:35 n.4
15 U.S.C.A. Sec.	Sec.	1056(b).....	9:35 n.7
1051 et seq.....	9:2; 10:35 n.2	1057(b)....	9:1 n.3; 10:8 n.1; 10:16 n.5
1051.....	9:14 n.2; 9:16 n.2	1057(c).....	8:21 n.2
1051(a).....	9:7 n.1	1058.....	9:41 n.1, 2, 3
1051(a)(1).....	9:20 n.1	1059.....	9:41 n.5
1051(a)(2).....	9:17 n.1	1060.....	13:2 n.1, 6; 13:3 n.2
1051(b).....	9:8 n.1; 14:9 n.1	1062.....	9:34 n.1
1051(b)(1).....	9:20 n.1	1062(b).....	9:34 n.6, 7, 9
1051(b)(2).....	9:17 n.1	1063.....	9:37 n.2; 9:38 n.1, 3
1051(c).....	9:23	1063(a).....	9:38 n.12
1051(d).....	9:23 n.3	1064.....	9:39 n.1, 8
1052 to 1056.....	9:36	1064(3)....	8:10 n.4, 5; 8:26 n.9, 10, 11
1052..	9:4 n.1; 9:10; 9:24 n.1; 9:31 n.8	1065.....	9:1 n.5, 6, 7; 10:8
1052(a)....	9:26 n.1; 9:27 n.1; 9:28 n.1	1068.....	9:39 n.11
		1070.....	9:36 n.1

TABLE OF LAWS AND RULES

UNITED STATES CODE ANNOTATED—Continued

15 U.S.C.A. Sec.	Sec.	15 U.S.C.A. Sec.	Sec.
1072	9:1 n.1, 2; 10:19		n.3
1091	9:4 n.1; 9:36	1141e(a)	9:12 n.2
1092	9:37 n.3; 9:39 n.2, 10	1141f(a)	9:12 n.8; 9:16
1096	9:4 n.2	1141f(b)	9:12 n.4
1111	8:28 n.1, 2; 9:1 n.8, 9	1141h(a)(4)	9:12 n.7
1112	9:5 n.1	1141i(a)	9:12 n.10, 11
1114	8:4 n.3	1141j	9:12 n.12
1114(1)	10:1 n.1; 10:5 n.1	1225(d)(1)(B)(ii)	10:34 n.7
1114(1)(a)	10:7 n.1	7241	15:14 n.3
1115	10:19	7262	15:14 n.4
1115(b)	10:8 n.3; 10:19		
1115(b)(4)	8:9 n.5; 10:17 n.2, 7; 10:28 n.16	17 U.S.C.A. Sec.	Sec.
1115(a),(b)	9:38 n.10	101 et seq.	5:1 n.2
1116(a)	10:14 n.1	101	5:3 n.1, 4, 12, 13, 24, 28, 32, 36, 39, 41; 5:4 n.1, 2; 5:7 n.1; 5:8 n.2; 5:13 n.3; 5:16 n.1, 2; 5:17 n.1, 2; 5:19 n.1; 6:2 n.1; 6:12 n.4, 5; 14:14 n.4
1117	10:31 n.1; 10:34 n.15	102	7:5
1117(a)	10:15 n.1, 2, 8, 10, 15	102(a)	5:2 n.1; 5:4 n.3; 6:1 n.1
1117(e)	10:15 n.14; 10:31 n.2	102(b)	5:18 n.2; 7:16 n.15; 11:1 n.2
1118	10:14	103	5:3 n.44; 7:5
1124	9:1 n.10	103(b)	5:3 n.37
1125	8:4 n.4	104	5:1 n.4
1125(1)	10:7 n.1	104(b)	5:25 n.1
1125(a)	8:16; 8:23 n.1	104(d)	5:25 n.1
1125(a)(1)	10:38 n.26	104A	5:3 n.47
1125(a)(3)	8:16 n.13	104A(h)	5:25 n.2
1125(c)	8:4 n.1; 9:38 n.12; 9:39 n.8; 10:27 n.2	105	5:5 n.21
1125(c)(1)	10:26 n.2; 10:30 n.1; 10:32 n.6; 10:33 n.9	106	5:11; 5:13 n.1; 7:4; 7:7; 7:12 n.1
1125(c)(2)(A)	10:5 n.4	106(1)	5:13 n.2
1125(c)(2)(B)	10:26 n.4; 10:29 n.7	106(3)	5:15 n.1
1125(c)(2)(C)	10:26 n.5; 10:29 n.11	106A	10:37 n.5
1125(c)(3)	10:26 n.10	106A(a)(2)	5:27 n.1
1125(c)(4)(A)	10:28 n.16	106A(a)(3)	5:27 n.4
1125(d)	8:4 n.5	106A(c)	5:27 n.3
1125(d)(1)(A)	10:34 n.4	107	5:22 n.1, 2; 7:18
1125(d)(1)(B)	10:34 n.5	108	5:23 n.9
1125(d)(1)(C)	10:34 n.14	108(a)	5:23 n.10
1125(d)(2)	10:34 n.1	108(d)	5:23 n.11
1125(d)(2)(C)	10:34 n.2	108(f)(1)	5:23 n.12
1126	9:16 n.2; 14:9 n.1	108(f)(2)	5:23 n.13
1126(b)	9:9 n.2	109(a)	5:15 n.6; 5:20 n.3
1126(d)	9:9 n.1, 3	113(d)	5:27 n.5
1126(e)	9:10 n.1	114(a)	5:3 n.30
1127	8:1 n.1; 8:3 n.1; 8:21 n.1, 4, 5, 6, 7; 8:24 n.1, 3; 8:27 n.1; 9:3 n.1, 3, 5, 7, 8; 9:7 n.3, 4, 5, 6; 9:8 n.2; 9:14 n.1; 9:24 n.2; 9:31 n.15; 10:16 n.3, 19; 10:19; 10:26	115	5:12 n.1
		116	5:12
		117(a)(1)	5:21 n.2
		117(a)(2)	5:21 n.4

UNITED STATES CODE ANNOTATED—Continued

17 U.S.C.A. Sec.	Sec.	17 U.S.C.A. Sec.	Sec.
120(a)	5:3 n.34	409(1) to (11)	6:9 n.2
120(b)	5:3 n.35	409(8)	6:2 n.5; 6:5 n.1
201	5:6 n.1; 7:13 n.1	410(a)	6:21 n.1
201(a)	5:8 n.1; 6:6 n.2	410(c)	6:1 n.5; 6:21 n.7, 8, 9; 7:13 n.3
201(b)	6:6 n.3	410(d)	6:21 n.2
201(c)	5:9 n.1	411	6:1 n.3; 7:4 n.3; 7:13 n.2
201(d)	13:2 n.15	411(a)	5:25 n.3; 6:21 n.4, 5; 7:1 n.4
201(d)(1)	13:2 n.7	412	6:1 n.4; 7:31 n.3
202	5:10 n.1, 2	501(a)	7:7 n.1; 7:11; 7:12 n.2
203	5:11	502(a)	7:26 n.1
204	5:11 n.1; 13:2 n.1	502(b)	7:26 n.2
205	5:11 n.2; 13:3 n.3	503	7:27 n.1, 2
205(a)	13:25 n.2	504	7:28
205(c)	5:11 n.3	504(c)	6:18 n.1; 7:29 n.1
301	7:5 n.1; 11:23 n.3	504(c)(1)	7:28 n.1
301(a)	5:1 n.3; 7:1 n.3	504(c)(2)	7:30
302 to 304	11:1 n.4	505	7:31 n.1
302	6:13	507(b)	7:23 n.1
302(a)	6:12 n.1, 3	511	7:11 n.1
302(c)	6:12 n.2; 6:13 n.1	512	5:26 n.1
302(d)	6:12 n.6	512(a) to (d)	5:26 n.2
302(e)	6:12 n.7	512(a)	5:26 n.6
303(a)	6:13 n.2	512(a)(1) to (4)	5:26 n.7
304	6:13 n.3	512(b)	5:26 n.8
304(a)(1)(B)	6:13 n.4	512(c)	5:26 n.9
304(a)(1)(C)	6:13 n.4	512(c)(1)(A)(3)	5:26 n.10
304(c)(6)(A)	5:14	512(c)(1)(A)(ii)	5:26 n.15
401(b)	6:14 n.1	512(c)(1)(C)	5:26 n.11
401(b)(2)	6:15 n.4	512(d)	5:26 n.16
401(c)	6:15 n.1	512(g)(2)(A)	5:26 n.11
401(d)	6:18 n.1	512(g)(2)(B)	5:26 n.13
402(b)	6:15 n.2	512(g)(2)(C)	5:26 n.14
402(c)	6:15 n.3	512(g)(3)	5:26 n.12
402(d)	6:18 n.1	512(k)(1)(A)	5:26 n.3
404(a)	6:15 n.5	512(k)(1)(B)	5:26 n.4
405(a)	6:17 n.1	602	6:1 n.7
405(b)	6:17 n.2; 7:20 n.1	705	11:15 n.8
405(c)	6:19 n.1	903(c)	13:25 n.6
407	6:7 n.2; 11:15 n.7	1201	5:25
407(a)	6:2 n.6; 6:11 n.1	1201(a)(1)(B) to (E)	5:25 n.5
407(d)	6:11 n.2	1201(d) to (j)	5:25 n.4
408(a)	6:1 n.2; 6:6 n.1	1202	5:25 n.6
408(b)	6:10 n.1	1202(d) to (e)	5:25 n.7
408(b)(1)	6:10 n.2	1203	5:25 n.8
408(b)(2)	6:10 n.3		
408(b)(3)	6:10 n.4	18 U.S.C.A. Sec.	Sec.
408(b)(4)	6:10 n.5	704	9:29 n.5
409	6:7 n.1; 6:9 n.1	706	9:29 n.4

TABLE OF LAWS AND RULES

UNITED STATES CODE ANNOTATED—Continued

18 U.S.C.A. Sec.	Sec.	35 U.S.C.A. Sec.	Sec.
708	9:29 n.6	102(b).	2:19; 2:32; 2:33 n.9, 11, 23, 25; 2:35 n.2; 3:6 n.2; 3:22 n.8, 9; 4:33 n.1
1831 to 1832	11:35	102(b)(1)	2:19 n.2; 2:32 n.7
1832	11:35	102(b)(2)	2:32 n.8
1839(3)	11:4 n.2	102(d)	2:7 n.5; 2:11 n.2; 2:33 n.33
19 U.S.C.A. Sec.	Sec.	102(e)	2:7 n.3; 3:22 n.3
1337	14:20 n.1	102(g)	3:22 n.4; 3:29 n.1, 9; 4:35
1337(c)	14:22	103	3:23; 3:28; 4:36 n.1, 12
28 U.S.C.A. Sec.	Sec.	103(a)	2:34 n.1, 2
1292(a)(1)	4:23 n.9	111(b)(1)(B)	3:7 n.5
1295(a)	4:1 n.3	111(b)(5)	3:7 n.2
1331	4:5	111(b)(7)	2:20 n.1
1338(a)	4:1; 4:5; 7:1 n.1; 10:1	111(b)(8)	3:7 n.1
1338(b)	4:1 n.1; 7:1 n.2	112	3:9 n.2, 3; 3:10; 3:11; 3:21; 3:28; 3:29; 4:13 n.12; 4:37; 4:38 n.1; 11:15 n.3, 4
1367(a)	4:1 n.2	1126	4:14 n.3, 14
1391(b)	10:3	112(a)	2:9 n.1; 3:21; 4:39
1391(c)	4:3 n.1; 4:5	112(b)	3:21; 4:39 n.1
1391(d)	10:3 n.1	113	3:9 n.4; 3:10; 3:11
1400	4:5	115	3:9 n.5
1400(a)	7:3 n.1	117 to 118	3:2 n.1
1400(b)	4:3	118	3:2 n.2; 3:9 n.8
1821(b)	4:29	119	2:32; 3:12 n.1; 3:22
2201	4:9 n.1	119(a) to (d)	3:22 n.5
29 U.S.C.A. Sec.	Sec.	119(a)	2:19 n.1
11	15:14 n.2	119(e)	3:7 n.4; 3:10 n.1; 3:22 n.6
15	15:14 n.2	120	2:23 n.1; 2:24 n.1; 2:32; 3:11 n.1
18	15:14 n.2	121	2:22 n.1; 2:32; 3:19 n.8
28	15:14 n.2	122	3:19 n.4; 14:4 n.3
35 U.S.C.A. Sec.	Sec.	122(a)	2:3 n.2
41(b)	2:25 n.7, 8	122(b)	2:3 n.1; 3:19 n.1, 2
41(c)	3:31 n.8	122(b)(1)	2:5 n.1
41(c)(1)	2:25 n.9	122(b)(2)(A)	2:5 n.2
41(c)(2)	2:25 n.10	122(b)(2)(B)	2:5 n.3; 3:19 n.3
100(i)(1)	2:32 n.1	122(b)(2)(B)(iii)	2:5 n.4
101 to 103	11:1 n.1	133	3:26 n.1
101	2:4 n.1; 2:31 n.1, 2; 3:20 n.1, 2; 3:24; 3:28; 4:31	135	2:35 n.3; 3:29 n.1, 6, 7
102	2:34; 3:5 n.1; 3:28; 4:32 n.1; 4:33 n.3; 4:36	135(a)	3:6 n.1; 3:29 n.2, 3
102(a) to (g)	2:32	135(b)	3:29 n.4
102(a)	2:35 n.1; 3:6 n.3; 3:22 n.2; 4:32	135(e)	3:29 n.5
102(a)(1) to (2)	2:32	135(f)	3:29 n.5
102(a)(1)	2:32 n.2; 3:22 n.1; 4:33	141(b)	3:37 n.15
102(a)(2)	2:3 n.3; 2:7 n.2, 4; 2:11 n.1; 2:32 n.3	141(c)	3:38 n.11
		152	3:30 n.10
		154	11:1 n.4
		154(a)	3:10 n.2
		154(a)(2)	2:7 n.1; 2:25 n.1

UNITED STATES CODE ANNOTATED—Continued

35 U.S.C.A. Sec.	Sec.	35 U.S.C.A. Sec.	Sec.
154(a)(3)	2:25 n.2	305	3:37 n.11, 14
154(b)	2:25 n.6	307	3:37 n.16
154(c)(1)	2:25 n.3	307(b)	3:37 n.18
154(d)	14:4 n.4	311(b)	3:39 n.1
155	2:25 n.5	311(c)	3:39 n.1
155A	2:25 n.5	312(a)	3:39 n.4
161	2:4 n.2; 2:31 n.5	312(b)	3:39 n.5
163	2:26 n.2	313	3:39 n.6
171	2:4 n.3; 2:31 n.5	314(a)	3:39 n.4; 4:8 n.9
173	2:25 n.4	315(a)	3:39 n.3
184	3:18 n.3	315(a)(2)	4:8 n.10
185	3:18 n.4	315(b)	3:39 n.2
251	3:35 n.7; 4:8 n.1, 2	315(e)	3:39 n.9
252	3:35 n.11, 12	316	3:39 n.7
254	3:33 n.1	316(a)(13)	3:39 n.8
255	3:33 n.3	317	3:39 n.7
256	3:33 n.4	321(a)	3:38 n.1
257(a)	3:36 n.1	321(b)	3:38 n.1
257(b)	3:36 n.1, 3	321(c)	3:38 n.2; 4:8 n.8
257(c)(1)	3:36 n.2, 4	322(a)	3:38 n.2, 3; 4:8 n.8, 9
257(c)(2)(A)	3:36 n.5	322(b)	3:38 n.4
261	2:1 n.3; 2:17 n.1; 3:14 n.1, 3; 4:7; 13:2 n.1, 13; 13:3 n.1; 13:26 n.2	323	3:38 n.4
262	2:18 n.2	324(a)	3:38 n.5
271	2:36 n.10; 14:22	324(b)	3:38 n.5
271(a)	2:26 n.1; 4:10 n.1; 4:33; 14:22 n.4	324(c)	3:38 n.6
271(b)	4:11, 7:9 n.3	324(e)	3:38 n.6
271(c)	4:12	325(a)(1)	3:38 n.7
271(d)	4:43	325(a)(2)	4:8 n.10
271(f)	14:22 n.3	325(e)	3:38 n.12
271(g)	14:22 n.13, 15	326(a)(11)	3:38 n.10
281	4:5	326(d)	3:38 n.8
282	2:36 n.7; 4:6; 4:30 n.2, 3	326(e)	3:38 n.9
282(b)	4:6 n.1	329	3:38 n.11
282(b)(3)(A)	4:6 n.2	365	2:32
283	4:23 n.1	1029(a)(1)	4:32 n.6
284	2:26 n.3; 4:25; 4:28 n.1	1060	13:27 n.1
285	4:29	1071(a)	9:40 n.12
286	4:4 n.1	1071(b)	9:40 n.13
287	4:27 n.2, 9		
287(a)	2:28 n.2; 4:27 n.1	36 U.S.C.A. Sec.	Sec.
291	3:29 n.1; 4:35 n.1	80305	9:29 n.9
291(a)	2:30 n.1	130506	9:29 n.8
291(b)	2:30 n.2	220506	9:29 n.7
292	2:28 n.1		
298	2:36 n.6; 4:28 n.9	42 U.S.C.A. Sec.	Sec.
299	4:5 n.3	2181	2:4 n.5
302	3:37 n.1, 5; 4:8 n.3		

TABLE OF LAWS AND RULES

UNITED STATES CODE ANNOTATED—Continued

215 U.S.C.A. Sec.	Sec.
1125(a)	10:5 n.2

UNITED STATES PUBLIC LAWS

Pub. L. No.	Sec.	Pub. L. No.	Sec.
105-304 (Oct. 28, 1998)	5:24 n.1	107-273.....	9:11 n.2
105-304, § 512(i) (1998)	5:26 n.5	112-29, § 3(n)(2).....	3:29 n.1
107-204 (July 30, 2002).....	15:14 n.2	112-29, § 18	3:40 n.1

CODE OF FEDERAL REGULATIONS

7 C.F.R. Sec.	Sec.	37 C.F.R. Sec.	Sec.
180.130	13:26 n.7	1.113	3:27 n.1
19 C.F.R. Sec.	Sec.	1.131	3:22 n.7
133.2	14:19 n.2	1.132	3:21; 3:37
133.3	14:19 n.2	1.135	3:26 n.3
133.21	14:19 n.1	1.171	3:35 n.1
133.31	14:19 n.3	1.172	3:35 n.4, 5
37 C.F.R. Sec.	Sec.	1.173	3:35 n.6
1.5	3:18 n.1, 2	1.173(a)	3:35 n.7
1.20(c).....	3:37 n.13	1.175.....	3:35 n.2, 3
1.27.....	3:4 n.2	1.178	3:35 n.10
1.31	2:2 n.2; 3:3 n.1	1.211	14:4 n.1
1.34	3:15 n.1	1.213	14:4 n.2
1.36	3:15 n.2	1.215	3:19 n.1
1.51.....	3:9 n.5	1.219	3:19 n.2
1.53.....	3:9 n.5	1.291	4:8
1.53(3).....	3:17 n.1	1.301	3:28 n.9
1.53(c).....	3:7 n.3, 6	1.303	3:28 n.10
1.53(c)(3)	2:21 n.1	1.311	3:30 n.4
1.53(e).....	3:17 n.2	1.312	3:30 n.6
1.56.....	3:13 n.1; 4:40	1.313(b)	3:30 n.8
1.56(a).....	4:40 n.2	1.314	3:30 n.9
1.56(b).....	3:13 n.4, 5	1.315	3:30 n.12
1.63	3:9 n.6, 9, 10	1.316	3:30 n.7
1.64.....	3:9 n.7	1.321	3:34 n.1
1.77.....	3:9 n.1	1.321(a).....	3:24 n.1, 2
1.98	3:13 n.2	1.321(b).....	3:24 n.1, 2
1.102	3:19 n.5	1.322.....	3:33 n.1, 2
1.104	3:19 n.7; 3:37 n.12	1.323	3:33 n.3
1.104(e).....	3:30 n.2	1.324	3:33 n.4, 5
1.111.....	3:26 n.2, 4	1.331	13:26 n.3; 13:30 n.1
1.111(c).....	3:26 n.5	1.362(d)	3:31 n.1
		1.362(e).....	3:31 n.2
		1.362(g).....	3:31 n.6

CODE OF FEDERAL REGULATIONS—Continued

37 C.F.R. Sec.	Sec.	37 C.F.R. Sec.	Sec.
1.366(a)	3:31 n.5	2.72	9:35 n.1
1.366(c)	3:31 n.3	2.72(a)	9:35 n.2
1.366(f)	3:31 n.4	2.75(c)	9:12 n.7
1.378	3:31 n.7	2.76	9:17
1.510	3:37 n.1	2.76(a)	9:23 n.1
1.530	3:37 n.7	2.76(b)	9:23 n.2
1.535	3:37 n.8	2.80	9:37 n.1
1.550	3:37 n.10	2.83	9:9 n.4
2.20	9:7; 9:19 n.4	2.83(a)	9:6 n.1
2.21	9:13 n.1	2.83(b)	9:6 n.2
2.21(a)	9:13 n.2	2.83(c)	9:6 n.3
2.21(a)(3)	9:17 n.2	2.85	9:5 n.1, 2
2.21(a)(4)	9:15 n.6	2.87	9:23 n.6
2.21(a)(5)	9:15 n.7; 9:20 n.1	2.88	9:17
2.24	9:22 n.1	2.88(b)	9:23 n.5
2.32	9:13 n.1, 2, 3; 9:15 n.7	2.101 to 2.145	9:40
2.32(a)	9:16 n.1	2.101(a)	9:38 n.2
2.32(a)(4)(iii)	9:14 n.13	2.101(c)	9:38 n.3
2.32(a)(6)(v)	9:15 n.1	2.102(c)	9:38 n.4, 5
2.32(b)	9:19 n.1	2.104(a)	9:38 n.6
2.33(a)(3)(i)	9:14 n.10	2.105	9:38 n.15
2.33(b)	9:19 n.2, 3	2.106(b)	9:38 n.16
2.33(b)(1)	9:7 n.2	2.106(b)(1)	9:38 n.17
2.34	9:16 n.2	2.106(b)(2)(i)	9:38 n.18
2.34(a)(1)	9:7 n.11	2.106(b)(2)(iii)	9:38 n.19
2.34(a)(3)	9:21 n.1	2.111(a)	9:39 n.3
2.34(a)(3)(i)	9:10 n.3	2.112	9:39 n.4
2.34(a)(3)(ii)	9:10 n.2	2.114(b)(1)	9:39 n.5, 6
2.34(a)(3)(iii)	9:10 n.5, 8	2.114(b)(2)(i)	9:39 n.7
2.34(a)(4)	9:9 n.7	2.116(a)	9:40 n.4
2.34(b)(3)	9:16 n.3	2.116(b)	9:40 n.1, 2
2.41(a)	9:33 n.8	2.116(d)	9:40 n.5
2.41(b)	9:33 n.6	2.116(e)	9:40 n.3
2.47(c)	9:12 n.7	2.127(a)	9:40 n.7, 8
2.51	9:17 n.3	2.127(d)	9:40 n.9
2.52	9:17 n.8	2.127(e)(1)	9:40 n.10
2.52(a)	9:17 n.5, 6	2.128	9:40 n.6
2.52(b)	9:17 n.4	2.129	9:40 n.6
2.52(c)	9:17 n.7	2.141	9:36 n.2
2.53(c)	9:13 n.4	2.142(a)	9:36 n.4
2.56	9:18 n.1	2.142(b)	9:36 n.5, 6
2.56(a)	9:18 n.2	2.145(d)	9:40 n.14
2.56(d)(2)	9:18 n.7	2.146(a)	9:36 n.3
2.56(d)(4)	9:13 n.4; 9:18 n.6	2.173	9:35 n.3
2.61(b)	9:34 n.8	2.181(a)	9:41 n.1
2.71(a)	9:15 n.5; 9:35 n.8	2.183	9:41 n.6
2.71(c)	9:7 n.14	2.185	13:27 n.2; 13:30 n.2
2.71(d)	9:14 n.6	3.21	3:14 n.2

TABLE OF LAWS AND RULES

CODE OF FEDERAL REGULATIONS—Continued

37 C.F.R. Sec.	Sec.	37 C.F.R. Sec.	Sec.
3.73(b)	3:16 n.1, 2	41.50(a)(1)	3:28 n.2
3.81	3:30 n.10, 11	41.50(b)	3:28 n.5, 8
6.1	9:5 n.3	41.50(b)(1)	3:28 n.6
6.2	9:5 n.4	41.50(b)(2)	3:28 n.7
6.3	9:5 n.5	41.50(c)	3:28 n.3, 4
6.4	9:5 n.5	41.52	3:28 n.8
7.11	9:11 n.4, 5, 6	41.54	3:28 n.8
7.13	9:11 n.7, 8	41.202	3:29 n.8
7.21	9:11 n.11	201.3	6:8 n.1
7.25(b)	9:12 n.2, 3	201.4	13:25 n.3
7.26	9:12 n.4	202(1)	5:5 n.6
10	2:2 n.1	202.1(c)	5:5 n.11
10.23(c)(18)	4:6	202.3(a)(3)(ii)	6:6 n.4
11.8	3:3	202.20(b)(2)(i)	6:10 n.6, 7
11.9	3:3	202.20(c)(2)(i)	6:10 n.8
41.31	3:28 n.1	211.2	13:25 n.7

FEDERAL RULES OF CIVIL PROCEDURE

Rule	Sec.	Rule	Sec.
Form 19	7:4	26(b)(1)	4:18 n.1
9(b)	4:6 n.4; 7:4	26(b)(3)	4:18
11	4:7; 10:3	26(b)(3)(iii)	4:18 n.3
11(b)	4:7 n.1	26(c)	4:19; 11:24
19	4:5	26(f)(3)(C)	4:20 n.1
20	4:5	34	4:20
26	4:18; 4:20	42(b)	4:21
26(a)(1)	10:5 n.7	45	4:20

US COPYRIGHT OFFICE COMPENDIUM II (UNDER THE LIBRARY OF CONGRESS)

Sec.	Sec.	Sec.	Sec.
621.01	6:3 n.4	905.01	6:3 n.5
621.02	6:3 n.2	905.03	6:2 n.3
621.07	6:3 n.3	906	6:2 n.4
630.01(a)	6:21 n.3	910	6:4 n.1
904	6:3 n.1	910.01	6:5 n.2

**PATENT TRADEMARK OFFICE TRADEMARK MANUAL
OF EXAMINING PROCEDURE**

Sec.	Sec.	Sec.	Sec.
104	9:34 n.5	1108.03.....	9:23 n.4
604	9:22 n.2	1201	9:12 n.1
702.01	9:34 n.2	1202.15.....	9:18 n.6
702.02	9:34 n.3	1206.04(a).....	9:29 n.14, 15
704.01	9:34 n.4, 7	1212	9:33 n.2
705	9:34 n.6	1212.01	9:33 n.3, 4
803.01	9:14 n.2, 3, 5	1212.04.....	9:33 n.6
803.02	9:14 n.7	1212.04(d).....	9:33 n.7
803.03	9:14 n.8, 9	1212.05.....	9:33 n.5
803.04	9:14 n.10, 11, 12	1212.06.....	9:33 n.8
803.05.....	9:14 n.14	1212.06(a) to (d).....	9:33 n.9
803.06	9:14 n.6	1213.....	9:35 n.4, 5, 6
804.01	9:19 n.1	1304	9:3 n.6
804.02	9:14 n.4	1401.03(b).....	9:15 n.8
805	9:15 n.2	1401.04.....	9:15 n.9, 10
806	9:16 n.1, 2	1401.04(b).....	9:15 n.10
806.01(b)	9:14 n.4	1401.07.....	9:5 n.6
806.02(a)	9:16 n.3	1402.03.....	9:15 n.2
807	9:17 n.8	1402.04.....	9:15 n.4
807.03	9:17 n.5, 6	1402.05.....	9:15 n.3
807.04	9:17 n.4	1402.06.....	9:15 n.5; 9:35 n.8
807.05	9:17 n.7	1402.06(a).....	9:35 n.9
807.010.....	9:17 n.2	1501.02.....	9:36 n.5
807.14	9:35 n.2	1501.02(a).....	9:36 n.6
814	9:34 n.8	1502.....	9:37 n.1
818	9:13 n.1	1503.01.....	9:37 n.3
901.03	9:7 n.17	1505.....	9:35 n.10, 11
901.04	9:7 n.19	1505.01	9:35 n.12
903.02	9:7 n.12, 13	1604.....	9:41 n.4
903.06	9:7 n.15, 16	1604.01.....	9:41 n.2
904	9:18 n.1, 2, 3, 4	1609.02.....	9:35 n.3
904.02	9:18 n.5	1702.....	9:36 n.3
904.02(b)	9:18 n.7	1901..	9:11 n.4, 5, 12, 13, 14; 9:12 n.5
904.02(c)(ii).....	9:18 n.8	1902.02.....	9:11 n.6
904.03(d)	9:18 n.6	1902.03	9:11 n.7, 8
904.04(b)	9:18 n.11, 13	1902.05.....	9:12 n.8
906	9:18 n.9	1904.01.....	9:12 n.3
906.02.....	9:18 n.10	1904.01(c)	9:12 n.8
1003	9:9 n.6	1904.01(h).....	9:12 n.2
1003.01	9:9 n.5	1904.02(a).....	9:12 n.6
1003.02	9:9 n.8	1904.02(b).....	9:12 n.9
1003.05	9:9 n.4	1904.03(a).....	9:12 n.13
1004.01(a)	9:10 n.5, 10	1904.05.....	9:12 n.10, 11
1004.01(b).....	9:10 n.9	1904.09	9:12 n.12
1005	9:10 n.6, 7	1905.....	9:11 n.15

TABLE OF LAWS AND RULES

FEDERAL REGISTER

77 Fed. Reg.	Sec.
31806 to 31814	3:4 n.1

HOUSE REPORTS

No.	Sec.	No.	Sec.
94-1476	7:18 n.7	94-1476	6:2 n.2

SENATE REPORTS

Sec.	Sec.	Sec.	Sec.
94-473	7:18 n.7, 27	1979, 82 Cong.	4:11 n.1

ALABAMA CODE

Sec.	Sec.	Sec.	Sec.
8-12-17	10:25 n.2	8-19 10(a)	10:39 n.3
8-13-1	10:41 n.3	8-27-1 to 8-27-6	11:1 n.17

ALASKA STATUTES

Sec.	Sec.
45.50.910 to 45.50.945	11:1 n.17

ARIZONA STATUTES

Sec.	Sec.
44-401 to 44-407	11:1 n.17

ARKANSAS CODE ANNOTATED

Sec.	Sec.
4-75-601 to 4-75-607	11:1 n.17

CALIFORNIA BUSINESS AND PROFESSIONS CODE

Sec.	Sec.
14247	10:25 n.2

CALIFORNIA CIVIL CODE

Sec.	Sec.	Sec.	Sec.
3334(a)	12:15 n.1; 12:16 n.1	3344(g)	12:5
3344	12:4 n.4; 12:5 n.1	3344.1	12:11
3344(a)	12:9 n.1	3344.1(a)(1)	12:11 n.3
3344(d)	12:8 n.1	3425.3	12:13 n.1
3344(e)	12:8 n.7	3426 to 3426.11	11:1 n.17

CALIFORNIA CODE OF CIVIL PROCEDURE

Sec.	Sec.
2019(d)	11:22 n.4

CALIFORNIA LABOR CODE

Sec.	Sec.
2870	11:11 n.17

COLORADO REVISED STATUTES

Sec.	Sec.
7-74-101 to 7-74-110	11:1 n.17

CONNECTICUT GENERAL STATUTES

Sec.	Sec.
35-50 to 35-58	11:1 n.17

DELAWARE CODE

6 Del. Code Ann. Sec.	Sec.	19 Del. Code Ann. Sec.	Sec.
2001 to 2009	11:1 n.17	805	11:11 n.17

TABLE OF LAWS AND RULES

DISTRICT OF COLUMBIA CODE

Sec.	Sec.
36-401 to 36-410	11:1 n.17

FLORIDA STATUTES

Sec.	Sec.	Sec.	Sec.
495.151	10:25 n.3	817.41.....	10:41 n.2
Ch 688.001 to 688.009	11:1 n.17		

GEORGIA CODE

Sec.	Sec.	Sec.	Sec.
10-1-760 to 10-1-767	11:1 n.17	16-8-13.....	11:35 n.2
10-1-766.....	11:21 n.3	26-2-152(b).....	10:41 n.5

HAWAII REVISED STATUTES

Sec.	Sec.
482B-1 to 482B-9	11:1 n.17

IDAHO CODE

Sec.	Sec.
48-801 to 48-807	11:1 n.17

ILLINOIS COMPILED STATUTES

765 Ill. Comp. Stat.	Sec.	765 Ill. Comp. Stat.	Sec.
1036.....	10:25 n.3	1065/1 to 1065/9	11:1 n.17
1060/2	11:11 n.17		

INDIANA CODE

Sec.	Sec.
24-2-3-1 to 24-2-3-8	11:1 n.17

TABLE OF LAWS AND RULES

MINNESOTA STATUTES

Sec.	Sec.	Sec.	Sec.
181.78.....	11:11	325C.01 to 325C.08	11:1 n.17
181.78(1).....	11:11 n.16	543.19(1)	10:2 n.2

MISSISSIPPI CODE ANNOTATED

Sec.	Sec.
75-26-1 to 75-26-19	11:1 n.17

MISSOURI STATUTES

Sec.	Sec.	Sec.	Sec.
417.450 to 417.467.....	11:1 n.17	417.461	11:21 n.3

MONTANA CODE

Sec.	Sec.
30-14-401 to 30-14-409.....	11:1 n.17

NEBRASKA REVISED STATUTES

Sec.	Sec.	Sec.	Sec.
87-501 to 87-507	11:1 n.17	87-506.....	11:21 n.4

NEVADA REVISED STATUTES

Sec.	Sec.	Sec.	Sec.
600.435	10:25 n.4	600A.010 to 600A.100.....	11:1 n.17

NEW HAMPSHIRE REVISED STATUTES

Sec.	Sec.
350-B:1 to 350-B:9	11:1 n.17

NEW MEXICO STATUTES

Sec.	Sec.
57-3A-1 to 57-3A-7.....	11:1 n.17

NEW YORK CIVIL RIGHTS LAW

Sec.	Sec.	Sec.	Sec.
50	12:5 n.7	50 and 51	12:5
51	12:5		

NORTH CAROLINA GENERAL STATUTES

Sec.	Sec.	Sec.	Sec.
66-57.1.....	11:11 n.17	66-152 to 66-157	11:1 n.17

NORTH DAKOTA CENTURY CODE

Sec.	Sec.
47-25.1-01 to 47-25.1-08	11:1 n.17

OHIO REVISED CODE

Sec.	Sec.	Sec.	Sec.
1333.61 to 1333.69.....	11:1 n.17	1333.66	11:21 n.4

OKLAHOMA STATUTES

12 Okla. Stat. Sec.	Sec.	78 Okla. Stat. Sec.	Sec.
1449(A)	10:18	85 to 94	11:1 n.17

OREGON REVISED STATUTES

Sec.	Sec.	Sec.	Sec.
646.461 to 646.475.....	11:1 n.17	646.885(2).....	10:41 n.4
646.885(1).....	10:41 n.1		

TABLE OF LAWS AND RULES

PENNSYLVANIA CONSOLIDATED STATUTES

Pa. Cons. Stat. Sec.	Sec.
5301 to 5308	11:1 n.17

RHODE ISLAND GENERAL LAWS

Sec.	Sec.
6-41-1 to 6-41-11.....	11:1 n.17

SOUTH CAROLINA CODE

Sec.	Sec.
39-8-10 to 39-8-130	11:1 n.17

SOUTH DAKOTA CODIFIED LAWS

Sec.	Sec.	Sec.	Sec.
15-7-2(2).....	10:2 n.3	37-29-1 to 37-29-11	11:1 n.17

TENNESSEE CODE

Sec.	Sec.
47-25-1701 to 47-25-1709 ...	11:1 n.17

TEXAS BUSINESS AND COMMERCE CODE ANNOTATED

Sec.	Sec.
16.29	10:32 n.5

UTAH CODE

Sec.	Sec.
13-24-1 to 13-24-9.....	11:1 n.17

VERMONT STATUTES

9 Vt. Stat. Sec.	Sec.	12 Vt. Stat. Sec.	Sec.
4601 to 4609	11:1 n.17	523	11:1 n.17

VIRGINIA CODE

Sec.	Sec.
59.1-336 to 59.1-343	11:1 n.17

VIRGIN ISLANDS CODE

11 V. I. Code Sec.	Sec.
1001 to 1010	11:1 n.17

WASHINGTON REVISED CODE

Sec.	Sec.	Sec.	Sec.
9A.56.010(6)	11:35 n.2	49.44.140	11:11 n.17
19.108.010 to 19.108.940....	11:1 n.17		

WEST VIRGINIA CODE

Sec.	Sec.
47-22-1 to 47-22-10	11:1 n.17

WISCONSIN STATUTES

Sec.	Sec.
134.90.....	11:1 n.17

WYOMING STATUTES

Sec.	Sec.
40-24-101 to 40-24-110.....	11:1 n.17

TABLE OF LAWS AND RULES

UNIFORM COMMERCIAL CODE

Sec.	Sec.	Sec.	Sec.
Art. 9	13:24	9-203(b)(3)(A)	13:22 n.1
9-102	13:22 n.5, 10	9-204(a)	13:30
9-102(a)(42)	13:22 n.4	9-301	13:23 n.1
9-102(a)(44)	13:22 n.3, 8, 9	9-301(1)	13:23 n.1
9-102(a)(75)	13:22 n.10	9-301(2)	13:28 n.1
9-103(3)	13:23 n.1	9-302(3)	13:23 n.2
9-104(a)	13:23 n.3	9-307	13:23 n.1
9-105(1)(h)	13:22 n.3	9-310(a)	13:22 n.2; 13:23 n.1
9-106	13:22 n.4, 5	9-310(b)(3)	13:23 n.2
9-109	13:23 n.3	9-311	13:24 n.6
9-109(c)(1)	13:23 n.3; 13:24 n.6	9-311(a)(1)	13:23 n.2; 13:28
9-203(1)(a)	13:22 n.1		

UNIFORM TRADE SECRETS ACT

Sec.	Sec.	Sec.	Sec.
1, Comment . . .	11:3 n.2; 11:7 n.2; 11:9 n.3; 11:18 n.8; 11:19 n.4, 5; 11:27 n.5; 11:29 n.5	2, Comment . . .	11:32 n.2
1(1)	11:17 n.6	2(a)	11:6 n.1
1(2)	11:18 n.1; 11:29 n.9	3	11:33 n.15
1(2)(ii)(B)(II)	11:29 n.8	3(a)	11:33
1(2)(i) and (ii)	11:29 n.12	3(b)	11:33 n.16
1(4)	11:3 n.1; 11:4 n.1	4	11:34 n.1; 11:35 n.1
1(4)(i) . . .	11:5 n.3; 11:6 n.1; 11:7 n.1, 11	5	11:24 n.3, 4, 5, 6, 9
		6	11:21 n.1, 11, 13, 17

RESTATEMENT THIRD, UNFAIR COMPETITION

Sec.	Sec.	Sec.	Sec.
17, Comment c	10:8 n.22	40(a)	11:17 n.2
36 to 37	10:15 n.1	40(b)	11:17 n.3
37	10:15 n.7	41, Comment b	11:20 n.1, 2
38, Comment a	11:1 n.8; 11:9 n.2	42	11:20 n.2; 11:29 n.13, 14
39, Comment d . . .	11:1 n.6, 7, 12, 14, 21; 11:2 n.4; 11:4 n.6; 11:7 n.3, 9, 10; 11:9 n.3, 5; 11:17 n.4; 11:23 n.4, 6; 11:26 n.1; 11:35 n.2	43, Comment c . . .	11:18 n.3, 4, 5; 11:19 n.2; 11:24 n.1
40	11:17; 11:29 n.15, 16	44, Comment f	11:32 n.10, 11
		44(3)	11:32 n.3

RESTATEMENT FIRST, TORTS

Sec.	Sec.	Sec.	Sec.
757, Comment a	11:1 n.3, 13; 11:2 n.1, 2, 3, 5, 6, 7; 11:4 n.4, 5; 11:5 n.1, 2; 11:6 n.2; 11:9 n.6;	757(a)	11:17 n.1; 11:18 n.2; 11:20 11:18 n.1

<http://www.pbookshop.com>

Table of Cases

A

- Aalba-Dent, Inc. v. Certified Alloy Products, Inc., 203 U.S.P.Q. 326, 1979 WL 25004 (N.D. Cal. 1979)—§ 10:15 n.13
- Aalmuhammed v. Lee, 202 F.3d 1227 (9th Cir. 2000)—§ 5:8 n.8
- Abbott Laboratories v. Geneva Pharmaceuticals, Inc., 182 F.3d 1315 (Fed. Cir. 1999)—§ 4:33 n.5
- A.B. Chance Co. v. RTE Corp., 854 F.2d 1307 (Fed. Cir. 1988)—§ 4:33 n.4
- Abercrombie & Fitch Co. v. Hunting World, Inc., 537 F.2d 4 (2d Cir. 1976)—§ 8:5 n.1
- ABR Benefits Services, Inc. v. NCO Group, 52 U.S.P.Q.2d 1119, 1999 WL 695596 (E.D. Pa. 1999)—§ 5:5 n.12
- Academy of Motion Picture Arts and Sciences v. Creative House Promotions, Inc., 944 F.2d 1446 (9th Cir. 1991)—§ 10:28 n.45
- A.C. Aukerman Co. v. R.L. Chaides Const. Co., 960 F.2d 1020, 35 Fed. R. Evid. Serv. 505 (Fed. Cir. 1992)—§ 4:41 n.1
- Accurate Leather & Novelty Co., Inc. v. LTD Commodities Inc., 18 U.S.P.Q.2d 1327, 1990 WL 205835 (N.D. Ill. 1990)—§ 10:38 n.10
- Accuride Intern., Inc. v. Accuride Corp., 871 F.2d 1531 (9th Cir. 1989)—§ 10:28 n.52
- Ackerman v. Kimball Intern., Inc., 652 N.E.2d 507 (Ind. 1995)—§ 11:9 n.10
- Acoustical Design, Inc. v. Control Electronics Co., Inc., 932 F.2d 939 (Fed. Cir. 1991)—§ 4:22 n.3
- Acrison, Inc. v. Control and Metering Ltd., 730 F. Supp. 1445 (N.D. Ill. 1990)—§ 10:2 n.6
- ACS Partners, LLC v. Americon Group, Inc., 2010 WL 883663 (W.D. N.C. 2010)—§ 11:22 n.9
- Additive Controls & Measurement Systems, Inc. v. Flowdata, Inc., 986 F.2d 476 (Fed. Cir. 1993)—§ 4:23 n.2
- Advanced Cardiovascular Systems, Inc. v. Scimed Life Systems, Inc., 887 F.2d 1070 (Fed. Cir. 1989)—§ 4:22 n.1
- Advanced Spine Fixation Systems Inc., In re, 25 U.S.P.Q.2d 1363, 1992 WL 421452 (T.T.A.B. 1992)—§§ 8:10 n.7; 8:17 n.15
- Aerosonic Corp. v. Trodyne Corp., 402 F.2d 223, 38 A.L.R.3d 560 (5th Cir. 1968)—§ 11:33 n.14
- Agassi Enterprises, Inc. v. Target Corp., 2007 WL 4441195 (D. Nev. 2007)—§ 12:10 n.1
- A. H. Emery Co. v. Marcan Products Corp., 389 F.2d 11, 11 Fed. R. Serv. 2d 377 (2d Cir. 1968)—§ 11:18 n.10
- Ajinomoto Co., Inc. v. Archer-Daniels-Midland Co., 228 F.3d 1338 (Fed. Cir. 2000)—§ 14:22 n.14

- Akamai Technologies, Inc. v. Limelight Networks, Inc., 629 F.3d 1311 (Fed. Cir. 2010)—§ 4:10 n.6
- Akro Corp. v. Luker, 45 F.3d 1541 (Fed. Cir. 1995)—§ 10:2 n.10
- Aktiebolag v. E.J. Co., 121 F.3d 669 (Fed. Cir. 1997)—§ 4:10 n.3
- Aktiebolaget Karlstads Mekaniska Werkstad v. U.S. Intern. Trade Com'n, 1 Fed. Cir. (T) 21, 705 F.2d 1565 (1983)—§ 4:30 n.6
- Akzona Inc. v. E.I. du Pont de Nemours & Co., 662 F. Supp. 603 (D. Del. 1987)—§ 4:9 n.2
- Al-Site Corp. v. VSI Intern., Inc., 174 F.3d 1308 (Fed. Cir. 1999)—§ 4:14 n.10
- Alden v. Maine, 527 U.S. 706, 119 S. Ct. 2240, 144 L. Ed. 2d 636 (1999)—§ 10:7 n.8
- Aliotti v. R. Dakin & Co., 831 F.2d 898 (9th Cir. 1987)—§ 7:15 n.12
- Alk Associates, Inc. v. Multimodal Applied Systems, Inc., 276 N.J. Super. 310, 647 A.2d 1359 (App. Div. 1994)—§§ 11:20 n.13; 11:24 n.8
- Allen v. Men's World Outlet, Inc., 679 F. Supp. 360 (S.D. N.Y. 1988)—§ 10:36 n.2
- Allen v. National Video, Inc., 610 F. Supp. 612 (S.D. N.Y. 1985)—§ 10:36 n.1
- Allied Maintenance Corp. v. Allied Mechanical Trades, Inc., 42 N.Y.2d 538, 399 N.Y.S.2d 628, 369 N.E.2d 1162 (1977)—§ 10:29 n.5
- Allison v. Vintage Sports Plaques, 136 F.3d 1443 (11th Cir. 1998)—§ 12:4 n.5
- Alltech Plastics Inc., In re, 5 U.S.P.Q.2d 1806, 1987 WL 123991 (Bankr. W.D. Tenn. 1987)—§ 13:33 n.10
- Alonso v. Parfet, 253 Ga. 749, 325 S.E.2d 152, 52 A.L.R.4th 151 (1985)—§ 12:15 n.3
- Alpo Petfoods, Inc. v. Ralston Purina Co., 720 F. Supp. 194 (D.D.C. 1989)—§ 10:38 n.22
- ALS Scan, Inc. v. Digital Service Consultants, Inc., 293 F.3d 707, 52 Fed. R. Serv. 3d 1121 (4th Cir. 2002)—§§ 7:2 n.10; 10:2 n.14
- Alto Products Corp. v. Ratek Industries Ltd., 40 U.S.P.Q.2d 1738, 1996-2 Trade Cas. (CCH) ¶ 71601, 1996 WL 497027 (S.D. N.Y. 1996)—§ 14:23 n.1
- AmBrit, Inc. v. Kraft, Inc., 812 F.2d 1531 (11th Cir. 1986)—§§ 10:8 n.15; 10:16 n.8
- American Dairy Queen Corp. v. RTO, Inc., 16 U.S.P.Q.2d 1077, 1990 WL 103649 (N.D. Ill. 1990)—§ 10:28 n.70
- American Dirigold Corp. v. Dirigold Metals Corp., 125 F.2d 446 (C.C.A. 6th Cir. 1942)—§ 13:2 n.12
- American Exp. Co. v. American Exp. Limousine Service Ltd., 772 F. Supp. 729 (E.D. N.Y. 1991)—§ 10:28 n.19
- American Exp. Co. v. Vibra Approved Laboratories Corp., 10 U.S.P.Q.2d 2006, 1989 WL 39679 (S.D. N.Y. 1989)—§ 10:28 n.28
- American Express Financial Advisors, Inc. v. Yantis, 358 F. Supp. 2d 818 (N.D. Iowa 2005)—§ 11:25 n.4
- American Family Mut. Ins. Co. v. Roth, 485 F.3d 930 (7th Cir. 2007)—§ 11:4 n.3
- American Geophysical Union v. Texaco Inc., 60 F.3d 913, 144 A.L.R. Fed. 745 (2d Cir. 1994)—§§ 5:23 n.6; 7:18 n.5

TABLE OF CASES

- American Greetings Corp. v. Dan-Dee Imports, Inc., 807 F.2d 1136 (3d Cir. 1986)—§ 10:8 n.21
- American Home Products Corp. v. Abbott Laboratories, 522 F. Supp. 1035 (S.D. N.Y. 1981)—§ 10:38 n.5
- American Home Products Corp. v. Johnson and Johnson, 577 F.2d 160 (2d Cir. 1978)—§ 10:38 n.17
- American Home Products Corp. v. Johnson and Johnson, 436 F. Supp. 785 (S.D. N.Y. 1977)—§ 10:39 n.1
- American Medical Systems, Inc. v. Medical Engineering Corp., 6 F.3d 1523 (Fed. Cir. 1993)—§ 4:27 n.4
- American Petroleum Institute v. Technomedia Intern., Inc., 699 F. Supp. 2d 258 (D.D.C. 2010)—§ 11:22 n.8
- American Registry of Radiologic Technologists v. McClellan, 2004 WL 377054 (N.D. Tex. 2004)—§ 10:28 n.21
- American Rice, Inc. v. Arkansas Rice Growers Co-op. Ass'n, 701 F.2d 408 (5th Cir. 1983)—§ 14:21 n.7
- American Sales Corp. v. Adventure Travel, Inc., 862 F. Supp. 1476 (E.D. Va. 1994)—§ 11:33 n.3
- American Standard Inc. v. Pfizer Inc., 722 F. Supp. 86 (D. Del. 1989)—§ 2:33 n.6
- American United Life Ins. Co. v. American United Ins. Co., 731 F. Supp. 480 (S.D. Fla. 1990)—§ 10:28 n.20
- Ameritech, Inc. v. American Information Technologies Corp., 811 F.2d 960 (6th Cir. 1987)—§ 10:25 n.1
- AMP Inc. v. Fleischhacker, 823 F.2d 1199, 8 Fed. R. Serv. 3d 600 (7th Cir. 1987)—§§ 11:9 n.8; 11:30 n.1, 2, 3
- Amsinck v. Columbia Pictures Industries, Inc., 862 F. Supp. 1044 (S.D. N.Y. 1994)—§ 7:18 n.43
- Amstar Corp. v. Domino's Pizza, Inc., 615 F.2d 252, 29 Fed. R. Serv. 2d 1528 (5th Cir. 1980)—§ 10:11 n.23
- Amstar Corp. v. Envirotech Corp., 823 F.2d 1538 (Fed. Cir. 1987)—§ 4:25 n.10
- Amsted Industries Inc. v. Buckeye Steel Castings Co., 24 F.3d 178 (Fed. Cir. 1994)—§ 4:27 n.7
- Anaconda Co. v. Metric Tool & Die Co., 485 F. Supp. 410 (E.D. Pa. 1980)—§ 11:5 n.8
- Anderson v. Stallone, 11 U.S.P.Q.2d 1161, 1989 WL 206431 (C.D. Cal. 1989)—§ 5:3 n.46
- Andrew Corp. v. Gabriel Electronics, Inc., 785 F. Supp. 1041 (D. Me. 1992)—§ 4:25 n.11
- Andy Warhol Enterprises, Inc. v. Time Inc., 700 F. Supp. 760 (S.D. N.Y. 1988)—§§ 8:31 n.1; 10:12 n.6; 10:28 n.63
- Anheuser-Busch, Inc. v. Balducci Publications, 28 F.3d 769 (8th Cir. 1994)—§§ 10:18 n.38; 10:28 n.40
- Anheuser-Busch, Inc. v. L. & L. Wings, Inc., 962 F.2d 316, 22 Fed. R. Serv. 3d 575 (4th Cir. 1992)—§ 10:18 n.28, 44, 45
- Anheuser-Busch Inc. v. Stroh Brewery Co., 750 F.2d 631 (8th Cir. 1984)—§ 8:9 n.8
- Anti-Communist World Freedom Congress, Inc., In re, 161 U.S.P.Q.

- 304, 1969 WL 9040 (T.T.A.B. 1969)—§ 9:28 n.2
- Apple Barrel Productions, Inc. v. Beard, 730 F.2d 384 (5th Cir. 1984)—
§ 6:21 n.6
- Apple Computer, Inc. v. Franklin Computer Corp., 714 F.2d 1240, 70
A.L.R. Fed. 153 (3d Cir. 1983)—§ 5:4 n.4
- Applied Innovations, Inc. v. Regents of the University of Minnesota, 876
F.2d 626, 54 Ed. Law Rep. 146 (8th Cir. 1989)—§ 5:5 n.5
- April Productions v. Strand Enterprises, 79 F. Supp. 515 (S.D. N.Y.
1948)—§ 5:3 n.8
- Arco Industries Corp. v. Chemcast Corp., 633 F.2d 435 (6th Cir.
1980)—§ 11:5 n.6
- Ariad Pharmaceuticals, Inc. v. Eli Lilly and Co., 560 F.3d 1366 (Fed.
Cir. 2009)—§ 4:38 n.4
- Aries Information Systems, Inc. v. Pacific Management Systems Corp.,
366 N.W.2d 366, 53 A.L.R.4th 1037 (Minn. Ct. App. 1985)—§ 11:9
n.4
- Armco, Inc. v. Armco Burglar Alarm Co., Inc., 693 F.2d 1155, 35 Fed. R.
Serv. 2d 753 (5th Cir. 1982)—§ 10:21 n.4
- Armour v. Knowles, 512 F.3d 147 (5th Cir. 2007)—§ 7:14 n.3
- Arnstein v. Porter, 154 F.2d 464 (C.C.A. 2d Cir. 1946)—§ 7:15 n.4
- Aromatique, Inc. v. Gold Seal, Inc., 28 F.3d 863 (8th Cir. 1994)—§ 10:10
n.10
- Aro Mfg. Co. v. Convertible Top Replacement Co., 377 U.S. 476, 84 S.
Ct. 1526, 12 L. Ed. 2d 457 (1964)—§ 4:11 n.5
- Arrhythmia Research Technology, Inc. v. Corazonix Corp., 958 F.2d
1053 (Fed. Cir. 1992)—§ 4:31 n.4
- Artemide SpA v. Grandlite Design and Mfg. Co., Ltd., 672 F. Supp. 698
(S.D. N.Y. 1987)—§§ 8:16 n.20; 10:8 n.7; 10:20 n.9
- Artists Music, Inc. v. Reed Pub. (USA), Inc., 31 U.S.P.Q.2d 1623, 1994
WL 191643 (S.D. N.Y. 1994)—§ 7:10 n.6
- Asahi Metal Industry Co., Ltd. v. Superior Court of California, Solano
County, 480 U.S. 102, 107 S. Ct. 1026, 94 L. Ed. 2d 92 (1987)—
§ 4:2 n.7
- Ashcroft v. Iqbal, 556 U.S. 662, 129 S. Ct. 1937, 173 L. Ed. 2d 868, 73
Fed. R. Serv. 3d 837 (2009)—§§ 10:5 n.5; 11:22 n.6, 7
- Ashton-Tate Corp. v. Ross, 916 F.2d 516 (9th Cir. 1990)—§ 5:8 n.5
- Ass'n for Molecular Pathology v. U.S. Patent and Trademark Office, 653
F.3d 1329 (Fed. Cir. 2011)—§ 4:31 n.12
- Association for Molecular Pathology v. Myriad Genetics, Inc., 132 S. Ct.
1794, 182 L. Ed. 2d 613 (2012)—§ 4:31 n.12
- Association of Co-op. Members, Inc. v. Farmland Industries, Inc., 684
F.2d 1134 (5th Cir. 1982)—§ 8:10 n.9
- Atari Games Corp. v. Nintendo of America Inc., 975 F.2d 832 (Fed. Cir.
1992)—§§ 5:3 n.5; 7:19 n.3
- Atari, Inc. v. North American Philips Consumer Electronics Corp., 672
F.2d 607 (7th Cir. 1982)—§ 7:15 n.10
- A. T. Cross Co. v. Jonathan Bradley Pens, Inc., 470 F.2d 689 (2d Cir.
1972)—§ 10:20 n.6
- Atmel Corp. v. Information Storage Devices, Inc., 198 F.3d 1374 (Fed.
Cir. 1999)—§ 4:14 n.5

TABLE OF CASES

- Auscape Intern. v. National Geographic Soc., 461 F. Supp. 2d 174 (S.D. N.Y. 2006)—§ 12:13 n.3
- Automatic Radio Mfg. Co. v. Hazeltine Research, 339 U.S. 827, 70 S. Ct. 894, 94 L. Ed. 1312 (1950)—§ 4:43 n.3
- Automotive Products PLC v. Tilton Engineering, Inc., 855 F. Supp. 1101 (C.D. Cal. 1994)—§ 2:33 n.14
- Autoskill Inc. v. National Educational Support Systems, Inc., 994 F.2d 1476, 25 Fed. R. Serv. 3d 838 (10th Cir. 1993)—§ 7:14 n.2
- AutoZone, Inc. v. Tandy Corp., 373 F.3d 786, 2004 FED App. 0200P (6th Cir. 2004)—§ 10:30 n.5
- AVCO Corp. v. Precision Air Parts, Inc., 676 F.2d 494 (11th Cir. 1982)—§ 11:21 n.6
- Aveda Corp. v. Evita Marketing, Inc., 706 F. Supp. 1419 (D. Minn. 1989)—§ 10:11 n.2
- Avery Dennison Corp. v. Sumpton, 189 F.3d 868 (9th Cir. 1999)—§ 10:28 n.74
- A.V. ex rel. Vanderhye v. iParadigms, LLC, 562 F.3d 630 (4th Cir. 2009)—§ 7:18 n.15
- Avis Rent A Car System, Inc. v. Hertz Corp., 782 F.2d 381 (2d Cir. 1986)—§ 10:38 n.23
- Avtec Systems, Inc. v. Peiffer, 805 F. Supp. 1312 (E.D. Va. 1992)—§ 11:26 n.3

B

- Babbit Electronics, Inc. v. Dynascan Corp., 38 F.3d 1161 (11th Cir. 1994)—§ 10:7 n.5
- Baker v. Master Printers Union of New Jersey, 34 F. Supp. 808 (D.N.J. 1940)—§ 10:11 n.9
- Baker v. Parris, 777 F. Supp. 299, 115 A.L.R. Fed. 669 (S.D. N.Y. 1991)—§ 10:28 n.49
- Baker Oil Tools, Inc. v. Geo Vann, Inc., 828 F.2d 1558 (Fed. Cir. 1987)—§ 4:33 n.16
- Baldwin-Lima-Hamilton Corp. v. Tatnall Measuring Systems Co., 169 F. Supp. 1 (E.D. Pa. 1958)—§ 4:43 n.6
- Ballard Medical Products v. Allegiance Healthcare Corp., 268 F.3d 1352 (Fed. Cir. 2001)—§ 4:13 n.3
- Baltimore Orioles, Inc. v. Major League Baseball Players Ass'n, 805 F.2d 663 (7th Cir. 1986)—§ 5:3 n.25
- Bambu Sales, Inc. v. Sultana Crackers, Inc., 683 F. Supp. 899 (E.D. N.Y. 1988)—§ 10:7 n.6
- B & L Sales Associates v. H. Daroff & Sons, Inc., 421 F.2d 352 (2d Cir. 1970)—§ 8:12 n.17
- Banff Ltd. v. Limited, Inc., 869 F. Supp. 1103 (S.D. N.Y. 1994)—§ 7:10 n.3
- Bank Travel Bank v. McCoy, 802 F. Supp. 1358 (E.D. N.C. 1992)—§ 11:12 n.1
- Barcelona.com, Incorporated v. Excelentísimo Ayuntamiento De Barcelona, 330 F.3d 617 (4th Cir. 2003)—§ 10:34 n.27
- Bard Peripheral Vascular, Inc. v. W.L. Gore & Associates, Inc., 682 F.3d 1003 (Fed. Cir. 2012)—§ 4:28 n.6

- Barmag Barmer Maschinenfabrik AG v. Murata Machinery, Ltd., 731 F.2d 831 (Fed. Cir. 1984)—§ 4:32 n.3
- Basic Books, Inc. v. Kinko's Graphics Corp., 758 F. Supp. 1522, 66 Ed. Law Rep. 983 (S.D. N.Y. 1991)—§ 5:23 n.5
- Basic Chemicals, Inc. v. Benson, 251 N.W.2d 220 (Iowa 1977)—§ 11:25 n.1
- Bates v. Actors Heritage, Inc., 11 U.S.P.Q.2d 1732, 1989 WL 206430 (S.D. N.Y. 1989)—§ 5:14 n.4
- Bausch & Lomb Inc. v. Alcon Laboratories, Inc., 64 F. Supp. 2d 233 (W.D. N.Y. 1999)—§ 11:5 n.15
- Baxter Intern., Inc. v. Morris, 976 F.2d 1189 (8th Cir. 1992)—§ 11:25 n.1
- Bayer AG v. Housey Pharmaceuticals, Inc., 340 F.3d 1367 (Fed. Cir. 2003)—§ 14:22 n.17
- Bayer Co. v. United Drug Co., 272 F. 505 (S.D. N.Y. 1921)—§ 8:26 n.4
- B.C. Ziegler and Co. v. Ehren, 141 Wis. 2d 19, 414 N.W.2d 48 (Ct. App. 1987)—§ 11:16 n.6
- Bdh Two Inc., In re, 26 U.S.P.Q.2d 1556, 1993 WL 156484 (T.T.A.B. 1993)—§ 8:17 n.9
- Beatrice Foods Co. v. New England Printing and Lithographing Co., 923 F.2d 1576 (Fed. Cir. 1991)—§§ 4:28 n.2; 4:29 n.1
- Beauregard, In re, 53 F.3d 1583 (Fed. Cir. 1995)—§ 2:4 n.6
- Beech-Nut Packing Co. v. P. Lorillard Co., 273 U.S. 629, 47 S. Ct. 481, 71 L. Ed. 810 (1927)—§ 10:16 n.1
- Beer Nuts, Inc. v. Clover Club Foods Co., 711 F.2d 934 (10th Cir. 1983)—§ 10:11 n.1
- Bell v. Imperial Palace Hotel/Casino, Inc., 200 F. Supp. 2d 1082 (E.D. Mo. 2001)—§ 7:2 n.11
- Bell & Howell Document Management Products Co. v. Altek Systems, 132 F.3d 701 (Fed. Cir. 1997)—§ 4:22 n.2
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 127 S. Ct. 1955, 167 L. Ed. 2d 929, 68 Fed. R. Serv. 3d 661 (2007)—§ 11:22 n.5
- Belli v. Roberts Bros. Furs, 240 Cal. App. 2d 284, 49 Cal. Rptr. 625 (1st Dist. 1966)—§ 12:13 n.3
- Bencich v. Hoffman, 84 F. Supp. 2d 1053 (D. Ariz. 2000)—§ 5:8 n.7
- Benson v. Paul Winley Record Sales Corp., 452 F. Supp. 516 (S.D. N.Y. 1978)—§ 10:37 n.6
- Bensusan Restaurant Corp. v. King, 126 F.3d 25 (2d Cir. 1997)—§§ 7:2 n.7; 10:2 n.14
- Berkic v. Crichton, 761 F.2d 1289 (9th Cir. 1985)—§ 7:15 n.15
- Berman Bros. Harlem Furniture Inc., In re, 26 U.S.P.Q.2d 1514, 1993 WL 156481 (T.T.A.B. 1993)—§ 9:30 n.3
- Beverly Hills Fan Co. v. Royal Sovereign Corp., 21 F.3d 1558, 28 Fed. R. Serv. 3d 435 (Fed. Cir. 1994)—§ 4:2 n.1
- Bieter Co., In re, 16 F.3d 929 (8th Cir. 1994)—§ 4:17 n.13
- Bill of Lading Transmission and Processing System Patent Litigation, In re, 681 F.3d 1323, 82 Fed. R. Serv. 3d 890 (Fed. Cir. 2012)—§ 4:5 n.4
- Bilski v. Kappos, 130 S. Ct. 3218, 177 L. Ed. 2d 792 (2010)—§§ 3:20 n.4; 4:31 n.1, 6

TABLE OF CASES

- Bilski, In re, 545 F.3d 943 (Fed. Cir. 2008)—§ 4:31 n.8
- Binney & Smith Inc. v. Magic Marker Industries, Inc., 222 U.S.P.Q. 1003, 1984 WL 63077 (T.T.A.B. 1984)—§ 9:38 n.13
- Biotec Biologische Naturverpackungen GmbH & Co. KG v. Biocorp, Inc., 249 F.3d 1341, 184 A.L.R. Fed. 669 (Fed. Cir. 2001)—§ 14:22 n.16
- Bishop & Co. v. Cuomo, 799 P.2d 444 (Colo. App. 1990)—§ 11:32 n.5
- Black & Decker, Inc. v. Hoover Service Center, 886 F.2d 1285 (Fed. Cir. 1989)—§ 10:8 n.10
- Blackstone Potato Chip Co., Inc., In re, 109 B.R. 557 (Bankr. D. R.I. 1990)—§ 13:33 n.3
- Blanch v. Koons, 467 F.3d 244 (2d Cir. 2006)—§ 7:18 n.23
- Blonder-Tongue Laboratories, Inc. v. University of Illinois Foundation, 402 U.S. 313, 91 S. Ct. 1434, 28 L. Ed. 2d 788 (1971)—§ 4:30 n.1
- Bloomfield Industries, Div. of Specialty Equipment Companies, Inc. v. Stewart Sandwiches, Inc., 716 F. Supp. 380 (N.D. Ind. 1989)—§ 10:10 n.3
- Blue Compass Corp. v. Polish Masters of America, 777 F. Supp. 4 (D. Vt. 1991)—§ 7:2 n.3
- Blue Ribbon Pet Products, Inc. v. Rolf C. Hagen (USA) Corp., 66 F. Supp. 2d 454 (E.D. N.Y. 1999)—§§ 7:8 n.4; 7:15 n.22
- Blum v. Kline, 8 U.S.P.Q.2d 1080, 1988 WL 52916 (S.D. N.Y. 1988)—§ 5:3 n.40
- Blumenthal v. Drudge, 992 F. Supp. 44 (D.D.C. 1998)—§ 7:2 n.5
- BMW of North America, Inc. v. Gore, 517 U.S. 559, 116 S. Ct. 1589, 134 L. Ed. 2d 809 (1996)—§ 7:30 n.4
- Board of Trustees of Leland Stanford Jr. University v. Coulter Corp., 118 F.R.D. 532, 44 Ed. Law Rep. 1178, 9 Fed. R. Serv. 3d 1325 (S.D. Fla. 1987)—§ 4:17 n.25
- Boeing Co. v. Sierracin Corp., 108 Wash. 2d 38, 738 P.2d 665 (1987)—§ 11:1 n.20
- Bohsei Enterprises Co., U.S.A. v. Porteous Fastener Co., 441 F. Supp. 162 (C.D. Cal. 1977)—§ 10:38 n.6
- Bonito Boats, Inc. v. Thunder Craft Boats, Inc., 489 U.S. 141, 109 S. Ct. 971, 103 L. Ed. 2d 118 (1989)—§§ 1:1 n.1, 7; 2:1 n.2; 10:23 n.2; 11:7 n.3
- Boosey & Hawkes Music Publishers, Ltd. v. Walt Disney Co., 28 Media L. Rep. (BNA) 1478, 53 U.S.P.Q.2d 2021, 2000 WL 204524 (S.D. N.Y. 2000)—§ 5:27 n.7
- Booth v. Colgate-Palmolive Co., 362 F. Supp. 343 (S.D. N.Y. 1973)—§ 10:36 n.4
- Borst, Application of, 345 F.2d 851 (C.C.P.A. 1965)—§ 2:33 n.5
- Bosley Medical Institute, Inc. v. Kremer, 403 F.3d 672 (9th Cir. 2005)—§§ 10:7 n.1; 10:33 n.9
- Boston Beer Co. Ltd. Partnership v. Slesar Bros. Brewing Co., Inc., 9 F.3d 175 (1st Cir. 1993)—§ 8:18 n.4
- Boston Professional Hockey Ass'n, Inc. v. Dallas Cap & Emblem Mfg., Inc., 510 F.2d 1004 (5th Cir. 1975)—§ 10:7 n.3
- Boswell v. Mavety Media Group Ltd., 52 U.S.P.Q.2d 1600, 1999 WL 1040108 (T.T.A.B. 1999)—§ 9:28 n.7
- Boule v. Hutton, 70 F. Supp. 2d 378 (S.D. N.Y. 1999)—§ 10:38 n.31

- Boulevard Entertainment, Inc., *In re*, 334 F.3d 1336 (Fed. Cir. 2003)—
§ 9:26 n.8
- Brana, *In re*, 51 F.3d 1560 (Fed. Cir. 1995)—§ 2:31 n.3
- Branch v. Ogilvy & Mather, Inc., 16 U.S.P.Q.2d 1179, 1990 WL 74540
(S.D. N.Y. 1990)—§ 10:38 n.32
- Brandir Int'l Inc. v. Cascade Pacific, 838 F.2d 1202 (2d Cir. 1987)—
§ 5:19 n.6
- Brantingson Fishing Equipment Co. v. Shimano American Corp., 8
U.S.P.Q.2d 1669, 1988 WL 282154 (Fed. Cir. 1988)—§ 4:36 n.4
- Braun Inc. v. Dynamics Corp. of America, 975 F.2d 815 (Fed. Cir.
1992)—§§ 4:15 n.6; 10:10 n.11
- Brenner v. Manson, 383 U.S. 519, 86 S. Ct. 1033, 16 L. Ed. 2d 69
(1966)—§ 2:31 n.4
- Bridgeport Music, Inc. v. Justin Combs Pub., 507 F.3d 470 (6th Cir.
2007)—§ 7:30 n.3
- Bridgeport Music, Inc. v. UMG Recordings, Inc., 585 F.3d 267 (6th Cir.
2009)—§ 7:15 n.12
- Brinkley v. Casablancas, 80 A.D.2d 428, 438 N.Y.S.2d 1004 (1st Dep't
1981)—§ 12:5 n.11
- Bristol-Myers Squibb Co. v. McNeil-P.P.C., Inc., 973 F.2d 1033 (2d Cir.
1992)—§§ 10:20 n.1; 10:28 n.58
- Brittingham v. Jenkins, 914 F.2d 447, 116 A.L.R. Fed. 863 (4th Cir.
1990)—§ 10:21 n.3
- Broadcast Music, Inc. v. Hirsch, 104 F.3d 1163 (9th Cir. 1997)—§ 5:11
n.5
- Broadcast Music, Inc. v. Metro Program Network, Inc., 21 U.S.P.Q.2d
1713, 1991 WL 323414 (N.D. Iowa 1991)—§ 7:10 n.1
- Brookfield Communications, Inc. v. West Coast Entertainment Corp.,
174 F.3d 1036 (9th Cir. 1999)—§§ 10:9 n.20; 10:11 n.33
- Brown v. Quiniou, 744 F. Supp. 463 (S.D. N.Y. 1990)—§ 10:28 n.53
- Brown v. Twentieth Century Fox Film Corp., 799 F. Supp. 166 (D.D.C.
1992)—§ 5:13 n.5
- Brown Bag Software v. Symantec Corp., 960 F.2d 1465, 22 Fed. R. Serv.
3d 771 (9th Cir. 1992)—§§ 7:15 n.1; 7:17 n.1
- Brulotte v. Thys Co., 379 U.S. 29, 85 S. Ct. 176, 13 L. Ed. 2d 99, 3
A.L.R.3d 761 (1964)—§§ 4:43 n.4; 13:14 n.1
- Brunswick Beacon, Inc. v. Schock-Hopchas Pub. Co., 810 F.2d 410 (4th
Cir. 1987)—§ 7:10 n.5
- Brunswick Corp. v. Spinit Reel Co., 832 F.2d 513, 23 Fed. R. Evid. Serv.
1272 (10th Cir. 1987)—§§ 8:16 n.6; 10:11 n.25; 10:21 n.2
- Budge Mfg. Co., Inc., *In re*, 857 F.2d 773 (Fed. Cir. 1988)—§ 9:27 n.2
- Buffets, Inc. v. Klinke, 73 F.3d 965 (9th Cir. 1996)—§ 11:27 n.1
- Buildex Inc. v. Kason Industries, Inc., 849 F.2d 1461 (Fed. Cir. 1988)—
§ 4:33 n.7
- Bulk Lift Intern. Inc. v. Flexcon & Systems, Inc., 122 F.R.D. 493 (W.D.
La. 1988)—§ 4:18 n.2
- Bulk Lift Intern., Inc. v. Flexcon & Systems, Inc., 122 F.R.D. 482 (W.D.
La. 1988)—§ 4:17 n.4
- Burger King Corp. v. Pilgrim's Pride Corp., 705 F. Supp. 1522 (S.D. Fla.

TABLE OF CASES

- 1988)—§§ 10:17 n.1, 10; 10:28 n.26
Burger King Corp. v. Rudzewicz, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985)—§ 4:2 n.4
Burger King of Fla., Inc. v. Hoots, 403 F.2d 904 (7th Cir. 1968)—§ 10:19 n.1
Burke-Parsons-Bowlby Corp. v. Appalachian Log Homes, Inc., 871 F.2d 590 (6th Cir. 1989)—§ 10:10 n.7
Business Trends Analysts v. Freedomia Group, Inc., 650 F. Supp. 1452 (S.D. N.Y. 1987)—§ 7:2 n.1
Business Trends Analysts, Inc. v. Freedomia Group, Inc., 700 F. Supp. 1213 (S.D. N.Y. 1988)—§ 11:28 n.5

C

- C-Cure Chemical Co., Inc. v. Secure Adhesives Corp., 571 F. Supp. 808 (W.D. N.Y. 1983)—§ 14:21 n.9
Cable/Home Communication Corp. v. Network Productions, Inc., 902 F.2d 829 (11th Cir. 1990)—§ 7:29 n.3
California Cooler, Inc. v. Loretto Winery, Ltd., 774 F.2d 1451 (9th Cir. 1985)—§ 8:18 n.6
California Eastern Laboratories, Inc. v. Gould, 896 F.2d 400 (9th Cir. 1990)—§ 11:11 n.11
California Innovations, Inc., In re, 329 F.3d 1334 (Fed. Cir. 2003)—§ 9:31 n.8, 9
Calvin Klein Cosmetics Corp. v. Lenox Laboratories, Inc., 815 F.2d 500 (8th Cir. 1987)—§ 10:9 n.7
Calvin Klein Industries, Inc. v. BFK Hong Kong, Ltd., 714 F. Supp. 78 (S.D. N.Y. 1989)—§ 14:21 n.4
Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 114 S. Ct. 1164, 127 L. Ed. 2d 500 (1994)—§§ 5:23 n.1; 7:18 n.1
Campbell Soup Co. v. Giles, 47 F.3d 467 (1st Cir. 1995)—§ 11:30 n.8
Canada Dry Ginger Ale, In re, 86 F.2d 830 (C.C.P.A. 1936)—§ 9:31 n.5
Canessa v. J. I. Kislak, Inc., 97 N.J. Super. 327, 235 A.2d 62 (Law Div. 1967)—§ 12:12 n.1
Capital Speakers Inc. v. Capital Speakers Club of Washington D.C. Inc., 41 U.S.P.Q.2d 1030, 1996 WL 754043 (T.T.A.B. 1996)—§ 9:3 n.4
Car-Freshner Corp. v. Scentex, Inc., 12 U.S.P.Q.2d 1361, 1989 WL 47373 (N.D. N.Y. 1989)—§ 8:16 n.17
Cardiac Pacemakers, Inc. v. St. Jude Medical, Inc., 576 F.3d 1348 (Fed. Cir. 2009)—§§ 4:12 n.7; 14:22 n.9
Cardinal Chemical Co. v. Morton Intern., Inc., 508 U.S. 83, 113 S. Ct. 1967, 124 L. Ed. 2d 1 (1993)—§ 4:9 n.3
Card Technology Corp. v. DataCard Corp., 2007 WL 2156320 (D. Minn. 2007)—§ 4:8 n.4
Cardtoons, L.C. v. Major League Baseball Players Ass'n, 95 F.3d 959 (10th Cir. 1996)—§ 10:18 n.32
Carella v. Starlight Archery and Pro Line Co., 804 F.2d 135 (Fed. Cir. 1986)—§ 4:32 n.10
Carl Schenck, A.G. v. Nortron Corp., 713 F.2d 782 (Fed. Cir. 1983)—§ 1:1 n.1

- Carl Zeiss Stiftung v. V. E. B. Carl Zeiss, Jena, 293 F. Supp. 892 (S.D. N.Y. 1968)—§ 10:21 n.12
- Carol Barnhart Inc. v. Economy Cover Corp., 773 F.2d 411 (2d Cir. 1985)—§ 5:3 n.23
- Carter v. Helmsley-Spear, Inc., 71 F.3d 77, 138 A.L.R. Fed. 711 (2d Cir. 1995)—§ 5:27 n.6
- Castrol, Inc. v. Quaker State Corp., 977 F.2d 57 (2d Cir. 1992)—§ 10:38 n.25
- Caveney, In re, 761 F.2d 671 (Fed. Cir. 1985)—§§ 2:33 n.28; 4:33 n.9
- C.B.C. Distribution and Marketing, Inc. v. Major League Baseball Advanced Media, L.P., 505 F.3d 818 (8th Cir. 2007)—§ 12:17 n.2
- CBS, Inc. v. Gusto Records, Inc., 403 F. Supp. 447 (M.D. Tenn. 1974)—§ 10:38 n.7
- CBS Inc. v. Liederman, 866 F. Supp. 763 (S.D. N.Y. 1994)—§ 10:28 n.68
- Celebrity Service Intern. Inc. v. Celebrity World Inc., 9 U.S.P.Q.2d 1673, 1988 WL 1091944 (S.D. N.Y. 1988)—§ 10:15 n.13
- Centaur Communications, Ltd. v. A/S/M Communications, Inc., 830 F.2d 1217 (2d Cir. 1987)—§ 10:10 n.1
- Centura Software Corp., In re, 281 B.R. 660 (Bankr. N.D. Cal. 2002)—§ 13:33 n.5
- Century 21 Real Estate Corp. v. Lendingtree, Inc., 425 F.3d 211 (3d Cir. 2005)—§ 10:17 n.26
- Century 21 Real Estate Corp. v. Sandlin, 846 F.2d 1175 (9th Cir. 1988)—§§ 10:12 n.1; 10:28 n.24
- Cerveceria Centroamericana, S.A. v. Cerveceria India, Inc., 892 F.2d 1021 (Fed. Cir. 1989)—§ 10:16 n.5, 11
- Chadwick v. Covell, 151 Mass. 190, 23 N.E. 1068 (1890)—§ 10:18 n.17
- Champions Golf Club, Inc. v. Sunrise Land Corp., 846 F. Supp. 742 (W.D. Ark. 1994)—§ 10:28 n.7
- Champion Spark Plug Co. v. Sanders, 331 U.S. 125, 67 S. Ct. 1136, 91 L. Ed. 1386 (1947)—§§ 10:7 n.4; 10:15 n.7
- Charrette Corp. v. Bowater Communication Papers Inc., 13 U.S.P.Q.2d 2040, 1989 WL 274417 (T.T.A.B. 1989)—§ 10:12 n.5
- Chavez v. Arte Publico Press, 204 F.3d 601, 142 Ed. Law Rep. 36 (5th Cir. 2000)—§§ 7:11 n.2; 10:7 n.7
- Chemical Corp. of America v. Anheuser-Busch, Inc., 306 F.2d 433, 2 A.L.R.3d 739 (5th Cir. 1962)—§§ 8:12 n.12; 10:11 n.13; 10:18 n.6; 10:29 n.10
- Chemical Foundation v. E.I. Du Pont de Nemours & Co., 29 F.2d 597 (D. Del. 1928)—§ 13:2 n.18
- Chemlawn Services Corp. v. GNC Pumps, Inc., 690 F. Supp. 1560 (S.D. Tex. 1988)—§ 8:16 n.17
- Cher v. Forum Intern., Ltd., 7 Media L. Rep. (BNA) 2593, 213 U.S.P.Q. 96, 1982 WL 916836 (C.D. Cal. 1982)—§ 10:36 n.5
- Cherne Indus., Inc. v. Grounds & Associates, Inc., 278 N.W.2d 81 (Minn. 1979)—§ 11:9 n.9
- Chevron Chemical Co. v. Voluntary Purchasing Groups, Inc., 659 F.2d 695 (5th Cir. 1981)—§§ 10:9 n.5; 10:11 n.11
- Chi-Boy Music v. Charlie Club, Inc., 930 F.2d 1224 (7th Cir. 1991)—§ 7:29 n.2

TABLE OF CASES

- Chi-Boy Music v. Towne Tavern, Inc., 779 F. Supp. 527 (N.D. Ala. 1991)—§ 5:12 n.2
- Chi-Feng Huang, In re, 23 B.R. 798 (B.A.P. 9th Cir. 1982)—§ 13:33 n.2
- Chicago Rawhide Mfg. Co., Application of, 455 F.2d 563 (C.C.P.A. 1972)—§ 9:18 n.12
- Childress v. Taylor, 945 F.2d 500 (2d Cir. 1991)—§ 5:8 n.3
- Chirco v. Crosswinds Communities, Inc., 474 F.3d 227, 2007 FED App. 0011P (6th Cir. 2007)—§ 7:24 n.3
- Christoff v. Nestle USA, Inc., 62 Cal. Rptr. 3d 122 (Cal. App. 2d Dist. 2007)—§ 12:12 n.2
- Chuck Blore & Don Richman Inc. v. 20/20 Advertising Inc., 674 F. Supp. 671 (D. Minn. 1987)—§ 5:3 n.26
- Church of Scientology Intern. v. Elmira Mission of the Church of Scientology, 794 F.2d 38 (2d Cir. 1986)—§ 10:14 n.2
- Circuit City Stores, Inc. v. CarMax, Inc., 165 F.3d 1047, 1999 FED App. 0026P (6th Cir. 1999)—§ 10:19 n.10
- Citrus Group, Inc. v. Cadbury Beverages, Inc., 781 F. Supp. 386 (D. Md. 1991)—§ 8:9 n.6
- City Bank and Trust Co. v. Otto Fabric, Inc., 83 B.R. 780, 5 U.C.C. Rep. Serv. 2d 1459 (D. Kan. 1988)—§ 13:26 n.1
- Clamp Mfg. Co., Inc. v. Enco Mfg. Co., Inc., 879 F.2d 512 (9th Cir. 1989)—§ 10:11 n.3
- Clark & Freeman Corp. v. Heartland Co. Ltd., 811 F. Supp. 137 (S.D. N.Y. 1993)—§ 8:25 n.5
- Clarke, In re, 17 U.S.P.Q.2d 1238, 1990 WL 354572 (T.T.A.B. 1990)—§ 8:12 n.25
- Classic Instruments, Inc. v. VDO-Argo Instruments, Inc., 73 Or. App. 732, 700 P.2d 677 (1985)—§ 11:14 n.5
- Clay, In re, 966 F.2d 656 (Fed. Cir. 1992)—§ 4:36 n.11
- Clayton v. Howard Johnson Franchise Systems, Inc., 730 F. Supp. 1553 (M.D. Fla. 1988)—§ 10:11 n.12
- Cliffs Notes, Inc. v. Bantam Doubleday Dell Pub. Group, Inc., 886 F.2d 490 (2d Cir. 1989)—§ 10:18 n.3, 25, 44
- Clinton, Application of, 527 F.2d 1226 (C.C.P.A. 1976)—§ 3:23 n.6
- Clorox Co., The v. Chemical Bank, 40 U.S.P.Q.2d 1098, 1996 WL 579826 (T.T.A.B. 1996)—§ 13:27 n.7
- Coach House Restaurant, Inc. v. Coach and Six Restaurants, Inc., 934 F.2d 1551 (11th Cir. 1991)—§ 10:21 n.18
- Coca-Cola Co. v. Alma-Leo U.S.A., Inc., 719 F. Supp. 725 (N.D. Ill. 1989)—§ 10:28 n.27
- Coca-Cola Co. v. Gemini Rising, Inc., 346 F. Supp. 1183 (E.D. N.Y. 1972)—§§ 10:18 n.10, 43; 10:29 n.10
- Coca-Cola Co. v. Purdy, 382 F.3d 774 (8th Cir. 2004)—§ 10:34 n.7
- Coca-Cola Co. v. Tropicana Products, Inc., 690 F.2d 312 (2d Cir. 1982)—§ 10:38 n.14
- Coenco, Inc. v. Coenco Sales, Inc., 940 F.2d 1176 (8th Cir. 1991)—§ 11:15 n.1
- Coleman v. ESPN, Inc., 764 F. Supp. 290 (S.D. N.Y. 1991)—§ 5:16 n.5
- College Sav. Bank v. Florida Prepaid Postsecondary Educ. Expense Bd.,

- 527 U.S. 666, 119 S. Ct. 2219, 144 L. Ed. 2d 605, 135 Ed. Law Rep. 362 (1999)—§ 10:35 n.1
- Colonial Stores, Inc., Application of, 394 F.2d 549 (C.C.P.A. 1968)—§ 8:9 n.12
- Colt Industries Operating Corp., In re, 195 U.S.P.Q. 75, 1977 WL 22526 (T.T.A.B. 1977)—§ 8:17 n.10
- Commerce Foods, Inc. v. PLC Commerce Corp., 504 F. Supp. 190 (S.D. N.Y. 1980)—§ 10:11 n.12
- Community for Creative Non-Violence v. Reid, 490 U.S. 730, 109 S. Ct. 2166, 104 L. Ed. 2d 811 (1989)—§ 5:7 n.2
- Compco Corp. v. Day-Brite Lighting, Inc., 376 U.S. 234, 84 S. Ct. 779, 11 L. Ed. 2d 669 (1964)—§ 8:16 n.19
- Complete Pharmacy Resources, Ltd. v. Feltman, 2005 WL 1949540 (S.D. Tex. 2005)—§ 11:1 n.8
- Composite Marine Propellers, Inc. v. Van Der Woude, 962 F.2d 1263 (7th Cir. 1992)—§ 11:1 n.11
- CompuServe, Inc. v. Patterson, 89 F.3d 1257, 1996 FED App. 0228P (6th Cir. 1996)—§ 10:2 n.14
- Computer Associates Intern., Inc. v. Altai, Inc., 126 F.3d 365 (2d Cir. 1997)—§ 5:3 n.5
- Computer Associates Intern., Inc. v. Altai, Inc., 982 F.2d 693, 37 Fed. R. Evid. Serv. 348, 119 A.L.R. Fed. 741 (2d Cir. 1992)—§ 7:16 n.1
- Computer Associates Intern., Inc. v. American Fundware, Inc., 831 F. Supp. 1516 (D. Colo. 1993)—§ 11:11 n.3
- Conagra Inc. v. Saavedra, 4 U.S.P.Q.2d 1245, 1987 WL 123843 (T.T.A.B. 1987)—§ 9:31 n.13
- Conagra, Inc. v. Singleton, 743 F.2d 1508 (11th Cir. 1984)—§ 8:17 n.2
- Conan Properties, Inc. v. Conans Pizza, Inc., 752 F.2d 145 (5th Cir. 1985)—§ 10:21 n.15
- Concept, Inc. v. Thermotemp, Inc., 553 So. 2d 1325 (Fla. 2d DCA 1989)—§ 11:9 n.13
- Concrete Unlimited Inc. v. Cementcraft, Inc., 776 F.2d 1537 (Fed. Cir. 1985)—§ 4:32 n.7
- Conopco, Inc. v. Campbell Soup Co., 95 F.3d 187 (2d Cir. 1996)—§ 10:38 n.34
- Conopco, Inc. v. May Dept. Stores Co., 46 F.3d 1556 (Fed. Cir. 1994)—§ 10:20 n.3
- Construction Technology, Inc. v. Lockformer Co., Inc., 704 F. Supp. 1212 (S.D. N.Y. 1989)—§ 11:21 n.19
- Continental Grain Co. v. Strongheart Products Inc., 9 U.S.P.Q.2d 1238, 1988 WL 252323 (T.T.A.B. 1988)—§ 10:16 n.21
- Continental Oil Co. v. Cole, 634 F.2d 188 (5th Cir. 1981)—§ 2:33 n.1
- Conus Communications Co., In re, 23 U.S.P.Q.2d 1717, 1992 WL 205048 (T.T.A.B. 1992)—§ 8:10 n.15
- Cook, Perkiss and Liehe, Inc. v. Northern California Collection Service Inc., 911 F.2d 242 (9th Cir. 1990)—§ 10:38 n.4
- Coors Brewing Co. v. Anheuser-Busch Companies, Inc., 802 F. Supp. 965 (S.D. N.Y. 1992)—§ 10:38 n.25
- Copelands' Enterprises, Inc. v. CNV, Inc., 945 F.2d 1563 (Fed. Cir.

TABLE OF CASES

- 1991)—§ 9:18 n.10
- Cordis Corp. v. Medtronic, Inc., 835 F.2d 859, 97 A.L.R. Fed. 683 (Fed. Cir. 1987)—§ 4:9 n.4
- Cornell University v. Hewlett-Packard Co., 609 F. Supp. 2d 279 (N.D. N.Y. 2009)—§ 4:26 n.9
- Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251 (Fed. Cir. 1989)—§ 4:16 n.7
- Corwin v. Walt Disney Co., 468 F.3d 1329, 71 Fed. R. Evid. Serv. 828 (11th Cir. 2006)—§ 7:14 n.7
- Crash Dummy Movie, LLC v. Mattel, Inc., 601 F.3d 1387, 81 Fed. R. Evid. Serv. 1261 (Fed. Cir. 2010)—§ 8:24 n.4
- Creamette Co. v. Merlino, 299 F.2d 55 (9th Cir. 1962)—§ 8:15 n.13
- Crescent Tool Co. v. Kilborn & Bishop Co., 247 F. 299 (C.C.A. 2d Cir. 1917)—§ 10:23 n.3
- Critikon, Inc. v. Becton Dickinson Vascular Access, Inc., 120 F.3d 1253 (Fed. Cir. 1997)—§§ 3:13 n.6; 4:8 n.7
- Crowell v. Baker Oil Tools, 143 F.2d 1003 (C.C.A. 9th Cir. 1944)—§ 4:10 n.5
- Crown Die & Tool Co. v. Nye Tool & Machine Works, 261 U.S. 24, 43 S. Ct. 254, 67 L. Ed. 516 (1923)—§ 13:2 n.16
- Cumulus Media, Inc. v. Clear Channel Communications, Inc., 304 F.3d 1167, 53 Fed. R. Serv. 3d 823 (11th Cir. 2002)—§ 10:16 n.10
- Curtis 1000, Inc. v. Pierce, 905 F. Supp. 898 (D. Kan. 1995)—§ 11:13 n.7
- Custom Accessories, Inc. v. Jeffrey-Allan Industries, Inc., 807 F.2d 955 (Fed. Cir. 1986)—§ 4:36 n.15
- Cybernetic Services, Inc., In re, 252 F.3d 1039, 44 U.C.C. Rep. Serv. 2d 639 (9th Cir. 2001)—§ 13:24 n.2
- Cybersell, Inc. v. Cybersell, Inc., 130 F.3d 414 (9th Cir. 1997)—§§ 7:2 n.10; 10:2 n.14
- CyberSource Corp. v. Retail Decisions, Inc., 654 F.3d 1366 (Fed. Cir. 2011)—§ 4:31 n.6

D

- Dakota Industries, Inc. v. Dakota Sportswear, Inc., 946 F.2d 1384 (8th Cir. 1991)—§ 10:2 n.1
- Dallas Cowboys Cheerleaders, Inc. v. Pussycat Cinema, Ltd., 604 F.2d 200 (2d Cir. 1979)—§§ 10:18 n.4, 12; 10:36 n.8
- Danjaq LLC v. Sony Corp., 50 U.S.P.Q.2d 1638, 1999 WL 317629 (C.D. Cal. 1999)—§ 11:30 n.9
- Data East USA, Inc. v. Epyx, Inc., 862 F.2d 204 (9th Cir. 1988)—§ 7:15 n.2
- Datatrans Corp. v. Wells Fargo & Co., 522 F.3d 1368 (Fed. Cir. 2008)—§§ 13:6 n.1; 13:16 n.1
- David Sherman Corp. v. Heublein, Inc., 340 F.2d 377 (8th Cir. 1965)—§ 10:11 n.7
- Davis v. Walt Disney Co., 430 F.3d 901 (8th Cir. 2005)—§ 10:9 n.22
- Dawn Donut Co. v. Hart's Food Stores, Inc., 267 F.2d 358 (2d Cir. 1959)—§§ 8:25 n.6; 9:1 n.2; 10:19 n.1
- Dawn Equipment Co. v. Kentucky Farms Inc., 140 F.3d 1009 (Fed. Cir. 1998)—§ 4:16 n.3

- Dawson v. Hinshaw Music Inc., 905 F.2d 731 (4th Cir. 1990)—§ 7:15 n.23
- Dealertrack, Inc. v. Huber, 674 F.3d 1315 (Fed. Cir. 2012)—§ 4:31 n.6
- Deepsouth Packing Co. v. Laitram Corp., 406 U.S. 518, 92 S. Ct. 1700, 32 L. Ed. 2d 273 (1972)—§§ 4:12 n.2; 14:22 n.1
- Deere & Co. v. Farmhand, Inc., 560 F. Supp. 85 (S.D. Iowa 1982)—§ 10:8 n.23
- Deere & Co. v. MTD Products, Inc., 41 F.3d 39 (2d Cir. 1994)—§ 10:27 n.5
- Dell Inc., In re, 71 U.S.P.Q.2d 1725, 2004 WL 1942043 (T.T.A.B. 2004)—§ 9:7 n.7
- Del Mar Avionics, Inc. v. Quinton Instrument Co., 836 F.2d 1320 (Fed. Cir. 1987)—§ 4:25 n.2
- De Luxe, N.V., In re, 990 F.2d 607 (Fed. Cir. 1993)—§ 9:10 n.6
- Demetriades v. Kaufmann, 690 F. Supp. 289 (S.D. N.Y. 1988)—§ 7:8 n.2
- Dennison Mfg. Co. v. Panduit Corp., 475 U.S. 809, 106 S. Ct. 1578, 89 L. Ed. 2d 817, 4 Fed. R. Serv. 3d 366 (1986)—§ 2:34 n.4
- Dentsply Intern., Inc. v. Kerr Mfg. Co., 732 F. Supp. 482 (D. Del. 1990)—§ 10:8 n.17
- Devlin v. Ingram, 928 F.2d 1084 (11th Cir. 1991)—§ 2:18 n.3
- Diamond v. Chakrabarty, 447 U.S. 303, 100 S. Ct. 2204, 65 L. Ed. 2d 144 (1980)—§ 4:31 n.10
- Diamond v. Diehr, 450 U.S. 175, 101 S. Ct. 1048, 67 L. Ed. 2d 155 (1981)—§§ 3:20 n.3; 4:31 n.3
- Diamond Scientific Co. v. Ambico, Inc., 848 F.2d 1220 (Fed. Cir. 1988)—§ 13:4 n.2
- Dillinger, LLC v. Electronic Arts Inc., 101 U.S.P.Q.2d 1612, 2011 WL 2457678 (S.D. Ind. 2011)—§ 10:36 n.18, 19, 20, 21, 22
- Diodes, Inc. v. Franzen, 260 Cal. App. 2d 244, 67 Cal. Rptr. 19 (2d Dist. 1968)—§ 11:22 n.2
- Dionne v. Southeast Foam Converting & Packaging, Inc., 240 Va. 297, 397 S.E.2d 110 (1990)—§ 11:11 n.3
- Direct Marketing of Virginia, Inc. v. E. Mishan & Sons, Inc., 753 F. Supp. 100 (S.D. N.Y. 1990)—§ 10:9 n.12
- Disc Jockeys Inc., In re, 23 U.S.P.Q.2d 1715, 1992 WL 205047 (T.T.A.B. 1992)—§§ 8:9 n.9; 9:30 n.2
- Diversified Marketing, Inc. v. Estee Lauder, Inc., 705 F. Supp. 128 (S.D. N.Y. 1988)—§ 10:33 n.1
- D.L. Auld Co. v. Chroma Graphics Corp., 714 F.2d 1144 (Fed. Cir. 1983)—§ 4:32 n.9
- D.M.I., Inc. v. Deere & Co., 755 F.2d 1570 (Fed. Cir. 1985)—§ 4:13 n.14
- Dodd v. Fort Smith Special School Dist. No. 100, 666 F. Supp. 1278, 41 Ed. Law Rep. 624 (W.D. Ark. 1987)—§ 10:37 n.3
- Dodrill v. Arkansas Democrat Co., 265 Ark. 628, 590 S.W.2d 840 (1979)—§ 10:36 n.24
- Dolori Fabrics, Inc. v. Limited, Inc., 662 F. Supp. 1347, 4 U.C.C. Rep. Serv. 2d 393 (S.D. N.Y. 1987)—§ 7:20 n.2
- Donald F. Duncan, Inc. v. Royal Tops Mfg. Co., 343 F.2d 655 (7th Cir. 1965)—§ 8:26 n.5

TABLE OF CASES

- Donald Frederick Evans and Associates, Inc. v. Continental Homes, Inc., 785 F.2d 897 (11th Cir. 1986)—§ 7:21 n.1
- Donaldson Co., Inc., In re, 16 F.3d 1189 (Fed. Cir. 1994)—§ 4:14 n.14
- Dora v. Frontline Video, Inc., 15 Cal. App. 4th 536, 18 Cal. Rptr. 2d 790 (2d Dist. 1993)—§ 12:8 n.3
- Dow Chemical Co., In re, 837 F.2d 469 (Fed. Cir. 1988)—§ 3:23 n.5
- Drexelbrook Controls, Inc. v. Magnetrol Intern., Inc., 720 F. Supp. 397 (D. Del. 1989)—§ 4:23 n.12
- Dreyfus Fund, Inc. v. Royal Bank of Canada, 525 F. Supp. 1108 (S.D. N.Y. 1981)—§ 10:11 n.20
- Drop Dead Co. v. S. C. Johnson & Son, Inc., 326 F.2d 87 (9th Cir. 1963)—§ 5:3 n.14
- Dr. Seuss Enterprises, L.P. v. Penguin Books USA, Inc., 109 F.3d 1394 (9th Cir. 1997)—§ 10:18 n.1
- DSL Dynamic Sciences Ltd. v. Union Switch & Signal, Inc., 928 F.2d 1122 (Fed. Cir. 1991)—§ 3:29 n.12
- DSU Medical Corp. v. JMS Co., Ltd., 471 F.3d 1293 (Fed. Cir. 2006)—§ 4:11 n.3
- Dun & Bradstreet Software Services, Inc. v. Grace Consulting, Inc., 307 F.3d 197 (3d Cir. 2002)—§ 11:17 n.11
- Duplan Corp. v. Deering Milliken, Inc., 397 F. Supp. 1146 (D.S.C. 1974)—§ 4:17 n.10
- DuPont Cellophane Co. v. Waxed Products Co., 85 F.2d 75 (C.C.A. 2d Cir. 1936)—§ 8:26 n.6
- E. & J. Gallo Winery v. Consorzio del Gallo Nero, 782 F. Supp. 457 (N.D. Cal. 1991)—§ 10:28 n.31
- Eastman Kodak Co. v. Rakow, 739 F. Supp. 116 (W.D. N.Y. 1989)—§§ 8:6 n.2; 10:28 n.38
- Eastwood v. Superior Court, 149 Cal. App. 3d 409, 198 Cal. Rptr. 342 (2d Dist. 1983)—§ 12:4 n.4
- Eaton v. Evans, 204 F.3d 1094 (Fed. Cir. 2000)—§ 3:29 n.11
- Eaton Corp. v. Giere, 971 F.2d 136 (8th Cir. 1992)—§ 11:11 n.18
- eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388, 126 S. Ct. 1837, 164 L. Ed. 2d 641, 27 A.L.R. Fed. 2d 685 (2006)—§§ 4:23 n.13; 11:32 n.5
- Eckes v. Card Prices Update, 736 F.2d 859 (2d Cir. 1984)—§ 7:21 n.6
- Economy Roofing & Insulating Co. v. Zumaris, 538 N.W.2d 641 (Iowa 1995)—§ 11:25 n.7
- Eden Foods Inc., In re, 24 U.S.P.Q.2d 1757, 1992 WL 355505 (T.T.A.B. 1992)—§ 8:9 n.16
- Eden Toys, Inc. v. Florelee Undergarment Co., Inc., 697 F.2d 27 (2d Cir. 1982)—§ 5:3 n.46
- Ed Nowogroski Ins., Inc. v. Rucker, 137 Wash. 2d 427, 971 P.2d 936 (1999)—§ 11:3 n.3
- Effects Associates, Inc. v. Cohen, 908 F.2d 555 (9th Cir. 1990)—§ 5:11 n.4
- EFS Marketing, Inc. v. Russ Berrie & Co., Inc., 836 F. Supp. 128 (S.D. N.Y. 1993)—§ 8:16 n.26

- Egbert v. Lippmann, 104 U.S. 333, 26 L. Ed. 755, 1881 WL 19820 (1881)—§§ 2:32 n.5; 2:33 n.16
- Egyptian Goddess, Inc. v. Swisa, Inc., 543 F.3d 665 (Fed. Cir. 2008)—§ 4:15 n.3
- E. I. duPont deNemours & Co. v. Christopher, 431 F.2d 1012 (5th Cir. 1970)—§ 11:8 n.11
- E.I. Du Pont De Nemours & Co. v. U.S., 153 Ct. Cl. 274, 288 F.2d 904 (1961)—§ 13:2 n.8
- E. I. DuPont DeNemours & Co., Application of, 476 F.2d 1357 (C.C.P.A. 1973)—§ 10:9 n.10
- E. I. Du Pont De Nemours Powder Co. v. Masland, 244 U.S. 100, 37 S. Ct. 575, 61 L. Ed. 1016 (1917)—§ 11:9 n.7
- 815 Tonawanda Street Corp. v. Fay's Drug Co., Inc., 842 F.2d 643 (2d Cir. 1988)—§ 8:17 n.1
- EI Intern., In re, 123 B.R. 64 (Bankr. D. Idaho 1991)—§ 13:33 n.7
- Electro-Craft Corp. v. Controlled Motion, Inc., 332 N.W.2d 890 (Minn. 1983)—§ 11:1 n.18
- Electro-Nucleonics, Inc. v. Mossinghoff, 593 F. Supp. 125 (D.D.C. 1984)—§ 2:33 n.14
- Elizabeth, City of v. American Nicholson Pavement Co., 97 U.S. 126, 24 L. Ed. 1000, 1877 WL 18449 (1877)—§ 4:32 n.8
- Eltra Corp. v. Ringer, 579 F.2d 294 (4th Cir. 1978)—§ 5:5 n.6
- Elvis Presley Enterprises, Inc. v. Capece, 141 F.3d 188, 40 Fed. R. Serv. 3d 1021 (5th Cir. 1998)—§ 10:18 n.33
- Elvis Presley Enterprises, Inc. v. Elvisly Yours, Inc., 936 F.2d 889, 19 Fed. R. Serv. 3d 1397 (6th Cir. 1991)—§ 10:21 n.19
- E. Martinoni Company, In re, 189 U.S.P.Q. 589, 1975 WL 20966 (T.T.A.B. 1975)—§ 8:17 n.23
- Emmpresa Cubana Del Tabaco v. Culbro Corp., 213 F. Supp. 2d 247 (S.D. N.Y. 2002)—§ 10:16 n.12
- Engel Industries, Inc. v. Lockformer Co., 946 F.2d 1528 (Fed. Cir. 1991)—§ 4:37 n.3
- Environmental Designs, Ltd. v. Union Oil Co. of California, 713 F.2d 693 (Fed. Cir. 1983)—§ 4:36 n.13
- Enzo APA & Son, Inc. v. Geapag A.G., 134 F.3d 1090 (Fed. Cir. 1998)—§ 4:5 n.2
- Enzo Biochem, Inc. v. Gen-Probe Inc., 323 F.3d 956 (Fed. Cir. 2002)—§ 4:38 n.5
- Eon-Net LP v. Flagstar Bancorp, 653 F.3d 1314 (Fed. Cir. 2011)—§ 4:7 n.2
- Erie R. Co. v. Tompkins, 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188, 114 A.L.R. 1487 (1938)—§ 1:2 n.4
- E.R. Squibb & Sons, Inc. v. Princeton Pharmaceutical, Inc., 17 U.S.P.Q.2d 1447, 1990 WL 272707 (S.D. Fla. 1990)—§ 10:32 n.4
- Esquire, Inc. v. Ringer, 591 F.2d 796 (D.C. Cir. 1978)—§ 5:3 n.21
- Essence Communications, Inc. v. Singh Industries, Inc., 703 F. Supp. 261 (S.D. N.Y. 1988)—§ 10:28 n.57
- Etablissements Darty Et Fils, In re, 759 F.2d 15 (Fed. Cir. 1985)—§ 8:17 n.3
- E.T. Browne Drug Co. v. Cococare Products, Inc., 538 F.3d 185 (3d Cir.

TABLE OF CASES

- 2008)—§ 8:11 n.4, 5
- Ethicon, Inc. v. U.S. Surgical Corp., 135 F.3d 1456, 48 Fed. R. Evid. Serv. 1226 (Fed. Cir. 1998)—§ 2:18 n.1
- ETW Corp. v. Jireh Pub., Inc., 332 F.3d 915, 2003 FED App. 0207P (6th Cir. 2003)—§ 10:36 n.11
- Eveready Battery Co., Inc. v. Adolph Coors Co., 765 F. Supp. 440 (N.D. Ill. 1991)—§§ 10:18 n.44; 10:28 n.29; 10:33 n.4
- EWP Corp. v. Reliance Universal Inc., 755 F.2d 898 (Fed. Cir. 1985)—§ 4:36 n.17
- Exergen Corp. v. Wal-Mart Stores, Inc., 575 F.3d 1312 (Fed. Cir. 2009)—§§ 4:6 n.3; 4:40 n.1
- Ex Parte Murphy, Sagan, Rosenthal, and Ostrowski, 200 U.S.P.Q. 801, 1977 WL 22879 (Pat. & Trademark Office Bd. App. 1977)—§ 2:31 n.7
- Ex Parte Norquist Products, Inc., 109 U.S.P.Q. 399, 1956 WL 8063 (Comm'r Pat. & Trademarks 1956)—§ 8:17 n.20
- Ex Parte Osmond, Smith, and Waite, 191 U.S.P.Q. 334, 1973 WL 19825 (Pat. & Trademark Office Bd. App. 1973)—§ 2:33 n.8
- Extrin Foods, Inc. v. Leighton, 202 Misc. 592, 115 N.Y.S.2d 429 (Sup 1952)—§ 11:10 n.1
- Exxon Corp. v. Humble Exploration Co., Inc., 695 F.2d 96, 83 A.L.R. Fed. 281 (5th Cir. 1983)—§§ 8:24 n.2; 10:16 n.25

F

- Fantasy, Inc. v. Fogerty, 94 F.3d 553 (9th Cir. 1996)—§ 7:31 n.4
- Fantasy, Inc. v. Fogerty, 984 F.2d 1524 (9th Cir. 1993)—§ 14:21 n.13
- Federal Open Market Committee of Federal Reserve System v. Merrill, 443 U.S. 340, 99 S. Ct. 2800, 61 L. Ed. 2d 587 (1979)—§ 11:24 n.7
- Feerick v. Arthur Young & Co., 715 F. Supp. 1234 (S.D. N.Y. 1989)—§ 10:37 n.4
- Feist Publications, Inc. v. Rural Telephone Service Co., Inc., 499 U.S. 340, 111 S. Ct. 1282, 113 L. Ed. 2d 358 (1991)—§§ 1:1 n.1, 17; 5:2 n.2; 7:12 n.4
- Feltner v. Columbia Pictures Television, Inc., 523 U.S. 340, 118 S. Ct. 1279, 140 L. Ed. 2d 438, 163 A.L.R. Fed. 721 (1998)—§ 7:6 n.1
- Fermata Intern. Melodies, Inc. v. Champions Golf Club, Inc., 712 F. Supp. 1257 (S.D. Tex. 1989)—§ 5:16 n.3
- Ferrari S.P.A. v. Roberts, 944 F.2d 1235 (6th Cir. 1991)—§ 10:16 n.2
- Ferrari S.p.A. Esercizio Fabbriche Automobili e Corse v. McBurnie, 11 U.S.P.Q.2d 1843, 1989 WL 298658 (S.D. Cal. 1989)—§ 10:16 n.2
- Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 344 F.3d 1359 (Fed. Cir. 2003)—§ 4:16 n.18
- Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 535 U.S. 722, 122 S. Ct. 1831, 152 L. Ed. 2d 944 (2002)—§ 4:16 n.15
- Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 234 F.3d 558 (Fed. Cir. 2000)—§ 10:8 n.10
- Fiers v. Revel, 984 F.2d 1164 (Fed. Cir. 1993)—§ 4:38 n.6
- Fine, In re, 837 F.2d 1071 (Fed. Cir. 1988)—§ 3:23 n.6
- Finish Engineering Co., Inc. v. Zerpa Industries, Inc., 806 F.2d 1041 (Fed. Cir. 1986)—§ 4:36 n.10

- First Bank v. First Bank System, Inc., 84 F.3d 1040 (8th Cir. 1996)—
§ 10:8 n.5
- First Brands Corp. v. Fred Meyer, Inc., 809 F.2d 1378, 87 A.L.R. Fed. 1
(9th Cir. 1987)—§ 10:8 n.6
- Fisher Radio Corporation v. Bird Electronic Corporation, 162 U.S.P.Q.
265, 1969 WL 9101 (T.T.A.B. 1969)—§ 8:17 n.7
- Fisher Stoves, Inc. v. All Nighter Stove Works, Inc., 626 F.2d 193 (1st
Cir. 1980)—§ 10:9 n.9
- Fishing Concepts, Inc. v. Ross, 226 U.S.P.Q. 692, 1985 WL 1549 (D.
Minn. 1985)—§ 11:28 n.8
- FMC Corp. v. Cyprus Foote Mineral Co., 899 F. Supp. 1477 (W.D. N.C.
1995)—§ 11:30 n.7, 8
- FMC Corp. v. F. E. Myers & Bro. Co., 384 F.2d 4 (6th Cir. 1967)—§ 2:33
n.12
- Fogerty v. Fantasy, Inc., 510 U.S. 517, 114 S. Ct. 1023, 127 L. Ed. 2d
455 (1994)—§ 7:31 n.2
- Folio Impressions, Inc. v. Byer California, 752 F. Supp. 583, 31 Fed. R.
Evid. Serv. 1320 (S.D. N.Y. 1990)—§ 5:3 n.45
- Folsom v. Marsh, 9 F. Cas. 342, No. 4901 (C.C.D. Mass. 1841)—§ 7:18
n.2
- Fonar Corp. v. Johnson & Johnson, 821 F.2d 627 (Fed. Cir. 1987)—
§ 4:13 n.22
- Ford Motor Co. v. Summit Motor Products, Inc., 930 F.2d 277, 19 Fed.
R. Serv. 3d 907 (3d Cir. 1991)—§§ 5:15 n.2; 8:5 n.5
- Forry, Inc. v. Neundorfer, Inc., 837 F.2d 259, 113 A.L.R. Fed. 857 (6th
Cir. 1988)—§ 6:14 n.2
- Fort James Corp. v. Solo Cup Co., 412 F.3d 1340, 67 Fed. R. Evid. Serv.
662 (Fed. Cir. 2005)—§ 4:17 n.22
- Fort Properties, Inc. v. American Master Lease LLC, 671 F.3d 1317
(Fed. Cir. 2012)—§ 4:31 n.6
- Foster-Miller, Inc. v. Babcock & Wilcox Canada, 210 F.3d 1, 54 Fed. R.
Evid. Serv. 453 (1st Cir. 2000)—§ 11:20 n.10
- Fox-Rich Textiles, Inc. v. Malden Mills Industries, Inc., 14 U.S.P.Q.2d
1843, 1989 WL 140246 (S.D. N.Y. 1989)—§ 7:2 n.2
- Fred Ahlert Music Corp. v. Warner/Chappell Music, Inc., 155 F.3d 17
(2d Cir. 1998)—§ 5:14 n.5
- Frito-Lay, Inc. v. Bachman Co., 704 F. Supp. 432 (S.D. N.Y. 1989)—
§ 10:17 n.13
- Fromson v. Advance Offset Plate, Inc., 755 F.2d 1549 (Fed. Cir. 1985)—
§ 4:30 n.5
- Fruit of the Loom, Inc. v. Girouard, 994 F.2d 1359 (9th Cir. 1993)—
§ 10:28 n.60
- Funk Bros. Seed Co. v. Kalo Inoculant Co., 333 U.S. 127, 68 S. Ct. 440,
92 L. Ed. 588 (1948)—§ 4:31 n.11
- Funky Films, Inc. v. Time Warner Entertainment Co., L.P., 462 F.3d
1072 (9th Cir. 2006)—§ 7:15 n.14

G

- Gale Group Inc. v. King City Indus. Co. Ltd., 23 U.S.P.Q.2d 1208, 1992
WL 163595 (M.D. Fla. 1992)—§ 8:16 n.25

TABLE OF CASES

- Garan Inc., *In re*, 3 U.S.P.Q.2d 1537, 1987 WL 124291 (T.T.A.B. 1987)—§ 8:17 n.18
- Garter-Bare Co. v. Munsingwear Inc., 723 F.2d 707 (9th Cir. 1984)—§ 11:29 n.3
- Gaste v. Kaiserman, 863 F.2d 1061 (2d Cir. 1988)—§ 7:14 n.3
- Gay Toys, Inc. v. Buddy L Corp., 703 F.2d 970 (6th Cir. 1983)—§ 5:3 n.18
- Geiger, *In re*, 815 F.2d 686 (Fed. Cir. 1987)—§ 3:23 n.6
- General Cigar Co., Inc. v. G.D.M. Inc., 988 F. Supp. 647 (S.D. N.Y. 1997)—§ 8:9 n.13
- General Mills, Inc. v. Kellogg Co., 824 F.2d 622 (8th Cir. 1987)—§ 10:11 n.8
- General Motors Corp. v. Ignacio Lopez de Arriortua, 948 F. Supp. 684 (E.D. Mich. 1996)—§ 14:21 n.1
- Geoffrey Inc. v. Stratton, 16 U.S.P.Q.2d 1691, 1990 WL 10072476 (C.D. Cal. 1990)—§ 8:15 n.4
- George Basch Co., Inc. v. Blue Coral, Inc., 968 F.2d 1532 (2d Cir. 1992)—§ 10:15 n.5, 7
- George W. Luft Co. v. Zande Cosmetic Co., 142 F.2d 536 (C.C.A. 2d Cir. 1944)—§ 13:2 n.17
- Georgia-Pacific Corp. v. Great Plains Bag Co., 614 F.2d 757 (C.C.P.A. 1980)—§ 10:21 n.4
- Georgia-Pacific Corp. v. U.S. Plywood Corp., 318 F. Supp. 1116 (S.D. N.Y. 1970)—§ 4:26 n.7
- Gerig v. Krause Publications, Inc., 58 F. Supp. 2d 1261 (D. Kan. 1999)—§ 7:1 n.7
- Gershwin Pub. Corp. v. Columbia Artists Management, Inc., 443 F.2d 1159, 14 A.L.R. Fed. 819 (2d Cir. 1971)—§ 7:8 n.1
- Getty Petroleum Corp. v. Island Transp. Corp., 878 F.2d 650 (2d Cir. 1989)—§ 10:15 n.4
- G. Heileman Brewing Co., Inc. v. Anheuser-Busch, Inc., 873 F.2d 985 (7th Cir. 1989)—§§ 8:9 n.7; 8:19 n.1
- Gilbert/Robinson, Inc. v. Carrie Beverage-Missouri, Inc., 758 F. Supp. 512 (E.D. Mo. 1991)—§ 10:28 n.35
- Gill v. Hearst Pub. Co., 40 Cal. 2d 224, 253 P.2d 441 (1953)—§ 12:8 n.6
- Gilliam v. American Broadcasting Companies, Inc., 538 F.2d 14 (2d Cir. 1976)—§ 10:37 n.6
- Girl Scouts of U. S. of America v. Personality Posters Mfg. Co., 304 F. Supp. 1228 (S.D. N.Y. 1969)—§§ 10:18 n.8; 10:33 n.7
- Giro Sport Design Inc. v. Pro-Tec Inc., 10 U.S.P.Q.2d 1863, 1989 WL 418774 (N.D. Cal. 1989)—§ 10:15 n.17
- Goebel v. Manis, 39 F. Supp. 2d 1318 (D. Kan. 1999)—§ 7:1 n.4
- Golan v. Holder, 132 S. Ct. 873, 181 L. Ed. 2d 835 (2012)—§ 5:3 n.47
- Golconda, Inc., *Matter of*, 56 B.R. 136 (Bankr. M.D. Fla. 1985)—§ 13:33 n.8
- Goldberg v. Medtronic, Inc., 686 F.2d 1219 (7th Cir. 1982)—§ 11:10 n.5
- Goldstein v. California, 412 U.S. 546, 93 S. Ct. 2303, 37 L. Ed. 2d 163 (1973)—§ 5:3 n.29
- Goodyear Tire & Rubber Co. v. Hercules Tire & Rubber Co., Inc., 162

- F.3d 1113 (Fed. Cir. 1998)—§ 4:15 n.3
 Gordon, *In re*, 733 F.2d 900 (Fed. Cir. 1984)—§ 3:23 n.7
 Gorham Mfg. Co. v. White, 81 U.S. 511, 20 L. Ed. 731, 1871 WL 14796 (1871)—§ 4:15 n.1
 Gorman v. Ameritrade Holding Corp., 293 F.3d 506, 52 Fed. R. Serv. 3d 869 (D.C. Cir. 2002)—§ 7:2 n.10
 GoTo.com, Inc. v. Walt Disney Co., 202 F.3d 1199 (9th Cir. 2000)—§ 10:9 n.20
 Gottschalk v. Benson, 409 U.S. 63, 93 S. Ct. 253, 34 L. Ed. 2d 273 (1972)—§ 2:4 n.4
 Gould Paper Corp., *In re*, 834 F.2d 1017 (Fed. Cir. 1987)—§ 8:10 n.2
 Gracen v. Bradford Exchange, 698 F.2d 300 (7th Cir. 1983)—§ 5:3 n.46
 Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 86 S. Ct. 684, 15 L. Ed. 2d 545 (1966)—§§ 1:1 n.2; 2:34 n.3; 3:23 n.1; 4:36 n.2
 Graver Tank & Mfg. Co. v. Linde Air Products Co., 339 U.S. 605, 70 S. Ct. 854, 94 L. Ed. 1097 (1950)—§ 4:16 n.2, 5
 Great Southern Bank v. First Southern Bank, 625 So. 2d 463 (Fla. 1993)—§ 10:28 n.59
 Greyhound Corp. v. Both Worlds Inc., 6 U.S.P.Q.2d 1635, 1988 WL 252489 (T.T.A.B. 1988)—§ 9:26 n.7
 Grotrian, Helfferich, Schulz, Th. Steinweg Nachf. v. Steinway and Sons, 365 F. Supp. 707 (S.D. N.Y. 1973)—§ 10:13 n.4
 Grubb v. KMS Patriots, L.P., 88 F.3d 1 (1st Cir. 1996)—§ 7:14 n.6

H

- Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc., 202 F.2d 866 (2d Cir. 1953)—§ 12:2 n.1
 Hamil America Inc. v. GFI, 193 F.3d 92 (2d Cir. 1999)—§ 7:28 n.7
 Hamilton Pharmaceuticals Ltd., *In re*, 27 U.S.P.Q.2d 1939, 1993 WL 368803 (T.T.A.B. 1993)—§§ 8:17 n.11; 9:32 n.2
 Harley-Davidson Motor Co. v. Iron Eagle of Cent. Florida, Inc., 973 F. Supp. 1421 (M.D. Fla. 1997)—§ 10:32 n.4
 Harold F. Ritchie, Inc. v. Chesebrough-Pond's, Inc., 281 F.2d 755 (2d Cir. 1960)—§ 10:9 n.12
 Harper & Row Publishers, Inc. v. Nation Enterprises, 471 U.S. 539, 105 S. Ct. 2218, 85 L. Ed. 2d 588 (1985)—§§ 5:22 n.3; 7:18 n.3
 Harper & Row, Publishers, Inc. v. Nation Enterprises, 501 F. Supp. 848 (S.D. N.Y. 1980)—§ 7:5 n.2
 Harper House, Inc. v. Thomas Nelson, Inc., 889 F.2d 197 (9th Cir. 1989)—§§ 5:5 n.16; 10:38 n.33
 Harris v. Emus Records Corp., 734 F.2d 1329 (9th Cir. 1984)—§ 7:21 n.7
 Hartford House, Ltd. v. Hallmark Cards, Inc., 846 F.2d 1268 (10th Cir. 1988)—§ 10:8 n.16
 Hasbro, Inc. v. Clue Computing, Inc., 66 F. Supp. 2d 117 (D. Mass. 1999)—§ 10:27 n.5
 Houghton Elevator Company v. Seeberger (Otis Elevator Company Substituted), 85 U.S.P.Q. 80, 1950 WL 4178 (Comm'r Pat. & Trademarks 1950)—§ 8:26 n.3
 Hazeltine Research Corporation v. Freed-Eisemann Radio Corporation,
 Tbl of Cases-20

TABLE OF CASES

- 3 F.2d 172 (E.D. N.Y. 1924)—§ 13:12 n.2
- HBP, Inc. v. American Marine Holdings, Inc., 290 F. Supp. 2d 1320 (M.D. Fla. 2003)—§ 10:28 n.55
- Herbert Rosenthal Jewelry Corp. v. Kalpakian, 446 F.2d 738 (9th Cir. 1971)—§ 5:18 n.3
- Hercules, Inc. v. Exxon Corp., 434 F. Supp. 136, 24 Fed. R. Serv. 2d 1343 (D. Del. 1977)—§ 4:17 n.6
- Herman Miller, Inc. v. Palazzetti Imports and Exports, Inc., 270 F.3d 298 (6th Cir. 2001)—§ 10:17 n.3
- Herrick v. Garvey, 298 F.3d 1184, 59 Fed. R. Evid. Serv. 472 (10th Cir. 2002)—§ 11:4 n.3
- Hershey, In re, 6 U.S.P.Q.2d 1470, 1988 WL 252485 (T.T.A.B. 1988)—§ 9:26 n.9
- Hester Industries, Inc. v. Tyson Foods, Inc., 16 U.S.P.Q.2d 1275, 1990 WL 88645 (N.D. N.Y. 1990)—§ 10:28 n.51
- Hewlett-Packard Co. v. Repeat-O-Type Stencil Mfg. Corp., Inc., 123 F.3d 1445 (Fed. Cir. 1997)—§ 4:10 n.4
- H.H. Robertson, Co. v. United Steel Deck, Inc., 820 F.2d 384 (Fed. Cir. 1987)—§ 4:23 n.3
- Hiland Potato Chip Co. v. Culbro Snack Foods, Inc., 720 F.2d 981 (8th Cir. 1983)—§ 10:16 n.26
- Hilleby v. FMC Corp., 25 U.S.P.Q.2d 1413, 1992 WL 455436 (N.D. Cal. 1992)—§ 3:29 n.10
- Hilton Davis Chemical Co. v. Warner-Jenkinson Co., Inc., 62 F.3d 1512 (Fed. Cir. 1995)—§ 4:16 n.1
- Hines, In re, 32 U.S.P.Q.2d 1376, 1994 WL 587037 (T.T.A.B. 1994)—§ 9:28 n.6
- Hoehling v. Universal City Studios, Inc., 618 F.2d 972 (2d Cir. 1980)—§ 5:5 n.18
- Hoeltke v. C.M. Kemp Mfg. Co., 80 F.2d 912 (C.C.A. 4th Cir. 1935)—§ 11:28 n.10
- Hoffman v. Capital Cities/ABC, Inc., 33 F. Supp. 2d 867 (C.D. Cal. 1999)—§ 12:15 n.2
- Holiday Inns, Inc. v. 800 Reservation, Inc., 86 F.3d 619, 1996 FED App. 0179P (6th Cir. 1996)—§ 10:11 n.36
- HollyAnne Corp. v. TFT, Inc., 199 F.3d 1304 (Fed. Cir. 1999)—§ 4:33 n.11
- Honeywell Inc., In re, 8 U.S.P.Q.2d 1600, 1988 WL 252417 (T.T.A.B. 1988)—§ 10:8 n.19
- Hoover Co. v. Citicorp Venture Capital Ltd., 674 F. Supp. 460 (S.D. N.Y. 1987)—§ 10:28 n.34
- Horgan v. Macmillan, Inc., 789 F.2d 157, 85 A.L.R. Fed. 893 (2d Cir. 1986)—§ 5:3 n.9
- Horn's, Inc. v. Sanofi Beaute, Inc., 963 F. Supp. 318 (S.D. N.Y. 1997)—§ 8:19 n.10
- Horseshoe Bay Resort Sales Co. v. Lake Lyndon B. Johnson Imp. Corp., 53 S.W.3d 799 (Tex. App. Austin 2001)—§ 10:33 n.12
- Hoste v. Radio Corp. of America, 654 F.2d 11 (6th Cir. 1981)—§ 7:23 n.7
- Hot Wax, Inc. v. Turtle Wax, Inc., 191 F.3d 813 (7th Cir. 1999)—§ 10:21 n.7

- Houlihan v. Parliament Import Co., 921 F.2d 1258 (Fed. Cir. 1990)—
§ 13:2 n.14
- Howes v. Medical Components, Inc., 698 F. Supp. 574 (E.D. Pa. 1988)—
§ 4:17 n.25
- Huckshold v. HSSL, L.L.C., 344 F. Supp. 2d 1203 (E.D. Mo. 2004)—
§ 11:17 n.11
- Hughes Aircraft Co. v. U.S., 717 F.2d 1351 (Fed. Cir. 1983)—§ 4:16 n.13
- Hukafit Sportswear, Inc. v. Banff, Ltd. (Inc.), 228 U.S.P.Q. 244, 1985
WL 3952 (S.D. N.Y. 1985)—§ 5:3 n.19
- Hunt v. Pasternack, 192 F.3d 877 (9th Cir. 1999)—§ 5:3 n.12
- Hupp v. Siroflex of America, Inc., 122 F.3d 1456 (Fed. Cir. 1997)—§ 4:32
n.5
- Hustler Magazine Inc. v. Moral Majority Inc., 796 F.2d 1148 (9th Cir.
1986)—§ 7:18 n.41
- Hutchinson Technology Inc., In re, 852 F.2d 552 (Fed. Cir. 1988)—
§ 9:32 n.3
- Hyatt Corp. v. Hyatt Legal Services, 736 F.2d 1153 (7th Cir. 1984)—
§ 10:22 n.3
- Hybritech Inc. v. Abbott Laboratories, 849 F.2d 1446 (Fed. Cir. 1988)—
§ 4:23 n.5
- Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367 (Fed. Cir.
1986)—§ 4:39 n.3
- Hy Cite Corp. v. Badbusinessbureau.com, L.L.C., 297 F. Supp. 2d 1154
(W.D. Wis. 2004)—§ 7:2 n.12
- Hyde Corp. v. Huffines, 158 Tex. 566, 314 S.W.2d 763 (1958)—§ 11:20
n.1
- I
- Igloo Products Corp. v. Brantex, Inc., 202 F.3d 814 (5th Cir. 2000)—
§ 8:13 n.2
- ILG Industries, Inc. v. Scott, 49 Ill. 2d 88, 273 N.E.2d 393 (1971)—
§ 11:7 n.12
- Illinois High School Ass'n v. GTE Vantage Inc., 99 F.3d 244, 113 Ed.
Law Rep. 1103 (7th Cir. 1996)—§ 10:29 n.12
- Imperial Tobacco Ltd., Assignee of Imperial Group PLC v. Philip Mor-
ris, Inc., 899 F.2d 1575 (Fed. Cir. 1990)—§ 10:16 n.9
- IMS Ltd. v. International Medical Systems, Inc., 1 U.S.P.Q.2d 1268,
1986 WL 9692 (E.D. N.Y. 1986)—§ 10:28 n.62
- Independent Baking Powder Co. v. Boorman, 175 F. 448 (C.C.D. N.J.
1910)—§ 8:25 n.7
- Industrie Pirelli Societa Per Azioni, In re, 9 U.S.P.Q.2d 1564, 1988 WL
252329 (T.T.A.B. 1988)—§ 8:17 n.16
- Ingersoll-Rand Co. v. Ciavatta, 110 N.J. 609, 542 A.2d 879 (1988)—
§ 11:11 n.1
- in Over Our Heads Inc., In re, 16 U.S.P.Q.2d 1653, 1990 WL 354546
(T.T.A.B. 1990)—§ 9:28 n.8
- Insta-Foam Products, Inc. v. Universal Foam Systems, Inc., 906 F.2d
698 (Fed. Cir. 1990)—§ 4:16 n.13
- Institute for Scientific Information, Inc. v. Gordon and Breach, Science
Publishers, Inc., 931 F.2d 1002 (3d Cir. 1991)—§ 10:17 n.15

TABLE OF CASES

- Institut Nat. Des Appellations D'Origine v. Vintners Intern. Co., Inc., 958 F.2d 1574 (Fed. Cir. 1992)—§ 9:27 n.3
- Integrated Cash Management Services, Inc. v. Digital Transactions, Inc., 920 F.2d 171 (2d Cir. 1990)—§§ 11:25 n.3; 11:32 n.3
- Intermedics, Inc. v. Ventritex, Inc., 822 F. Supp. 634 (N.D. Cal. 1993)—§ 11:21 n.16
- International Glass Co. Inc. v. U.S., 159 U.S.P.Q. 434, 1968 WL 8418 (Ct. Cl. 1968)—§ 2:33 n.7
- Interstellar Starship Services, Ltd. v. Epix, Inc., 304 F.3d 936 (9th Cir. 2002)—§§ 10:11 n.33; 10:34 n.9
- Intervet America, Inc. v. Kee-Vet Laboratories, Inc., 887 F.2d 1050 (Fed. Cir. 1989)—§ 4:13 n.25
- Intrawest Financial Corp. v. Western Nat. Bank of Denver, 610 F. Supp. 950 (D. Colo. 1985)—§ 10:16 n.27
- Investacorp, Inc. v. Arabian Inv. Banking Corp. (Investcorp) E.C., 931 F.2d 1519 (11th Cir. 1991)—§ 8:5 n.6
- Investors Guaranty Fund, Ltd. v. Morgan Stanley & Co., Inc., 50 U.S.P.Q.2d 1523, 1998 WL 906577 (S.D. N.Y. 1998)—§ 11:5 n.6
- Inwood Laboratories, Inc. v. Ives Laboratories, Inc., 456 U.S. 844, 102 S. Ct. 2182, 72 L. Ed. 2d 606, 34 Fed. R. Serv. 2d 1101 (1982)—§§ 8:11 n.3; 10:8 n.11
- IPCom GmbH & Co., KG, In re, 428 Fed. Appx. 984 (Fed. Cir. 2011)—§ 4:17 n.16
- IP Innovation L.L.C. v. Red Hat, Inc., 705 F. Supp. 2d 687 (E.D. Tex. 2010)—§ 4:26 n.18
- I.P. Lund Trading ApS v. Kohler Co., 163 F.3d 27 (1st Cir. 1998)—§ 10:8 n.6
- ISC-Bunker Ramo Corp. v. Altech, Inc., 765 F. Supp. 1310 (N.D. Ill. 1990)—§§ 11:26 n.7; 11:28 n.4

J

- Jackson v. Axton, 25 F.3d 884, 148 A.L.R. Fed. 781 (9th Cir. 1994)—§ 7:24 n.2
- Jackson v. Universal Intern. Pictures, 36 Cal. 2d 116, 222 P.2d 433 (1950)—§ 8:11 n.6
- Jacobsen v. Deseret Book Co., 287 F.3d 936, 53 Fed. R. Serv. 3d 150 (10th Cir. 2002)—§ 7:24 n.3
- Jacobson v. Cox Paving Co., 19 U.S.P.Q.2d 1641, 1991 WL 328445 (D. Ariz. 1991)—§ 4:32 n.4
- Jaeger v. American Intern. Pictures, Inc., 330 F. Supp. 274 (S.D. N.Y. 1971)—§ 10:37 n.6
- Jaguar Cars Ltd. v. Skandrani, 771 F. Supp. 1178 (S.D. Fla. 1991)—§ 10:28 n.36
- J.A. LaPorte, Inc. v. Norfolk Dredging Co., 787 F.2d 1577 (Fed. Cir. 1986)—§ 2:33 n.27
- James Burrough Ltd. v. Sign of Beefeater, Inc., 572 F.2d 574 (7th Cir. 1978)—§ 10:21 n.10, 11
- James Burrough Ltd. v. Sign of Beefeater, Inc., 540 F.2d 266 (7th Cir. 1976)—§ 10:18 n.13
- Jamesbury Corp. v. Worcester Valve Co., 443 F.2d 205 (1st Cir. 1971)—

- § 11:11 n.15
- J & J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460 (Fed. Cir. 1991)—§ 8:15 n.1
- Janel Russell Designs, Inc. v. Mendelson & Associates, Inc.*, 114 F. Supp. 2d 856 (D. Minn. 2000)—§ 7:22 n.3
- Japan Telecom, Inc. v. Japan Telecom America Inc.*, 287 F.3d 866 (9th Cir. 2002)—§ 10:10 n.4
- Jarvis v. A & M Records*, 827 F. Supp. 282 (D.N.J. 1993)—§ 7:28 n.5
- Jetco Electronic Industries v. Gardiner*, 325 F. Supp. 80 (S.D. Tex. 1971)—§ 10:40 n.1
- Joe Dickerson & Associates, LLC v. Dittmar*, 34 P.3d 995 (Colo. 2001)—§ 12:15 n.4
- Joh. A. Benckiser G. m. b. H., Chemische Fabrik v. Hygrade Food Products Corp.*, 253 F. Supp. 999 (D.N.J. 1966)—§ 4:17 n.7
- John H. Harland Co. v. Clarke Checks, Inc.*, 711 F.2d 966 (11th Cir. 1983)—§ 10:11 n.16
- Johnny's Fine Foods, Inc. v. Johnny's Inc.*, 286 F. Supp. 2d 876 (M.D. Tenn. 2003)—§ 10:21 n.21
- John R. Thompson Co. v. Holloway*, 366 F.2d 103 (5th Cir. 1966)—§ 10:19 n.2
- Johnson v. Automotive Ventures, Inc.*, 890 F. Supp. 507 (W.D. Va. 1995)—§ 5:5 n.4
- Johnson v. Harcourt, Brace, Jovanovich, Inc.*, 43 Cal. App. 3d 880, 118 Cal. Rptr. 370 (2d Dist. 1974)—§ 12:5 n.2
- Johnson & Johnson v. Carter-Wallace, Inc.*, 631 F.2d 186 (2d Cir. 1980)—§ 10:38 n.30
- Jones v. Pepsi-Cola Co.*, 223 F. Supp. 650 (D. Neb. 1963)—§ 13:1 n.2
- Jones v. Radio Corp. of America*, 131 F. Supp. 82 (S.D. N.Y. 1955)—§ 4:11 n.1
- Jordache Enterprises, Inc. v. Hogg Wyld, Ltd.*, 828 F.2d 1482, 92 A.L.R. Fed. 1 (10th Cir. 1987)—§ 10:18 n.18
- Jordache Enterprises, Inc. v. Levi Strauss & Co.*, 841 F. Supp. 506 (S.D. N.Y. 1993)—§ 10:28 n.18
- Jostens, Inc. v. National Computer Systems, Inc.*, 318 N.W.2d 691, 33 U.C.C. Rep. Serv. 1642, 30 A.L.R.4th 1229 (Minn. 1982)—§ 11:7 n.7
- Juleigh Jeans Sportswear Inc., In re*, 24 U.S.P.Q.2d 1694, 1992 WL 340751 (T.T.A.B. 1992)—§ 9:27 n.5
- Julie Research Laboratories, Inc. v. Select Photographic Engineering, Inc.*, 810 F. Supp. 513 (S.D. N.Y. 1992)—§ 11:10 n.4

K

- Kamar Intern. v. Russ Berrie & Co., Inc.*, 829 F.2d 783 (9th Cir. 1987)—§ 7:29 n.4
- Kason Industries, Inc. v. Component Hardware Group, Inc.*, 120 F.3d 1199 (11th Cir. 1997)—§ 10:21 n.5
- Kaufman Co., Inc. v. Lantech, Inc.*, 926 F.2d 1136 (Fed. Cir. 1991)—§ 4:25 n.10
- Keene Corp. v. Paraflex Industries, Inc.*, 653 F.2d 822 (3d Cir. 1981)—§ 10:8 n.23
- Kelley Blue Book v. Car-Smarts, Inc.*, 802 F. Supp. 278 (C.D. Cal.

TABLE OF CASES

- 1992)—§ 10:28 n.22
- Kellogg Co. v. Exxon Corp., 209 F.3d 562, 2000 FED App. 0123P (6th Cir. 2000)—§ 10:21 n.16
- Kenner Parker Toys Inc. v. Rose Art Industries, Inc., 963 F.2d 350 (Fed. Cir. 1992)—§ 10:11 n.4
- Kern v. WKQX Radio, 175 Ill. App. 3d 624, 125 Ill. Dec. 73, 529 N.E.2d 1149 (1st Dist. 1988)—§ 10:28 n.66
- Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470, 94 S. Ct. 1879, 40 L. Ed. 2d 315 (1974)—§ 11:1 n.9
- Key Mfg. Group, Inc. v. Microdot, Inc., 925 F.2d 1444 (Fed. Cir. 1991)—§ 4:16 n.11
- Kieselstein-Cord v. Accessories by Pearl, Inc., 632 F.2d 989 (2d Cir. 1980)—§ 5:3 n.17
- King-Seeley Thermos Co. v. Aladdin Industries, Inc., 321 F.2d 577 (2d Cir. 1963)—§ 8:26 n.2
- King Instrument Corp. v. Otari Corp., 767 F.2d 853 (Fed. Cir. 1985)—§ 4:25 n.4
- King Instruments Corp. v. Perego, 65 F.3d 941 (Fed. Cir. 1995)—§ 4:25 n.18
- Kingsdown Medical Consultants, Ltd. v. Hollister Inc., 863 F.2d 867 (Fed. Cir. 1988)—§ 4:40 n.3
- Kingsrow Enterprises, Inc. v. Metromedia, Inc., 203 U.S.P.Q. 489, 1978 WL 952 (S.D. N.Y. 1978)—§ 13:22 n.6
- Kirk v. Harter, 188 F.3d 1005 (8th Cir. 1999)—§ 5:7 n.3
- Kitchens of Sara Lee, Inc. v. Nifty Foods Corp., 266 F.2d 541 (2d Cir. 1959)—§ 5:3 n.15
- Kleier Advertising, Inc. v. Premier Pontiac, Inc., 698 F. Supp. 851 (N.D. Okla. 1988)—§ 7:28 n.3
- Kling v. Hallmark Cards Inc., 225 F.3d 1030 (9th Cir. 2000)—§ 7:24 n.6
- KNB Enterprises v. Matthews, 78 Cal. App. 4th 362, 92 Cal. Rptr. 2d 713 (2d Dist. 2000)—§§ 12:2 n.9; 12:5 n.3
- Knorr-Bremse Systeme Fuer Nutzfahrzeuge GmbH v. Dana Corp., 383 F.3d 1337, 65 Fed. R. Evid. Serv. 365 (Fed. Cir. 2004)—§§ 2:36 n.4; 4:17 n.20; 4:28 n.10
- Knorr-Nahrungsmittel Aktiengesellschaft v. Havland International, Inc., 206 U.S.P.Q. 827, 1980 WL 30123 (T.T.A.B. 1980)—§ 9:29 n.3
- Kollar, In re, 286 F.3d 1326 (Fed. Cir. 2002)—§ 2:33 n.30
- Konor Enterprises, Inc. v. Eagle Publications, Inc., 878 F.2d 138 (4th Cir. 1989)—§ 7:28 n.4
- Koppers Co., Inc. v. Krupp-Koppers GmbH, 517 F. Supp. 836 (W.D. Pa. 1981)—§ 10:16 n.15
- Korman v. HBC Florida, Inc., 182 F.3d 1291 (11th Cir. 1999)—§ 5:11 n.11
- KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc., 543 U.S. 111, 125 S. Ct. 542, 160 L. Ed. 2d 440 (2004)—§§ 8:9 n.5; 10:17 n.23
- Kraft General Foods, Inc. v. Allied Old English, Inc., 831 F. Supp. 123 (S.D. N.Y. 1993)—§ 10:28 n.5
- Kraft General Foods, Inc. v. BC-USA, Inc., 840 F. Supp. 344 (E.D. Pa. 1993)—§ 8:18 n.8
- Kregos v. Associated Press, 3 F.3d 656 (2d Cir. 1993)—§ 7:23 n.3

- Kregos v. Associated Press, 937 F.2d 700 (2d Cir. 1991)—§ 5:5 n.14
 KSR Intern. Co. v. Teleflex Inc., 550 U.S. 398, 127 S. Ct. 1727, 167 L. Ed. 2d 705 (2007)—§§ 2:34 n.7, 8; 3:23 n.4; 4:36 n.6
 Kukui Nuts of Hawaii Inc. v. R. Baird & Co., Inc., 7 Haw. App. 598, 789 P.2d 501 (1990)—§ 10:39 n.2

L

- L.A. Gear, Inc. v. E.S. Originals, Inc., 859 F. Supp. 1294 (C.D. Cal. 1994)—§ 13:13 n.1
 L.A. Gear, Inc. v. Thom McAn Shoe Co., 988 F.2d 1117 (Fed. Cir. 1993)—§ 10:20 n.3
 Lahr v. Adell Chemical Co., 300 F.2d 256 (1st Cir. 1962)—§ 10:36 n.4
 L'Aiglon Apparel v. Lana Lobell, Inc., 214 F.2d 649 (3d Cir. 1954)—§ 10:38 n.9
 Laitram Corp. v. Rexnord, Inc., 939 F.2d 1533 (Fed. Cir. 1991)—§ 4:14 n.1
 Lakin v. Prudential Securities, Inc., 348 F.3d 704 (8th Cir. 2003)—§ 7:2 n.10
 La Maur, Inc. v. Revlon, Inc., 245 F. Supp. 839 (D. Minn. 1965)—§ 10:13 n.1
 Lam, Inc. v. Johns-Manville Corp., 718 F.2d 1056 (Fed. Cir. 1983)—§ 4:25 n.1
 Lamparello v. Falwell, 420 F.3d 309 (4th Cir. 2005)—§ 10:18 n.35
 Land-O-Nod Co. v. Bassett Furniture Industries, Inc., 708 F.2d 1338 (8th Cir. 1983)—§ 10:2 n.10
 Landsberg v. Scrabble Crossword Game Players, Inc., 802 F.2d 1193 (9th Cir. 1986)—§ 11:18 n.7
 Lantech, Inc. v. Keip Mach. Co., 32 F.3d 542 (Fed. Cir. 1994)—§ 4:13 n.1
 La Resolana Architects, PA v. Clay Realtors Angel Fire, 416 F.3d 1195 (10th Cir. 2005)—§ 6:21 n.6
 La Resolana Architects, PA v. Reno, Inc., 555 F.3d 1171 (10th Cir. 2009)—§ 7:14 n.2
 Larry Harmon Pictures Corp. v. Williams Restaurant Corp., 929 F.2d 662 (Fed. Cir. 1991)—§ 9:7 n.18
 Larx Co. v. Nicol, 224 Minn. 1, 28 N.W.2d 705 (1946)—§ 11:9 n.11
 Lasercomb America, Inc. v. Reynolds, 911 F.2d 970, 18 Fed. R. Serv. 3d 130 (4th Cir. 1990)—§ 7:22 n.1
 La Societe Anonyme des Parfums le Galion v. Jean Patou, Inc., 495 F.2d 1265 (2d Cir. 1974)—§ 9:8 n.3
 Laws v. Sony Music Entertainment, Inc., 448 F.3d 1134 (9th Cir. 2006)—§ 12:7 n.5
 Lebanese Arak Corporation, In re, 94 U.S.P.Q.2d 1215, 2010 WL 766488 (T.T.A.B. 2010)—§ 9:28 n.10
 Lehman v. Dow Jones & Co., Inc., 783 F.2d 285 (2d Cir. 1986)—§ 11:28 n.1
 Lemelson v. Carolina Enterprises, Inc., 541 F. Supp. 645 (S.D. N.Y. 1982)—§ 11:21 n.18
 Lemelson v. U.S., 752 F.2d 1538 (Fed. Cir. 1985)—§ 4:13 n.24
 LeSportsac, Inc. v. K mart Corp., 754 F.2d 71, 78 A.L.R. Fed. 695 (2d Cir. 1985)—§ 10:8 n.6

TABLE OF CASES

- Lever Bros. Co. v. Procter & Gamble Distributing Co., 668 F. Supp. 924 (D.N.J. 1987)—§ 13:12 n.1
- Lever Bros. Co. v. U.S., 981 F.2d 1330 (D.C. Cir. 1993)—§ 14:23 n.2
- Leviton Mfg. Co., Inc. v. Universal Sec. Instruments, Inc., 304 F. Supp. 2d 726 (D. Md. 2004)—§ 8:16 n.10
- L.E. Waterman Co. v. Modern Pen Co., 235 U.S. 88, 35 S. Ct. 91, 59 L. Ed. 142 (1914)—§ 8:17 n.5
- Lewis Galoob Toys, Inc. v. Nintendo of America, Inc., 964 F.2d 965 (9th Cir. 1992)—§ 7:18 n.38
- Leybold-Heraeus Technologies, Inc. v. Midwest Instrument Co., Inc., 118 F.R.D. 609 (E.D. Wis. 1987)—§ 4:17 n.25
- Liberty Mut. Ins. Co. v. Liberty Ins. Co. of Tex., 185 F. Supp. 895 (E.D. Ark. 1960)—§ 9:29 n.2
- Linear Technology Corp. v. Micrel, Inc., 275 F.3d 1040, 46 U.C.C. Rep. Serv. 2d 334 (Fed. Cir. 2001)—§ 4:33 n.18
- Lipton v. The Nature Co., 781 F. Supp. 1032 (S.D. N.Y. 1992)—§ 7:3 n.2
- Lipton Industries, Inc. v. Ralston Purina Co., 670 F.2d 1024 (C.C.P.A. 1982)—§ 10:16 n.17
- Liquid Dynamics Corp. v. Vaughan Co., Inc., 355 F.3d 1361 (Fed. Cir. 2004)—§ 2:36 n.10
- Little League Baseball, Inc. v. Daytona Beach Little League, Inc., 193 U.S.P.Q. 611, 1977 WL 22777 (M.D. Fla. 1977)—§ 8:22 n.1
- Little Souls, Inc. v. Petits, 789 F. Supp. 53 (D. Mass. 1992)—§ 5:3 n.20
- L.L. Bean, Inc. v. Drake Publishers, Inc., 811 F.2d 26 (1st Cir. 1987)—§§ 10:18 n.14; 10:29 n.3
- Loctite Corp. v. Ultraseal Ltd., 781 F.2d 861 (Fed. Cir. 1985)—§ 4:13 n.23
- Loeering Mfg., Inc. v. Grouser Products, Inc., 330 F. Supp. 2d 1057 (D.N.D. 2004)—§ 10:8 n.4
- Loew's Theatres, Inc., In re, 769 F.2d 764 (Fed. Cir. 1985)—§ 9:31 n.8
- Logical Software, Inc., In re, 66 B.R. 683 (Bankr. D. Mass. 1986)—§ 13:33 n.3
- Los Angeles News Service v. Reuters Television Intern., Ltd., 149 F.3d 987 (9th Cir. 1998)—§ 7:7 n.2
- Los Angeles News Service v. Tullo, 973 F.2d 791 (9th Cir. 1992)—§ 7:18 n.17
- Lotus Development Corp. v. Borland Intern., Inc., 49 F.3d 807 (1st Cir. 1995)—§ 7:16 n.13
- Louis Vuitton Malletier S.A. v. Haute Diggity Dog, LLC, 507 F.3d 252 (4th Cir. 2007)—§ 10:33 n.5
- Louis Vuitton, S.A. v. After Dark Boutique, 680 F. Supp. 1507 (N.D. Fla. 1988)—§ 10:28 n.50
- Lubrizol Enterprises, Inc. v. Richmond Metal Finishers, Inc., 756 F.2d 1043 (4th Cir. 1985)—§ 13:33 n.4
- Lucas Nursery and Landscaping, Inc. v. Grosse, 359 F.3d 806, 2004 FED App. 0071P (6th Cir. 2004)—§ 10:34 n.6
- Lucent Technologies, Inc. v. Gateway, Inc., 580 F.3d 1301 (Fed. Cir. 2009)—§ 4:26 n.13
- Lucien Piccard Watch Corp. v. 1868 Crescent Corp., 314 F. Supp. 329

(S.D. N.Y. 1970)—§ 8:17 n.14

Lugosi v. Universal Pictures, 25 Cal. 3d 813, 160 Cal. Rptr. 323, 603 P.2d 425, 10 A.L.R.4th 1150 (1979)—§§ 12:4 n.1; 12:11 n.1

M

MacLean Associates, Inc. v. Wm. M. Mercer-Meidinger-Hansen, Inc., 952 F.2d 769 (3d Cir. 1991)—§ 7:24 n.5

Magic Wand, Inc. v. RDB, Inc., 940 F.2d 638 (Fed. Cir. 1991)—§ 8:10 n.6

Mag Jewelry Co., Inc. v. Cherokee, Inc., 496 F.3d 108, 30 A.L.R. Fed. 2d 851 (1st Cir. 2007)—§ 7:14 n.3

Maheu v. CBS, Inc., 201 Cal. App. 3d 662, 247 Cal. Rptr. 304 (2d Dist. 1988)—§ 12:8 n.2

Mahurkar Double Lumen Hemodialysis Catheter Patent Litigation, Matter of, 831 F. Supp. 1354 (N.D. Ill. 1993)—§ 4:25 n.20

MAI Systems Corp. v. Peak Computer, Inc., 991 F.2d 511 (9th Cir. 1993)—§ 5:4 n.5

Major League Baseball Promotion Corp. v. Colour-Tex, Inc., 729 F. Supp. 1035 (D.N.J. 1990)—§ 10:36 n.7

Major League Baseball Properties, Inc. v. Sed Non Olet Denarius, Ltd., 817 F. Supp. 1103 (S.D. N.Y. 1993)—§ 8:20 n.1

Makedwde Pub. Co. v. Johnson, 37 F.3d 180 (5th Cir. 1994)—§ 7:23 n.6

Maltina Corp. v. Cawy Bottling Co., Inc., 613 F.2d 582 (5th Cir. 1980)—§ 10:15 n.11

Mangren Research and Development Corp. v. National Chemical Co., Inc., 87 F.3d 937 (7th Cir. 1993)—§ 11:17 n.8

Manufacturers Technologies, Inc. v. Cams, Inc., 706 F. Supp. 984 (D. Conn. 1989)—§ 5:5 n.9

Marcus v. Rowley, 695 F.2d 1171, 8 Ed. Law Rep. 258 (9th Cir. 1983)—§ 7:18 n.16

Maritz, Inc. v. Cybergold, Inc., 947 F. Supp. 1328 (E.D. Mo. 1996)—§ 7:2 n.7

Markman v. Westview Instruments, Inc., 52 F.3d 967 (Fed. Cir. 1995)—§ 4:13 n.2

Marrese v. Richard's Medical Equipment, Inc., 504 F.2d 479 (7th Cir. 1974)—§ 2:33 n.3

Marshak v. Green, 746 F.2d 927 (2d Cir. 1984)—§ 13:2 n.5

Martin's Famous Pastry Shoppe, Inc., In re, 748 F.2d 1565 (Fed. Cir. 1984)—§ 10:11 n.31

Marzocchi, Application of, 439 F.2d 220 (C.C.P.A. 1971)—§ 2:31 n.6

Mason v. Montgomery Data, Inc., 967 F.2d 135 (5th Cir. 1992)—§ 5:3 n.12

Masquerade Novelty, Inc. v. Unique Industries, Inc., 912 F.2d 663, 17 Fed. R. Serv. 3d 1027 (3d Cir. 1990)—§§ 5:19 n.2; 7:21 n.9

Massachusetts Institute of Technology v. AB Fortia, 4 Fed. Cir. (T) 8, 774 F.2d 1104 (1985)—§ 2:33 n.10

Massachusetts Institute of Technology and Electronics For Imaging, Inc. v. Abacus Software, 462 F.3d 1344 (Fed. Cir. 2006)—§ 4:14 n.7

Massey Junior College, Inc. v. Fashion Institute of Technology, 492 F.2d 1399 (C.C.P.A. 1974)—§ 9:39 n.12

TABLE OF CASES

- Mathis v. Spears, 857 F.2d 749 (Fed. Cir. 1988)—§ 4:29 n.3
- Mattel, Inc. v. Barbie-Club.com, 310 F.3d 293 (2d Cir. 2002)—§ 10:34 n.2
- Mattel, Inc. v. MCA Records, Inc., 296 F.3d 894 (9th Cir. 2002)—
§§ 10:18 n.5, 40; 10:26 n.11
- Mavety Media Group Ltd., In re, 33 F.3d 1367 (Fed. Cir. 1994)—§ 9:26
n.2
- Maxtone-Graham v. Burtchaell, 803 F.2d 1253, 5 Fed. R. Serv. 3d 849
(2d Cir. 1986)—§ 7:18 n.33
- Mayo Collaborative Services v. Prometheus Laboratories, Inc., 132 S.
Ct. 1289, 182 L. Ed. 2d 321 (2012)—§ 4:31 n.5
- Mazer v. Stein, 347 U.S. 201, 74 S. Ct. 460, 98 L. Ed. 630 (1954)—§ 1:1
n.14
- McDonald's Corp. v. Arche Technologies, 17 U.S.P.Q.2d 1557, 1990 WL
10072486 (N.D. Cal. 1990)—§ 10:28 n.32
- McDonald's Corp. v. McBagel's, Inc., 649 F. Supp. 1268, 95 A.L.R. Fed.
1 (S.D. N.Y. 1986)—§§ 8:15 n.3; 10:28 n.39
- McDonald's Corp. v. McKinley, 13 U.S.P.Q.2d 1895, 1989 WL 274414
(T.T.A.B. 1989)—§ 8:15 n.3, 5
- McKinley, In re, 660 F.2d 481 (C.C.P.A. 1981)—§ 9:26 n.2
- McGregor-Doniger Inc. v. Drizzle Inc., 599 F.2d 1126, 5 Fed. R. Evid.
Serv. 521 (2d Cir. 1979)—§ 10:11 n.15
- McLeod v. Northwest Alloys, Inc., 90 Wash. App. 30, 969 P.2d 1066
(Div. 3 1998)—§ 11:21 n.7
- MDT Corp. v. New York Stock Exchange, Inc., 858 F. Supp. 1028 (C.D.
Cal. 1994)—§ 10:28 n.67
- Mead Data Cent., Inc. v. Toyota Motor Sales, U.S.A., Inc., 875 F.2d
1026 (2d Cir. 1989)—§ 10:28 n.8
- Mead Johnson & Co. v. Abbott Laboratories, 201 F.3d 883 (7th Cir.
2000)—§ 10:38 n.21
- Meadowcraft, Inc. v. B.I. Industries, Inc., 226 U.S.P.Q. 244, 1985 WL
72661 (N.D. Ala. 1985)—§ 10:8 n.23
- Medafor, Inc. v. Starch Medical Inc., 2009 WL 2163580 (D. Minn.
2009)—§ 11:22 n.8
- MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118, 127 S. Ct. 764, 166
L. Ed. 2d 604 (2007)—§ 4:9 n.6
- Medinol Ltd. v. Boston Scientific Corp., 346 F. Supp. 2d 575 (S.D. N.Y.
2004)—§ 11:7 n.9, 10
- Medtronic, Inc. v. Daig Corp., 611 F. Supp. 1498 (D. Minn. 1985)—
§ 2:33 n.4
- Medtronic, Inc. v. White, 526 F.3d 487 (9th Cir. 2008)—§ 2:1 n.4
- Menendez v. Holt, 128 U.S. 514, 9 S. Ct. 143, 32 L. Ed. 526 (1888)—
§§ 8:19 n.9; 10:20 n.8
- Merriam-Webster, Inc. v. Random House, Inc., 35 F.3d 65 (2d Cir.
1994)—§ 10:28 n.3
- Merriam-Webster, Inc. v. Random House, Inc., 815 F. Supp. 691 (S.D.
N.Y. 1993)—§ 10:15 n.5
- Merrill Lynch, Pierce, Fenner, and Smith, Inc., In re, 828 F.2d 1567
(Fed. Cir. 1987)—§ 10:12 n.5
- Merritt Forbes & Co. Inc. v. Newman Inv. Securities, Inc., 604 F. Supp.
943 (S.D. N.Y. 1985)—§ 5:3 n.3

- Mess Enterprises v. Scott Enterprises Ltd., 74 U.S.P.Q.2d 1289, 2005 WL 914448 (W.I.P.O.A.M.C. 2005)—§ 10:34 n.26
- Met-Coil Systems Corp. v. Korner Unlimited, Inc., 803 F.2d 684 (Fed. Cir. 1986)—§ 4:12 n.2
- Metallizing Engineering Co. v. Kenyon Bearing & Auto Parts Co., 153 F.2d 516 (C.C.A. 2d Cir. 1946)—§§ 2:32 n.6; 2:33 n.17
- Metcalf v. Bochco, 294 F.3d 1069 (9th Cir. 2002)—§ 7:15 n.14
- Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 U.S. 913, 125 S. Ct. 2764, 162 L. Ed. 2d 781 (2005)—§ 7:8 n.5
- Michels v. Dyna-Kote Industries, Inc., 497 N.E.2d 586 (Ind. Ct. App. 1986)—§ 11:27 n.6
- Micro Data Base Systems, Inc. v. Dharma Systems, Inc., 148 F.3d 649, 35 U.C.C. Rep. Serv. 2d 747 (7th Cir. 1998)—§ 11:33 n.16
- Microprocessor Enhancement Corp. v. Texas Instruments Inc., 520 F.3d 1367 (Fed. Cir. 2008)—§ 2:9 n.3
- Microsoft Corp. v. AT & T Corp., 550 U.S. 437, 127 S. Ct. 1746, 167 L. Ed. 2d 737, 33 A.L.R. Fed. 2d 745 (2007)—§§ 4:12 n.4; 14:22 n.8
- Microsoft Corp. v. i4i Ltd. Partnership, 564 U.S. — (2011)—§ 4:30 n.4
- Microsoft Corp. v. i4i Ltd. Partnership, 131 S. Ct. 2238, 180 L. Ed. 2d 131 (2011)—§§ 2:36 n.8; 4:30 n.7, 8
- MicroStrategy Inc. v. Li, 268 Va. 249, 601 S.E.2d 580 (2004)—§ 11:17 n.12
- Mid America Title Co. v. Kirk, 991 F.2d 417, 25 Fed. R. Serv. 3d 572 (7th Cir. 1993)—§ 7:4 n.2
- Midler v. Ford Motor Co., 849 F.2d 466 (9th Cir. 1988)—§§ 10:36 n.3; 12:7 n.3
- Midwest Research Institute v. S & B Promotions, Inc., 677 F. Supp. 1007 (W.D. Mo. 1988)—§ 10:28 n.41
- Millennium Enterprises, Inc. v. Millennium Music, LP, 33 F. Supp. 2d 907, 81 A.L.R.5th 697 (D. Or. 1999)—§ 7:2 n.7
- Miller v. Owens-Illinois, Inc., 187 U.S.P.Q. 47, 1975 WL 21097 (D. Md. 1975)—§ 11:24 n.2
- Miller Brewing Co. v. G. Heileman Brewing Co., Inc., 561 F.2d 75 (7th Cir. 1977)—§ 8:19 n.8
- Miller Brewing Co. v. Oland's Breweries (1971) Ltd., 548 F.2d 349 (C.C.P.A. 1976)—§ 8:24 n.5
- Milliken Research Corp. v. Dan River, Inc., 739 F.2d 587 (Fed. Cir. 1984)—§ 4:32 n.7
- Mills Music, Inc. v. State of Arizona, 187 U.S.P.Q. 22, 1975 WL 21095 (D. Ariz. 1975)—§ 5:3 n.7
- Milwaukee Concrete Studios, Ltd. v. Fjeld Mfg. Co., Inc., 8 F.3d 441, 27 Fed. R. Serv. 3d 335 (7th Cir. 1993)—§ 7:3 n.3
- Minebea Co., Ltd. v. Papst, 228 F.R.D. 13 (D.D.C. 2005)—§ 4:17 n.16
- Mineral Deposits Ltd. v. Zigan, 773 P.2d 606 (Colo. App. 1988)—§ 11:10 n.9
- Mink v. AAAA Development LLC, 190 F.3d 333 (5th Cir. 1999)—§ 7:2 n.10
- Minuteman, Inc. v. Alexander, 147 Wis. 2d 842, 434 N.W.2d 773 (1989)—§§ 11:1 n.19; 11:25 n.5
- Mirage Editions, Inc. v. Albuquerque A.R.T. Co., 856 F.2d 1341 (9th Cir. 1988)—§ 11:10 n.9

TABLE OF CASES

- Cir. 1988)—§ 5:3 n.43
- Mishawaka Rubber & Woolen Mfg. Co. v. S.S. Kresge Co., 316 U.S. 203, 62 S. Ct. 1022, 86 L. Ed. 1381 (1942)—§ 10:15 n.9
- Mister Donut of America, Inc. v. Mr. Donut, Inc., 418 F.2d 838 (9th Cir. 1969)—§§ 10:19 n.5; 13:30 n.4
- Mitchell v. Hawley, 83 U.S. 544, 21 L. Ed. 322, 1872 WL 15359 (1872)—§ 13:12 n.3
- Mitchell Novelty Co. v. United Mfg. Co., 199 F.2d 462 (7th Cir. 1952)—§ 11:18 n.6
- M. Kramer Mfg. Co., Inc. v. Andrews, 783 F.2d 421 (4th Cir. 1986)—§ 10:10 n.6
- Mobil Oil Corp. v. Pegasus Petroleum Corp., 818 F.2d 254 (2d Cir. 1987)—§ 10:9 n.6
- Modine Mfg. Co. v. Allen Group, Inc., 917 F.2d 538 (Fed. Cir. 1990)—§ 4:28 n.3
- Moleculon Research Corp. v. CBS, Inc., 793 F.2d 1261 (Fed. Cir. 1986)—§§ 2:33 n.29; 4:33 n.14
- Monarch Tool & Mfg. Co., In re, 114 B.R. 134 (Bankr. S.D. Ohio 1990)—§ 13:33 n.3
- Money Store v. Harris Corp Finance, Inc., 689 F.2d 636 (7th Cir. 1982)—§ 13:2 n.4, 10
- Monolith Portland Midwest Co. v. Kaiser Aluminum & Chemical Corp., 407 F.2d 288 (9th Cir. 1969)—§ 11:21 n.9, 15
- Montgomery v. Noga, 168 F.3d 1282, 51 Fed. R. Evid. Serv. 752 (11th Cir. 1999)—§§ 5:21 n.7; 7:16 n.12
- Moore v. Columbia Pictures Industries, Inc., 17 U.S.P.Q.2d 1226, 1990 WL 120679 (D. Minn. 1990)—§ 6:2 n.2
- Moore Business Forms, Inc. v. Wallace Computer Services Inc., 14 U.S.P.Q.2d 1849, 1989 WL 222974 (N.D. Ind. 1989)—§ 4:23 n.11
- Moorman Manufacturing Company, In re, 203 U.S.P.Q. 712, 1979 WL 24864 (Comm'r Pat. & Trademarks 1979)—§ 10:16 n.17
- Morganroth, In re, 208 U.S.P.Q. 284, 1980 WL 30167 (T.T.A.B. 1980)—§ 8:12 n.11
- Morlife, Inc. v. Perry, 56 Cal. App. 4th 1514, 66 Cal. Rptr. 2d 731 (1st Dist. 1997)—§ 11:13 n.3
- Morningside Group Ltd. v. Morningside Capital Group, L.L.C., 182 F.3d 133 (2d Cir. 1999)—§ 10:11 n.15
- Morton-Norwich Products, Inc., In re, 671 F.2d 1332 (C.C.P.A. 1982)—§ 10:8 n.8
- Moseley v. V Secret Catalogue, Inc., 537 U.S. 418, 123 S. Ct. 1115, 155 L. Ed. 2d 1 (2003)—§§ 10:26 n.1; 10:30 n.2
- Motorola, Inc. v. Fairchild Camera & Instrument Corp., 366 F. Supp. 1173 (D. Ariz. 1973)—§ 11:7 n.8
- Motorola, Inc. v. U.S., 729 F.2d 765 (Fed. Cir. 1984)—§ 4:27 n.3
- Motschenbacher v. R. J. Reynolds Tobacco Co., 498 F.2d 821 (9th Cir. 1974)—§ 12:4 n.2
- Munters Corp. v. Matsui America, Inc., 909 F.2d 250 (7th Cir. 1990)—§ 10:9 n.24
- Munters Corp. v. Matsui America, Inc., 730 F. Supp. 790 (N.D. Ill. 1989)—§§ 10:17 n.20; 10:22 n.1

- Murphy Door Bed Co., Inc. v. Interior Sleep Systems, Inc., 874 F.2d 95 (2d Cir. 1989)—§ 8:26 n.12
- Murray v. Bank One, 99 Ohio App. 3d 89, 649 N.E.2d 1307 (10th Dist. Franklin County 1994)—§ 11:5 n.4
- Murray Hill Publications, Inc. v. ABC Communications, Inc., 264 F.3d 622, 2001 FED App. 0295P (6th Cir. 2001)—§ 5:5 n.8
- Mutual of Omaha Ins. Co. v. Novak, 836 F.2d 397, 98 A.L.R. Fed. 1 (8th Cir. 1987)—§ 10:18 n.4, 23, 43, 45
- Mycogen Plant Science, Inc. v. Monsanto Co., 252 F.3d 1306 (Fed. Cir. 2001)—§ 14:22 n.19

N

- N.A.A.C.P. v. N.A.A.C.P. Legal Defense & Educational Fund, Inc., 753 F.2d 131 (D.C. Cir. 1985)—§ 10:21 n.1
- Nabisco Brands, Inc. v. Conusa Corp., 722 F. Supp. 1287 (M.D. N.C. 1989)—§ 8:16 n.17
- Nabisco, Inc. v. PF Brands, Inc., 191 F.3d 208 (2d Cir. 1999)—§§ 10:9 n.19; 10:27 n.3
- Nantucket, Inc., In re, 677 F.2d 95 (C.C.P.A. 1982)—§ 9:31 n.4
- Narell v. Freeman, 872 F.2d 907 (9th Cir. 1989)—§§ 5:5 n.1; 7:15 n.9
- N.A.S. Import, Corp. v. Chenson Enterprises, Inc., 968 F.2d 250 (2d Cir. 1992)—§ 7:30 n.1
- National Artists Management Co., Inc. v. Weaving, 769 F. Supp. 1224 (S.D. N.Y. 1991)—§ 10:38 n.28
- National Cable Television Ass'n, Inc. v. Broadcast Music, Inc., 772 F. Supp. 614 (D.D.C. 1991)—§ 5:16 n.4
- National City Bank of Cleveland v. National City Window Cleaning Co., 19 Ohio Op. 2d 448, 88 Ohio L. Abs. 445, 180 N.E.2d 20 (Ct. App. 8th Dist. Cuyahoga County 1962)—§ 10:25 n.1
- National Football League v. Governor of State of Del., 435 F. Supp. 1372 (D. Del. 1977)—§ 10:13 n.3
- National Lead Co. v. Wolfe, 223 F.2d 195 (9th Cir. 1955)—§ 10:12 n.1
- National Lockwasher Co. v. George K. Garrett Co., 137 F.2d 255 (C.C.A. 3d Cir. 1945)—§ 4:43 n.2
- National Presto Industries, Inc. v. Hamilton Beach, Inc., 18 U.S.P.Q.2d 1993, 1990 WL 51663 (N.D. Ill. 1990)—§ 10:38 n.11
- National Research Development Corp. v. Varian Associates, Inc., 822 F. Supp. 1121 (D.N.J. 1993)—§ 2:33 n.15
- National Rifle Ass'n of America v. Handgun Control Federation of Ohio, 15 F.3d 559, 1994 FED App. 0028P (6th Cir. 1994)—§ 7:18 n.44
- National Shoe Stores Co. v. National Shoes of N.Y., Inc., 213 Md. 328, 131 A.2d 909 (1957)—§ 10:10 n.8
- NEC Corp. v. Intel Corp., 645 F. Supp. 590 (N.D. Cal. 1986)—§ 5:3 n.6
- Nelson Souto Major Piquet, In re, 5 U.S.P.Q.2d 1367, 1987 WL 123866 (T.T.A.B. 1987)—§ 8:17 n.8
- Neogen Corp. v. Neo Gen Screening, Inc., 282 F.3d 883, 2002 FED App. 0080P (6th Cir. 2002)—§ 7:2 n.10
- Network Telecommunications, Inc. v. Boor-Crepeau, 790 P.2d 901 (Colo. App. 1990)—§ 11:25 n.3

TABLE OF CASES

- Newell Companies, Inc. v. Kenney Mfg. Co., 864 F.2d 757 (Fed. Cir. 1988)—§ 4:36 n.3
- New Era Publications Intern., ApS v. Carol Pub. Group, 904 F.2d 152 (2d Cir. 1990)—§ 7:18 n.30
- New Era Publications Intern., ApS v. Henry Holt and Co., Inc., 873 F.2d 576 (2d Cir. 1989)—§ 7:24 n.1
- New Kids on the Block v. News America Pub., Inc., 971 F.2d 302 (9th Cir. 1992)—§ 10:17 n.25
- Newman v. Quigg, 877 F.2d 1575 (Fed. Cir. 1989)—§ 4:37 n.4
- Newspapers, Inc. v. Matthews, 161 Tex. 284, 339 S.W.2d 890, 100 A.L.R.2d 218 (1960)—§ 10:40 n.1
- NEXxUS Products Co. v. Gentle Concepts, Inc., 28 U.S.P.Q.2d 1257, 1993 WL 496824 (M.D. Fla. 1993)—§ 10:28 n.43
- Nightingale Home Healthcare, Inc. v. Anodyne Therapy, LLC, 626 F.3d 958 (7th Cir. 2010)—§ 10:15 n.16
- Nikon Inc. v. Ikon Corp., 987 F.2d 91 (2d Cir. 1993)—§ 10:32 n.3
- Ninestar Technology Co., Ltd. v. International Trade Com'n, 667 F.3d 1373 (Fed. Cir. 2012)—§§ 4:10 n.4; 4:44 n.3
- Nissan Motor Co. v. Nissan Computer Corp., 378 F.3d 1002 (9th Cir. 2004)—§ 10:33 n.9, 11
- Nissen Trampoline Co. v. American Trampoline Co., 193 F. Supp. 745 (S.D. Iowa 1961)—§ 8:26 n.7
- Norris Industries, Inc. v. International Tel. & Tel. Corp., 696 F.2d 918 (11th Cir. 1983)—§§ 5:3 n.22; 5:19 n.5
- Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931 (Fed. Cir. 1990)—§ 4:37 n.2
- Norwich Pharmacal Company, The v. Salsbury Laboratories, 168 U.S.P.Q. 250, 1970 WL 9971 (T.T.A.B. 1970)—§ 8:15 n.14
- Novartis Consumer Health, Inc. v. McNeil-PPC, Inc., 53 U.S.P.Q.2d 1406, 1999 WL 707721 (D.N.J. 1999)—§ 8:10 n.13
- NTP, Inc. v. Research In Motion, Ltd., 418 F.3d 1282 (Fed. Cir. 2005)—§ 14:22 n.21
- Nugget Distributors Co-op. of America, Inc. v. Mr. Nugget, Inc., 776 F. Supp. 1012 (E.D. Pa. 1991)—§ 10:28 n.44

O

- O'Brien v. Pabst Sales Co., 124 F.2d 167 (C.C.A. 5th Cir. 1941)—§ 12:1 n.14
- OBX-Stock, Inc. v. Bicast, Inc., 558 F.3d 334 (4th Cir. 2009)—§ 10:10 n.9
- OddzOn Products, Inc. v. Just Toys, Inc., 122 F.3d 1396 (Fed. Cir. 1997)—§ 4:15 n.5
- OddzOn Products, Inc. v. Oman, 924 F.2d 346 (D.C. Cir. 1991)—§ 5:19 n.5
- Official Airline Guides, Inc. v. Goss, 6 F.3d 1385 (9th Cir. 1993)—§ 8:5 n.4
- Old Glory Condom Corp., In re, 26 U.S.P.Q.2d 1216, 1993 WL 114384 (T.T.A.B. 1993)—§ 9:26 n.11
- Olson v. National Broadcasting Co., Inc., 855 F.2d 1446 (9th Cir. 1988)—§ 7:15 n.3
- Omega S.A. v. Costco Wholesale Corp., 541 F.3d 982 (9th Cir. 2008)—

§ 5:20 n.2

- Onassis v. Christian Dior-New York, Inc.*, 122 Misc. 2d 603, 472 N.Y.S.2d 254 (Sup 1984)—§ 10:36 n.24
- On Davis v. The Gap, Inc.*, 246 F.3d 152 (2d Cir. 2001)—§ 7:4 n.1
- 1-800 Contacts, Inc. v. WhenU.Com, Inc.*, 414 F.3d 400 (2d Cir. 2005)—§ 10:7 n.1
- 199Z, Inc., In re*, 137 B.R. 778, 17 U.C.C. Rep. Serv. 2d 598 (Bankr. C.D. Cal. 1992)—§ 13:27 n.4
- Oppedahl & Larson LLP, In re*, 373 F.3d 1171 (Fed. Cir. 2004)—§ 8:9 n.14
- Opryland USA Inc. v. Great American Music Show, Inc.*, 970 F.2d 847 (Fed. Cir. 1992)—§ 10:9 n.18
- Optic Graphics, Inc. v. Agee*, 87 Md. App. 770, 591 A.2d 578 (1991)—§ 11:34 n.3
- Oriental Daily News, Inc., In re*, 230 U.S.P.Q. 637, 1986 WL 83605 (T.T.A.B. 1986)—§ 8:9 n.13
- Original Appalachian Artworks, Inc. v. Toy Loft, Inc.*, 684 F.2d 821 (11th Cir. 1982)—§ 10:11 n.13
- Orson, Inc. v. Miramax Film Corp.*, 189 F.3d 377 (3d Cir. 1999)—§ 5:15 n.3
- Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565 (Fed. Cir. 1986)—§ 4:11 n.6
- Ortho Pharmaceutical Corp. v. Smith*, 959 F.2d 936 (Fed. Cir. 1992)—§ 4:31 n.13
- Oshman's Sporting Goods Inc. v. Highland Import Corp.*, 16 U.S.P.Q.2d 1395, 1990 WL 354531 (T.T.A.B. 1990)—§ 10:16 n.18
- Owens-Corning Fiberglas Corp., In re*, 774 F.2d 1116 (Fed. Cir. 1985)—§ 9:33 n.8
- Oxford Industries, Inc. v. JBJ Fabrics, Inc.*, 6 U.S.P.Q.2d 1756, 1988 WL 9959 (S.D. N.Y. 1988)—§ 10:28 n.64

P

- PAF S.r.l. v. Lisa Lighting Co., Ltd.*, 712 F. Supp. 394 (S.D. N.Y. 1989)—§§ 10:10 n.1, 8; 10:14 n.3
- Pan-O-Gold Baking Co., In re*, 20 U.S.P.Q.2d 1761, 1991 WL 326589 (T.T.A.B. 1991)—§ 9:31 n.10
- Panavision Intern., L.P. v. Toeppen*, 141 F.3d 1316 (9th Cir. 1998)—§§ 7:2 n.5; 10:2 n.19
- Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1987)—§ 4:36 n.9
- Panduit Corp. v. Stahlin Bros. Fibre Works, Inc.*, 575 F.2d 1152 (6th Cir. 1978)—§ 4:25 n.6
- PaperCutter, Inc. v. Fay's Drug Co., Inc.*, 900 F.2d 558 (2d Cir. 1990)—§ 8:9 n.4
- Paragon Podiatry Laboratory, Inc. v. KLM Laboratories, Inc.*, 984 F.2d 1182 (Fed. Cir. 1993)—§ 4:34 n.6
- Paramount Pictures Corp. v. Labus*, 16 U.S.P.Q.2d 1142, 1990 WL 120642 (W.D. Wis. 1990)—§ 5:15 n.4
- Paramount Pictures Corp. v. Video Broadcasting Systems, Inc.*, 724 F. Supp. 808 (D. Kan. 1989)—§ 5:27 n.2

TABLE OF CASES

- Parenting Unlimited Inc. v. Columbia Pictures Television Inc., 743 F. Supp. 221 (S.D. N.Y. 1990)—§ 10:28 n.54
- Parisi v. Netlearning, Inc., 139 F. Supp. 2d 745 (E.D. Va. 2001)—§ 10:34 n.23
- Park 'N Fly, Inc. v. Dollar Park and Fly, Inc., 469 U.S. 189, 105 S. Ct. 658, 83 L. Ed. 2d 582 (1985)—§§ 1:2 n.5; 8:10 n.1; 9:1 n.7; 10:8 n.2
- Parks v. LaFace Records, 329 F.3d 437, 2003 FED App. 0137P (6th Cir. 2003)—§ 10:36 n.15, 16, 17
- Pavesich v. New England Life Ins. Co., 122 Ga. 190, 50 S.E. 68 (1905)—§ 12:3 n.1
- P.C. Films Corp. v. MGM/UA Home Video Inc., 138 F.3d 453 (2d Cir. 1998)—§ 5:11 n.8
- Pebble Beach Co. v. Tour 18 I, Ltd., 942 F. Supp. 1513 (S.D. Tex. 1996)—§ 10:32 n.5
- Pebble Beach Co., In re, 19 U.S.P.Q.2d 1687, 1991 WL 326557 (T.T.A.B. 1991)—§§ 8:18 n.2; 9:31 n.6
- Pellegrini v. Analog Devices, Inc., 375 F.3d 1113 (Fed. Cir. 2004)—§ 14:22 n.2
- Pennwalt Corp. v. Durand-Wayland, Inc., 833 F.2d 931 (Fed. Cir. 1987)—§ 4:14 n.2
- Pennzoil Products Co., In re, 20 U.S.P.Q.2d 1753, 1991 WL 326581 (T.T.A.B. 1991)—§ 8:9 n.1
- Pentec, Inc. v. Graphic Controls Corp., 776 F.2d 309 (Fed. Cir. 1985)—§ 4:36 n.18
- People for Ethical Treatment of Animals v. Doughney, 263 F.3d 359 (4th Cir. 2001)—§§ 10:18 n.34; 10:34 n.7
- PepsiCo, Inc. v. Redmond, 54 F.3d 1262 (7th Cir. 1995)—§§ 11:1 n.10; 11:9 n.10; 11:30 n.4
- Peregrine Entertainment, Ltd., In re, 116 B.R. 194, 11 U.C.C. Rep. Serv. 2d 1025 (C.D. Cal. 1990)—§ 13:25 n.1
- Perfect 10, Inc. v. Amazon.com, Inc., 487 F.3d 701 (9th Cir. 2007)—§ 7:18 n.22
- Perfect 10, Inc. v. CCBill LLC, 488 F.3d 1102 (9th Cir. 2007)—§ 5:26 n.15
- Performance Industries, Inc. v. Koos, Inc., 18 U.S.P.Q.2d 1767, 1990 WL 161253 (E.D. Pa. 1990)—§ 10:38 n.5
- Perkins School for the Blind v. Maxi-Aids, Inc., 274 F. Supp. 2d 319 (E.D. N.Y. 2003)—§ 10:27 n.3
- Perl Brand Foods Corp. v. Deli Direct From Perl, Inc., 14 U.S.P.Q.2d 1569, 1989 WL 418445 (N.D. Ill. 1989)—§ 10:28 n.46
- Peter Letterese And Associates, Inc. v. World Institute Of Scientology Enterprises, 533 F.3d 1287 (11th Cir. 2008)—§§ 7:18 n.24; 7:24 n.3
- Petur U.S.A. Instrument Co., Inc., In re, 35 B.R. 561 (Bankr. W.D. Wash. 1983)—§ 13:33 n.2
- Pfaff v. Wells Electronics, Inc., 525 U.S. 55, 119 S. Ct. 304, 142 L. Ed. 2d 261 (1998)—§§ 2:33 n.26; 4:33 n.17
- Philip Morris, Inc. v. Reilly, 312 F.3d 24 (1st Cir. 2002)—§ 11:16 n.3
- Phillips-Van Heusen Corp., In re, 63 U.S.P.Q.2d 1047, 2002 WL 523343 (T.T.A.B. 2002)—§ 9:27 n.4
- Phillips v. Avis, Inc., 1995 WL 417587 (N.D. Ill. 1995)—§§ 11:10 n.5;

- 11:27 n.2
- Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)—§§ 2:36 n.9; 4:13 n.5, 17
- Picker Intern., Inc. v. Parten, 935 F.2d 257 (11th Cir. 1991)—§ 11:7 n.6
- Pickett Hotel Company, In re, 229 U.S.P.Q. 760, 1986 WL 83680 (T.T.A.B. 1986)—§ 8:17 n.22
- Pignons S.A. de Mecanique de Precision v. Polaroid Corp., 657 F.2d 482 (1st Cir. 1981)—§ 10:27 n.5
- Pillsbury Co. v. Milky Way Productions, Inc., 8 Media L. Rep. (BNA) 1016, 215 U.S.P.Q. 124, 1981 WL 1402 (N.D. Ga. 1981)—§ 10:29 n.10
- Pinkham v. Sara Lee Corp., 983 F.2d 824 (8th Cir. 1992)—§ 7:10 n.2
- Pioneer Hi-Bred Intern. v. Holden Foundation Seeds, Inc., 35 F.3d 1226, 39 Fed. R. Evid. Serv. 993 (8th Cir. 1994)—§ 11:8 n.7
- Piper Aircraft Corp. v. Wag-Aero, Inc., 741 F.2d 925, 16 Fed. R. Evid. Serv. 86 (7th Cir. 1984)—§ 10:21 n.6
- Planned Parenthood Federation of America, Inc. v. Bucci, 42 U.S.P.Q.2d 1430, 1997 WL 133313 (S.D. N.Y. 1997)—§ 10:1 n.2
- Plasticolor Molded Products v. Ford Motor Co., 713 F. Supp. 1329 (C.D. Cal. 1989)—§ 10:22 n.7
- Playboy Enterprises, Inc. v. Chuckleberry Pub., Inc., 486 F. Supp. 414 (S.D. N.Y. 1980)—§ 10:12 n.1
- Playboy Enterprises, Inc. v. Netscape Communications Corp., 354 F.3d 1020 (9th Cir. 2004)—§ 10:11 n.34
- Playboy Enterprises, Inc. v. Netscape Communications Corp., 55 F. Supp. 2d 1070 (C.D. Cal. 1999)—§ 10:7 n.1
- Playtex Products, Inc. v. Georgia-Pacific Inc., 67 U.S.P.Q.2d 1923, 2003 WL 21939706 (S.D. N.Y. 2003)—§ 10:30 n.12
- Polaroid Corp. v. Polarad Elecs. Corp., 287 F.2d 492, 4 Fed. R. Serv. 2d 81 (2d Cir. 1961)—§ 10:9 n.10
- Polaroid Corp. v. Polaroid, Inc., 319 F.2d 830 (7th Cir. 1963)—§ 10:22 n.2
- Polo Fashions, Inc. v. Branded Apparel Merchandising, Inc., 592 F. Supp. 648 (D. Mass. 1984)—§ 10:7 n.6
- Pope Mfg. Co. v. Gormully & Jeffery Mfg. Co., 144 U.S. 238, 12 S. Ct. 637, 36 L. Ed. 419 (1892)—§ 13:2 n.3
- Porsche Cars North America, Inc. v. Porsche.net, 302 F.3d 248 (4th Cir. 2002)—§ 10:34 n.3
- Power Test Petroleum Distributors, Inc. v. Calcu Gas, Inc., 754 F.2d 91 (2d Cir. 1985)—§ 10:18 n.16
- PPG Industries, Inc. v. Guardian Industries Corp., 597 F.2d 1090, 13 Ohio Op. 3d 260, 49 A.L.R. Fed. 878 (6th Cir. 1979)—§ 13:13 n.2
- Practice Management Information Corp. v. American Medical Ass'n, 121 F.3d 516 (9th Cir. 1997)—§ 5:3 n.48
- Prather v. Neva Paperbacks, Inc., 446 F.2d 338, 13 A.L.R. Fed. 916 (5th Cir. 1971)—§ 7:23 n.10
- Precision Concepts, Inc. v. Bonsanti, 172 A.D.2d 737, 569 N.Y.S.2d 124 (2d Dep't 1991)—§ 11:22 n.10
- President and Trustees of Colby College v. Colby College-New Hampshire, 508 F.2d 804 (1st Cir. 1975)—§ 8:17 n.19

TABLE OF CASES

- Prestonettes, Inc., v. Coty, 264 U.S. 359, 44 S. Ct. 350, 68 L. Ed. 731 (1924)—§ 10:7 n.4
- Princeton Graphics Operating, L.P. v. NEC Home Electronics (U.S.A.), Inc., 732 F. Supp. 1258 (S.D. N.Y. 1990)—§ 10:38 n.15
- Pro-Football, Inc. v. Harjo, 284 F. Supp. 2d 96 (D.D.C. 2003)—§ 9:28 n.3
- Pro-Line Corp., In re, 28 U.S.P.Q.2d 1141, 1993 WL 398575 (T.T.A.B. 1993)—§ 8:12 n.20
- Process Control Corp. v. HydReclaim Corp., 190 F.3d 1350 (Fed. Cir. 1999)—§ 2:9 n.2
- Procter & Gamble Company, The v. Economics Laboratory, Inc., 175 U.S.P.Q. 505, 1972 WL 17812 (T.T.A.B. 1972)—§ 9:15 n.2
- Prudential Ins. Co. of America v. Pochiro, 153 Ariz. 368, 736 P.2d 1180 (Ct. App. Div. 2 1987)—§ 11:20 n.4
- Pursche v. Atlas Scraper & Engineering Co., 300 F.2d 467, 5 Fed. R. Serv. 2d 275 (9th Cir. 1961)—§ 11:11 n.13

Q

- Q-Co Industries, Inc. v. Hoffman, 625 F. Supp. 608 (S.D. N.Y. 1985)—§ 11:5 n.9
- Qualitex Co. v. Jacobson Products Co., Inc., 514 U.S. 159, 115 S. Ct. 1300, 131 L. Ed. 2d 248 (1995)—§§ 8:1 n.2; 8:12 n.21; 9:3 n.2; 10:8 n.22
- Quality Inns Intern., Inc. v. McDonald's Corp., 595 F. Supp. 198 (D. Md. 1988)—§ 8:15 n.3
- Quality King Distributors, Inc. v. L'anza Research Intern., Inc., 523 U.S. 135, 118 S. Ct. 1125, 140 L. Ed. 2d 254 (1998)—§ 5:20 n.1
- Quanta Computer, Inc. v. LG Electronics, Inc., 553 U.S. 617, 128 S. Ct. 2109, 170 L. Ed. 2d 996 (2008)—§ 4:44 n.1

R

- Ragold, Inc. v. Ferrero, U.S. A., Inc., 506 F. Supp. 117 (N.D. Ill. 1980)—§ 10:38 n.16
- Railroad Dynamics, Inc. v. A. Stucki Co., 727 F.2d 1506 (Fed. Cir. 1984)—§ 4:36 n.5
- Ralston Purina Co. v. Far-Mar-Co, Inc., 772 F.2d 1570 (Fed. Cir. 1985)—§ 4:38 n.3
- Rand v. Hearst Corp., 31 A.D.2d 406, 298 N.Y.S.2d 405 (1st Dep't 1969)—§ 12:5 n.12
- R&R Recreation Products, Inc. v. Joan Cook Inc., 25 U.S.P.Q.2d 1781, 1992 WL 88171 (S.D. N.Y. 1992)—§ 7:8 n.3
- Rath, In re, 402 F.3d 1207 (Fed. Cir. 2005)—§ 9:10 n.4
- Rayette-Faberge, Inc. v. John Oster Mfg. Co., 47 F.R.D. 524 (E.D. Wis. 1969)—§ 4:17 n.7
- RCA Corp. v. Data General Corp., 887 F.2d 1056 (Fed. Cir. 1989)—§ 4:33 n.12
- Read Corp. v. Portec, Inc., 970 F.2d 816 (Fed. Cir. 1992)—§§ 4:15 n.4; 4:28 n.12
- Red Baron-Franklin Park, Inc. v. Taito Corp., 883 F.2d 275 (4th Cir. 1989)—§ 5:16 n.6
- Reed Elsevier, Inc. v. Muchnick, 130 S. Ct. 1237, 176 L. Ed. 2d 18 (2010)—§ 7:1 n.5

- Regal Industries, Inc. v. Genal Strap, Inc., 33 U.S.P.Q.2d 1289, 1994 WL 161374 (E.D. Pa. 1994)—§ 10:28 n.48
- Reingold v. Swiftships, Inc., 126 F.3d 645 (5th Cir. 1997)—§ 11:17 n.10
- Remcraft Lighting Products, Inc. v. Maxim Lighting, Inc., 706 F. Supp. 855 (S.D. Fla. 1989)—§ 10:10 n.8
- Rescuecom Corp. v. Google Inc., 562 F.3d 123 (2d Cir. 2009)—§ 10:2 n.18
- Research Corp. Technologies, Inc. v. Microsoft Corp., 627 F.3d 859 (Fed. Cir. 2010)—§ 4:31 n.6
- Resorts of Pinehurst, Inc. v. Pinehurst Nat. Development Corp., 973 F. Supp. 552 (M.D. N.C. 1997)—§ 10:26 n.8
- Resource Developers, Inc. v. Statue of Liberty-Ellis Island Foundation, Inc., 926 F.2d 134 (2d Cir. 1991)—§ 10:15 n.4
- Revell v. Lidov, 317 F.3d 467, 173 Ed. Law Rep. 403 (5th Cir. 2002)—§ 7:2 n.11
- R.H. Donnelley Corp. v. Illinois Bell Telephone Co., 595 F. Supp. 1202 (N.D. Ill. 1984)—§ 10:37 n.2, 3
- Rhone-Poulenc Rorer Pharmaceuticals, Inc. v. Marion Merrell Dow, Inc., 93 F.3d 511 (8th Cir. 1996)—§ 10:38 n.3
- Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1225 (Fed. Cir. 1989)—§ 4:32 n.2
- Riles v. Shell Exploration and Production Co., 298 F.3d 1302 (Fed. Cir. 2002)—§ 4:26 n.18
- Ring v. Estee Lauder, Inc., 874 F.2d 109 (2d Cir. 1989)—§§ 5:18 n.1; 11:14 n.1
- Ringling Bros.-Barnum & Bailey Combined Shows, Inc. v. Celozzi-Ettelson Chevrolet, Inc., 855 F.2d 480 (7th Cir. 1988)—§§ 10:17 n.12; 10:22 n.4
- Ringling Bros. - Barnum & Bailey Combined Shows Inc. v. Celozzi-Ettelson Chevrolet Inc., 6 U.S.P.Q.2d 1300, 1987 WL 149721 (N.D. Ill. 1987)—§ 10:28 n.33
- Ringling Bros.-Barnum & Bailey Combined Shows, Inc. v. Chandris America Lines, Inc., 321 F. Supp. 707 (S.D. N.Y. 1971)—§ 10:40 n.3
- Ringling Brothers-Barnum & Bailey Combined Shows, Inc. v. Utah Div. of Travel Development, 955 F. Supp. 598 (E.D. Va. 1997)—§ 10:26 n.6
- Ritchie v. Simpson, 170 F.3d 1092 (Fed. Cir. 1999)—§ 9:38 n.7
- Rite-Hite Corp. v. Kelley Co., Inc., 56 F.3d 1538 (Fed. Cir. 1995)—§ 4:25 n.3, 14
- Roadway Exp., Inc. v. Roadway Motor Plazas, Inc., 17 U.S.P.Q.2d 1131, 1990 WL 120945 (N.D. N.Y. 1990)—§ 10:28 n.47
- Robbins Co. v. Lawrence Mfg. Co., 482 F.2d 426, 25 A.L.R. Fed. 473 (9th Cir. 1973)—§ 2:33 n.32
- Roberson v. Rochester Folding Box Co., 171 N.Y. 538, 64 N.E. 442 (1902)—§ 12:5 n.8
- Robert R. Jones Associates, Inc. v. Nino Homes, 858 F.2d 274, 26 Fed. R. Evid. Serv. 1245, 100 A.L.R. Fed. 241 (6th Cir. 1988)—§ 5:3 n.33
- Robert Stigwood Group Ltd. v. O'Reilly, 530 F.2d 1096 (2d Cir. 1976)—§ 14:21 n.14
- Roboserve, Ltd. v. Tom's Foods, Inc., 940 F.2d 1441, 16 U.C.C. Rep. Serv. 2d 987 (11th Cir. 1991)—§ 11:14 n.2

TABLE OF CASES

- Rockland Mortg. Corp. v. Shareholders Funding, Inc., 835 F. Supp. 182 (D. Del. 1993)—§ 8:5 n.3
- Rogers v. Grimaldi, 875 F.2d 994 (2d Cir. 1989)—§ 10:36 n.13
- Roley v. New World Pictures, Ltd., 19 F.3d 479, 140 A.L.R. Fed. 813 (9th Cir. 1994)—§ 7:23 n.4
- Rolley, Inc. v. Younghusband, 204 F.2d 209 (9th Cir. 1953)—§ 9:1 n.4
- Roman Cleanser Co., Matter of, 43 B.R. 940, 39 U.C.C. Rep. Serv. 1770 (Bankr. E.D. Mich. 1984)—§ 13:27 n.3
- Rosetta Stone Ltd. v. Google, Inc., 676 F.3d 144 (4th Cir. 2012)—§ 10:27 n.1
- Ross, Brovins & Oehmke, P.C. v. Lexis Nexis Group, a Div. of Reed Elsevier Group, PLC, 463 F.3d 478, 2006 FED App. 0358P (6th Cir. 2006)—§ 5:5 n.13
- Rototron Corp. v. Lake Shore Burial Vault Co., Inc., 712 F.2d 1214 (7th Cir. 1983)—§ 11:15 n.1
- Roulo v. Russ Berrie & Co., Inc., 886 F.2d 931 (7th Cir. 1989)—§ 10:15 n.17
- Rubbermaid Commercial Products, Inc. v. Contico Intern., Inc., 836 F. Supp. 1247 (W.D. Va. 1993)—§ 8:16 n.27
- Russ Berrie & Co., Inc. v. Jerry Elsner Co., Inc., 482 F. Supp. 980 (S.D. N.Y. 1980)—§ 7:21 n.2

S

- Safeway Stores, Inc. v. Safeway Quality Foods, Inc., 433 F.2d 99 (7th Cir. 1970)—§ 10:21 n.4
- Salazar v. Procter & Gamble Co., 414 F.3d 1342 (Fed. Cir. 2005)—§ 3:30 n.3
- Sally Gee, Inc. v. Myra Hogan, Inc., 699 F.2d 621 (2d Cir. 1983)—§ 10:22 n.6
- Salsbury Laboratories, Inc. v. Merieux Laboratories, Inc., 908 F.2d 706 (11th Cir. 1990)—§ 11:1 n.9
- Sanda Hosiery Mills. In re, 154 U.S.P.Q. 631, 1967 WL 11667 (T.T.A.B. 1967)—§ 8:12 n.19
- Sandberg and Sikorski Corp. v. Andin International Inc., 51 U.S.P.Q.2d 1574, 1999 WL 628076 (S.D. N.Y. 1999)—§ 6:1 n.6
- Sandberg and Sikorski Corp. v. Andin Intern., Inc., 50 U.S.P.Q.2d 1699, 1999 WL 199070 (S.D. N.Y. 1999)—§ 7:15 n.21
- Sands, Taylor & Wood Co. v. Quaker Oats Co., 978 F.2d 947 (7th Cir. 1992)—§§ 8:25 n.1; 10:16 n.15
- Santana Products, Inc. v. Bobrick Washroom Equipment, Inc., 249 F. Supp. 2d 463 (M.D. Pa. 2003)—§ 10:35 n.5
- Sanyo Watch Co., Inc. v. Sanyo Elec. Co., Ltd., 691 F.2d 1019 (Fed. Cir. 1982)—§ 9:38 n.14
- Saratoga Vichy Spring Co., Inc. v. Lehman, 625 F.2d 1037 (2d Cir. 1980)—§ 10:16 n.4
- Saturday Evening Post Co. v. Rumbleseat Press, Inc., 816 F.2d 1191 (7th Cir. 1987)—§ 5:11 n.7
- Sauer, In re, 27 U.S.P.Q.2d 1073, 1993 WL 236534 (T.T.A.B. 1993)—§ 9:29 n.12
- Saunders v. Florence Enameling Co., Inc., 540 So. 2d 651 (Ala. 1988)—

- § 11:28 n.3
- Savin Corp. v. Savin Group, 391 F.3d 439 (2d Cir. 2004)—§ 10:28 n.13
- Scaltech, Inc. v. Retec/Tetra, LLC, 269 F.3d 1321, 45 U.C.C. Rep. Serv. 2d 1036 (Fed. Cir. 2001)—§ 4:33 n.13
- Scandia Down Corp. v. Euroquilt, Inc., 772 F.2d 1423, 3 Fed. R. Serv. 3d 195 (7th Cir. 1985)—§ 7:15 n.10
- Scharmer v. Carrollton Mfg. Co., 525 F.2d 95 (6th Cir. 1975)—§ 11:32 n.8
- Schwinn Bicycle Co. v. Ross Bicycles, Inc., 870 F.2d 1176 (7th Cir. 1989)—§ 10:8 n.13
- S.C. Johnson & Son, Inc. v. Carter-Wallace, Inc., 781 F.2d 198 (Fed. Cir. 1986)—§ 4:28 n.2
- SCM Corp. v. Xerox Corp., 70 F.R.D. 508, 2 Fed. R. Evid. Serv. 535 (D. Conn. 1976)—§ 4:17 n.12
- Scotch Whiskey Ass'n v. Barton Distilling Co., 489 F.2d 809 (7th Cir. 1973)—§ 14:21 n.5
- Scott v. Mego Intern., Inc., 519 F. Supp. 1118 (D. Minn. 1981)—§ 10:9 n.21
- Scott Fetzer Co. v. Gehring, 288 F. Supp. 2d 696 (E.D. Pa. 2003)—§ 10:28 n.37
- Seagate Technology, LLC, In re, 497 F.3d 1360 (Fed. Cir. 2007)—§§ 2:26 n.4; 2:36 n.1; 4:17 n.23
- Sealy, Inc. v. Easy Living, Inc., 743 F.2d 1378, 16 Fed. R. Evid. Serv. 1061 (9th Cir. 1984)—§ 10:12 n.2
- Sears, Roebuck & Co. v. Stiffel Co., 373 U.S. 225, 84 S. Ct. 784, 11 L. Ed. 2d 661 (1964)—§§ 1:1 n.5; 8:16 n.18
- Sebastian Intern., Inc. v. Consumer Contact (PTY) Ltd., 664 F. Supp. 909 (D.N.J. 1987)—§ 5:5 n.10
- Secure Services Technology, Inc. v. Time and Space Processing Inc., 722 F. Supp. 1354 (E.D. Va. 1989)—§ 11:16 n.1
- Sega Enterprises Ltd. v. Accolade, Inc., 977 F.2d 1510 (9th Cir. 1992)—§§ 5:23 n.8; 7:19 n.1
- Senza-Gel Corp. v. Seiffhart, 803 F.2d 661 (Fed. Cir. 1986)—§ 4:43 n.1
- Service Merchandise Co. v. Service Jewelry Stores, Inc., 737 F. Supp. 983 (S.D. Tex. 1990)—§ 10:17 n.6
- Seymour v. Osborne, 78 U.S. 516, 20 L. Ed. 33, 1870 WL 12828 (1870)—§ 4:13 n.18
- Shaffer v. Heitner, 433 U.S. 186, 97 S. Ct. 2569, 53 L. Ed. 2d 683 (1977)—§ 4:2 n.3
- Shamsky v. Garan, Inc., 167 Misc. 2d 149, 632 N.Y.S.2d 930 (Sup. 1995)—§ 12:5 n.8
- Shapiro, Bernstein & Co. v. Jerry Vogel Music Co., 161 F.2d 406 (C.C.A. 2d Cir. 1946)—§ 5:3 n.7
- Sharky's Drygoods Co., In re, 23 U.S.P.Q.2d 1061, 1992 WL 147883 (T.T.A.B. 1992)—§ 9:27 n.6
- Shatterproof Glass Corp. v. Libbey-Owens Ford Co., 758 F.2d 613 (Fed. Cir. 1985)—§ 4:39 n.2
- Shaw v. Lindheim, 908 F.2d 531 (9th Cir. 1990)—§ 7:15 n.1
- Shell Oil Co. v. Amoco Corp., 970 F.2d 885 (Fed. Cir. 1992)—§ 4:9 n.5
- Sid & Marty Krofft Television Productions, Inc. v. McDonald's Corp.,

TABLE OF CASES

- 562 F.2d 1157 (9th Cir. 1977)—§§ 7:12 n.3; 7:15 n.4
- Sidco Industries Inc. v. Wimar Tahoe Corp., 768 F. Supp. 1343 (D. Or. 1991)—§ 10:2 n.11
- Sigma Chemical Co. v. Harris, 794 F.2d 371 (8th Cir. 1986)—§ 11:8 n.6
- SI Handling Systems, Inc. v. Heisley, 753 F.2d 1244 (3d Cir. 1985)—§ 11:5 n.8
- Silverman v. CBS Inc., 870 F.2d 40 (2d Cir. 1989)—§§ 5:14 n.3; 10:16 n.14
- Sims v. Mack Truck Corp., 488 F. Supp. 592 (E.D. Pa. 1980)—§ 10:40 n.3
- Sinatra v. Goodyear Tire & Rubber Co., 435 F.2d 711 (9th Cir. 1970)—§ 10:36 n.4
- Singer Mfg. Co. v. Briley, 207 F.2d 519 (5th Cir. 1953)—§ 8:26 n.14
- Singer Mfg. Co. v. June Mfg. Co., 163 U.S. 169, 16 S. Ct. 1002, 41 L. Ed. 118 (1896)—§ 8:26 n.15
- SiRF Technology, Inc. v. International Trade Com'n, 601 F.3d 1319 (Fed. Cir. 2010)—§ 4:31 n.7
- Site Microsurgical Systems, Inc. v. Cooper Companies, Inc., 797 F. Supp. 333 (D. Del. 1992)—§ 13:2 n.2
- Skil Corp. v. Rockwell Intern. Corp., 375 F. Supp. 777 (N.D. Ill. 1974)—§ 10:38 n.1
- Smirman, In re, 267 F.R.D. 221 (E.D. Mich. 2010)—§ 4:17 n.16
- Smith v. Dravo Corp., 203 F.2d 369 (7th Cir. 1953)—§ 11:10 n.6
- Smith v. Long Island Jewish-Hillside Medical Center, 118 A.D.2d 553, 499 N.Y.S.2d 167 (2d Dep't 1986)—§ 12:11 n.4
- Smith v. Montoro, 648 F.2d 602 (9th Cir. 1981)—§ 10:37 n.1
- Smith v. Snap-On Tools Corp., 833 F.2d 578 (5th Cir. 1987)—§ 11:10 n.7
- Smith v. Wal-Mart Stores, Inc., 537 F. Supp. 2d 1302 (N.D. Ga. 2008)—§ 10:33 n.7
- Societe Generale Des Eaux Minerales De Vittel S.A., In re, 824 F.2d 957 (Fed. Cir. 1987)—§ 9:15 n.2
- Softel, Inc. v. Dragon Medical and Scientific Communications, Inc., 118 F.3d 955, 38 Fed. R. Serv. 3d 623 (2d Cir. 1997)—§§ 5:21 n.1; 11:5 n.13
- Soft Sheen Products, Inc. v. Revlon, Inc., 675 F. Supp. 408 (N.D. Ill. 1987)—§ 10:11 n.21
- Sokol Crystal Products, Inc. v. DSC Communications Corp., 15 F.3d 1427 (7th Cir. 1994)—§ 11:21 n.8
- Solid Host, NL v. Namecheap, Inc., 652 F. Supp. 2d 1092 (C.D. Cal. 2009)—§ 10:34 n.10, 11
- S. Oliver Bernd Freier Gmbh & Co. Kg, In re, 20 U.S.P.Q.2d 1878, 1991 WL 326588 (T.T.A.B. 1991)—§ 8:17 n.12, 13
- Soloflex, Inc. v. NordicTrack, Inc., 31 U.S.P.Q.2d 1721, 1994 WL 568401 (D. Or. 1994)—§ 10:32 n.4
- Solomons v. U.S., 26 Ct. Cl. 620, 137 U.S. 342, 11 S. Ct. 88, 34 L. Ed. 667 (1890)—§ 11:11 n.7
- Soma Medical Intern. v. Standard Chartered Bank, 196 F.3d 1292 (10th Cir. 1999)—§ 7:2 n.10
- Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417, 104 S. Ct. 774, 78 L. Ed. 2d 574 (1984)—§§ 5:23 n.4; 7:18 n.45

- S.O.S., Inc. v. Payday, Inc., 886 F.2d 1081 (9th Cir. 1989)—§§ 5:11 n.6;
7:21 n.8
- Space Aero Products Co. v. R. E. Darling Co., 238 Md. 93, 208 A.2d 74,
145 U.S.P.Q. 356 (1965)—§ 11:28 n.9
- Spang v. Watson, 205 F.2d 703 (D.C. Cir. 1953)—§ 8:26 n.8
- Specialties Development Corp. v. C-O-Two Fire Equipment Co., 207
F.2d 753 (3d Cir. 1953)—§ 13:9 n.1
- Spectravest, Inc. v. Fleet Street, Ltd., 13 U.S.P.Q.2d 1457, 1989 WL
135386 (N.D. Cal. 1989)—§ 7:10 n.4
- Speedplay, Inc. v. Bebop, Inc., 211 F.3d 1245 (Fed. Cir. 2000)—§ 4:8 n.7
- Speedry Chemical Products, Inc. v. Carter's Ink Co., 306 F.2d 328 (2d
Cir. 1962)—§ 11:28 n.10
- Sporty's Farm L.L.C. v. Sportsman's Market, Inc., 202 F.3d 489 (2d Cir.
2000)—§ 10:34 n.16
- SquirtCo. v. Seven-Up Co., 628 F.2d 1086 (8th Cir. 1980)—§§ 10:9 n.16;
10:10 n.15; 10:11 n.5
- SRI Intern. v. Matsushita Elec. Corp. of America, 775 F.2d 1107 (Fed.
Cir. 1985)—§ 4:13 n.12
- Stabilisierungsfonds Fur Wein v. Kaiser Stuhl Wine Distributors Pty.
Ltd., 647 F.2d 200, 31 Fed. R. Serv. 2d 325 (D.C. Cir. 1981)—§ 10:7
n.2
- Standard Havens Products, Inc. v. Gencor Industries, Inc., 953 F.2d
1360 (Fed. Cir. 1991)—§ 4:10 n.2
- Standard Oil Co. v. American Cyanamid Co., 774 F.2d 448 (Fed. Cir.
1985)—§ 4:36 n.14
- Starbucks Corp. v. Wolfe's Borough Coffee, Inc., 559 F. Supp. 2d 472
(S.D. N.Y. 2008)—§ 10:30 n.11
- State Chemical Manufacturing Co., In re, 225 U.S.P.Q. 687, 1985 WL
72012 (T.T.A.B. 1985)—§ 8:19 n.6
- State Farm Mut. Auto. Ins. Co. v. Campbell, 538 U.S. 408, 123 S. Ct.
1513, 155 L. Ed. 2d 535, 60 Fed. R. Evid. Serv. 1349, 1 A.L.R. Fed.
2d 739 (2003)—§ 7:30 n.4
- State Industries, Inc. v. Mor-Flo Industries, Inc., 883 F.2d 1573 (Fed.
Cir. 1989)—§§ 4:25 n.8; 4:26 n.12
- Steelbuilding.com, In re, 415 F.3d 1293 (Fed. Cir. 2005)—§§ 8:10 n.11;
10:10 n.3
- Steele v. Bulova Watch Co., 344 U.S. 280, 73 S. Ct. 252, 97 L. Ed. 319
(1952)—§ 14:21 n.3
- Stephano v. News Group Publications, Inc., 64 N.Y.2d 174, 485 N.Y.S.2d
220, 474 N.E.2d 580 (1984)—§ 12:5 n.10
- Sterling Brewers, Inc. v. Schenley Industries, Inc., 441 F.2d 675
(C.C.P.A. 1971)—§ 10:16 n.15
- Stern Electronics, Inc. v. Kaufman, 669 F.2d 852 (2d Cir. 1982)—§ 5:3
n.27
- Stern's Miracle-Gro Products, Inc. v. Shark Products, Inc., 823 F. Supp.
1077 (S.D. N.Y. 1993)—§ 10:28 n.11, 42
- Stewart v. Abend, 495 U.S. 207, 110 S. Ct. 1750, 109 L. Ed. 2d 184
(1990)—§§ 5:22 n.10; 7:18 n.11
- Stiffel Co. v. Westwood Lighting Group, 658 F. Supp. 1103 (D.N.J.
1987)—§ 10:38 n.13

TABLE OF CASES

- St. Ives Laboratories, Inc. v. Nature's Own Laboratories, 529 F. Supp. 347 (C.D. Cal. 1981)—§ 10:9 n.14
- Stix Products, Inc. v. United Merchants & Mfrs., Inc., 295 F. Supp. 479 (S.D. N.Y. 1968)—§ 8:8 n.1
- Stone v. Williams, 970 F.2d 1043 (2d Cir. 1992)—§ 7:23 n.4, 12
- Stop the Olympic Prison v. U.S. Olympic Committee, 489 F. Supp. 1112 (S.D. N.Y. 1980)—§ 10:33 n.7
- Storck USA, L.P. v. Farley Candy Co., Inc., 797 F. Supp. 1399 (N.D. Ill. 1992)—§ 8:16 n.24
- Story Parchment Co. v. Paterson Parchment Paper Co., 282 U.S. 555, 51 S. Ct. 248, 75 L. Ed. 544 (1931)—§ 4:25 n.5
- Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530 (Fed. Cir. 1983)—§ 4:36 n.17
- Streeter v. Rolfe, 491 F. Supp. 416 (W.D. La. 1980)—§ 5:17 n.4
- Stromback v. New Line Cinema, 384 F.3d 283, 2004 FED App. 0314P (6th Cir. 2004)—§ 11:6 n.7
- Stutz Motor Car of America, Inc. v. Reebok Intern., Ltd., 909 F. Supp. 1353 (C.D. Cal. 1995)—§ 11:15 n.2
- Subafilms, Ltd. v. MGM-Pathe Communications Co., 24 F.3d 1088 (9th Cir. 1994)—§ 14:21 n.11
- Sunbeam Corp. v. Equity Industries Corp., 635 F. Supp. 625 (E.D. Va. 1986)—§ 8:11 n.8
- Sunmark, Inc. v. Ocean Spray Cranberries, Inc., 64 F.3d 1055 (7th Cir. 1995)—§ 10:17 n.4
- Sun Microsystems, Inc. v. Microsoft Corp., 188 F.3d 1115 (9th Cir. 1999)—§ 7:1 n.6
- Sunrise Jewelry Mfg. Corp. v. Fred S.A., 175 F.3d 1322 (Fed. Cir. 1999)—§ 8:26 n.13
- Sun Studs, Inc. v. ATA Equipment Leasing, Inc., 872 F.2d 978 (Fed. Cir. 1989)—§ 4:16 n.4
- Suntrust Bank v. Houghton Mifflin Co., 268 F.3d 1257 (11th Cir. 2001)—§ 7:18 n.24
- Sunward Electronics, Inc. v. McDonald, 362 F.3d 17 (2d Cir. 2004)—§ 10:14 n.2
- Superior Flux & Mfg. Co. v. H&S Industries, Inc., 210 U.S.P.Q. 669, 1980 WL 30229 (N.D. Ohio 1980)—§ 11:20 n.6
- Superior Form Builders v. Dan Chase Taxidermy Supply Co., Inc., 851 F. Supp. 222 (E.D. Va. 1994)—§ 5:3 n.16
- Surgidev Corp. v. Eye Technology, Inc., 648 F. Supp. 661 (D. Minn. 1986)—§ 11:5 n.12
- Sweats Fashions, Inc. v. Pannill Knitting Co., Inc., 833 F.2d 1560 (Fed. Cir. 1987)—§ 9:40 n.11
- Sweetheart Plastics, Inc. v. Detroit Forming, Inc., 743 F.2d 1039, 81 A.L.R. Fed. 659 (4th Cir. 1984)—§ 10:21 n.21
- Sybron Transition Corp. v. Nixon, Hargrave, Devans & Doyle, 770 F. Supp. 803 (W.D. N.Y. 1991)—§ 13:4 n.1
- Sykes Laboratory, Inc. v. Kalvin, 610 F. Supp. 849 (C.D. Cal. 1985)—§ 10:28 n.73
- Syntex Ophthalmics, Inc. v. Novicky, 591 F. Supp. 28 (N.D. Ill. 1983)—

§ 11:20 n.3

T

- Taco Cabana Intern., Inc. v. Two Pesos, Inc., 932 F.2d 1113 (5th Cir. 1991)—§ 10:8 n.15
- Taft Television and Radio Co., Inc. v. King Broadcasting Co., 822 F.2d 62 (9th Cir. 1987)—§ 5:3 n.2
- Takeall v. Pepsico, Inc., 14 F.3d 596 (4th Cir. 1993)—§ 5:5 n.2
- Tana v. Dantanna's, 611 F.3d 767 (11th Cir. 2010)—§ 10:9 n.23
- Tandy Corp. v. Malone & Hyde, Inc., 777 F.2d 1130 (6th Cir. 1985)—§ 10:21 n.13
- Tandy Corp. v. Malone & Hyde, Inc., 769 F.2d 362 (6th Cir. 1985)—§ 10:21 n.7
- Tasini v. New York Times Co., Inc., 206 F.3d 161 (2d Cir. 2000)—§ 7:25 n.1
- Taylor v. Meirick, 712 F.2d 1112 (7th Cir. 1983)—§ 7:23 n.8
- TCPIP Holding Co., Inc. v. Haar Communications, Inc., 244 F.3d 88 (2d Cir. 2001)—§ 10:28 n.74
- Team Cent. Inc. v. Xerox Corp., 606 F. Supp. 1408 (D. Minn. 1985)—§ 10:17 n.17
- TechSearch, L.L.C. v. Intel Corp., 286 F.3d 1360 (Fed. Cir. 2002)—§ 2:27 n.1
- Tedder Boat Ramp Systems, Inc. v. Hillsborough County, Fla., 54 F. Supp. 2d 1300 (M.D. Fla. 1999)—§ 11:15 n.10
- Telerate Systems, Inc. v. Caro, 689 F. Supp. 221 (S.D. N.Y. 1988)—§ 11:9 n.1
- Telex Corp. v. International Business Machines Corp., 367 F. Supp. 258 (N.D. Okla. 1973)—§ 11:21 n.14
- Tennant Co. v. Advance Mach. Co., Inc., 355 N.W.2d 720 (Minn. Ct. App. 1984)—§ 11:18 n.9
- Teradyne, Inc. v. Clear Communications Corp., 707 F. Supp. 353 (N.D. Ill. 1989)—§§ 11:22 n.12; 11:30 n.3
- Texas Pig Stands, Inc. v. Hard Rock Cafe Intern., Inc., 951 F.2d 684 (5th Cir. 1992)—§ 8:10 n.10
- Theis, Application of, 610 F.2d 786 (C.C.P.A. 1979)—§ 4:33 n.6
- Therasense, Inc. v. Becton, Dickinson and Co., 649 F.3d 1276 (Fed. Cir. 2011)—§ 4:40 n.3, 4
- Therasense, Inc. v. Becton, Dickinson and Co., 593 F.3d 1289 (Fed. Cir. 2010)—§ 3:13 n.3
- Thermodyne Food Service Products, Inc. v. McDonald's Corp., 940 F. Supp. 1300 (N.D. Ill. 1996)—§ 11:19 n.4
- Thomas v. Pansy Ellen Products, Inc., 672 F. Supp. 237 (W.D. N.C. 1987)—§ 5:17 n.3
- Thomas & Betts Corp. v. Panduit Corp., 65 F.3d 654 (7th Cir. 1995)—§§ 8:3 n.2; 8:16 n.23
- Thompson Medical Co., Inc. v. Pfizer Inc., 753 F.2d 208 (2d Cir. 1985)—§ 10:10 n.5
- Tilghman v. Proctor, 102 U.S. 707, 26 L. Ed. 279, 1880 WL 18737 (1880)—§ 3:23 n.9
- Time Inc. Magazine Co. v. Globe Communications Corp., 712 F. Supp. 2d 1300 (M.D. Fla. 1999)—§ 11:15 n.10
- Tbl of Cases-44

TABLE OF CASES

- 1103 (S.D. N.Y. 1989)—§ 10:11 n.10
- Times Mirror Magazines, Inc. v. Las Vegas Sports News, L.L.C., 212 F.3d 157, 165 A.L.R. Fed. 783 (3d Cir. 2000)—§ 10:28 n.14, 15
- T.J. Smith and Nephew Ltd. v. Consolidated Medical Equipment, Inc., 821 F.2d 646 (Fed. Cir. 1987)—§ 4:23 n.4
- Toho Co., Ltd. v. Sears, Roebuck & Co., 645 F.2d 788 (9th Cir. 1981)—§§ 10:22 n.5; 10:27 n.7
- Tone Bros., Inc. v. Sysco Corp., 28 F.3d 1192 (Fed. Cir. 1994)—§ 2:33 n.13
- TouchPoint Solutions, Inc. v. Eastman Kodak Co., 345 F. Supp. 2d 23 (D. Mass. 2004)—§ 11:22 n.1
- Tower Publications, Inc. v. MTS Inc., 21 U.S.P.Q.2d 1303, 1991 WL 222265 (N.D. Ill. 1991)—§ 10:28 n.69
- Tower Tech, Inc., In re, 67 Fed. Appx. 521, 50 U.C.C. Rep. Serv. 2d 923 (10th Cir. 2003)—§ 13:26 n.5
- Toyota Motor Sales, U.S.A., Inc. v. Tabari, 610 F.3d 1171 (9th Cir. 2010)—§ 10:17 n.25
- Toys “R” Us, Inc. v. Step Two, S.A., 318 F.3d 446, 55 Fed. R. Serv. 3d 591 (3d Cir. 2003)—§§ 7:2 n.10; 10:2 n.14
- TP Laboratories, Inc. v. Professional Positioners, Inc., 724 F.2d 965 (Fed. Cir. 1984)—§ 2:33 n.2
- TR-3 Industries, In re, 41 B.R. 128, 39 U.C.C. Rep. Serv. 279 (Bankr. C.D. Cal. 1984)—§ 13:27 n.3
- Trace Minerals Research, L.C. v. Mineral Resources Intern., Inc., 505 F. Supp. 2d 1233 (D. Utah 2007)—§ 13:19 n.1
- Trade-Mark Cases, In re, 100 U.S. 82, 25 L. Ed. 550, 1879 WL 16583 (1879)—§ 1:2 n.1, 3
- Traffix Devices, Inc. v. Marketing Displays, Inc., 532 U.S. 23, 121 S. Ct. 1255, 149 L. Ed. 2d 164 (2001)—§§ 8:16 n.21; 10:8 n.6
- Trandes Corp. v. Guy F. Atkinson Co., 996 F.2d 655 (4th Cir. 1993)—§§ 11:8 n.8; 11:25 n.4; 11:28 n.1
- Transocean Offshore Deepwater Drilling, Inc. v. Maersk Contractors USA, Inc., 617 F.3d 1296 (Fed. Cir. 2010)—§ 14:22 n.5, 6
- Transparent-Wrap Mach. Corp. v. Stokes & Smith Co., 329 U.S. 637, 67 S. Ct. 610, 91 L. Ed. 563 (1947)—§ 13:2 n.9
- Transportation Design and Technology, Inc., In re, 48 B.R. 635, 40 U.C.C. Rep. Serv. 1393 (Bankr. S.D. Cal. 1985)—§ 13:26 n.1
- Tree Tavern Products, Inc. v. Conagra, Inc., 640 F. Supp. 1263 (D. Del. 1986)—§ 10:17 n.8
- Trenton v. Infinity Broadcasting Corp., 865 F. Supp. 1416 (C.D. Cal. 1994)—§ 5:5 n.1
- Trintec Industries, Inc. v. Pedre Promotional Products, Inc., 395 F.3d 1275 (Fed. Cir. 2005)—§ 10:2 n.17
- Tripledge Products, Inc. v. Whitney Resources, Ltd., 735 F. Supp. 1154 (E.D. N.Y. 1990)—§ 10:38 n.8, 24
- Truck Equipment Service Co. v. Fruehauf Corp., 536 F.2d 1210 (8th Cir. 1976)—§§ 8:16 n.15; 10:8 n.14; 10:15 n.12
- Tustin Community Hospital, Inc. v. Santa Ana Community Hospital Assn., 89 Cal. App. 3d 889, 153 Cal. Rptr. 76 (4th Dist. 1979)—§ 10:21 n.12

- TV Globo Ltda. v. Brazil Up-Date Weekly, Inc., 50 U.S.P.Q.2d 1478, 1999 WL 163378 (S.D. N.Y. 1999)—§ 5:11 n.9
- Twin Books Corp. v. Walt Disney Co., 83 F.3d 1162 (9th Cir. 1996)—§ 6:16 n.1
- Twin Peaks Productions, Inc. v. Publications Intern., Ltd., 996 F.2d 1366 (2d Cir. 1993)—§§ 5:14 n.2; 7:18 n.4
- Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763, 112 S. Ct. 2753, 120 L. Ed. 2d 615 (1992)—§§ 8:5 n.2; 8:16 n.1; 10:8 n.6; 10:11 n.14

U

- U-Haul Intern., Inc. v. Jartran, Inc., 601 F. Supp. 1140 (D. Ariz. 1984)—§ 10:38 n.12
- Ultramercial, LLC v. Hulu, LLC, 657 F.3d 1323 (Fed. Cir. 2011)—§ 4:31 n.6
- UMC Electronics Co. v. U.S., 816 F.2d 647 (Fed. Cir. 1987)—§ 4:33 n.2
- Uncas Mfg. Co. v. Clark & Coombs Co., 309 F.2d 818 (1st Cir. 1962)—§ 10:16 n.18
- Unclaimed Salvage & Freight Company, Inc., In re, 192 U.S.P.Q. 165, 1976 WL 21118 (T.T.A.B. 1976)—§ 9:24 n.3
- Underwater Devices Inc. v. Morrison-Knudsen Co., Inc., 717 F.2d 1380 (Fed. Cir. 1983)—§ 2:36 n.3, 4
- Underwater Storage, Inc. v. U.S. Rubber Co., 371 F.2d 950 (D.C. Cir. 1966)—§ 11:21 n.10
- Uniloc USA, Inc. v. Microsoft Corp., 632 F.3d 1292 (Fed. Cir. 2011)—§ 4:26 n.1
- Union Carbide Corp. v. Dow Chemical Co., 619 F. Supp. 1036 (D. Del. 1985)—§ 4:17 n.1
- Uniroyal Goodrich Tire Co. v. Hudson, 873 F. Supp. 1037 (E.D. Mich. 1994)—§ 11:9 n.9
- United Centrifugal Pumps v. Cusimano, 9 U.S.P.Q.2d 1171, 1988 WL 1091936 (W.D. Ark. 1988)—§ 11:11 n.7, 19
- United Drug Co. v. Theodore Rectanus Co., 248 U.S. 90, 39 S. Ct. 48, 63 L. Ed. 141 (1918)—§ 8:25 n.2
- United Wild Rice, Inc. v. Nelson, 313 N.W.2d 628 (Minn. 1982)—§ 11:28 n.8
- Universal City Studios, Inc. v. T-Shirt Gallery, Ltd., 634 F. Supp. 1468 (S.D. N.Y. 1986)—§ 10:33 n.5
- University Computing Co. v. Lykes-Youngstown Corp., 504 F.2d 518 (5th Cir. 1974)—§ 11:33 n.2
- University of Notre Dame Du Lac v. J.C. Gourmet Food Imports Co., Inc., 703 F.2d 1372, 10 Ed. Law Rep. 88 (Fed. Cir. 1983)—§ 9:38 n.11
- Upjohn Co. v. U.S., 1981-1 C.B. 591, 449 U.S. 383, 101 S. Ct. 677, Fed. Sec. L. Rep. (CCH) P 97817, 1980-81 Trade Cas. (CCH) ¶ 63797, 81-1 U.S. Tax Cas. (CCH) P 9138, 7 Fed. R. Evid. Serv. 785, 30 Fed. R. Serv. 2d 1101, 47 A.F.T.R.2d 81-523 (1981)—§§ 4:17 n.2; 4:18 n.5
- U.S. v. Adams, 383 U.S. 39, 86 S. Ct. 708, 15 L. Ed. 2d 572 (1966)—§ 3:23 n.8
- U.S. v. Antenna Systems, Inc., 251 F. Supp. 1013, 3 U.C.C. Rep. Serv. 258 (D.N.H. 1966)—§ 13:22 n.7

TABLE OF CASES

- U.S. v. Dubilier Condenser Corporation, 289 U.S. 178, 53 S. Ct. 554, 77 L. Ed. 1114, 85 A.L.R. 1488 (1933)—§ 11:11 n.10
U.S. v. Hsu, 40 F. Supp. 2d 623 (E.D. Pa. 1999)—§ 11:35 n.3
U.S. v. Taxe, 540 F.2d 961 (9th Cir. 1976)—§ 5:3 n.31
U.S. v. United Shoe Machinery Corp., 89 F. Supp. 357 (D. Mass. 1950)—§ 4:17 n.3
U.S. Gold & Silver Investments, Inc. v. Director, U.S. Mint, 682 F. Supp. 484 (D. Or. 1987)—§ 10:10 n.3
U.S. Healthcare, Inc. v. Blue Cross of Greater Philadelphia, 898 F.2d 914 (3d Cir. 1990)—§§ 10:35 n.5; 10:38 n.2
U. S. Jaycees v. Philadelphia Jaycees, 639 F.2d 134 (3d Cir. 1981)—§ 10:16 n.6
U.S. Payphone, Inc. v. Executives Unlimited of Durham, Inc., 931 F.2d 888 (4th Cir. 1991)—§ 7:28 n.6
U.S. Shoe Corp. v. Brown Group, Inc., 740 F. Supp. 196 (S.D. N.Y. 1990)—§ 10:17 n.9, 16
US West Communications, Inc. v. Office of Consumer Advocate, 498 N.W.2d 711 (Iowa 1993)—§ 11:6 n.3

V

- Vaack, In re, 947 F.2d 488 (Fed. Cir. 1991)—§ 3:23 n.3
Valmont Industries, Inc. v. Reinke Mfg. Co., Inc., 983 F.2d 1039 (Fed. Cir. 1993)—§ 4:14 n.4
Vanity Fair Mills, Inc. v. T. Eaton Co., 234 F.2d 633 (2d Cir. 1956)—§§ 10:2 n.5; 14:21 n.10
Vas-Cath Inc. v. Mahurkar, 935 F.2d 1555 (Fed. Cir. 1991)—§ 4:38 n.2
Vault Corp. v. Quaid Software Ltd., 847 F.2d 255 (5th Cir. 1988)—§ 5:21 n.3
Vaupel Textilmaschinen KG v. Meccanica Euro Italia SPA, 944 F.2d 870 (Fed. Cir. 1991)—§ 4:5 n.1
Veeck v. Southern Bldg. Code Congress Intern. Inc., 241 F.3d 398 (5th Cir. 2001)—§ 5:3 n.48
VE Holding Corp. v. Johnson Gas Appliance Co., 917 F.2d 1574 (Fed. Cir. 1990)—§ 4:3 n.2
Venetianaire Corp. of America v. A & P Import Co., 429 F.2d 1079 (2d Cir. 1970)—§ 8:19 n.7
Versa Products Co., Inc. v. Bifold Co. (Mfg.) Ltd., 50 F.3d 189 (3d Cir. 1995)—§ 10:20 n.4
Viacom Inc. v. Ingram Enterprises, Inc., 141 F.3d 886 (8th Cir. 1998)—§ 10:26 n.9
Viacom Intern. Inc. v. Tandem Productions, Inc., 368 F. Supp. 1264 (S.D. N.Y. 1974)—§ 13:2 n.11
Viacom Intern. Inc. v. YouTube, Inc., 718 F. Supp. 2d 514 (S.D. N.Y. 2010)—§ 5:26 n.8
Vidal Sassoon, Inc. v. Bristol-Myers Co., 661 F.2d 272 (2d Cir. 1981)—§ 10:38 n.24
Vision Sports, Inc. v. Melville Corp., 888 F.2d 609 (9th Cir. 1989)—§ 10:9 n.11
Viskase Corp. v. American Nat. Can Co., 261 F.3d 1316 (Fed. Cir. 2001)—§ 4:8 n.4

- Vitek Systems, Inc. v. Abbott Laboratories, 675 F.2d 190, 10 Fed. R. Evid. Serv. 1195 (8th Cir. 1982)—§ 10:9 n.8
- Vitronics Corp. v. Conceptronic, Inc., 36 F. Supp. 2d 440 (D.N.H. 1997)—§ 4:8 n.7
- Vogel, Application of, 422 F.2d 438 (C.C.P.A. 1970)—§ 4:31 n.14
- Volkswagenwerk Aktiengesellschaft v. Advance Welding and Mfg. Corp., 184 U.S.P.Q. 367, 1974 WL 20103 (T.T.A.B. 1974)—§ 9:39 n.9

W

- Wada, In re, 194 F.3d 1297 (Fed. Cir. 1999)—§ 9:31 n.3
- Waits v. Frito-Lay, Inc., 20 Media L. Rep. (BNA) 1585, 23 U.S.P.Q.2d 1721, 1992 WL 183781 (9th Cir. 1992)—§ 10:36 n.4
- Wal-Mart Stores, Inc. v. Samara Bros., Inc., 529 U.S. 205, 120 S. Ct. 1339, 146 L. Ed. 2d 182 (2000)—§ 8:16 n.8, 9
- Walker v. Time Life Films, Inc., 784 F.2d 44 (2d Cir. 1986)—§ 5:5 n.19
- Wallace v. International Business Machines Corp., 467 F.3d 1104 (7th Cir. 2006)—§ 7:22 n.2
- Wallace Intern. Silversmiths, Inc. v. Godinger Silver Art Co., Inc., 916 F.2d 76 (2d Cir. 1990)—§ 10:8 n.22
- Walt Disney Co. v. Powell, 897 F.2d 565 (D.C. Cir. 1990)—§ 7:26 n.3
- Walthal v. Rusk, 172 F.3d 481 (7th Cir. 1999)—§ 5:11 n.10
- Wang Laboratories, Inc. v. Toshiba Corp., 993 F.2d 858 (Fed. Cir. 1993)—§ 2:34 n.5
- Wanlass v. General Elec. Co., 148 F.3d 1334 (Fed. Cir. 1998)—§ 4:41 n.2
- Warner-Jenkinson Co., Inc. v. Hilton Davis Chemical Co., 520 U.S. 17, 117 S. Ct. 1040, 137 L. Ed. 2d 146 (1997)—§§ 4:14 n.11; 4:16 n.6
- Warner Bros. Inc. v. American Broadcasting Companies, Inc., 720 F.2d 231 (2d Cir. 1983)—§ 7:18 n.15
- Warren Freedendfeld Associates, Inc. v. McTigue, 531 F.3d 38 (1st Cir. 2008)—§ 7:23 n.9
- Waterman v. Mackenzie, 138 U.S. 252, 11 S. Ct. 334, 34 L. Ed. 923 (1891)—§ 13:1 n.1
- Water Technologies Corp. v. Calco, Ltd., 850 F.2d 660 (Fed. Cir. 1988)—§ 4:11 n.1, 2
- Weber-Stephen Products Co., In re, 3 U.S.P.Q.2d 1659, 1987 WL 124298 (T.T.A.B. 1987)—§ 10:8 n.17
- Weil Ceramics and Glass, Inc. v. Dash, 878 F.2d 659 (3d Cir. 1989)—§ 14:23 n.3
- Weiner King, Inc. v. Wiener King Corp., 615 F.2d 512 (C.C.P.A. 1980)—§ 10:19 n.1
- Weissmann v. Freeman, 868 F.2d 1313, 101 A.L.R. Fed. 91 (2d Cir. 1989)—§ 5:3 n.42
- Wella Corp. v. California Concept Corp., 558 F.2d 1019 (C.C.P.A. 1977)—§ 10:11 n.24
- Wells Fargo & Co. v. Wells Fargo Exp. Co., 556 F.2d 406 (9th Cir. 1977)—§ 10:2 n.12
- Wendy's Intern., Inc. v. Big Bite, Inc., 576 F. Supp. 816 (S.D. Ohio 1983)—§ 10:33 n.3
- Western Medical Consultants, Inc. v. Johnson, 80 F.3d 1331 (9th Cir.

TABLE OF CASES

- 1996)—§ 11:4 n.7
- West Interactive Corp. v. First Data Resources, Inc., 972 F.2d 1295 (Fed. Cir. 1992)—§ 4:9 n.9
- Westminster International Co. Inc., In re, 23 U.S.P.Q.2d 1958, 1992 WL 233380 (T.T.A.B. 1992)—§ 8:10 n.16
- Whelan Associates, Inc. v. Jaslow Dental Laboratory, Inc., 797 F.2d 1222, 21 Fed. R. Evid. Serv. 571 (3d Cir. 1986)—§ 7:16 n.2
- Whelen Engineering Co., Inc. v. Tomar Electronics, Inc., 672 F. Supp. 659 (D. Conn. 1987)—§ 10:2 n.9
- Whimsicality, Inc. v. Rubie's Costume Co., Inc., 891 F.2d 452 (2d Cir. 1989)—§ 7:21 n.3
- White v. Samsung Electronics America, Inc., 971 F.2d 1395 (9th Cir. 1992)—§ 12:5 n.6
- Wilcher Corp., In re, 40 U.S.P.Q.2d 1929, 1996 WL 725479 (T.T.A.B. 1996)—§ 9:26 n.6
- Wilder, In re, 736 F.2d 1516 (Fed. Cir. 1984)—§ 3:35 n.9
- Wilson v. Barton & Ludwig, Inc., 163 Ga. App. 721, 296 S.E.2d 74 (1982)—§ 11:25 n.3
- Wilson Sporting Goods Co. v. David Geoffrey & Associates, 904 F.2d 677 (Fed. Cir. 1990)—§ 4:16 n.2
- Winterland Concessions Co. v. Sileo, 528 F. Supp. 1201 (N.D. Ill. 1981)—§ 10:36 n.6
- W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983)—§§ 2:32 n.5; 2:33 n.16; 4:32 n.2, 9
- W.L. Gore & Associates, Inc. v. Totes Inc., 788 F. Supp. 800 (D. Del. 1992)—§ 10:38 n.25
- Wojnarowicz v. American Family Ass'n, 745 F. Supp. 130 (S.D. N.Y. 1990)—§ 10:38 n.29
- Wolfe v. Tuthill Corp., Full-Fite Div., 532 N.E.2d 1 (Ind. 1988)—§ 11:32 n.14
- Wonder Labs, Inc. v. Procter & Gamble Co., 728 F. Supp. 1058 (S.D. N.Y. 1990)—§ 10:28 n.56
- Wood v. Holiday Inns, Inc., 508 F.2d 167 (5th Cir. 1975)—§ 13:13 n.1
- Woodroast Systems, Inc. v. Restaurants Unlimited, Inc., 793 F. Supp. 906 (D. Minn. 1992)—§ 10:11 n.2
- Woodsmith Pub. Co. v. Meredith Corp., 904 F.2d 1244 (8th Cir. 1990)—§ 10:8 n.12
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 100 S. Ct. 559 (1980)—§ 4:2 n.5
- World Auxiliary Power Co., In re, 303 F.3d 1120, 48 U.C.C. Rep. Serv. 2d 447 (9th Cir. 2002)—§ 13:25 n.4
- Worthington Foods, Inc. v. Kellogg Co., 732 F. Supp. 1417 (S.D. Ohio 1990)—§ 10:28 n.61
- WWP, Inc. v. Wounded Warriors Family Support, Inc., 628 F.3d 1032 (8th Cir. 2011)—§ 10:11 n.26
- Wyeth v. Natural Biologics, Inc., 395 F.3d 897 (8th Cir. 2005)—§ 11:17 n.7

X

- Xpert Automation Systems, Corp. v. Vibromatic Co., Inc., 569 N.E.2d

351 (Ind. Ct. App. 1991)—§ 11:4 n.7

Y

- Yale Lock Mfg. Co. v. Sargent, 117 U.S. 536, 6 S. Ct. 934, 29 L. Ed. 954 (1886)—§ 4:25 n.21
- Yamaha Intern. Corp. v. Hoshino Gakki Co., Ltd., 840 F.2d 1572 (Fed. Cir. 1988)—§ 9:33 n.2
- Yankee Pub. Inc. v. News America Pub. Inc., 809 F. Supp. 267 (S.D. N.Y. 1992)—§ 10:33 n.6
- York Products, Inc. v. Central Tractor Farm & Family Center, 99 F.3d 1568 (Fed. Cir. 1996)—§ 4:14 n.6
- Young, Ex parte, 209 U.S. 123, 28 S. Ct. 441, 52 L. Ed. 714 (1908)—§ 10:7 n.9

Z

- Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562, 97 S. Ct. 2849, 53 L. Ed. 2d 965 (1977)—§§ 12:3 n.4; 12:17 n.1
- Zacharin v. U.S., 213 F.3d 1366 (Fed. Cir. 2000)—§ 4:33 n.10
- Zatarains, Inc. v. Oak Grove Smokehouse, Inc., 698 F.2d 786 (5th Cir. 1983)—§ 10:17 n.11
- Zazu Designs v. L'Oreal, S.A., 979 F.2d 499 (7th Cir. 1992)—§ 9:1 n.4
- Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 89 S. Ct. 1562, 23 L. Ed. 2d 129 (1969)—§ 4:43 n.5
- Zep, Inc. v. First Aid Corp., 2010 WL 1195094 (N.D. Ill. 2010)—§ 11:22 n.9
- Zerpol Corp. v. DMP Corp., 561 F. Supp. 404 (E.D. Pa. 1983)—§ 10:40 n.2
- Zippo Mfg. Co. v. Zippo Dot Com, Inc., 952 F. Supp. 1119 (W.D. Pa. 1997)—§ 7:2 n.4

Index

ABANDONMENT

Trademark law, § 8:24, 8:25, 10:16

ABBREVIATIONS

Trademark law, § 8:19

ACCESS

Copyright law, § 7:14

ACQUIESCENCE

Trademark law, § 10:21

ACQUISITION OF RIGHTS

Trademark law, § 8:20-8:23

ACQUISITIONS

Mergers and Acquisitions, this index

Trade secrets, § 11:18, 11:31

ACTIVE INDUCEMENT OF INFRINGEMENT

Patent law, § 4:11

ACTUAL DAMAGES

Copyright law, § 7:28

ACTUAL NOTICE

Patent law, § 4:27

ADEQUACY OF DESCRIPTION

Patent law, § 4:38

ADJECTIVE

Trademark law, § 8:30

ADVERTISING

Citations to State False Advertising Acts, **App S**

Trademark Law, this index

ADVICE

Generally, § 15:1 et seq.

Avoiding infringement, § 15:13

Awareness of benefits, creating, § 15:8

Awareness of dangers of ignoring IP, § 15:9

Client's property, generally, § 15:2-15:7

Competitors, identification of, § 15:5

Contact person, identifying, § 15:2

Created, identifying process, § 15:3

Due diligence considerations, § 15:14

ADVICE—Cont'd

- Educating client, § 15:8, 15:9
- Enforcement of rights, § 15:12
- Existing IP, identifying, § 15:10
- Industry, identification of, § 15:5
- Infringement, avoiding, § 15:13
- Marketing, § 15:4
- New IP, protection of, § 15:11
- Notice and knowledge, § 15:8, 15:9
- Protection, creating system of, § 15:10-15:12
- Role of IP, identification of, § 15:7
- Systematic protection, § 15:6
- Third persons, avoiding infringement, § 15:13

AFFIRMATIVE ACTS

- Trademark law, § 8:25

AFFIXING NOTICE

- Copyright law, § 6:15

AGENTS

- Patent law, § 2:2, 3:3

ALLEGATIONS

- Trademark law, § 9:23

ALLOWANCE

- Patent law, § 3:30

AMERICA INVENTS ACT

- Applications—avoiding time bars
 - post-AIA, § 3:6
 - pre-AIA, § 3:5

ANSWER

- Patent law, § 4:6, App E

ANTICIPATION

- Patent law, § 3:22, 4:32

APPEAL AND REVIEW

- Patent law, § 3:28
- Trademark law, § 9:36

APPLICATIONS

- Copyright Law, this index
- Patent Law, this index
- Trademark Law, this index

APPROPRIATION

- Publicity, appropriation of plaintiff's identity, name or likeness, § 12:7

ARBITRARY MARKS

- Trademark law, distinctiveness of marks, § 8:7

INDEX

ARBITRATION

- Assignment, § 13:6
- Licenses, § 13:16

ASSET PURCHASE AGREEMENT

- Mergers and acquisitions, § 13:37

ASSETS

- Due diligence considerations, § 15:14
- Mergers and acquisitions, identifying assets, § 13:35

ASSIGNMENT

- Generally, § 13:1-13:11
- Arbitration, § 13:6
- Breach, right to remedy, § 13:7
- Choice of forum, § 13:11
- Choice of law, § 13:10
- Continuing waiver, no implied continuing waiver, § 13:9
- Copyright law, § 5:11, App W
- Forum, choice of, § 13:11
- Implied continuing waiver (no implied continuing waiver), § 13:9
- License, generally, § 13:1
- No implied continuing waiver, § 13:9
- Non-default, § 13:8
- Patent assignment, App U
- Patent law, applications, § 3:2, 3:14
- Prohibited practices, § 13:4
- Recording requirements, § 13:3
- Remedy breach, right to, § 13:7
- Structure, § 13:2
- Termination, § 13:5
- Trademark law, App V
- Waiver, no implied continuing waiver, § 13:9

ATTORNEY-CLIENT PRIVILEGE

- Patent law, litigation, § 4:17

ATTORNEYS' FEES

- Copyright law, litigation, § 7:31
- Patent law, litigation, § 4:29
- Publicity, § 12:16
- Trade secrets, § 11:34

ATTORNEY WORK PRODUCT

- Patent law, litigation, § 4:18

AUTHORITY AND AUTHORIZATION

- Copyright law, registration—omission of notice, § 6:19

AUTHORS AND AUTHORSHIP

- Copyright law, § 5:3

AVOIDANCE

- Advice, avoiding infringement, § 15:13
- Patent law, applications—avoiding time bars, § 3:5, 3:6
- Trademark law, avoidance of unregistrable subject matter, § 8:34

BANKRUPTCY

- Security interests, § 13:33

BERNE CONVENTION

- Foreign countries, copyright, § 14:15

BIFURCATION

- Patent law, litigation, § 4:21

BILATERAL AGREEMENTS

- Foreign countries, § 14:2

BURDEN OF PROOF

- Trade secrets, misappropriation, § 11:25

BUSINESS METHOD PATENTS

- Patent law, § 3:40

BUSINESS PRACTICES

- Citations to State Unfair Business Practices Acts, App R

CANCELLATION

- Trademark law, § 9:39, App M

CELEBRITIES

- Publicity, right surviving death of celebrity, § 12:11
- Trademark law, advertising law, § 10:36

CERTIFICATES AND CERTIFICATION

- Copyright law, registration, § 6:21
- Patents, certificates of correction, § 3:33
- Security interests, patents and plant variety certificates, § 13:26
- Trademark law, foreign registration certificate, § 9:21

CHOICE OF FORUM

- Assignment, § 13:11
- Licenses, § 13:21

CHOICE OF LAW

- Assignment, § 13:10
- Licenses, § 13:20

CITATIONS

- State Deceptive Trade Practices Act, App Q
- State false advertising acts, App S
- State right of publicity acts, App T
- State unfair business practices acts, App R

CLASSIFICATION SYSTEM

- Trademark law, examination within PTO, § 9:5

INDEX

CLEARANCE SEARCH, CONDUCT OF

Trademark law, § 8:32

COLLECTIVE WORK

Copyright law, contribution to collective work, § 5:9

COMBINATION MARKS

Trademark law, § 8:13

COMMERCIAL TORTS

Trademark and advertising laws, § 10:40

COMMON LAW CLAIMS

Publicity, § 12:4

COMMON LAW RIGHTS

Trademark law, § 8:20

COMPETING GOODS

Trademark law, dilution, § 10:32

COMPETITION

Advice, identification of competitors, § 15:5

Trademark Law, this index

COMPLAINT DRAFTING

Copyright law, litigation, § 7:4

Patent law, litigation, § 4:5

Trademark law, litigation, § 10:5

COMPLAINTS

Copyright law, infringement complaint, **App J**

Patent law, infringement complaint, **App D**

Trademark law, infringement complaint, **App N**

COMPLETENESS

Patent law, incomplete applications and missing parts, § 3:17

COMPUTER PROGRAMS

Copyright law, § 5:21, 7:19

COMPUTER SOFTWARE

Copyright law, infringement, § 7:16

CONFIDENTIAL INFORMATION

Patent law, litigation, § 4:19

CONFIDENTIALITY AGREEMENTS

Generally, **App O**

Mergers and acquisitions, § 13:34

Trade secrets, § 11:9, 11:10

CONFUSION OR CONFUSING SIMILARITY

Trademark law, § 9:25, 10:9, 10:11

CONSENT

- Publicity, evidence of infringement of right, § 12:9
- Trade secrets, disclosure or use without consent, § 11:20

CONSENT JUDGMENTS

- Generally, App G
- Patent law, litigation, § 4:24

CONSTITUTIONAL LAW

- Publicity, First Amendment defenses, § 12:17

CONTACT PERSON

- Advice, § 15:2

CONTINUATION APPLICATIONS

- Patent law, priority of inventions, § 2:23

CONTINUATION-IN-PART APPLICATIONS

- Patent law, priority of inventions, § 2:24

CONTINUING WAIVER

- Assignment, no implied continuing waiver, § 13:9

CONTRACTS AND AGREEMENTS

- Confidentiality agreement, App O
- Employment agreement, App P
- Foreign countries, § 14:1-14:3
- Mergers and acquisitions
 - asset purchase agreement, § 13:37
 - confidentiality agreement, § 13:34
 - stock purchase agreement, § 13:36
- Trade secrets, confidentiality agreements, § 11:9, 11:10

CONTRIBUTION

- Copyright law, contribution to collective work, § 5:9

CONTRIBUTORY INFRINGEMENT

- Copyright law, infringement, § 7:8
- Patent law, litigation, § 4:12

COPYRIGHTABLE SUBJECT MATTER

- Generally, § 5:2-5:5
- See also. Copyright Law, this index

COPYRIGHT LAW

- Generally, § 5:1 et seq.
- Access, § 7:14
- Actual damages and infringer's profits, § 7:28
- Affixing notice, method of, § 6:15
- Application fee for registration, § 6:8
- Application forms for registration, § 6:9, App H
- Assignment, § 5:11, App W
- Attorneys' fees, § 7:31

INDEX

COPYRIGHT LAW—Cont'd

- Authorization, notice removed without, § 6:19
- Authorship, works of, § 5:3
- Certificate of registration, § 6:21
- Collective work, § 5:9
- Complaint, § 7:4, **App J**
- Computer programs, § 5:21, 7:19
- Computer software, § 7:16
- Contribution to collective work, § 5:9
- Contributory infringement, § 7:8
- Copyrightable subject matter
 - generally, § 5:2-5:4
 - limitation on copyrightable subject matter, below
 - noncopyrightable subject matter, § 5:5
- Copyright office policy, § 6:3-6:5
- Damages, § 7:28, 7:29
- Defenses
 - generally, § 7:18-7:25
 - computer programs, fair use of, § 7:19
 - fair use, § 7:18, 7:19
 - fraud, § 7:21
 - laches, § 7:24
 - license defense, § 7:25
 - limitation of actions, § 7:23
 - misuse, § 7:22
 - notice, lack of, § 7:20
- Definition, § 6:2
- Deposit considerations, § 6:11
- Deposit copies required, § 5:10
- Derivative works, right to prepare, § 5:14
- Digital Millennium Copyright Act of 1998, § 5:24-5:26
- Direct infringement, § 7:7
- Display work publicly, right to, § 5:17
- Distribute copies of work, right to, § 5:15
- Drafting complaint, § 7:4
- Duration of registration
 - works created before January 1, 1978, § 6:13
 - works created on or after January 1, 1978, § 6:12
- Evidence, § 7:17
- Exclusive rights
 - generally, § 5:13-5:17
 - derivative works, right to prepare, § 5:14
 - display work publicly, right to, § 5:17
 - distribute copies of work, right to, § 5:15
 - infringement, § 7:12
 - perform work publicly, right to, § 5:16
 - reproduce copies of work, right to, § 5:13

COPYRIGHT LAW—Cont'd

- Expert witnesses, role of, § 7:17
- Fair use, § 5:22, 5:23, 7:18, 7:19
- Fees, § 6:8, 7:31
- First publication, § 6:4, 6:5
- Fixation, § 5:4
- Foreign Countries, this index
- Forms
 - notice, § 6:14
 - registration application forms, § 6:9, App H
- Fraud, § 7:21
- Idea-expression dichotomy, § 5:18
- Impoundment, § 7:27
- Inducement of infringement, § 7:9
- Infringement
 - access, § 7:14
 - actual damages and infringer's profits, § 7:28
 - computer software, § 7:16
 - contributory infringement, § 7:8
 - direct infringement, § 7:7
 - establishing, generally, § 7:12-7:17
 - exclusive rights of owner, § 7:12
 - expert witnesses, role of, § 7:17
 - inducement of infringement, § 7:9
 - liability, generally, § 7:7-7:11
 - limitations and restrictions, § 5:26
 - litigation, § 7:28, 7:30
 - online infringement liability, § 5:26
 - ownership, § 7:13
 - states, liability of, § 7:11
 - substantial similarity, § 7:15
 - vicarious liability, § 7:10
 - willful infringement, § 7:30
- Infringement complaint, App J
- Initial ownership, § 5:6
- Injunctions, § 7:26
- Joint ownership, § 5:8
- Jurisdiction, § 7:1, 7:2
- Jury, right to, § 7:6
- Laches, § 7:24
- License defense, § 7:25
- Licenses, § 5:12, App Z
- Limitation of actions, § 7:23
- Limitation on copyrightable subject matter
 - generally, § 5:18-5:21
 - computer programs, § 5:21
 - idea-expression dichotomy, § 5:18

INDEX

COPYRIGHT LAW—Cont'd

Limitation on copyrightable subject matter—Cont'd

transfer of material objects, § 5:20

utilitarian works, § 5:19

Limitations and restrictions

generally, § 5:26

statute of limitations, § 7:23

subject matter. Limitation on copyrightable subject matter, above

Litigation

generally, § 7:1 et seq.

actual damages and infringer's profits, § 7:28

attorneys' fees, § 7:31

complaint drafting, § 7:4

defenses, above

impoundment, § 7:27

infringement, above

injunctions, § 7:26

jury, right to, § 7:6

personal jurisdiction, § 7:2

pre-emption of state law claims, § 7:5

pre-filing matters, generally, § 7:1-7:6

remedies, generally, § 7:26-7:31

statutory damages, § 7:29

subject matter jurisdiction, § 7:1

venue, § 7:3

willful infringement, § 7:30

Mandatory licenses, § 5:12

Material objects, § 5:10, 5:20

Misuse, § 7:22

Moral rights, § 5:27

Nation of first publication, § 6:5

Noncopyrightable subject matter, § 5:5

Notice and knowledge

defenses, lack of notice, § 7:20

registration, below

Omission of notice. Registration, below

Online infringement liability, § 5:26

Originality, § 5:2

Origins, generally, § 1:1

Ownership. Title and ownership, below

Perform work publicly, right to, § 5:16

Personal jurisdiction, § 7:2

Pre-emption of state law claims, § 7:5

Profits, § 7:28

Publication. Registration, below

Publicly display, § 5:16, 5:17

COPYRIGHT LAW—Cont'd

Registration

- generally, § 6:1 et seq., App I
- affixing notice, method of, § 6:15
- application fee for registration, § 6:8
- application forms, § 6:9
- certificate of registration, § 6:21
- deposit considerations, § 6:11
- deposit copies required, § 6:10
- duration, works created before January 1, 1978, § 6:13
- duration, works created on or after January 1, 1978, § 6:12
- form of notice, § 6:14
- notice
 - generally, § 6:14, 6:15
 - omission of notice, below this group
- omission of notice
 - generally, § 6:16-6:20
 - authorization, notice removed without, § 6:19
 - January 1, 1978, and March 1, 1989, works first published between, § 6:17
 - January 1, 1978, works published before, § 6:16
 - March 1, 1989, works first published after, § 6:18
 - unpublished works, notice on, § 6:20
- preparing, generally, § 6:7-6:12
- publication
 - generally, § 6:2-6:5
 - Copyright office policy, § 6:3-6:5
 - date of first publication, § 6:4
 - definition, § 6:2
 - nation of first publication, § 6:5
 - registrant, generally, § 6:6
 - requirements, generally, § 6:7
- Removal, § 6:19
- Reproduce copies of work, right to, § 5:13
- Security interests, § 13:25
- Similarity, § 7:15
- State laws, § 7:5
- States, liability of, § 7:11
- Statutes, § 5:24-5:26
- Statutory damages, § 7:29
- Subject matter, copyrightable, § 5:2-5:5
- Subject matter jurisdiction, § 7:1
- Substantial similarity, § 7:15
- Time and date, § 6:4, 6:12, 6:13
- Title and ownership
 - generally, § 5:6-5:12
 - assignment, § 5:11
 - contribution to collective work, § 5:9

INDEX

COPYRIGHT LAW—Cont'd

Title and ownership—Cont'd

- exclusive rights of owner, § 7:12
 - infringement, § 7:12, 7:13
 - initial ownership, § 5:6
 - joint ownership, § 5:8
 - mandatory licenses, § 5:12
 - material object, distinction, § 5:10
 - ownership, § 7:13
 - works made for hire, § 5:7
- Trade secrets, disclosure in, § 11:15
- Transfer of material objects, § 5:20
- Unpublished works, notice on, § 6:20
- Use, § 5:22, 5:23, 7:18, 7:19, 7:22
- Utilitarian works, § 5:19
- Venue, § 7:3
- Vicarious liability, § 7:10
- Willful infringement, § 7:30
- WIPO provisions of Digital Millennium Copyright Act of 1998, implementation of, § 5:25
- Witnesses, § 7:17
- Works made for hire, § 5:7

COPYRIGHT OFFICE

- Registration, publication, § 6:3-6:5

CORRECTIONS

- Patent Law, this index

COUNTERCLAIM

- Patent law, App E

COVER SHEET

- Patent law, utility patent, § 2:7, 2:11

CREDIT

- Trademark law, § 10:37

CRIMINAL LAW

- Trade secrets, § 11:35

DAMAGES

- Copyright law, § 7:28, 7:29
- Patent law, § 4:28
- Publicity, § 12:15
- Trademark law, § 10:15
- Trade secrets, § 11:33

DEATH

- Publicity, § 12:11

DECEPTION

Citations to State Deceptive Trade Practices Act, **App Q**
Trademark law, § 9:27, 9:30, 10:39

DECLARATION OR OATH

Trademark law, § 9:19

DECLARATORY JUDGMENT ACTIONS

Patent law, § 4:9

DEFAMATION

Trademark law, § 10:40

DEFENSES

Copyright Law, this index
Patent Law, this index
Publicity, § 12:17
Trademark Law, this index

DEFINITENESS

Patent law, § 3:21

DEFINITIONS

Dilution, § 10:22
Novelty, § 2:33
Publication, § 6:2
Trademark law, § 8:1
Trade secrets, § 11:2-11:4

DEPOSIT COPIES

Copyright law, § 6:10

DEPOSITS

Copyright law, § 6:11

DERIVATIVE WORKS

Copyright law, § 5:14

DESCRIPTION

Patent law, § 4:38
Security interests, § 13:30
Trademark law, § 9:15, 9:30, 9:31

DESCRIPTIVE MARKS

Trademark law, § 8:9

DESCRIPTIVE USE OF MARK

Trademark law, § 10:17

DESIGNATION

Trademark law, § 8:28, 9:22

DESIGN PATENT

Generally, **App B**
Example of, § 2:14

INDEX

DESIGN PATENT—Cont'd

Infringement of, § 4:15

DEVIATION PROCEEDINGS

Patent law, § 3:29

DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998

Generally, § 5:24-5:26

DILUTION

Trademark Law, this index

DIRECT INFRINGEMENT

Copyright law, § 7:7

Patent law, § 4:10

DISCLAIMERS

Patent law, § 3:34

Trademark law, § 10:20

DISCLOSURE

Invention, App AA

Patent law, § 3:13

Trade secrets, § 11:14-11:16, 11:20, 11:30

DISCOVERY

Patent law, E-discovery, § 4:20

Trademark law, § 10:10-10:13

DISPARAGING MATTER

Trademark law, § 9:28

DISPLAY WORK PUBLICLY, RIGHT TO

Copyright law, § 5:17

DISTINCTIVENESS OF MARKS

Trademark Law, this index

DISTINGUISHING MARK

Trademark law, § 8:29

DISTRIBUTE COPIES OF WORK, RIGHT TO

Copyright law, § 5:15

DIVISIONAL APPLICATIONS

Patent law, § 2:22

DOCTRINE OF EQUIVALENTS

Patent law, § 4:16

DOMESTIC REPRESENTATION

Trademark law, § 9:22

DOUBLE PATENTING

Examination at PTO, § 3:24

DRAFTING

Copyright law, § 7:4
Patent law, § 4:5, 4:6
Trademark law, § 10:5

DRAWINGS

Trademark law, § 9:17

DUAL FILING

Security interests, § 13:29

DUE DILIGENCE

Advice, § 15:14

DUPLICATE CLAIMS

Patent law, § 3:24

DURATION

Copyright law, § 6:12, 6:13
Publicity, § 12:12
Trademark law, § 8:2, 9:41

EARLIER APPLICATION

Patent law, § 3:10-3:12

ECONOMIC VALUE

Trade secrets, § 11:6, 11:26

E-DISCOVERY

Patent law, § 4:20

EDUCATING CLIENT

Advice, § 15:8, 15:9

EMPLOYMENT

Employee agreements, § 11:9
Employment agreement, App P
Trade secrets, § 11:9, 11:11, 11:13

ENFORCEMENT

Advice, § 15:12
Patent Law, this index
Publicity, § 12:4, 12:5

EQUITABLE CONDUCT

Patent law, § 4:40

EQUITABLE ESTOPPEL

Patent law, § 4:42

ESTOPPEL

Patent law, § 4:42

EUROPEAN COMMUNITY TRADEMARK

Foreign countries, § 14:13

INDEX

EUROPEAN PATENT CONVENTION

Filing under, § 14:8

EVIDENCE

Copyright law, § 7:17

Publicity, this index

Trademark law, § 9:33, 10:10-10:13, 10:30

Trade Secrets, this index

EXAMINATION

Patent Law, this index

Trademark Law, this index

EXCLUSIONARY RIGHTS

Patent law, § 2:26

EXCLUSIVE RIGHTS

Copyright Law, this index

EXHAUSTION

Patent law, § 4:44

EX PARTE REEXAMINATION

Patent law, § 3:37

EXPERIMENTAL USE

Patent law, § 4:34

EXPERT WITNESSES

Copyright law, § 7:17

Patent law, § 4:22

EXPIRATION

Patent law, § 2:29

EXTRATERRITORIAL APPLICATION

Infringement, § 14:21, 14:22

FAIR USE

Copyright law, § 5:22, 5:23, 7:18, 7:19

FALSE ADVERTISING

Citations to State False Advertising Acts, App S

Trademark law, § 10:38

FALSE ATTRIBUTION OF CREDIT

Trademark law, § 10:37

FALSE REPRESENTATIONS

Trademark law, § 10:35

FAMILY OF MARKS

Trademark law, § 8:15

FAMOUS MARKS

Trademark law, § 10:28

FANCIFUL MARKS

Trademark law, § 8:6

FEDERAL REGISTRATION

Trademark law, § 8:21, 13:27

FEDERAL STATUTES

Trademark law, § 10:26

FEES

Attorneys' Fees, this index

Copyright law, § 6:8, 7:31

Patent law, § 3:31, 4:29

Publicity, § 12:16

Trademark law, § 9:20

Trade secrets, § 11:34

FICTIONAL CHARACTERS

Trademark law, § 10:36

FIGURES

Patent law, § 2:8, 2:12

FILES AND FILING

Records and Recording, this index

FINAL OFFICE ACTION

Patent law, § 3:27

FINANCES AND FINANCIAL REPORTING

Due diligence considerations, § 15:14

FIRST AMENDMENT

Publicity, § 12:17

FIRST PUBLICATION

Copyright law, § 6:4, 6:5

“FIRST TO INVENT”

Patent law, § 2:30

FIXATION

Copyright law, § 5:4

FOREIGN APPLICATION

Patent law, § 3:12

Trademark law, § 9:9, 9:22

FOREIGN COUNTRIES

Generally, § 14:1 et seq.

Berne Convention, § 14:15

Bilateral agreements, § 14:2

Copyright

generally, § 14:14-14:17

Berne Convention, § 14:15

INDEX

FOREIGN COUNTRIES—Cont'd

Copyright—Cont'd

- extra-territorial application of U.S. Trademark and Copyright Law, § 14:21
- foreign protection, § 14:14
- infringement, § 14:21
- Universal Copyright Convention, § 14:17
- WTO agreement, § 14:16

European Community trademark, § 14:13

European Patent Convention, § 14:8

Extraterritorial application of U.S. Patent Law, § 14:22

Extraterritorial application of U.S. Trademark and Copyright Law, § 14:21

Gray market goods, § 14:23

Infringement

generally, § 14:19-14:22

extraterritorial application of U.S. Patent Law, § 14:22

extraterritorial application of U.S. Trademark and Copyright Law, § 14:21

U.S. Customs Service, § 14:19

U.S. International Trade Commission, § 14:20

International treaties, § 14:1-14:3

Madrid protocol, § 9:11, 9:12, 14:12

Markets, § 14:23

Multilateral agreements, § 14:3

Paris Convention, § 14:5, 14:10

Patent law

generally, § 14:4-14:8

extraterritorial application of U.S. Patent Law, § 14:22

filing under European Patent Convention, § 14:8

foreign protection, § 14:4

infringement, § 14:22

Paris Convention, foreign filing under, § 14:5

PCT filing as entry in to foreign nations, § 14:7

WTO agreement, foreign filing under, § 14:6

PCT filing as entry in to foreign nations, § 14:7

Reciprocity, § 14:1

Records and recording

patents, § 14:5-14:8

trademarks, § 14:10-14:12

Registrations, § 14:9

Trademarks

generally, § 14:9-14:13

European Community trademark, § 14:13

extraterritorial application of U.S. Trademark and Copyright Law, § 14:21

infringement, § 14:21

Madrid system, foreign filing under, § 14:12

Paris Convention, foreign filing under, § 14:10

registrations, § 14:9

TRIPs, foreign filing under, § 14:11

FOREIGN COUNTRIES—Cont'd

- Trade secrets, § 14:18
- TRIPs, § 14:11
- Universal Copyright Convention, § 14:17
- U.S. Customs Service, § 14:19
- U.S. International Trade Commission, § 14:20
- U.S. Trademark and Copyright Law, § 14:21
- WTO agreement, § 14:6, 14:16

FOREIGN REGISTRATION CERTIFICATE

- Trademark law, § 9:21

FOREIGN REGISTRATIONS

- Trademark law, § 9:10

FOREIGN WORDS

- Trademark law, § 8:19

FORMS

- Copyright Law, this index

FORUM, CHOICE OF

- Assignment, § 13:11
- Licenses, § 13:21

FRAUD

- Copyright law, § 7:21

FUNCTION

- Trademark law, § 9:24

GENERICIDE

- Trademark law, § 8:26

GENERIC TERMS

- Trademark law, § 8:10

GEOGRAPHICALLY DESCRIPTIVE OR MISDESCRIPTIVE MARKS

- Trademark law, § 9:31

GEOGRAPHIC TERMS

- Trademark law, § 8:18

GEOGRAPHY

- Trademark law, § 10:19

GOODS AND SERVICES

- Trademark law, § 9:15

GOODWILL

- Security interests, § 13:27

GRAY MARKET GOODS

- Foreign countries, § 14:23

INDEX

GUARDIANS

Patent law, § 3:2

HISTORY

Trademark law, § 10:23, 10:24

HOSTILE TAKEOVERS

Generally, § 13:38

HOUSE MARKS

Trademark law, § 8:14

IDEA-EXPRESSION DICHOTOMY

Copyright law, § 5:18

IDENTIFICATION

Mergers and acquisitions, § 13:35

Publicity, § 12:7

IMMORAL SUBJECT MATTER

Trademark law, § 9:26

IMPLIED CONTINUING WAIVER

Assignment, § 13:9

IMPLIED DUTY OF CONFIDENTIALITY

Trade secrets, § 11:10

IMPOUNDMENT

Copyright law, § 7:27

INDISTINCT CLAIMS

Patent law, § 4:39

INDUCEMENT OF INFRINGEMENT

Copyright law, § 7:9

Patent law, § 4:11

INDUSTRY

Advice, § 15:5

INEQUITABLE CONDUCT

Patent law, § 4:40

INFORMATION DISCLOSURE STATEMENTS

Patent law, § 3:13

INFRINGEMENT

Advice, § 15:13

Copyright Law, this index

Foreign Countries, this index

Patent Law, this index

Publicity, this index

Trademark Law, this index

INITIAL EXAMINATION

Trademark law, § 9:34

INITIAL OWNERSHIP

Copyright law, § 5:6

INJUNCTIONS

Copyright law, § 7:26

Patent law, § 4:23

Publicity, § 12:14

Trademark law, § 10:14

Trade secrets, § 11:32

INTENT

Mergers and acquisitions, § 13:34

INTENT-TO-USE APPLICATIONS

Trademark law, § 9:8

INTERFERENCE

Patent law, § 3:29

INTERNATIONAL REGISTRATION

Trademark law, § 9:11, 9:12

INTERNATIONAL TREATIES

Generally, § 14:1-14:3

INTER PARTES PROCEEDINGS

Trademark law, § 9:38-9:40

INTER PARTES REVIEW

Patent law, § 3:39

INTERVIEWS

Patent law, § 3:25

INVENTION

Disclosure, App AA

ISSUANCE

Patent Law, this index

ITU

Trademark law, § 9:23

JOINT OWNERSHIP

Copyright law, § 5:8

Patent law, § 2:18

JUDGMENTS

Consent judgment, App G

Patent law, § 4:9, 4:24

JURISDICTION

Copyright law, § 7:1, 7:2

INDEX

JURISDICTION—Cont'd

- Patent law, § 4:1, 4:2
- Trademark law, § 10:1, 10:2

JURY AND JURY TRIALS

- Copyright law, § 7:6

KNOW-HOW

- Security interests, § 13:28

LABELING

- Trademark law, § 10:20

LACHES

- Copyright law, § 7:24
- Patent law, § 4:41
- Trademark law, § 10:21

LANHAM ACT

- Trademark Law, this index

LETTER OF INTENT

- Mergers and acquisitions, § 13:34

LICENSE DEFENSE

- Copyright law, § 7:25

LICENSES

- Generally, § 13:12-13:21
- Arbitration, § 13:16
- Assignment, this index
- Breach, right to remedy, § 13:17
- Choice of forum, § 13:21
- Choice of law, § 13:20
- Copyright law, § 5:12, App Z
- Forum, choice of, § 13:21
- No implied continuing waiver, § 13:19
- Non-default, § 13:18
- Patent law, App X
- Prohibited practices, § 13:14
- Remedy breach, right to, § 13:17
- Structure, § 13:13
- Termination of agreement, § 13:15
- Trademark, App Y
- Types, generally, § 13:12

LICENSING RIGHTS

- Generally, § 13:1 et seq.

LIKELIHOOD OF CONFUSION

- Trademark law, § 10:9, 10:11

LIKENESS

Publicity, § 12:7

LIMITATION OF ACTIONS

Copyright law, § 7:23

Patent law, § 4:4

Publicity, § 12:12, 12:13

Trademark law, § 10:4

LIMITATIONS AND RESTRICTIONS

Copyright Law, this index

LIMITED GEOGRAPHIC USE

Trademark law, § 10:19

LITERAL INFRINGEMENT

Patent law, § 4:13

LOSS OF RIGHTS

Trademark law, § 8:24-8:26

Trade secrets, § 11:14-11:16

LOST PROFITS

Patent law, § 4:25

MADRID PROTOCOL

Trademark law, § 9:11, 9:12, 14:12

MAINTENANCE FEES

Patent law, § 3:31

MANDATORY LICENSES

Copyright law, § 5:12

MARKETING

Advice, § 15:4

MARKETS

Foreign countries, § 14:23

MARKING

Patent law, § 2:28, 4:27

MASK WORKS

Security interests, § 13:25

MATERIAL OBJECTS

Copyright law, § 5:10, 5:20

MEANS PLUS FUNCTION CLAIM

Patent law, § 4:14

MERELY DESCRIPTIVE MARK

Trademark law, § 9:30

INDEX

MERELY SURNAME

Trademark law, § 9:32

MERGERS AND ACQUISITIONS

Generally, § 13:34-13:39

After transaction, § 13:39

Asset purchase agreement, § 13:37

Assets, identifying a, § 13:35

Confidentiality agreement, § 13:34

Hostile takeovers, § 13:38

Intent, letter of, § 13:34

Letter of intent, § 13:34

Sales, § 13:37

Stock purchase agreement, § 13:36

MISAPPROPRIATION

Trade Secrets, this index

MISSING PARTS

Patent law, § 3:17

MISSPELLINGS

Trademark law, § 8:19

MISUSE

Use and Misuse, this index

MORAL RIGHTS

Copyright law, § 5:27

MULTILATERAL AGREEMENTS

Foreign countries, § 14:3

MULTIPLE USERS

Trademark law, § 9:6

NAMES

Publicity, § 12:7

Trademark law, § 8:17

NATION OF FIRST PUBLICATION

Copyright law, § 6:5

NON-OBVIOUSNESS

Patent law, § 2:34

NONPROVISIONAL APPLICATION

Patent law, § 2:21, 3:9, 3:11

NON-STATUTORY SUBJECT MATTER

Patent law, § 3:20

NOTICE AND KNOWLEDGE

Advice, § 15:8, 15:9

Copyright Law, this index

NOTICE AND KNOWLEDGE—Cont'd

- Patent law, § 4:27
- Security interests, § 13:28
- Trademark law, **App L**
- Trade secrets, § 11:7

NOVELTY

- Patent law, § 2:32, 2:33
- Trade secrets, § 11:5, 11:27

OATH

- Trademark law, § 9:19

OBVIOUSNESS

- Patent law, § 2:34, 3:23, 4:36

OMISSION OF NOTICE

- Copyright Law, this index

ONLINE INFRINGEMENT LIABILITY

- Copyright law, § 5:26

ON-SALE BAR

- Patent law, § 4:33

OPINIONS

- Patent law, § 2:3, 2:36

OPPOSITION

- Trademark law, § 9:38, **App L**

ORDERS

- Protective order, **App F**

ORIGINALITY

- Copyright law, § 5:2

OWNERSHIP

- Title and Ownership, this index

PARIS CONVENTION

- Patents, § 14:5
- Trademarks, § 14:10

PARODY

- Trademark law, § 10:18

PARTIAL APPLICATIONS

- Patent law, § 2:24

PATENTABILITY OPINIONS

- Generally, § 2:3

PATENTABLE SUBJECT MATTER

- Generally, § 2:4

INDEX

PATENT AGENT

Applications, § 3:3

PATENT AND TRADEMARK OFFICE (PTO)

Patent Law, this index

Trademark Law, this index

PATENT ASSIGNMENT

Generally, **App U**

PATENT ATTORNEY

Patent law, § 3:3

PATENT LAW

Generally, § 2:1 et seq.

Active inducement of infringement, § 4:11

Actual notice, § 4:27

Adequacy of description, § 4:38

Agents, § 2:2, 3:3

Allowance and issuance of patent, § 3:30

America Invests Act, avoiding time bars

post-AIA applications, § 3:6

pre-AIA applications, § 3:5

Answer, § 4:6, **App E**

Anticipation, § 3:22, 4:32

Appeal and review, § 3:28, 3:38, 3:39

Applications

generally, § 3:2-3:17

America Invests Act, avoiding time bars, § 3:5, 3:6

assignment, § 3:2, 3:14

avoiding time bars, § 3:5

claiming from earlier application, § 3:10-3:12

continuation applications, § 2:23

continuation-in-part applications, § 2:24

divisional applications, § 2:22

examination at PTO, below

filers, § 3:2-3:4

filing, generally, § 3:7-3:9

foreign application, § 3:12

guardians as filers, § 3:2

incomplete applications and missing parts, § 3:17

information disclosure statements, § 3:13

inventors as filers, § 3:2

non-inventor's right to prosecute application, establishing, § 3:16

nonprovisional application, § 2:21, 3:9, 3:11

patent agent as filer, § 3:3

patent attorney as filer, § 3:3

PCT application, filing, § 3:8

post-AIA, avoiding time bars, § 3:6

PATENT LAW—Cont'd

Applications—Cont'd

- power of attorney, § 3:15
- pre-AIA, avoiding time bars, § 3:5
- priority of inventions
 - claiming from earlier application, § 3:10-3:12
 - continuation applications, § 2:23
 - continuation-in-part applications, § 2:24
 - divisional applications, § 2:22
 - nonprovisional applications, § 2:21
 - provisional applications, § 2:20
- proprietary interest, party with, § 3:2
- provisional applications, § 2:20, 3:10
- provisional patent, § 3:7
- published application, United States utility patent, **App A**
- receipt, filing of, § 3:18
- small entity status, establishing, § 3:4
- United States utility patent and published application, **App A**
- utility patent, § 2:10-2:13

Assignees as filers, § 3:2

Assignment, § 3:14

Attorney-client privilege, § 4:17

Attorneys' fees, § 4:29

Attorney work product, § 4:18

Avoiding time bars, § 3:5

Bifurcation, § 4:21

Business method patents, § 3:40

Certificates of correction, § 3:33

Complaint drafting, § 4:5

Complaint of infringement, **App D**

Completeness, § 3:17

Confidential information, § 4:19

Consent judgments, § 4:24

Continuation applications, § 2:23

Continuation-in-part applications, § 2:24

Contributory infringement, § 4:12

Correcting issued patents

generally, § 3:32-3:39

business method patents, § 3:40

certificates of correction, § 3:33

disclaimers, § 3:34

ex parte reexamination, § 3:37

inter partes review, § 3:39

post grant review, § 3:38

reissuance, § 3:35

supplemental examination, § 3:36

Counterclaim, **App E**

INDEX

PATENT LAW—Cont'd

- Cover sheet, utility patent, § 2:7, 2:11
- Damages, § 4:28
- Declaratory judgment actions, § 4:9
- Defenses
 - generally, § 4:30-4:44
 - enforcement. Unenforceability defenses, below this group
 - exhaustion of patent, § 4:44
 - invalidity defenses
 - generally, § 4:30-4:39
 - adequacy of description, § 4:38
 - anticipation, § 4:32
 - enablement, lack of, § 4:37
 - experimental use, § 4:34
 - indistinct claims, § 4:39
 - obviousness, § 4:36
 - on-sale bar, § 4:33
 - Section 101 defenses, § 4:31
 - third persons, invention by, § 4:35
 - unenforceability defenses
 - generally, § 4:40-4:44
 - equitable estoppel, § 4:42
 - exhaustion of patent, § 4:44
 - inequitable conduct, § 4:40
 - laches, § 4:41
 - misuse of patent, § 4:43
 - validity. Invalidity defenses, above this group
- Definiteness, § 3:21
- Definitions, § 2:33
- Description adequacy, § 4:38
- Design patent, § 2:14, 4:15
- Deviation proceedings, § 3:29
- Direct infringement, § 4:10
- Disclaimers, § 3:34
- Disclosure, § 3:13, App AA
- Discovery. Litigation, below
- Divisional applications, § 2:22
- Doctrine of equivalents, infringement of, § 4:16
- Double patenting, § 3:24
- Drafting, § 4:5, 4:6
- Duplicate claims, § 3:24
- Earlier application, § 3:10-3:12
- E-discovery, § 4:20
- Enablement, lack of, § 4:37
- Enforcement. Defenses, above
- Equitable conduct, § 4:40
- Equitable estoppel, § 4:42

PATENT LAW—Cont'd

- Estoppel, § 4:42
- Evidence. Litigation, below
- Examination at PTO
 - generally, § 3:19-3:28
 - anticipation rejections, § 3:22
 - appeal, § 3:28
 - correcting issued patents, § 3:36
 - duplicate claims or double patenting, § 3:24
 - examiner interviews, § 3:25
 - examiners, § 3:19
 - final office action, § 3:27
 - non-statutory subject matter, § 3:20
 - obviousness rejections, § 3:23
 - rejection, § 3:20, 3:21, 3:24
 - response to office action, § 3:26
 - supplemental examination, § 3:36
 - vague or indefinite specification, § 3:21
- Examiner interviews, § 3:25
- Examiners, § 3:19
- Exclusionary rights, § 2:26
- Ex parte reexamination, § 3:37
- Experimental use, § 4:34
- Expert witnesses, role of, § 4:22
- Expiration, entering public domain after, § 2:29
- Fees, § 3:31, 4:29
- Figures, utility patent, § 2:8, 2:12
- Filers and filing. Records and recording, below
- Final office action, § 3:27
- “First to invent” patent system, § 2:30
- Foreign application, § 3:12
- Foreign Countries, this index
- Guardians as filers, § 3:2
- Increased damages, § 4:28
- Indistinct claims, § 4:39
- Inducement, § 4:11
- Inequitable conduct, § 4:40
- Information disclosure statements, § 3:13
- Infringement
 - generally, § 2:27
 - answer and counterclaim, App E
 - complaint, App D
 - establishing, § 4:13-4:16
 - litigation, generally, § 4:10-4:16
 - validity and infringement opinions, § 2:36
- Injunctions, § 4:23
- Interference, § 3:29

INDEX

PATENT LAW—Cont'd

- Inter partes review, § 3:39
- Interviews, § 3:25
- Invention disclosure, **App AA**
- Inventors as filers, § 3:2
- Issuance
 - allowance and issuance of patent, § 3:30
 - correcting issued patents, above
 - deviation proceedings, § 3:29
 - litigation, § 4:8
 - Office procedures involving issued patents, § 4:8
- Joint ownership, § 2:18
- Judgments, § 4:9, 4:24
- Jurisdiction, § 4:1, 4:2
- Laches, § 4:41
- License, **App X**
- Limitation of actions, § 4:4
- Literal infringement, § 4:13
- Litigation
 - generally, § 4:1 et seq.
 - active inducement of infringement, § 4:11
 - answer drafting, § 4:6
 - attorney-client privilege, § 4:17
 - attorneys' fees, § 4:29
 - attorney work product, § 4:18
 - bifurcation, § 4:21
 - common discovery and evidentiary issues, generally, § 4:17-4:22
 - complaint drafting, § 4:5
 - confidential information, § 4:19
 - consent judgments, § 4:24
 - contributory infringement, § 4:12
 - damages, § 4:28
 - declaratory judgment actions, § 4:9
 - defenses, above
 - design patent, infringement of, § 4:15
 - direct infringement, § 4:10
 - discovery, generally, § 4:17-4:22
 - doctrine of equivalents, infringement of, § 4:16
 - E-discovery, § 4:20
 - evidence, generally, § 4:17-4:22
 - expert witnesses, role of, § 4:22
 - increased damages, § 4:28
 - infringement, below
 - injunctions, § 4:23
 - issued patents, § 4:8
 - limitation of actions, § 4:4
 - literal infringement, § 4:13

PATENT LAW—Cont'd

Litigation—Cont'd

- lost profits, § 4:25
- marking/actual notice, § 4:27
- means plus function claim, infringement of, § 4:14
- personal jurisdiction, § 4:2
- pre-filing matters, generally, § 4:1-4:9
- reasonable royalty, § 4:26
- remedies, generally, § 4:23-4:29
- Rule 11 considerations, § 4:7
- subject matter jurisdiction, § 4:1
- venue, § 4:3

Lost profits, § 4:25

Maintenance fees, § 3:31

Marking, § 2:28, 4:27

Means plus function claim, infringement of, § 4:14

Missing parts, § 3:17

Misuse of patent, § 4:43

Nature of U.S. patent rights, generally, § 2:25-2:29

Non-obviousness, § 2:34

Nonprovisional application, § 2:21, 3:9, 3:11

Non-statutory subject matter, § 3:20

Notice, § 4:27

Novelty, patentability, § 2:32, 2:33

Obtaining patent

generally, § 3:1 et seq.

allowance and issuance of patent, § 3:30

application, above

correcting issued patents, above

examination at PTO, above

interference, § 3:29

maintenance fees, § 3:31

Obviousness, § 2:34, 3:23, 4:36

On-sale bar, § 4:33

Opinions, § 2:3, 2:36

Original ownership, § 2:16

Origins, generally, § 1:1

Ownership of U.S. patent, § 2:16-2:18

Partial applications, § 2:24

Patentability

generally, § 2:30-2:35

“first to invent” patent system, § 2:30

non-obviousness, § 2:34

novelty, § 2:32, 2:33

opinions, § 2:3

previous patents, § 2:35

usefulness, § 2:31

INDEX

PATENT LAW—Cont'd

- Patentable subject matter, § 2:4
- Patent agents, § 2:2, 3:3
- Patent and Trademark Office (PTO)
 - examination at PTO, above
 - office action, § 3:26, 3:27
 - publications, § 2:5
- Patent attorneys, § 1:3, 2:2, 3:3
- PCT application, filing, § 3:8
- Personal jurisdiction, § 4:2
- Plant patent, example of, § 2:15
- Post grant review, § 3:38
- Power of attorney, § 3:15
- Previous patents, § 2:35
- Priority of inventions
 - generally, § 2:19-2:24
 - applications, § 3:10-3:12
 - claiming priority, § 2:19
 - continuation applications, § 2:23
 - continuation-in-part applications, § 2:24
 - divisional applications, § 2:22
 - nonprovisional applications, § 2:21
 - provisional applications, § 2:20
- Privilege, § 4:17
- Profits, § 4:25
- Proprietary interest, party with as filer, § 3:2
- Prosecution, § 3:16
- Provisional and nonprovisional applications
 - nonprovisional application, § 2:21, 3:9, 3:11
 - provisional, § 2:20, 3:10
- Provisional patent, § 3:7
- Publication, § 2:10-2:13
- Publications, § 2:5
- Public domain, § 2:29
- Reasonable royalty, § 4:26
- Receipt, filing of, § 3:18
- Records and recording
 - applications, above
 - filers, generally, § 3:2-3:4
- Reexamination, ex parte, § 3:37
- Reissuance, § 3:35
- Rejection
 - anticipation, § 3:22
 - duplicate claims or double patenting, § 3:24
 - non-statutory subject matter, § 3:20
 - obviousness, § 3:23
 - vague or indefinite specification, § 3:21

PATENT LAW—Cont'd

- Response to office action, § 3:26
- Royalty, § 4:26
- Rule 11 considerations, § 4:7
- Sale, on-sale bar, § 4:33
- Section 101 defenses, § 4:31
- Security interests, § 13:26
- Small entity status, establishing, § 3:4
- Specification
 - definiteness, § 3:21
 - utility patent, § 2:9, 2:13
- Subject matter, § 3:20
- Subject matter jurisdiction, § 4:1
- Supplemental examination, § 3:36
- Term of patent, § 2:25
- Third persons, invention by, § 4:35
- Time and date, § 2:25, 2:29, 3:5
- Title and ownership, § 2:16-2:18
- Trade secrets, § 11:15
- Transfer of ownership, § 2:17
- Transitional program for business method patents, § 3:40
- United States design patent, **App B**
- United States plant patent, **App C**
- United States utility patent and published application, **App A**
- Use and misuse, § 4:34, 4:43
- Usefulness, § 2:31
- Utility patent
 - generally, § 2:6-2:9
 - application publication, example of, § 2:10-2:13, **App A**
 - cover sheet, § 2:7, 2:11
 - examples, generally, § 2:6-2:9
 - figures, § 2:8, 2:12
 - specification, § 2:9, 2:13
 - United States utility patent and published application, **App A**
- Vagueness, § 3:21
- Validity
 - defenses, above
 - infringement opinions, § 2:36
- Venue, § 4:3
- Witnesses, § 4:22

PCT APPLICATION

- Filing, § 3:8, 14:7

PERFECTING

- Security Interests, this index

PERFORMANCE

- Copyright law, § 5:16

INDEX

PERSONAL JURISDICTION

- Copyright law, § 7:2
- Patent law, § 4:2
- Trademark law, § 10:2

PETITION

- Trademark law, App M

PLANT PATENT

- Example of, § 2:15
- United States plant patent, App C

PLANT VARIETY CERTIFICATES

- Security interests, § 13:26

PLEADINGS

- Trade secrets, § 11:22

POST GRANT REVIEW

- Patent law, § 3:38

POWER OF ATTORNEY

- Patent law, § 3:15

PREEMPTION

- Copyright law, § 7:5
- Security interests, § 13:24
- Trade secrets, § 11:23

PRESERVATION OF RIGHTS

- Trademark Law, this index

PREVIOUS PATENTS

- Patentability, § 2:35

PRIMARILY MERELY SURNAME

- Trademark law, § 9:32

PRINCIPAL REGISTER

- Trademark law, § 9:4

PRIORITY

- Patent Law, this index
- Security interests, § 13:31
- Trademark law, § 9:6

PRIVACY, RIGHT OF

- Publicity, § 12:1

PRIVILEGE

- Patent law, § 4:17

PRODUCT LIABILITY

- Trademark law, § 10:41

PROFESSIONAL ASSOCIATIONS

Practice of IP law, § 1:4

PROFITS

Copyright law, § 7:28

Patent law, § 4:25

PROPER DESIGNATION

Trademark law, § 8:28

PROSECUTION

Patent law, § 3:16

PROTECTIVE ORDER

Generally, **App F**

PROVISIONAL AND NONPROVISIONAL APPLICATIONS

Patent Law, this index

PROVISIONAL PATENT

Applications, § 3:7

PTO

Patent and Trademark Office (PTO), this index

PUBLICATION

Copyright Law, this index

Patent law, § 2:5, 2:10-2:13

Trademark law, § 9:37

PUBLIC DISCLOSURE

Trade secrets, § 11:14-11:16

PUBLIC DISPLAY OF WORK

Copyright law, § 5:16, 5:17

PUBLIC DOMAIN

Patent law, § 2:29

PUBLICITY

Generally, § 12:1 et seq.

Appropriation of plaintiff's identity, name or likeness, § 12:7

Attorneys' fees, § 12:16

Celebrity, right surviving death of, § 12:11

Citations to State Right of Publicity Acts, **App T**

Commercial advantage of defendant, § 12:8

Common law claims, § 12:4

Consent of plaintiff, without, § 12:9

Constitutional law, § 12:17

Damages, § 12:15

Death, § 12:11

Defenses, § 12:17

Duration for bringing action, § 12:12

Enforcement, § 12:4, 12:5

INDEX

PUBLICITY—Cont'd

- Evidence of infringement of right
 - generally, § 12:6-12:10
 - appropriation of plaintiff's identity, name or likeness, § 12:7
 - commercial advantage of defendant, § 12:8
 - consent of plaintiff, without, § 12:9
 - elements of claim, § 12:6
 - resulting injury, § 12:10
- Fees, § 12:16
- First Amendment, § 12:17
- Identification, § 12:7
- Infringement. Evidence of infringement of right, above
- Injunctions, § 12:14
- Likeness, § 12:7
- Limitation of actions, § 12:12
- Name, § 12:7
- Policy, § 12:3
- Privacy, right of, § 12:1
- Remedies, § 12:14-12:16
- Right, generally, § 12:2
- Security interests, § 13:28
- State statutory claims, § 12:5
- Statutes, § 12:5, 12:13
- Time and date, § 12:12
- Tolling of statute, § 12:13

READILY ASCERTAINABLE

- Trade secrets, § 11:7

REASONABLE EFFORTS

- Trade secrets, § 11:8

REASONABLE ROYALTY

- Patent law, § 4:26

RECEIPTS

- Patent law, § 3:18

RECIPROCITY

- Foreign countries, § 14:1

RECORDS AND RECORDING

- Assignment, § 13:3
- Foreign Countries, this index
- Patent Law, this index
- Security interests, § 13:29
- Trademark Law, this index

REEXAMINATION

- Patent law, ex parte reexamination, § 3:37

REGISTRATION

Copyright Law, this index
Foreign countries, § 14:9
Security interests, § 13:27
Trademark Law, this index

REISSUANCE

Patent law, § 3:35

REMOVAL

Copyright law, § 6:19

RENEWAL

Trademark law, § 9:41

REPRODUCTION

Copyright law, § 5:13

RESPONSES

Patent law, § 3:26
Trademark law, § 9:35

RESTATEMENT (FIRST) OF TORTS

Trade secrets, § 11:2

REVERSE ENGINEERING

Trade secrets, § 11:19

RISK ASSESSMENT

Due diligence considerations, § 15:14

ROYALTY

Patent law, § 4:26

RULE 11

Patent law, § 4:7
Trademark law, § 10:6

SALES

Mergers and Acquisitions, this index
Patent law, § 4:33
Trade secrets, § 11:14

SCANDALOUS SUBJECT MATTER

Trademark law, § 9:26

SEARCH

Trademark law, § 8:32

SECONDARY MEANING

Trademark law, § 8:11, 9:33, 10:10

SECRECY

Trade secrets, § 11:28

INDEX

SECRETS

Trade Secrets, this index

SECTION 43(A)

Trademark law, § 8:23

SECTION 101 DEFENSES

Patent law, § 4:31

SECURING RIGHTS

Generally, § 13:1 et seq.

SECURITY INTERESTS

Generally, § 13:22-13:33

Bankruptcy, effects of, § 13:33

Certificates, § 13:26

Copyrights, § 13:25

Creation, § 13:22

Description, § 13:30

Dual filing, § 13:29

Federally registered trademarks and goodwill, § 13:27

Goodwill, § 13:27

Know-how, § 13:28

Mask works, § 13:25

Notice and knowledge, § 13:28

Patents and plant variety certificates, § 13:26

Perfecting, generally, § 13:23-13:28

Plant variety certificates, § 13:26

Preemption of UCC filing, § 13:24

Priority, § 13:31

Publicity, § 13:28

Records and recording, § 13:29

Registration, § 13:27

State law, § 13:28

Trademarks, § 13:27

Trade secrets, § 13:28

UCC, § 13:23, 13:24

Use of secured property, right of debtor, § 13:32

SELECTION

Trademark law, § 8:32-8:34

SIMILARITY

Copyright law, § 7:15

Trademark law, § 9:25

SMALL ENTITY STATUS

Patent law, § 3:4

SPECIFICATION

Patent law, § 2:9, 2:13, 3:21

SPECIMENS OF USE

Trademark law, § 9:18

STATE LAWS

Advertising law, § 10:39-10:41

Copyright law, § 7:5

Dilution, § 10:25

Security interests, § 13:28

State advertising law, § 10:39-10:41

State Deceptive Trade Practices Act, citations to, **App Q**

State False Advertising Acts, citations to, **App S**

State Right of Publicity Acts, citations to, **App T**

State Unfair Business Practices Acts, citations to, **App R**

STATE REGISTRATION

Trademark law, § 8:22

STATES

Copyright law, § 7:11

STATE STATUTORY CLAIMS

Publicity, § 12:5

STATUTES

Digital Millennium Copyright Act of 1998, § 5:24-5:26

Dilution, § 10:25, 10:26

Publicity, § 12:5, 12:13

Restatement (First) of Torts, definition of trade secrets, § 11:2

State Deceptive Trade Practices Act, citations to, **App Q**

State False Advertising Acts, citations to, **App S**

State Right of Publicity Acts, citations to, **App T**

State statutory claims, § 12:5

State Unfair Business Practices Acts, citations to, **App R**

Tolling of statute, § 12:13

Uniform Deceptive Trade Practices Acts, § 10:39

Uniform Trade Secrets Act, definition of trade secrets, § 11:3

STATUTORY DAMAGES

Copyright law, § 7:29

STOCK PURCHASE AGREEMENT

Mergers and acquisitions, § 13:36

STRENGTH OF MARK

Trademark law, § 8:33

SUBJECT MATTER

Copyright Law, this index

Patent law, § 3:20

Trademark Law, this index

SUBJECT MATTER JURISDICTION

Copyright law, § 7:1

INDEX

SUBJECT MATTER JURISDICTION—Cont'd

Patent law, § 4:1
Trademark law, § 10:1

SUBSTANTIAL SIMILARITY

Copyright law, § 7:15

SUGGESTIVE MARKS

Trademark law, § 8:8

SUPPLEMENTAL EXAMINATION

Patent law, § 3:36

SUPPLEMENTAL REGISTER

Trademark law, § 9:4

SURNAME

Trademark law, § 8:17, 9:32

SURVEYS

Trademark law, § 10:13

TERM

Patent law, § 2:25

TERMINATION

Assignment, § 13:5
Licenses, § 13:15

TERMINATION OF EMPLOYMENT

Trade secrets, § 11:13

THIRD-PARTY USE

Trademark law, § 8:31, 10:12

THIRD PERSONS

Advice, § 15:13
Patent law, § 4:35
Trademark law, § 10:33

TIME AND DATE

Copyright law, § 6:4, 6:12, 6:13
Patent law, § 2:25, 2:29, 3:5
Publicity, § 12:12
Trademark law, § 8:2, 9:41

TITLE AND OWNERSHIP

Copyright Law, this index
Patent law, § 2:16-2:18
Trademark law, § 8:25, 8:27, 9:14, 10:8
Trade secrets, § 11:11-11:13

TOLLING OF STATUTE

Publicity, § 12:13

TORTS

Trademark law, § 10:40

TRADE DRESS

Trademark law, § 8:16

TRADEMARK LAW

Generally, § 8:1 et seq.

Abandonment, § 8:24, 8:25, 10:16

Abbreviations, § 8:19

Acquiescence, § 10:21

Acquiring rights, § 8:20-8:23

Adjective, § 8:30

Advertising law

generally, § 10:35-10:41

celebrities, use of, § 10:36

commercial torts, § 10:40

defamation, § 10:40

false advertising, § 10:38

false attribution of credit, § 10:37

false representations, § 10:35

fictional characters, use of, § 10:36

Lanham Act, section 43(a), generally, § 10:35-10:38

product liability, § 10:41

Section 43(a) of Lanham Act, generally, § 10:35-10:38

state advertising law, § 10:39-10:41

Uniform Deceptive Trade Practices Acts, § 10:39

warranties, § 10:41

Affirmative acts, § 8:25

Allegations of use in ITU applications, § 9:23

Appeal board, § 9:36

Appeal to trademark trial and appeal board, § 9:36

Applications

examination of, § 9:34-9:37

registration, below

Arbitrary marks, § 8:7

Assignment, **App V**

Avoid unregistrable subject matter, § 8:34

Cancellation, § 9:39, **App M**

Celebrities, use of, § 10:36

Certificates, § 9:21

Classification system, § 9:5

Clearance search, conduct of, § 8:32

Combination marks, § 8:13

Commercial torts, § 10:40

Common discovery and evidentiary issues, § 10:10-10:13

Common kinds of trademarks, § 8:12

Common law rights, § 8:20

INDEX

TRADEMARK LAW—Cont'd

- Competing goods, § 10:32
- Competition. Litigation, below
- Complaint, § 10:5, App N
- Confusing similarity to registered mark, § 9:25
- Confusion, likelihood of, § 10:9, 10:11
- Credit, false attribution of, § 10:37
- Damages, § 10:15
- Deceptively misdescriptive mark, § 9:30
- Deceptive matter, § 9:27
- Deceptive trade practices, § 10:39
- Declaration or oath, § 9:19
- Defamation, § 10:40
- Defenses
 - generally, § 10:16-10:21
 - abandonment, § 10:16
 - acquiescence, § 10:21
 - descriptive use of mark, § 10:17
 - labeling and use of disclaimers, § 10:20
 - laches and acquiescence, § 10:21
 - limited geographic use, § 10:19
 - parody, § 10:18
- Definition of dilution, § 10:22
- Definitions, § 8:1, 10:22
- Description of goods and services, § 9:15
- Descriptive or misdescriptive marks, § 8:9, 9:30, 9:31
- Descriptive use of mark, § 10:17
- Designation, § 8:28, 9:22
- Dilution
 - generally, § 10:22-10:33, 10:22-10:33.
 - analyzing case, § 10:27
 - competing goods, § 10:32
 - definition, § 10:22
 - evidence, § 10:30
 - famous marks, § 10:28
 - federal statutes, § 10:26
 - history, § 10:23, 10:24
 - nineteenth century, § 10:23, 10:24
 - remedies, § 10:31
 - state statutes, § 10:25
 - statutes, § 10:25, 10:26
 - theories, § 10:29
 - third persons, § 10:33
- Disclaimers, § 10:20
- Discovery, § 10:10-10:13
- Disparaging matter, § 9:28

TRADEMARK LAW—Cont'd

- Distinctiveness of marks
 - generally, § 8:5-8:10
 - arbitrary marks, § 8:7
 - continuum, § 8:5
 - descriptive marks, § 8:9
 - fanciful marks, § 8:6
 - generic terms, § 8:10
 - suggestive marks, § 8:8
- Distinguishing mark, § 8:29
- Domestic representation, § 9:22
- Drafting complaint, § 10:5
- Drawings, § 9:17
- Duration, § 8:2, 9:41
- Evidence, § 9:33, 10:10-10:13, 10:30
- Examination within PTO
 - generally, § 9:2-9:6, 9:34-9:37
 - basic scheme, § 9:3
 - classification system, § 9:5
 - principal register, § 9:4
 - priority between multiple users, § 9:6
 - sources of law, § 9:2
 - supplemental register, § 9:4
- False advertising, § 10:38
- False attribution of credit, § 10:37
- False representations, § 10:35
- Family of marks, § 8:15
- Famous marks, § 10:28
- Fanciful marks, § 8:6
- Federal registration, § 8:21
- Federal statutes, § 10:26
- Fees, § 9:20
- Fictional characters, use of, § 10:36
- Filing basis, § 9:16
- Foreign Countries, this index
- Foreign words, § 8:19
- Function as trademark, § 9:24
- Genericide, § 8:26
- Generic terms, § 8:10
- Geographically descriptive or misdescriptive marks, § 9:31
- Geographic terms, § 8:18
- Geographic use, § 10:19
- History, § 10:23, 10:24
- House marks, § 8:14
- Immoral subject matter, § 9:26
- Infringement
 - generally, § 10:7-10:9

INDEX

TRADEMARK LAW—Cont'd

- Infringement—Cont'd
 - complaint, **App N**
 - establishing, § 10:8, 10:9
 - liability, § 10:7
 - likelihood of confusion, § 10:9
 - ownership of mark, § 10:8
- Initial examination and office actions, § 9:34
- Injunctions, § 10:14
- Intent-to-use applications, § 9:8
- International registration, § 9:11, 9:12
- Inter partes proceedings before TTAB, § 9:38-9:40
- ITU, § 9:23
- Jurisdiction, § 10:1, 10:2
- Labeling and use of disclaimers, § 10:20
- Laches and acquiescence, § 10:21
- License, **App Y**
- Likelihood of confusion, § 10:9, 10:11
- Limitation of actions, § 10:4
- Limited geographic use, § 10:19
- Litigation
 - generally, § 10:1 et seq.
 - advertising law, above
 - common discovery and evidentiary issues, § 10:10-10:13
 - competition as unfair, generally, § 10:1 et seq.
 - complaint drafting, § 10:5
 - damages, § 10:15
 - defenses, above
 - infringement, above
 - injunctions, § 10:14
 - Lanham Act. Advertising law, above
 - likelihood of confusion, proving, § 10:11
 - limitation of actions, § 10:4
 - personal jurisdiction, § 10:2
 - pre-filing matters, generally, § 10:1-10:6
 - remedies, § 10:14, 10:15
 - Rule 11 considerations, § 10:6
 - secondary meaning, proving, § 10:10
 - subject matter jurisdiction, § 10:1
 - surveys, § 10:13
 - third party uses, § 10:12
 - unfair competition, generally, § 10:1 et seq.
 - venue, § 10:3
- Loss of rights, § 8:24-8:26
- Madrid protocol, § 9:11, 9:12
- Merely descriptive or deceptively misdescriptive mark, § 9:30
- Merely surname, § 9:32

TRADEMARK LAW—Cont'd

- Misspellings, § 8:19
- Multiple users, § 9:6
- Names, § 8:17
- Notice of opposition, **App L**
- Oath, § 9:19
- Opposition, § 9:38, **App L**
- Origins, generally, § 1:2
- Parody, § 10:18
- Patent and Trademark Office (PTO)
 - examination within PTO, above
 - office action, § 9:34, 9:35
- Personal jurisdiction, § 10:2
- Petition for cancellation, **App M**
- Policy behind law, § 8:4
- Preserving rights
 - generally, § 8:27-8:31
 - distinguishing mark, § 8:29
 - owner's duty to preserve mark, § 8:27
 - proper designation of mark, § 8:28
 - third-party use, policing, § 8:31
 - using mark as adjective, § 8:30
- Primarily merely surname, § 9:32
- Principal register, § 9:4
- Priority between multiple users, § 9:6
- Product liability, § 10:41
- Proper designation of mark, § 8:28
- Proving secondary meaning, § 9:33
- Publication, § 9:37
- Purpose of trademarks, § 8:3
- Rational basis for protection, history, § 10:24
- Records and recording
 - applications. Registration, below
 - registration, below
- Registration
 - generally, § 9:1 et seq., **App K**
 - appeal to trademark trial and appeal board, § 9:36
 - applications for registration
 - generally, § 9:7-9:23
 - allegations of use in ITU applications, § 9:23
 - declaration or oath, § 9:19
 - description of goods and services, § 9:15
 - designation of domestic representative by foreign applicant, § 9:22
 - drawings, § 9:17
 - examination of, § 9:34-9:37
 - fees, § 9:20
 - filing basis, § 9:16

INDEX

TRADEMARK LAW—Cont'd

Registration—Cont'd

applications for registration—Cont'd

- foreign applications, applications based on, § 9:9
- foreign registration certificate, § 9:21
- foreign registrations, applications based on, § 9:10
- information about mark and owner, § 9:14
- intent-to-use applications, § 9:8
- international registration under Madrid protocol, applications based on, § 9:12
- Madrid protocol and international registration of marks, § 9:11
- requirements, generally, § 9:13-9:23
- specimens of use, § 9:18
- use-based applications, § 9:7
- avoid unregistrable subject matter, § 8:34
- cancellations, inter partes proceedings before TTAB, § 9:39
- confusing similarity to registered mark, § 9:25
- deceptively misdescriptive mark, § 9:30
- deceptive matter, § 9:27
- descriptive or deceptively misdescriptive mark, merely, § 9:30
- descriptive or misdescriptive marks, geographically, § 9:31
- disparaging matter, § 9:28
- duration, § 9:41
- examination of applications, § 9:34-9:37
- examination within PTO, above federal registration, § 8:21
- federal registration, generally, § 9:1
- function as trademark, § 9:24
- geographically descriptive or misdescriptive marks, § 9:31
- immoral subject matter, § 9:26
- initial examination and office actions, § 9:34
- inter partes proceedings before TTAB, § 9:38-9:40
- merely descriptive or deceptively misdescriptive mark, § 9:30
- oppositions, inter partes proceedings before TTAB, § 9:38
- primarily merely surname, § 9:32
- proving secondary meaning, § 9:33
- publication, § 9:37
- refusal to register, generally, § 9:24-9:32
- renewal, § 9:41
- responses to office action, § 9:35
- scandalous subject matter, § 9:26
- state registration, § 8:22
- unregistered marks, protection under § 43(a), § 8:23
- unregistrable subject matter, § 9:29

Remedies, § 10:31

Renewal, § 9:41

Responses to office action, § 9:35

Rule 11 considerations, § 10:6

TRADEMARK LAW—Cont'd

- Scandalous subject matter, § 9:26
- Search, § 8:32
- Secondary meaning, § 8:11, 9:33, 10:10
- Section 43(a), § 8:23
- Security interests, § 13:27
- Selecting, § 8:32-8:34
- Similarity, confusing, § 9:25
- Specimens of use, § 9:18
- State advertising law, § 10:39-10:41
- State registration, § 8:22
- State statutes, § 10:25
- Statutes, § 10:25, 10:26, 10:39
- Strength of mark, § 8:33
- Subject matter
 - avoid unregistrable subject matter, § 8:34
 - registration
 - deceptive matter, § 9:27
 - disparaging matter, § 9:28
 - immoral subject matter, § 9:26
 - scandalous subject matter, § 9:26
 - unregistrable subject matter, § 9:29
- Subject matter jurisdiction, § 10:1
- Suggestive marks, § 8:8
- Supplemental register, § 9:4
- Surname, § 8:17, 9:32
- Surveys, § 10:13
- Third party uses, § 8:31, 10:12
- Third persons, § 10:33
- Time and date, § 8:2, 9:41
- Title and ownership, § 8:25, 8:27, 9:14, 10:8
- Torts, § 10:40
- Trade dress, § 8:16
- Trial, § 9:36
- TTAB, § 9:38-9:40
- Unfair competition. Litigation, above
- Uniform Deceptive Trade Practices Acts, § 10:39
- Unregistered marks, protection under § 43(a), § 8:23
- Unregistrable subject matter, § 9:29
- Use and misuse
 - abandonment through non-use, § 8:24
 - adjective, § 8:30
 - allegations of use in ITU applications, § 9:23
 - defenses, § 10:17, 10:19, 10:20
 - descriptive use of mark, § 10:17
 - intent-to-use applications, § 9:8
 - labeling and use of disclaimers, § 10:20

INDEX

TRADEMARK LAW—Cont'd

- Use and misuse—Cont'd
 - limited geographic use, § 10:19
 - preserving rights, § 8:30, 8:31
 - registration, § 9:8, 9:18, 9:23
 - specimens of use, § 9:18
 - third party uses, § 8:31, 10:12
- Use-based applications, § 9:7
- Users, § 9:6
- Venue, § 10:3
- Warranties, § 10:41

TRADE PRACTICES

- Citations to State Deceptive Trade Practices Act, App Q

TRADE SECRETS

- Generally, § 11:1 et seq.
- Acquisition, § 11:18, 11:31
- Attorneys' fees, § 11:34
- Burden of proof, § 11:25
- Confidentiality agreements, § 11:9, 11:10
- Consent, § 11:20
- Contracts and agreements, § 11:9, 11:10
- Copyright law, § 11:15
- Criminalization of trade secret law, § 11:35
- Damages, § 11:33
- Definition, § 11:2-11:4
- Disclosure, § 11:14-11:16, 11:26, 11:30
- Economic value, § 11:6, 11:26
- Employment, § 11:9, 11:11, 11:13
- Evidence. Misappropriation, below
- Fees, § 11:34
- Foreign countries, § 14:18
- Implied duty of confidentiality, § 11:10
- Improper use, § 11:29
- Injunctions, § 11:32
- Litigation, § 11:24
- Losing rights through public disclosure, § 11:14-11:16
- Misappropriation
 - generally, § 11:17-11:20
 - acquisition by improper means, § 11:18
 - burden of proof, § 11:25
 - disclosure or use without consent, § 11:20
 - economic value, § 11:26
 - elements, § 11:17
 - evidence, generally, § 11:25-11:31
 - improper acquisition, § 11:31
 - improper use, § 11:29
 - inevitable disclosure, § 11:30

TRADE SECRETS—Cont'd

Misappropriation—Cont'd

- novelty, § 11:27
- pleadings, § 11:22
- pre-emption, § 11:23
- preparing suit, generally, § 11:21-11:24
- protection during litigation, § 11:24
- reverse engineering, § 11:19
- secrecy, § 11:28

Non-employee submissions, § 11:12

Not generally known or readily ascertainable, § 11:7

Notice and knowledge, § 11:7

Novelty, § 11:5, 11:27

Ownership, § 11:11-11:13

Patent law, § 11:15

Pleadings, § 11:22

Pre-emption, § 11:23

Public disclosure, § 11:14-11:16

Publicity, this index

Readily ascertainable, § 11:7

Reasonable efforts to maintain secrecy, § 11:8

Remedies, § 11:32-11:34

Restatement (First) of Torts, definition of trade secrets, § 11:2

Reverse engineering, § 11:19

Sale of products incorporating secret information, § 11:14

Secrecy, § 11:28

Security interests, § 13:28

Statutes, § 11:2, 11:3

Termination of employment, § 11:13

Title and ownership, § 11:11-11:13

Uniform Trade Secrets Act, definition of trade secrets, § 11:3

Use, § 11:20, 11:29

Value, § 11:6, 11:26

TRANSFER OF MATERIAL OBJECTS

Copyright law, § 5:20

TRANSFER OF OWNERSHIP

Patent law, § 2:17

TRANSFER OF RIGHTS

Generally, § 13:1 et seq.

TRIAL

Trademark law, § 9:36

TRIPS

Foreign countries, § 14:11

TTAB

Trademark law, § 9:38-9:40

INDEX

UNFAIR BUSINESS PRACTICES

Citations to State Unfair Business Practices Acts, **App R**

UNFAIR COMPETITION

Trademark Law, this index

UNIFORM COMMERCIAL CODE (UCC)

Security interests, § 13:23, 13:24

UNIFORM DECEPTIVE TRADE PRACTICES ACTS

Trademark law, § 10:39

UNIFORM TRADE SECRETS ACT

Definition of trade secrets, § 11:3

UNITED STATES CUSTOMS SERVICE

Foreign countries, infringement, § 14:19

UNITED STATES DESIGN PATENT

Generally, **App B**

UNITED STATES INTERNATIONAL TRADE COMMISSION

Foreign countries, infringement, § 14:20

UNITED STATES PLANT PATENT

Generally, **App C**

UNITED STATES TRADEMARK AND COPYRIGHT LAW

Foreign countries, infringement, § 14:21

UNITED STATES UTILITY PATENT AND PUBLISHED APPLICATION

Generally, **App A**

UNIVERSAL COPYRIGHT CONVENTION

Foreign countries, § 14:17

USE AND MISUSE

Copyright law, § 5:22, 5:23, 7:18, 7:19, 7:22

Patent law, § 4:34, 4:43

Security interests, § 13:32

Trademark Law, this index

Trade secrets, § 11:20, 11:29

USE-BASED APPLICATIONS

Trademark law, § 9:7

USEFULNESS

Patent law, § 2:31

USERS

Trademark law, § 9:6

UTILITARIAN WORKS

Copyright law, § 5:19

UTILITY PATENT

- Patent Law, this index
- United States utility patent and published application, **App A**

VAGUENESS

- Patent law, § **3:21**

VALIDITY

- Patent Law, this index

VALUE AND VALUATION

- Asset valuation and due diligence, § **15:14**
- Trade secrets, § **11:6, 11:26**

VENUE

- Copyright law, § **7:3**
- Patent law, § **4:3**
- Trademark law, § **10:3**

VICARIOUS LIABILITY

- Copyright law, § **7:10**

WAIVER

- Assignment, § **13:9**

WARRANTIES

- Trademark law, § **10:41**

WILLFUL INFRINGEMENT

- Copyright law, § **7:30**

WIPO

- Copyright law, § **5:25**

WITNESSES

- Copyright law, § **7:17**
- Patent law, § **4:22**

WORKS MADE FOR HIRE

- Copyright law, § **5:7**

WTO AGREEMENT

- Foreign countries, § **14:6, 14:16**