Chapter 1		Begot by GATT: Changes to United States Patent Law
		Tom Irving
		Charles Van Horn
		David Forman
		Stacy Lewis
§	1.1	Introduction
§	1.2	Dual Effective-Date Scheme
§	1.3	Interpreting the URAA
§	1.4	New 20-Year Patent Term
8	1.5	—Transition Provision
§	1.6	—Resetting the Terms of Patents in Force
§	1.7	New Provisional Application and Domestic Priority System
§	1.8	—Provisional Application Must Satisfy 35 U.S.C. § 112, First
		Paragraph
§	1.9	—Other Provisional Application Requirements
§	1.10	—Language of Provisional Application
§	1.11	—Conversion to Provisional Application
§	1.12	—Potential Benefits of Provisional Application
§	1.13	Extension of Patent Term under Limited Circumstances
§	1.14	—Delays Due to Interference Proceedings or Secrecy Orders
§	1.15	—Delays Due to Successful Appeals to Board of Appeals and to Federal Courts
§	1.16	No Petition for Extension Required
§	1.17	—Remedy If Commissioner's Calculation Is Incorrect or Based on Nonstatutory Delay: Petition
§	1.18	Foreign Inventive Activity
§	1.19	Amended 35 U.S.C. § 104
§	1.20	-Effect as 35 U.S.C. § 102(g) Prior Art
§	1.21	New Definitions of Infringement Are Incorporated Throughout Title 35 of the U.S. Code
§	1.22	—Offering for Sale
§	1.23	—Importation of Claimed Invention into the United States
§	1.24	—Marking of Goods Offered for Sale or Imported
§	1.25	—Intervening Rights

§	1.26	—Applications for Regulatory Approval
§	1.27	—Intent to Infringe
Chapt	er 2	Trademark Protection for Color after the Supreme Court's Qualitex Co. v. Jacobson Products Co. Decision Michael B. Landau
8	2.1	Introduction
	2.2	Pre-Owens-Corning Color Trademark Cases
•	2.3	—Color Depletion Theory
•	2.4	—Shade Confusion
•	2.5	—Functionality
-	2.6	Color Per Se Trademarks and the Lanham Act
	2.7	In re Owens-Corning Fiberglas Corp.
•	2.8	NutraSweet Co. v. Stadt Corp.
•	2.9	Master Distributors, Inc. v. Pako Corp.
§	2.10	International Jensen, Inc. v. Metrosound U.S.A., Inc.
§	2.11	Qualitex Co. v. Jacobson Products Co.
§	2.12	Practical Effect of the Ninth Circuit's Qualitex Decision
§	2.13	Supreme Court's 1995 Opinion in Qualitex
§	2.14	Reconciling Two Pesos, Inc. v. Taco Cabana, Inc. with Qualitex
§	2.15	Proposal
Chapt	er 3	Secondary Meaning Surveys
Chapt		Vincent N. Palladino
6	2 1	
	3.1	Introduction
P	RELIMI	NARY CONSIDERATIONS
	3.2	Surveys as Evidence
§	3.3	Expert's Role
§	3.4	Timing
	3.5	Secondary Meaning in the Making
8	3.6	Secondary Meaning Defined
N	IEASUR	ING SECONDARY MEANING DIRECTLY
§	3.7	Survey Requirements Generally
§	3.8	Isolating the Trademark or Trade Dress
§	3.9	Questions: Seeking an Anonymous Source
§	3.10	—Questioning Question 1
§	3.11	—Other Questioning Approaches
§	3.12	Levels of Association: Primary Significance
§	3.13	—Defining Primary Significance
§	3.14	—Other Levels

]	IN	FERRI	NG SECONDARY MEANING FROM OTHER FINDINGS
	§	3.15	Genericness
	§	3.16	Inferring Secondary Meaning from Likely Confusion
	8	3.17	Inferring Likely Confusion from Secondary Meaning
Chap	te	r 4	Biotechnology
			Larry W. Stults
			Mary Anthony Merchant
	§	4.1	Introduction
	§	4.2	Inventorship
	§	4.3	Utility
	§	4.4	Enablement and Obviousness of Biotechnology Inventions Relating to Genes
	§	4.5	Claiming Biotechnological Processes
	§	4.6	Doctrine of Equivalents
	§	4.7	Future Trends
Chap	te	r 5	Introduction to the Law of Multimedia
			Thomas J. Smedinghoff
	§	5.1	Introduction
	§	5.2	What Is Multimedia?
	§	5.3	Key Role of Copyright Law
	§	5.4	—Everything Is Copyrightable Subject Matter
	§	5.5	—Public Domain Content
	§	5.6	—Fair Use
	§	5.7	—Clearing Rights: Special Problems for Multimedia
	§	5.8	Rights of Individuals
	§	5.9	—Moral Rights of Creators
	§	5.10	—Unfair Competition Rights of Creators
	§	5.11	Publicity and Privacy Rights of Persons Depicted
	§	5.12	Guilds and Unions
	§	5.13	Using Union Talent to Create Content
	§	5.14	—Using Preexisting Content Created by Union Members
Chapter 6		r 6	Computer Law Today
			Gregory A. Stobbs
	§	6.1	Evolution of Computers
	§	6.2	Evolution of Computer Law
	§	6.3	—1966 President's Commission on Patent System
	§	6.4	—IBM Unbundles Software
	8	6.5	—Supreme Court Decides Gottschalk v. Benson

§	6.6	CONTU
8	6.7	—Supreme Court Decides Parker v. Flook and Diamond v. Diehr
§	6.8	Further Computer Law Evolution in the 1980s
8	6.9	—Semiconductor Chip Protection Act
8	6.10	- Whelan v. Jaslow Extends Copyright to Structure, Sequence, an
		Organization
8	6.11	Spreadsheet Wars: Copyright Law of Look and Feel
§	6.12	—Lotus Sues Paperback Software
§	6.13	—Lotus Sues Borland
§	6.14	Apple v. Microsoft: A 10-Year Erosion of Look and Feel
§	6.15	—1985 Apple-Microsoft Agreement
§	6.16	—Apple v. Microsoft: District Court Litigation
§	6.17	—Apple v. Microsoft: Ninth Circuit Appeal
8	6.18	Software Patents Upstage Software Copyrights in 1994
8	6.19	Federal Circuit en banc Decision In re Alappat
8	6.20	—Technology Involved in In re Alappat
8	6.21	—Claims at Issue in In re Alappat
8	6.22	—Holding of In re Alappat Majority
8	6.23	—Dissents in In re Alappat
8	6.24	—Understanding In re Alappat Decision
8	6.25	In re Warmerdam
8	6.26	— Warmerdam Data Structure
8	6.27	—Claims at Issue in In re Warmerdam
8	6.28	—Holding in In re Warmerdam
§	6.29	—Applying In re Warmerdam
§	6.30	In re Lowry
§	6.31	—Lowry Invention
§	6.32	—Claims at Issue in In re Lowry
8	6.33	—Holding in In re Lowry
8	6.34	-—Applying In re Lowry
8	6.35	In re Trovato
8	6.36	—Trovato Invention
•	6.37	—Claims at Issue in In re Trovato
•	6.38	—Holding in In re Trovato
•	6.39	—Applying In re Trovato
J		

Chapter 7		r 7	The Software Police: How to Avoid Them, How to Deal with Then
			Cary H. Sherman
			David M. Hornik
	IΠ	VDERS	TANDING THE SOFTWARE POLICE
			Introduction
	0	7.2	Identifying the Software Police
		7.3	Industry Losses and Enforcement Targets
	•	7.4	Obtaining Information on Infringement
		7.5	Enforcement
	U	7.6	Software Police Arsenal
	A۱	OIDIN	G THE SOFTWARE POLICE
	1220	7.7	Antipiracy Policy
	•	7.8	Corporate Programs and Positions
	•	7.9	Licensing Solutions
	8	7.10	Auditing
	8	7.11	Software Registration and Budgeting
	8	7.12	Technical Solutions and Networks
	DI	EALING	WITH THE SOFTWARE POLICE
	8	7.13	Provisions of Court Orders
	§	7.14	Responding
Chapter 8		r 8	Protecting Designs—A Comparison of Design Patent, Copyright, Trademark, and Trade Dress Theory
			Sheldon H. Klein
			David W. Brinkman
	O_{I}	VERVIE	\mathbf{W}
		8.1	Introduction
	0	8.2	Basic Elements of Patent, Trademark, and Copyright Law
			W PERTINENT TO DESIGN PROTECTION
	_	8.3	Design Patent Law
	0	8.4	Trademark and Trade Dress Law
	-	8.5	Copyright Law
	C	OMPAR	ING DESIGN PROTECTION UNDER EACH LEGAL THEORY
		8.6	Design Patent Protection
		8.7	Trademark and Trade Dress Protection
	0	8.8	Copyright Protection
		8.9	Ornamental Design Features
	U	8.10	Nonfunctional Aspects of Design
	-	8.11	Infringement Standards

PAI	RALLE	LS AND CONTRASTS
§ 8	3.12	Coexistence of Design Patent, Trade Dress, and Copyright
§ 8	3.13	Possible Future Developments
Chapter		An Analysis of the Written Description Requirement for a Patent Application under 35 U.S.C. § 112 Laurence P. Colton
§ 9	0.1	Introduction
§ 9	2	Common Situations
§ 9	0.3	Federal Circuit Case Law
§ 9	.4	Question of Fact
§ 9).5	Sufficient Written Description
§ 9	0.6	Claim Interpretation
§ 9	.7	Outside Evidence
Chapter 10		1994–1995 Decisions on Preliminary Injunctions Against Patent Infringement: Defying the Trend Thomas W. Winland
		James P. Longfellow
§ 1	10.1	Introduction
§ 1	10.2	Background
§ 1	0.3	Standards for Granting a Preliminary Injunction
§ 1	0.4	1994-1995 Federal Circuit Cases
§ 1	10.5	1994-1995 District Court Cases
§ 1	10.6	Analysis of District Court Cases

Table of Cases

Index