

Patents

- Patentable Subject Matter
 - **Gottschalk v. Benson** (1972) - AT&T developed a mathematical formula for converting a number and applied for a patent. The Supreme Court ruled no, ruling that an algorithm is not patentable if not used for an end use or practical application.
 - **§101 - Prior Art** - documented evidence with a date reference and idea explanation showing that an idea patented had previously been thought of
 - **Diamond v. Diehr** (1981) - a computer program that determined when rubber was finishing curing using an integral calculus algorithm was patented. The Supreme Court ruled that it was okay and software patents were issued again.
 - **Bilski v. Kappos** (2010) - Bilski and partner wanted to patent a computerized process to hedge risk for trading. The patent was struck down because it did not meet the "machine or transformation" test.
 - **Ultramerical v. Hulu** (2011) - Ultramerical claiming a method for distributing copyrighted materials by allowing free access in exchange for watching a commercial.
- Novelty and Anticipation
 - **35 U.S.C. §§101-103**
 - **Graham v. John Deere** (1966) - Court must consider scope and content of prior art, difference between prior art and claims, and level of ordinary skill in the pertinent art.
 - **KSR v. Telflex** (2007) - Telflex created a gas pedal with an electronic component and KSR sued. It was considered obvious to convert from mechanical to electrical.
 - **Amazon.com v. BarnesAndNoble.com** (2001) - Amazon created a one-click button online shopping experience and won an injunction against B&N, but they then proved prior art and the injunction was lifted. The companies then settled.
- Enablement and Claims
 - **35 U.S.C. §112** - Lists what must be included in an application for a patent. Required: level of technical detail required to enable person skilled in the art to make and use the invention, and lists dangers of concealing the best mode of implementation.
 - **In re: Buchner** (1991) - A patent application failed to described two components and the patent was rejected. Upon a second trial, the components were briefly described and stated that they were well known in the art. The patent was still rejected. It is required that a full and complete description should be available to describe such components, not just an expression of an individual's opinion of what should be known.
 - **Mossman v. Broderbund** (1999) - Mossman sued in regards to a teaching reader that the defendant was claimed to have "comprising" components. Mossman lost because the comprising element is not an equivalent to a complete copy.
- Claim Interpretation and Infringement
 - **CIVIX-DDI, LLC v. Microsoft Corporation** (2000) - Plaintiff's patent was a kiosk where people could press a button and get printed directions. When Microsoft used a CRT display, they were sued, but no infringement was found because the "means of display" was a printer, not a CRT.
 - **The Doctrine of Equivalents** - permits a finding of infringement when "literal infringement" cannot be found for all elements.
 - **File Wrapper Estoppel** - A patent claim's scope cannot be limited by the equivalent's doctrine to cover a process that was specifically disclaimed by the

- applicant during the application of the patent.
 - **Hilgraeve Corporation v. McAfee Associates, Inc.** (2001) - The patent scans data and then stores files. A later patent by the defendant stored first and scanned later. The original patent had added its language of scanning then storing during the prosecution of the patent. There was no infringement found because the breadth of its claim was given up during its application.
 - **Festo v. Shoketsu Kinzoku Kogyo Kabushiki** (2002) - Be careful when searching for prior art and amended claims.
 - **Johnson & Johnson v. R.E. Service** (2002) - Items described in a patent not claimed is dedicated to the public and cannot be recaptured under the doctrine of equivalents.
- Damages and Reasonable Royalties
 - **Eolas v. Microsoft** (2005) - Microsoft thought damages of \$47 million was too much, but was not awarded a new trial pertaining to damages.
 - **eBay, Inc. v. MercExchange** (2006) - MercExchange successfully sued for damages but did not get an injunction against eBay for the "Buy It Now" feature.

Trademarks

- Cybersquatting
 - **Sporty's Farm, LLC v. Sportsman's Market, Inc.** (2000) -
 - **Bally Total Fitness v. Faber** (1998) - Faber registered ballysucks.com, Bally sued for trademark infringement, but Faber won because the First Amendment trumps the Anticybersquatting Consumer Protection Act
 - **Playboy Enterprises, Inc. v. Terri Welles** (2002) -
 - **Purfumebay.com Inc. v. eBay, Inc.** (2007) -
 - **1-800-Contacts, Inc. v. WhenU, Inc.** (2005) -
 - **Rescuecom.corp v. Google, Inc.** (2009) -
- Domain Name Dispute Resolution
 - **Olly's B.V. v. CPS Korea** (WIPO 2000) -
 - **Dluhos v. Strasberg** (2003) -
- Misappropriation, Product Standards, and Trademarks
 - **U.S. Golf Association v. St. Andrews Systems, Data-Max, Inc.** (1984) -
- Unsolicited Email
 - **CAN-SPAM Act** (2003) -
 - **Asis Internet Services v. Consumerbargaingiveaways, LLC** (2009) -

Trade Secrecy

- Protecting Trade Secret from Taking by "Improper Means"
 - **Religious Technology Center v. Lerma** (1995) -
 - **DVD Copy Control Ass'n, Inc. v. Bunner** (2004) -
 - **Vermont Microsystems, Inc. v. Autodesk, Inc.** (1996) -
- Trade Secret Litigation
 - **Computer Associates International, Inc. v. Quest Software, Inc.** (2004) -
- Protecting Trade Secrets from Disclosure
 - **Gilmore v. U.S. Department of Energy** (1998) -
 - **Hogan Systems, Inc. v. Cybersource International, Inc.** (1998) -

- Protecting Trade Secrets by "Shrinkwrap" and "Clickwrap" Licenses
 - **Vault v. Quaid Software, Ltd.** (1998) -
 - **ProCD, Inc. v. Zeidenberg** (1996) -
 - **Specht v. Netscape Communications Corp.** (2002) -
 - **Arizona Cartridge Remanufactures Association v. Lexmark International, Inc.** (2005) -
 - **Bowers v. Baystate Technologies, Inc.** (2005) -

Jurisdiction

- Reach of Long-arm Statutes
 - **Gator.com Corporation v. L.L. Bean** (2005) -
- International Jurisdictional Conflict
 - **Yahoo!, Inc. v. La Ligue Contre Le Racisme et L'Antisemitisme** (2006) -
- In Rem Jurisdiction over Domain Names
 - **Lucent Technologies, Inc. v. LucentSucks.com** (2000) -

E-Transactions

- Paper-Free Transactions
 - **Weber v. Shelley** (2003) -
- Authentication of Signatures
 - **Uniform Electronic Signatures Act** (2000) -
 - **Electronic Signatures in Global and National Commerce Act** -
- Computer Fraud and Abuse Act
 - **Creative Computing v. Getloaded.com, LLC** (2004) -
- Bankruptcy
 - **Bankruptcy Code, 11 U.S.C. §365** -
- Self Help
 - **North Texas v. Eisenberg** (1996) -
- Consumer Protection by the FTC
 - **In re: Beylen Telecom, Ltd.** (1997) -
- Taxation
 - **Quill Corporation v. North Dakota** (1992) -
- Restricting E-Competiton
 - **Granholm v. Heald** (2005) -
 - **Arizona Revised Statutes §28-4460** -
 - **People v. World Interactive Gaming Corporation** (1999) -
 - **U.S. v. Nelson** (2004) -
- Unauthorized Practice of Law
 - **Committee v. Parsons Technology** (1999) -

Antitrust

- Tie-In Sales
 - **Eastman Kodak Co. v. Image Technical Services** (1992) -

- **Caldera, Inc. v. Microsoft** (1999) -
- **U.S. v. Microsoft** (2001) -
- **Microsoft v. Commission of the European Communities** (2007) -