

Index

ADVERTISING

Data, 3:30, 3:50, 4:6, 5:7, 6:10, 7:3
Disclosure, 6:10
Federal Trade Commission, 2:11
Trademarks, 6:2, 6:8, 6:10, 6:11, 7:6

AGREEMENTS

Breach, 5:53
California, 1:14
Damages, 1:14, 3:26, 3:39, 4:17, 5:5, 5:6, 5:18, 5:21, 5:22, 5:32, 5:35, 5:36, 5:40, 5:49, 5:51, 5:53, 6:9, 6:13
Evidence, 1:14, 3:26, 3:39, 4:17, 5:5, 5:6, 5:18, 5:21, 5:22, 5:32, 5:35, 5:36, 5:40, 5:51, 5:53, 6:9, 6:13
Forms, 5:5, 5:6
Illinois, 5:53
Negotiations, 5:6, 5:18, 5:22, 5:32, 5:35, 5:36, 5:40, 5:49, 5:51, 5:53
Patent validity, 5:22
Theory, 5:6, 5:22

ANTICIPATION

Sales, 5:27

ANTITRUST

Case law, 5:10
Intellectual property, 1:1, 3:4
Licenses, 1:1
Licensing, 1:1, 5:10
Markets, 3:4
Parties, 3:4, 3:47
Patents, 1:1, 3:4, 5:10
Relevant market, 3:4
Royalties, 1:1, 5:10

ANTITRUST—Cont'd

Time, 5:10

APPEAL

Alternatives, 2:7, 2:22, 2:23, 3:5, 3:15, 3:21, 5:53, 6:6
Arguments, 2:23, 5:9, 5:19, 6:6, 6:10, 8:3

Brief, 7:5

Decisions, 2:17, 3:15, 3:21, 3:47, 7:9

Federal Circuit, 2:4, 2:7, 2:14, 2:17, 2:22, 2:23, 3:5, 3:15, 3:21, 4:17, 5:2, 5:4, 5:9, 5:11, 5:19, 5:31, 5:33, 5:50, 5:52, 5:53, 6:9 to 7:9, 8:1, 8:3, 8:7, 8:9

Infringement, 2:4, 2:7, 2:14, 2:17, 2:22, 2:23, 3:5, 3:15, 3:21, 3:47, 4:17, 5:2, 5:4, 5:9, 5:11, 5:19, 5:31, 5:33, 5:50, 5:52, 5:53, 6:9, 6:10, 7:5, 7:8, 7:9, 8:1, 8:3, 8:7

Patent Trial and Appeal Board, 2:7

APPLICATION

Discovery, 3:44

Examination, 1:7, 5:35

Forms, 2:13, 5:47, 7:9

Patents, 2:1, 2:13, 2:23, 5:8, 5:14, 5:32, 5:33, 5:35, 5:46, 5:53, 6:6, 7:9

Remand, 3:1, 5:40, 7:9

ASSIGNMENT

Evidence, 5:16

Infringement, 5:16

Parties, 5:16

Patents, 5:16

Sales, 5:16

CALCULATING INTELLECTUAL PROPERTY DAMAGES

ASSIGNMENT—Cont'd

Time, **5:16**

BANKRUPTCY

Agreements, **6:13**
License, **6:13**

BOOKS

Infringement, **2:12**
Trademarks, **2:12**

BURDEN OF PROOF

United States, **3:1**

CALIFORNIA

Advertising, **6:10**
Claims, **2:13, 8:9**
Damages, **1:14, 2:13, 6:10, 8:9**
Fraud, **8:9**
Jurisdiction, **2:13**
Liability, **2:13, 6:10**
Licenses, **1:14**
Misappropriation, **2:13, 6:10, 8:9**
Remedies, **2:13**
Statutes, **8:2, 8:9**
Trial, **2:13, 6:10, 8:9**

CHEMICAL

Discovery, **5:1**
Evidence, **1:2, 3:17, 5:1, 5:40**

CLAIMS

Alternatives, **1:2, 2:7, 2:23, 3:5, 3:7, 3:13, 3:15, 3:22, 4:2, 4:3, 4:18, 5:14, 5:42, 5:51, 5:53, 6:11**
Apparatus, **2:2, 2:7, 2:17, 3:7, 3:39, 5:8, 5:9**
Apparatus claims, **2:2**
Classifications, **3:22**
Complete, **1:2, 2:2, 2:14, 3:39, 5:8, 5:10, 5:53, 6:9, 7:11**
Constructed, **5:31**
Design patents, **2:17, 6:2 to 6:4, 6:7 to 6:9, 6:11, 6:12, 7:9**
Discovery, **4:6, 5:1**
Drawing, **4:6, 5:6**

CLAIMS—Cont'd

Electronics, **5:53, 7:9**
Internet, **2:10, 5:53, 6:11**
Language, **5:6, 7:2, 7:9, 8:9**
Literal infringement, **3:5**
Method claims, **2:2, 2:7**
Patentee, **2:2, 2:7, 2:14, 2:17, 2:23, 3:1, 3:3, 3:5, 3:6, 3:13, 3:15, 3:22, 3:24, 3:39, 3:51, 4:2 to 4:4, 4:6, 4:9 to 4:11, 4:17, 4:18, 5:1, 5:4, 5:6 to 5:10, 5:14, 5:23, 5:31, 5:42, 5:51, 5:53, 6:2, 7:9**
Preambles, **5:6**
Presentation, **3:6**
Process, **2:2, 2:13, 3:5, 3:7, 3:15, 4:6, 5:1, 5:6, 5:14, 5:51, 7:2, 7:9**
Royalties, **1:1, 2:7, 2:23, 3:1, 3:24, 4:2, 4:16, 5:1, 5:4, 5:6, 5:8 to 5:10, 5:41, 5:51, 5:53, 6:2, 6:7 to 6:9, 6:11, 7:9**
Telecommunications, **4:17, 5:6, 5:53**
Trademarks, **1:1, 2:10, 2:13, 6:2 to 6:4, 6:7 to 6:9, 6:11, 6:12, 7:6, 7:9**
Value, **1:2, 2:2, 2:13, 3:7, 3:39, 4:18, 5:4, 5:6 to 5:10, 5:15, 5:23, 5:31, 5:51, 5:53, 6:2, 6:3, 6:8, 6:9, 6:11, 6:12, 7:2, 7:9 to 8:9**

COMPETITION
Unfair Competition, **2:18, 4:18, 6:7, 6:8**

COMPLIANCE
Programs, **6:13**

COMPUTERS
Copyrights, **6:5**
Evidence, **5:6, 5:8, 5:22, 5:53, 6:5, 7:3**
Hardware, **6:5**
Identification, **6:5**
Misappropriation, **6:5**

INDEX

COMPUTERS—Cont'd
 New York, 5:8
 Software, 5:8, 5:53, 6:5, 7:3

CONFIDENTIALITY
 Evidence, 6:3
 Misappropriation of trade secrets, 2:13, 6:3

CONSIDERATION
 Illinois, 5:53

CONTRACTS
 Damages, 2:6, 2:21, 3:1, 3:3, 3:21, 3:39, 4:7, 4:18, 5:40, 7:2
 Evidence, 2:6, 2:21, 3:1, 3:3, 3:39, 4:18, 5:40, 7:2
 Negotiations, 5:40
 Theory, 3:3

COPYRIGHT
 Access, 6:3, 6:5, 6:9, 6:13, 7:10
 Actual damages, 2:12, 6:2, 6:3, 6:5, 6:9, 6:11, 7:1 to 7:3, 8:1
 Appeal, 6:9, 7:5, 7:8, 8:1, 8:9
 Bad faith, 7:8
 Bonds, 8:5
 Books, 2:12
 Burden of proof, 7:3
 Children, 6:5, 7:5, 8:9
 Competition, 6:3, 6:5, 6:9, 7:1, 7:6
 Confidential information, 6:13
 Contracts, 2:6, 7:2
 Copies, 2:12, 6:5, 6:9, 6:11, 7:2
 Costs, 6:2, 6:9, 6:13, 7:1, 7:2, 7:8, 7:11, 7:13 to 7:15, 8:9
 Courts, 2:12, 6:5, 6:9, 6:13, 7:1, 7:10, 7:11, 7:13 to 7:15, 8:1, 8:5, 8:9
 Damages, 2:6, 2:12, 6:2, 6:3, 6:5, 6:9, 6:11, 6:13, 7:1 to 7:6, 7:8, 7:10, 7:11, 7:13, 7:14, 7:16, 8:1, 8:5, 8:9
 Delay, 7:1, 8:1
 Discovery, 6:5

COPYRIGHT—Cont'd
 Distribution, 2:12, 6:13, 7:11, 7:15
 Evidence, 2:6, 6:2, 6:3, 6:5, 6:9, 6:11, 6:13, 7:1 to 7:6, 7:8, 7:10, 7:14, 7:15, 8:1, 8:5, 8:9
 Exclusivity, 6:11
 Expenses, 6:2, 7:4, 7:13 to 7:15
 Fees, 6:9, 6:11, 7:3, 7:5
 Financial statements, 7:4, 7:5
 Fraud, 8:9
 Good faith, 7:13
 Hire, 2:12
 Ideas, 2:12
 Infringement, 2:6, 2:12, 6:2, 6:3, 6:5, 6:9, 6:11, 6:13, 7:1 to 7:6, 7:8, 7:11, 7:13 to 7:16, 8:1, 8:5
 Injunctions, 6:13
 Intent, 7:1, 7:3
 Interest, 2:12, 6:11, 6:13, 7:1, 7:6, 8:1, 8:5, 8:9
 Internet, 6:11, 7:3
 Irreparable harm, 6:13
 Joint, 6:9
 Laches, 7:1
 License fee, 6:2, 6:9, 6:11
 Licenses, 6:9, 6:11, 6:13
 Loss, 6:2, 6:3, 6:9, 6:11, 7:1, 7:13, 8:1, 8:5
 Music, 2:12, 6:11, 6:13, 7:3, 7:6, 7:11, 8:1, 8:5
 Networks, 7:3
 Objections, 6:2
 Preliminary injunctions, 6:13
 Prevailing party, 8:9
 Process, 2:6, 7:2
 Profits, 2:6, 2:12, 6:2, 6:3, 6:5, 6:9, 6:11, 6:13, 7:1 to 7:6, 7:8, 7:10, 7:11, 7:13 to 7:16, 8:1, 8:5, 8:9
 Refunds, 7:16
 Registration, 2:12
 Review, 7:2, 8:1

CALCULATING INTELLECTUAL PROPERTY DAMAGES

COPYRIGHT—Cont'd

Royalties, 2:6, 6:2, 6:9, 6:11, 6:13, 7:1, 8:1, 8:5
Scripts, 2:12
Search, 6:11, 6:13
Securities, 8:5
Similarity, 7:3
State law claims, 8:9
Statutes, 2:6, 8:1, 8:9
Statutory damages, 2:12, 6:9, 7:1
Television, 7:3, 7:5
Time, 2:12, 6:2, 6:3, 6:9, 6:11, 6:13, 7:5, 7:6, 7:10, 7:11, 8:1, 8:9
United States, 2:6
Unjust enrichment, 6:11, 7:1 to 7:6, 7:8, 7:10, 7:11, 7:13 to 7:16, 8:1, 8:9
Willfulness, 7:1
Witnesses, 7:8
Works made for hire, 2:12

COSTS AND EXPENSES

Discovery, 7:12

CUSTOMERS

California, 6:10, 8:2
Uniform Trade Secrets Act, 6:10, 7:1
United States, 2:5, 2:6, 3:1, 3:24, 4:17, 5:50, 8:2

DAMAGES

California, 1:14, 2:13, 6:10, 8:9
Compensatory damages, 2:3, 2:8, 3:1, 5:51, 7:1, 8:1, 8:7 to 8:9
Copyright infringement, 2:6, 2:12, 6:2, 6:3, 6:5, 6:9, 6:11, 6:13, 7:3, 7:6, 7:13, 7:14
Defend Trade Secrets Act, 2:13, 6:2, 6:10, 7:1
Definitions, 3:22
Entire market value rule, 3:38, 5:8 to 5:10, 5:19, 5:28, 5:47, 5:51, 5:53, 7:3
False advertising, 2:11, 6:8

DAMAGES—Cont'd

France, 3:15
Illinois, 5:53
Induced infringement, 2:5, 5:15, 5:50
Lanham Act, 2:10 to 2:12, 6:2, 6:8, 6:11, 7:1, 7:2, 7:14, 8:1
Lost profits, 2:1, 2:3, 2:5 to 2:7, 2:9, 2:10, 2:13, 2:18, 2:19, 3:1 to 3:7, 3:9 to 3:18, 3:20 to 3:28, 3:32, 3:36, 3:38 to 3:41, 3:43, 3:44, 3:47, 3:49 to 3:51, 4:1 to 4:19, 5:1, 5:2, 5:4, 5:9, 5:14, 5:26, 5:29, 5:39, 5:40, 5:42, 5:49 to 5:51, 6:1 to 6:10, 7:1, 7:3, 8:1, 8:7, 8:8, 8:10
Marking, 2:4, 4:1, 5:15
Misappropriation of trade secrets, 1:1, 2:13, 6:3, 6:5, 6:10, 8:1, 8:9
New Jersey, 2:13
New York, 3:10, 5:8, 5:14, 6:8
Notice of infringement, 2:4, 5:15
Prejudgment interest, 2:1, 2:10, 2:12, 2:13, 5:51, 8:1, 8:3 to 8:5, 8:7 to 8:10
Punitive damages, 7:1, 8:1
Reasonable royalty, 1:3, 2:1 to 2:3, 2:6, 2:7, 2:9, 2:10, 2:13, 2:15, 2:19, 2:20, 2:23, 3:1, 3:9, 3:11, 3:14, 3:15, 3:20, 3:22, 3:24, 3:25, 3:36, 5:1 to 5:53, 6:1 to 6:3, 6:7, 6:9 to 6:12, 7:1, 7:3, 7:4, 7:9, 7:10, 8:1, 8:5, 8:9
Royalty, 1:3, 1:14, 2:1 to 2:4, 2:6, 2:7, 2:9, 2:10, 2:13 to 2:15, 2:18 to 2:23, 3:1, 3:9, 3:11, 3:14, 3:15, 3:20, 3:22, 3:24 to 3:26, 3:36, 5:1 to 5:53, 6:1 to 6:3, 6:7 to 6:13, 7:1, 7:3, 7:4, 7:9, 7:10, 8:1, 8:3, 8:5, 8:7, 8:9
Trade secrets cases, 8:9
Uniform Trade Secrets Act, 2:13, 6:10, 7:1, 7:4

INDEX

DAMAGES—Cont’d
United Kingdom, 5:35
United States, 2:4 to 2:6, 3:1, 3:24, 3:38, 4:17, 4:19, 5:15, 5:16, 5:35, 5:37, 5:38, 5:50, 5:51, 8:3
Use, 1:1, 1:2, 1:4, 1:11, 2:1, 2:2, 2:4, 2:5, 2:8, 2:10, 2:13 to 2:17, 2:19, 2:23, 3:1, 3:4, 3:10, 3:15 to 3:18, 3:21 to 3:23, 3:26, 3:28, 3:32, 3:36, 3:38 to 3:41, 3:43, 3:44, 3:49, 3:50, 4:6, 4:11, 4:15, 5:1 to 5:28, 5:31 to 5:38, 5:42, 5:44 to 5:46, 5:49, 5:51 to 5:53, 6:1 to 6:6, 6:8 to 6:11, 6:13, 7:1 to 7:6, 7:8 to 7:10, 7:13, 7:14, 8:1, 8:3 to 8:5, 8:7 to 8:10
Vicarious liability, 2:5

DATA
Information and Data, 1:3, 1:6, 1:7

DATABASES
Agreements, 5:21
Infringement, 5:21
Licensing, 5:21

DEFAULT
Debtor, 8:3
Infringement, 8:3, 8:7

DEFEND TRADE SECRETS ACT
Remedies, 2:13, 7:1

DEFINITION
Apparatus, 3:39
Classifications, 3:22
Combinations, 2:10
Defend Trade Secrets Act, 6:2
Licensing, 2:4, 2:19, 2:20, 5:36, 5:37
Machine, 3:18, 3:39
Manufacture, 3:1, 6:2, 7:9

DEFINITION—Cont’d
Patents, 2:4, 2:20, 3:4, 3:18, 3:20, 3:21, 3:39, 5:36, 5:37, 6:2, 7:9
Process, 2:4, 3:18, 3:20, 3:21, 7:9
Trade secrets, 6:2

DEPARTMENT OF JUSTICE
Intellectual property, 3:4
Mergers, 3:4
Testimony, 3:4

DEPOSITIONS
Parties, 1:13, 3:12, 4:5
Reliance on, 4:5
Responses, 3:12
Signature, 1:13
Time, 3:12, 4:5

DISCLOSURE
Agreements, 1:14, 6:13
Copyright, 6:13
Discovery, 1:5, 1:14
Effect of, 6:13
Evidence, 1:14, 6:10, 6:13
Forms, 2:13
Infringement, 2:13, 6:10, 6:13
Language, 6:10
Patent protection, 2:13
Research and development, 6:10
Time, 1:14, 2:13, 6:10, 6:13
Trade secret, 2:13, 6:10, 6:13
Trial, 1:5, 2:13, 6:10

DISCOVERY
Closing, 5:22
Costs, 3:42, 3:44, 5:1, 5:22, 7:12
Disclosure, 1:5, 1:14
Domestic, 5:50
Evidence, 1:14, 4:6, 5:1, 5:22, 5:36, 5:50, 6:5
Initial disclosure, 1:14
Interrogatories, 1:4
Objections, 5:22
Orders, 5:50

CALCULATING INTELLECTUAL PROPERTY DAMAGES

DISCOVERY—Cont'd

- Parties, 1:5, 1:14, 4:6, 5:1, 5:22, 5:36, 5:50, 6:5
- Records, 3:42, 3:44, 4:6, 5:50, 6:5, 7:12
- Relevance, 5:22
- Reports, 1:5, 1:6, 3:42, 3:44
- Response, 1:5
- Rules of evidence, 5:22
- Safeguards, 1:14
- Scope of, 1:6, 1:14
- Timing, 5:22
- United States, 5:50
- Use of, 1:4, 3:44, 4:6, 5:1, 5:22, 5:36, 6:5

DISTRICT COURT

- Parties, 1:2, 1:7, 1:14, 2:4, 2:14, 2:15, 2:17 to 2:19, 2:21 to 2:23, 3:3, 3:4, 3:7, 3:10, 3:15, 3:16, 3:18, 3:20, 3:22, 3:26, 3:39, 3:47, 3:51, 4:4, 4:5, 4:10, 4:14, 5:1 to 5:6, 5:8, 5:9, 5:11, 5:12, 5:14 to 5:23, 5:26 to 5:28, 5:31 to 5:36, 5:38, 5:40 to 5:42, 5:46, 5:47, 5:49 to 5:51, 5:53, 6:2, 6:5, 6:8 to 6:11, 6:13, 7:2 to 7:4, 7:6, 7:9, 7:13, 8:2, 8:3, 8:8, 8:9
- Requirements, 1:2, 1:6, 1:7, 1:14, 2:4, 2:17, 3:51, 4:13, 5:8, 5:20, 5:35, 5:51, 5:52, 6:13, 8:9
- Subject matter, 1:6

DOMAIN NAMES

- Technology, 6:10
- Trademarks, 6:10

DRAWINGS

- Claims, 7:9
- Design patents, 7:9
- Evidence, 7:9

DUE DILIGENCE

- Consideration, 5:19

DUE DILIGENCE—Cont'd

- Infringement, 2:12, 3:50, 5:19
- Licenses, 5:19
- Validity, 5:19

DURATION

- Patent protection, 2:13
- United States, 2:4

ECONOMIC VALUE

- Misappropriation of trade secrets, 2:13, 6:10
- Uniform Trade Secrets Act, 2:13, 6:10

EDUCATION

- Publications, 1:10

ELEMENTS

- Utility, 2:5, 6:1, 6:2
- Validity, 5:31, 5:49

EMPLOYEES

- Interviews, 3:10

EMPLOYERS

- Employees, 2:12

ENFORCEMENT

- Remedies, 2:19

ENGINEERING

- Evidence, 3:12, 4:5, 5:35

EVIDENCE

- Acquisition, 5:35, 6:9, 6:12, 7:10
- Best evidence, 5:18
- Checklist, 5:34
- Credibility, 1:2, 2:18, 2:22, 4:17
- Disclosure, 1:14, 6:10, 6:13
- Discovery, 1:14, 4:6, 5:1, 5:22, 5:36, 5:50, 6:5
- Drawings, 7:9
- Enforcement, 2:19, 5:1
- Engineering, 3:12, 4:5, 5:35
- Exceptions, 5:16, 8:9
- Exclusion, 1:7, 3:39, 5:6, 5:10, 5:11, 5:21 to 5:23, 5:33,

INDEX

EVIDENCE—Cont'd

- 5:35, 5:42, 5:50, 5:53, 6:10, 7:15
- Expert testimony, 1:2, 1:7, 2:14, 2:21, 3:3, 3:4, 3:25, 3:51, 5:1, 5:6, 5:8, 5:10, 5:21, 5:32, 5:33, 5:35, 5:46, 6:9 to 6:11, 6:13, 7:4, 7:5, 7:7, 7:9
- Expert witnesses, 1:1, 5:34, 7:9
- France, 3:15
- Identification, 4:6, 6:5, 7:9
- Illinois, 5:53
- Infringement, 1:1, 1:2, 2:5, 2:6, 2:8, 2:14 to 2:23, 3:1 to 3:8, 3:10, 3:12, 3:14 to 3:18, 3:20, 3:22 to 3:26, 3:35 to 3:37, 3:39, 3:43, 3:51, 4:1 to 4:6, 4:8, 4:9, 4:13, 4:17, 4:18, 5:1, 5:2, 5:5 to 5:11, 5:16 to 5:23, 5:26, 5:28, 5:29, 5:31 to 5:36, 5:39, 5:40, 5:42, 5:45, 5:46, 5:50, 5:51, 5:53, 6:2, 6:3, 6:5, 6:7 to 6:13, 7:1 to 7:9, 7:14, 7:15, 8:1 to 8:3, 8:5, 8:7
- Injunctions, 2:14, 2:15, 2:17 to 2:19, 2:22, 3:51, 5:50, 6:13
- Interviews, 3:10, 3:12
- Laches, 7:1
- Misappropriation of trade secrets, 1:1, 6:3, 6:5, 6:10, 8:1, 8:9
- New York, 3:10, 5:8, 6:8
- Notice, 4:1, 5:53
- Oregon, 6:9
- Pleadings, 3:39
- Presumptions, 2:16
- Public knowledge, 5:53
- Relevant evidence, 5:6, 5:17
- Stamps, 6:11
- Tests, 4:13
- Texas, 5:22, 5:53, 6:13, 7:7, 8:9
- United States, 2:5, 2:6, 3:1, 3:24, 4:17, 5:16, 5:35, 5:50, 5:51, 8:2, 8:3
- Use, 1:1, 1:2, 2:5, 2:8, 2:14 to 2:17, 2:19, 2:23, 3:1, 3:4,

EVIDENCE—Cont'd

 - 3:10, 3:15 to 3:18, 3:22, 3:23, 3:26, 3:36, 3:39, 3:43, 4:6, 4:11, 4:15, 5:1, 5:2, 5:5 to 5:11, 5:16 to 5:23, 5:26, 5:28, 5:31 to 5:36, 5:42, 5:45, 5:46, 5:51, 5:53, 6:2, 6:3, 6:5, 6:6, 6:8 to 6:11, 6:13, 7:1 to 7:6, 7:8 to 7:10, 7:14, 8:1 to 8:3, 8:5, 8:7 to 8:9
 - Utah, 3:4, 3:22, 5:21, 5:36
 - Validity, 2:14, 2:20, 2:23, 5:1, 5:19, 5:22, 5:31, 5:32, 5:35
 - Value, 1:2, 3:7, 3:8, 3:12, 3:17, 3:26, 3:36, 3:37, 3:39, 4:5, 4:18, 5:5 to 5:11, 5:16, 5:17, 5:19 to 5:23, 5:26, 5:28, 5:29, 5:31 to 5:33, 5:35, 5:36, 5:40, 5:45, 5:50, 5:51, 5:53, 6:2, 6:3, 6:8 to 6:12, 7:1 to 7:3, 7:5, 7:9, 7:10, 8:1, 8:7, 8:9
 - Virginia, 5:22, 6:10, 7:4
 - Wisconsin, 5:9
 - Witnesses, 1:1, 1:9, 2:22, 3:3, 3:7, 3:18, 4:5, 5:34, 7:8, 7:9

EXAMINATION

 - Fees, 5:35
 - Infringement, 3:7, 3:47, 5:11, 5:21, 5:22, 5:35, 5:36, 7:14

EXCLUSION ORDERS

 - United States, 5:50

EXPENSES

 - Costs and Expenses, 7:12

EXPERT WITNESSES

 - Compensation, 7:9
 - Financial remedies, 1:1
 - Opinions, 1:1
 - Reasonable royalty, 5:34, 7:9
 - Responsibilities, 1:1
 - Role, 1:1

CALCULATING INTELLECTUAL PROPERTY DAMAGES

EXTRATERRITORIALITY

International Trade Commission, 5:50
United States, 2:6, 5:50

FEDERAL CIRCUIT

District Court, 1:2, 1:14, 2:3 to 2:11, 2:14 to 2:23, 3:1, 3:3 to 3:5, 3:7, 3:8, 3:10, 3:14 to 3:18, 3:20 to 3:26, 3:39 to 3:41, 3:51, 4:4, 4:5, 4:8 to 4:11, 4:14, 4:17, 4:18, 5:1 to 5:6, 5:8 to 5:12, 5:14 to 5:19, 5:21 to 5:23, 5:26 to 5:29, 5:31 to 5:36, 5:38, 5:40 to 5:42, 5:46, 5:47, 5:49 to 5:53, 6:2, 6:3, 6:5, 6:7, 6:9 to 6:13, 7:1, 7:6, 7:7, 7:9, 7:14, 7:16, 8:1 to 8:3, 8:5 to 8:7, 8:9
Parties, 1:2, 1:14, 2:4, 2:14, 2:15, 2:17 to 2:19, 2:21 to 2:23, 3:3, 3:4, 3:6, 3:7, 3:10, 3:15, 3:16, 3:18, 3:20, 3:22, 3:26, 3:39, 3:51, 4:4, 4:5, 4:7, 4:10, 4:14, 5:1 to 5:6, 5:8, 5:9, 5:11 to 5:19, 5:21 to 5:23, 5:25 to 5:28, 5:31 to 5:36, 5:38 to 5:42, 5:45 to 5:47, 5:49 to 5:51, 5:53, 6:2, 6:5, 6:9 to 6:11, 6:13, 7:6, 7:9, 8:2, 8:3, 8:9

FEDERAL TRADE COMMISSION

Advertising, 2:11
Antitrust, 3:4
False advertising, 2:11
Intellectual property, 2:11, 3:4
Mergers, 3:4

FEES

Payment, 5:19, 5:35

FORMS

Confidentiality, 2:13
Manufacturing, 5:47
Trademarks, 2:13, 6:7, 7:9

FRANCE

Damages, 3:15
Litigation, 3:15
Manufacturers, 3:15
Technology, 3:15

FRANCHISE

Damages, 6:8
Design, 6:8
Preemption, 6:8
Revenues, 6:8
Use, 6:8

GEORGIA

Uniform Trade Secrets Act, 2:13, 6:10

GOVERNMENT

Copyright, 2:12, 6:2, 6:3, 8:5
Intellectual property, 2:10, 2:12
Trademark, 2:10, 2:12, 6:2, 6:3

HARDSHIPS

Injunctions, 2:14, 6:13

HARDWARE

Design patents, 6:5
Infringement, 3:10, 4:7, 6:5
Records, 6:5

HARM

Injunctions, 2:14, 2:15, 2:17 to 2:19, 2:22, 6:13

HISTORY

United States, 5:35

IDENTIFICATION

Litigation, 3:44, 6:5, 7:9

ILLINOIS

Computers, 5:53
Consideration, 5:53
Covered, 5:53
Development, 5:53
Time, 5:53

INDEX

INDEPENDENT ECONOMIC VALUE
Uniform Trade Secrets Act, 2:13, 6:10

INFRINGEMENT
Actual damages, 2:1, 2:10 to 2:13, 3:1, 3:25, 4:1, 6:1 to 6:3, 6:5, 6:8 to 6:11, 7:1 to 7:3, 8:1
Agents, 3:30
Appeals, 2:11, 3:3, 5:33, 5:46, 6:3, 6:5, 6:7, 6:8, 6:11, 7:3 to 7:5, 7:9, 8:1
Apportionment, 3:11, 5:3, 5:7 to 5:11, 5:19, 5:23, 5:47, 5:50, 5:53, 6:2, 6:10, 7:2, 7:4, 7:6, 7:9
Assignment, 5:16
Attorneys, 5:51
Bond, 8:2, 8:7
Burden of proof, 3:1, 3:5, 7:3
Burden to show, 5:8, 7:2, 7:3, 7:5
Claims, 1:1 to 2:2, 2:7, 2:10, 2:13, 2:14, 2:17, 2:23, 3:1, 3:3, 3:5 to 3:7, 3:13, 3:15, 3:22, 3:24, 3:39, 3:51, 4:2 to 4:4, 4:6, 4:9, 4:17, 4:18, 5:1, 5:4, 5:6 to 5:10, 5:14, 5:15, 5:23, 5:31, 5:41, 5:42, 5:51, 5:53, 6:2, 6:3, 6:7 to 6:9, 6:11, 6:12, 7:2, 7:6, 7:7, 7:9, 7:11, 7:14
Computers, 5:6, 5:8, 5:22, 5:53, 6:5, 7:3
Contributory infringement, 2:5
Copying, 3:38
Copyright, 2:6, 2:12, 6:2, 6:3, 6:5, 6:9, 6:11, 6:13, 7:1 to 7:6, 7:8, 7:11, 7:13 to 7:16, 8:1, 8:5
Costs, 1:1 to 2:2, 2:10, 2:11, 2:15, 3:2, 3:15, 3:17, 3:26, 3:27, 3:29 to 3:32, 3:37, 3:40 to 3:50, 4:1, 4:8, 4:9, 5:1, 5:4, 5:6, 5:11, 5:13, 5:22, 5:25 to 5:27, 5:35, 5:39, 5:42, 5:49,

INFRINGEMENT—Cont'd
5:51, 5:53, 6:2, 6:9, 6:13, 7:1, 7:2, 7:8, 7:11 to 7:15
Courts, 2:9 to 2:13, 2:15 to 2:19, 2:22, 2:23, 3:2, 3:5, 3:6, 3:10, 3:12, 3:14, 3:18, 3:23, 3:25, 3:38, 3:41, 3:47, 4:2 to 4:4, 4:8, 4:14, 4:18, 5:1 to 5:6, 5:8, 5:12 to 5:14, 5:17, 5:19 to 5:22, 5:25, 5:26, 5:28, 5:32 to 5:35, 5:38, 5:46, 5:47, 5:49, 5:53, 6:5, 6:9, 6:10, 6:13, 7:1, 7:9, 7:11 to 7:15, 8:1 to 8:3, 8:5, 8:7
Damages, 1:1 to 1:3, 2:1 to 2:23, 3:1 to 3:7, 3:9 to 3:18, 3:20 to 3:28, 3:32, 3:36, 3:38 to 3:41, 3:43, 3:44, 3:47, 3:49 to 3:51, 4:1 to 4:9, 4:13, 4:14, 4:17, 4:18, 5:1 to 5:53, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1 to 7:9, 7:11, 7:13, 7:14, 7:16, 8:1, 8:3, 8:5, 8:7, 8:10
Deductions, 3:43, 7:2, 7:6, 7:8, 7:11, 7:13 to 7:15
Design patent, 2:9, 2:17, 7:1, 7:9, 7:14 to 7:16
Designing around, 5:6, 5:41
Destruction, 6:10
Digital, 5:53
Direct infringement, 2:5, 5:1, 5:10, 5:15
Disclosure, 2:13, 6:10, 6:13
Engineering, 2:13, 3:12, 4:5, 5:35, 5:48
Evidence, 1:1, 1:2, 2:5, 2:6, 2:8, 2:14 to 2:23, 3:1 to 3:8, 3:10, 3:12, 3:14 to 3:18, 3:20, 3:22 to 3:26, 3:35 to 3:37, 3:39, 3:43, 3:51, 4:1 to 4:6, 4:8, 4:9, 4:13, 4:17, 4:18, 5:1, 5:2, 5:5 to 5:11, 5:16 to 5:23, 5:26, 5:28, 5:29, 5:31 to 5:36, 5:39, 5:40, 5:42, 5:45, 5:46, 5:50, 5:51, 5:53, 6:2, 6:3, 6:5, 6:7 to 6:13, 7:1 to 7:9, 7:14,

CALCULATING INTELLECTUAL PROPERTY DAMAGES

INFRINGEMENT—Cont'd
7:15, 8:1 to 8:3, 8:5, 8:7
Exceptions, 5:16
Exclusion, 3:39, 5:4, 5:6, 5:10 to
5:12, 5:15, 5:21 to 5:23,
5:33, 5:35, 5:42, 5:50, 5:53,
6:10, 7:15, 8:10
Exclusive right, 2:12, 2:14, 2:16,
3:17, 5:29
Fees, 2:2, 2:10, 2:15, 5:19, 5:35,
6:8, 6:9, 6:11, 7:3, 7:5
Flexibility, 5:12, 7:13, 7:15
Good faith, 5:53, 7:13
Goodwill, 2:14, 2:17, 2:18, 5:30,
6:2, 6:13
Gross revenues, 4:6, 7:4, 7:6, 7:8
Hardware, 3:10, 4:7, 6:5
Income tax paid, 7:16
Income taxes, 7:16, 8:10
Incremental costs, 3:26, 3:30 to
3:32, 3:40 to 3:50, 5:26, 7:8,
7:11 to 7:13
Indirect costs, 3:45, 7:12, 7:15
Induced infringement, 2:5, 5:15,
5:50
Injunctive relief, 2:1, 2:15 to 2:19,
6:13
Insurance, 3:40, 3:43, 7:2
Intent, 2:5, 2:15, 3:3, 5:2, 5:8,
5:53, 7:1, 7:3, 7:9
Interchangeability, 3:7, 3:39
Jurisdiction, 2:13
License, 2:2, 2:16, 2:19, 2:20,
2:23, 3:26, 5:2, 5:4 to 5:6,
5:8, 5:11 to 5:19, 5:21 to
5:23, 5:25, 5:26, 5:32, 5:35
to 5:38, 5:41, 5:42, 5:46,
5:49, 5:51, 5:53, 6:2, 6:9,
6:11, 6:13, 7:9, 8:3
Licensing, 1:1, 1:3, 2:2, 2:4, 2:15,
2:19, 2:20, 5:2, 5:6 to 5:8,
5:10, 5:12, 5:13, 5:19, 5:21,
5:23 to 5:25, 5:32, 5:34 to
5:41, 5:46, 5:51, 5:53, 6:8,
6:9, 6:11, 6:13, 8:5, 8:7
Literal infringement, 3:5

INFRINGEMENT—Cont'd
Manufacturing, 2:2, 3:1, 3:5, 3:6,
3:15, 3:21, 3:24, 3:29, 3:41,
3:43, 3:45, 4:4, 4:5, 4:9, 5:4,
5:8, 5:42, 5:47, 7:12
Networks, 5:53, 7:3
Order, 2:2, 2:5, 2:7, 2:11, 2:14,
2:19, 3:1, 3:4, 3:10, 3:23,
3:24, 3:32, 3:43, 3:48, 4:1,
4:17, 5:15, 5:21, 5:22, 5:26,
5:33, 5:37, 5:45, 6:9, 6:10,
6:13, 7:3, 7:9, 8:2, 8:5, 8:7
Overhead costs, 3:43, 3:47, 3:50,
7:11 to 7:15
Patent, 1:1 to 2:10, 2:13 to 2:23,
3:1 to 3:51, 4:1 to 4:9, 4:13,
4:14, 4:17, 4:18, 5:1 to 5:53,
6:1 to 6:3, 6:7, 6:9, 6:10,
6:13, 7:1, 7:3, 7:6, 7:9, 7:14
to 7:16, 8:1 to 8:3, 8:5, 8:7
Patents, 1:1, 1:3, 2:1 to 2:5, 2:7 to
2:9, 2:13, 2:15 to 2:17, 2:20,
2:23, 3:4, 3:8, 3:15, 3:18,
3:20, 3:21, 3:23, 3:25, 3:29,
3:39, 4:2, 4:17, 5:2 to 5:4,
5:6, 5:8 to 5:11, 5:13 to
5:16, 5:19, 5:22, 5:23, 5:26,
5:28, 5:29, 5:32, 5:33, 5:35
to 5:39, 5:46, 5:48, 5:53, 6:1
to 6:3, 6:5, 6:7 to 6:13, 7:1,
7:7, 7:9, 8:1
Payment, 2:18, 2:20, 5:1, 5:4 to
5:6, 5:14, 5:18 to 5:22, 5:35,
5:51, 5:53, 6:10, 7:16, 8:1,
8:3, 8:10
Preemption, 6:8
Preliminary injunction, 2:1, 2:14
to 2:21, 6:13
Quantum, 6:5
Reasonable royalties, 2:6, 2:7,
2:20, 3:18, 3:23, 3:24, 4:2,
5:1, 5:4, 5:6, 5:9, 5:12, 5:13,
5:19, 5:20, 5:22, 5:25, 5:33,
5:49, 5:50, 5:53, 6:1, 6:2,
6:7, 6:9 to 6:11, 7:1, 8:1
Remedies, 1:1, 2:1 to 2:23, 5:6,
6:1, 6:3, 6:7, 6:9, 6:13, 7:1

INDEX

INFRINGEMENT—Cont'd
Research, 2:13, 3:7, 3:30, 3:43, 3:50, 4:6, 4:13, 5:6, 5:9, 5:21, 5:26, 5:31, 5:33, 5:48, 5:50, 5:51, 6:7, 6:10 to 7:12
Revenue, 2:6, 2:15, 2:21, 3:26 to 3:33, 3:37, 3:40, 3:41, 3:43, 3:45, 3:46, 3:49, 4:6, 5:4, 5:6 to 5:11, 5:26, 5:30, 5:31, 5:33, 5:53, 6:2, 6:5, 6:8 to 6:10, 7:2 to 7:6, 7:8, 7:11, 7:14, 7:15
Software, 2:2, 2:4, 2:5, 3:42, 5:8, 5:9, 5:11, 5:19, 5:21, 5:39, 5:44 to 5:46, 5:53, 6:3, 6:5, 6:9, 6:10, 6:13, 7:3
Standing, 5:1, 5:6, 5:22, 7:9
Statute of limitations, 2:4, 2:12, 5:15, 6:2, 7:2
Taxation, 5:35
Tests, 4:13
Time, 2:2, 2:4, 2:5, 2:12, 2:13, 2:23, 3:1, 3:12, 3:16 to 3:18, 3:21, 3:25, 3:26, 3:35, 3:36, 3:42, 3:50, 4:1, 4:4, 4:5, 4:8, 4:13, 4:14, 4:18, 5:1, 5:2, 5:4 to 5:7, 5:10 to 5:19, 5:22, 5:26, 5:27, 5:29, 5:31 to 5:33, 5:35, 5:40 to 5:42, 5:45, 5:49, 5:51, 5:53, 6:2, 6:3, 6:7 to 6:13, 7:5, 7:6, 7:11, 7:12, 8:1, 8:3, 8:7, 8:10
Tools, 2:2, 2:11, 3:39, 5:21
Total profits, 2:9, 5:27, 6:2, 7:1, 7:6, 7:9, 7:16
Trade dress, 1:1, 2:10, 2:11, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1, 7:14
Trade secrets, 1:1, 2:6, 2:13, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1, 7:3 to 7:8, 8:1
Trademarks, 1:1, 2:9, 2:10, 2:12, 2:13, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1, 7:6, 7:9
United States Government, 5:51, 8:3

INFRINGEMENT—Cont'd
Unjust enrichment, 2:1, 2:10, 2:13, 6:10 to 6:12, 7:1 to 7:9, 7:11 to 7:16, 8:1, 8:10
Use, 1:1 to 2:2, 2:4, 2:5, 2:8, 2:10, 2:13 to 2:17, 2:19, 2:23, 3:1, 3:4, 3:10, 3:15 to 3:19, 3:21 to 3:23, 3:26, 3:28, 3:32, 3:36, 3:38 to 3:44, 3:46, 3:49, 3:50, 4:6, 5:1 to 5:28, 5:31 to 5:38, 5:42, 5:44 to 5:46, 5:49, 5:51 to 5:53, 6:1 to 6:3, 6:5, 6:8 to 6:11, 6:13, 7:1 to 7:6, 7:8, 7:9, 7:13, 7:14, 8:1 to 8:3, 8:5, 8:7, 8:10
Users, 1:2, 3:12, 5:11, 5:31, 5:53, 6:11, 7:3, 7:9

INJUNCTIONS
Evidence, 2:14, 2:15, 2:17 to 2:19, 2:22, 3:51, 5:50, 6:13
Hardships, 2:14, 6:13
Harm, 2:14, 2:15, 2:17 to 2:19, 2:22, 6:13
Irreparable harm, 2:14, 2:15, 2:17 to 2:19, 6:13
Likelihood of success, 2:15, 2:17
Orders, 5:50
Parties, 2:14, 2:15, 2:17 to 2:19, 2:22, 3:51, 5:50, 6:13
Permanent Injunctions, 2:14, 2:15, 2:17, 6:13
Preliminary Injunctions, 2:17, 2:18, 2:22, 6:13
Public interest, 2:14, 2:22, 6:13
Success, 2:15, 2:17
United States, 5:50

INTEREST
Damages, 2:1, 2:2, 2:10, 2:12 to 2:14, 2:22, 5:1, 5:14, 5:35, 5:51, 6:11, 6:13, 7:1, 7:6, 8:1, 8:3 to 8:5, 8:7 to 8:10
Uniform Trade Secrets Act, 2:13, 7:1

CALCULATING INTELLECTUAL PROPERTY DAMAGES

INTERNATIONAL TRADE COMMISSION	LICENSES—Cont'd
United States, 5:50	to 5:39, 5:46, 5:51, 5:53, 6:8, 6:9, 6:11, 6:13
INTERNET	Internet, 5:53, 6:11
Access, 5:53	Language, 5:6, 5:19, 5:32, 5:38
Authority, 5:53	Litigation, 1:1, 1:14, 2:19, 2:20, 5:4 to 5:6, 5:8, 5:13, 5:19 to 5:22, 5:32, 5:35, 5:53, 6:9, 6:11
California, 6:10	Music, 6:11, 6:13
Copyright, 6:11, 7:3	Negotiations, 5:6, 5:8, 5:12, 5:13, 5:18 to 5:20, 5:22, 5:23, 5:25, 5:32, 5:35, 5:36, 5:38, 5:46, 5:51, 5:53
Customers, 2:10, 6:10, 7:3	Parties, 1:14, 2:19, 3:7, 5:4 to 5:6, 5:8, 5:12, 5:13, 5:18 to 5:23, 5:25, 5:32, 5:35, 5:36, 5:38, 5:39, 5:46, 5:51, 5:53, 6:8, 6:9, 6:11, 6:13
Development, 5:53, 6:10	Patent infringement, 3:7, 5:4 to 5:6, 5:8, 5:12, 5:13, 5:18 to 5:23, 5:25, 5:32, 5:35 to 5:39, 5:46, 5:51, 5:53, 6:9, 6:13
Evidence, 5:53, 6:10, 6:11, 7:3	Patent law, 6:9
Providers, 2:10	Patents, 1:1, 2:20, 5:4, 5:6, 5:8, 5:13, 5:19, 5:22, 5:23, 5:32, 5:35 to 5:39, 5:46, 5:53, 6:8, 6:9, 6:11, 6:13
Technology, 5:53, 6:10	Purpose, 2:19, 5:13, 5:53
Trademarks, 2:10, 6:10, 6:11	Restrictions, 6:13
Uniform Trade Secrets Act, 6:10	Support, 1:14, 2:20, 5:4, 5:6, 5:8, 5:19, 5:21, 5:23, 5:25, 5:35, 5:36, 5:53, 6:9, 6:11, 6:13
INTERVIEWS	Taxation, 5:35
Evidence, 3:10, 3:12	United Kingdom, 5:35
IOWA	United States, 5:35, 5:37, 5:38, 5:51
Uniform Trade Secrets Act, 2:13	Validity, 2:20, 5:4, 5:19, 5:22, 5:32, 5:35
IRREPARABLE HARM	LICENSING
Preliminary injunctions, 2:17, 2:18, 6:13	Acceptance, 1:1, 5:12, 5:32, 5:53, 6:11
JURISDICTION	Allegations, 1:1, 5:19
California, 2:13	Antitrust, 1:1
LANHAM ACT	California, 1:14
Litigation, 2:10 to 2:12, 6:11, 8:1	Copyright, 6:9, 6:11, 6:13
LICENSES	Databases, 5:21
Acceptance, 1:1, 5:12, 5:18, 5:32, 5:53, 6:11	Enforcement, 2:19
Allegations, 1:1, 5:19	Fees, 5:19, 5:35, 6:8, 6:9, 6:11
Antitrust, 1:1	Hybrid license, 5:6
California, 1:14	Infringement, 1:1, 2:19, 2:20, 3:7, 5:4 to 5:6, 5:8, 5:12, 5:13, 5:18 to 5:23, 5:25, 5:32, 5:35
Copyright, 6:9, 6:11, 6:13	Allegations, 1:1, 5:19
Databases, 5:21	Antitrust, 1:1, 5:10
Enforcement, 2:19	
Fees, 5:19, 5:35, 6:8, 6:9, 6:11	
Hybrid license, 5:6	
Infringement, 1:1, 2:19, 2:20, 3:7, 5:4 to 5:6, 5:8, 5:12, 5:13, 5:18 to 5:23, 5:25, 5:32, 5:35	

INDEX

LICENSING—Cont'd
Copyright, 6:9, 6:11, 6:13, 8:5
Databases, 5:21
Delivery, 2:4
Enforcement, 2:19
Fees, 2:2, 2:15, 4:15, 5:19, 5:35, 6:8, 6:9, 6:11
FTC, 5:10
Hybrid license, 5:6
Infringement, 1:1, 1:3, 2:2, 2:4, 2:15, 2:19, 2:20, 5:2, 5:6 to 5:8, 5:10, 5:12, 5:13, 5:19, 5:21, 5:23 to 5:25, 5:32, 5:34 to 5:41, 5:46, 5:51, 5:53, 6:8, 6:9, 6:11, 6:13, 8:5, 8:7
Insurance, 4:15
Internet, 5:53, 6:11
Language, 5:6, 5:19, 5:32, 5:38
Litigation, 1:1, 2:2, 2:4, 2:15, 2:19, 2:20, 5:2, 5:6, 5:8, 5:13, 5:19, 5:21, 5:32, 5:35, 5:53, 6:9, 6:11
Negotiations, 5:2, 5:6 to 5:8, 5:12, 5:13, 5:19, 5:23, 5:25, 5:32, 5:34 to 5:36, 5:38, 5:40, 5:46, 5:51, 5:53
Parties, 1:3, 2:2, 2:4, 2:15, 2:19, 5:2, 5:6, 5:8, 5:12, 5:13, 5:19, 5:21, 5:23, 5:25, 5:32, 5:34 to 5:36, 5:38 to 5:41, 5:46, 5:51, 5:53, 6:4, 6:8, 6:9, 6:11, 6:13
Patent infringement, 2:2, 2:4, 5:2, 5:6 to 5:8, 5:10, 5:12, 5:13, 5:19, 5:21, 5:23 to 5:25, 5:32, 5:34 to 5:41, 5:46, 5:51, 5:53, 6:9, 6:13, 8:7
Patent law, 2:2, 6:9
Patents, 1:1, 1:3, 2:2, 2:4, 2:15, 2:20, 5:2, 5:6, 5:8, 5:10, 5:13, 5:19, 5:23, 5:32, 5:35 to 5:39, 5:46, 5:53, 6:4, 6:8, 6:9, 6:11, 6:13
Purpose, 2:19, 5:2, 5:13, 5:53, 8:5, 8:7
Restrictions, 6:13

LICENSING—Cont'd
Subject matter, 2:2
Support, 2:15, 2:20, 5:6, 5:8, 5:19, 5:21, 5:23, 5:25, 5:35, 5:36, 5:40, 5:41, 5:53, 6:9, 6:11, 6:13
Taxation, 5:35
United Kingdom, 5:35
United States, 2:4, 5:35, 5:37, 5:38, 5:51
Validity, 2:2, 2:20, 5:19, 5:32, 5:35
LIKELIHOOD OF CONFUSION
Evidence, 7:2
Infringement, 2:11, 7:2
Jury verdict, 7:2
Lanham Act, 2:11, 7:2
Precedent, 2:11, 7:2
Trade dress, 2:11
LIKELIHOOD OF SUCCESS
Preliminary injunctions, 2:17
LIST
Uniform Trade Secrets Act, 6:10
LITIGATION
Antitrust litigation, 3:4, 3:47
Disclosure, 1:14, 2:13
Discovery, 1:14, 3:44, 5:1, 5:22, 6:5
Expert testimony, 1:2, 1:7, 2:2, 2:10, 2:14, 2:21, 3:4, 3:25, 5:1, 5:6, 5:8, 5:21, 5:32, 5:33, 5:35, 6:9, 6:11, 7:9
Fees, 2:2, 2:10, 2:15, 5:19, 5:35, 6:9, 6:11
France, 3:15
Identification, 3:44, 6:5, 7:9
Jurisdiction, 2:13
Jury instructions, 8:1
Jury trial, 2:4, 3:4, 5:6
Lanham Act, 2:10 to 2:12, 6:11, 8:1
Remedies, 1:1, 2:1 to 2:23, 5:6, 6:9

CALCULATING INTELLECTUAL PROPERTY DAMAGES

LITIGATION—Cont'd

Statutes, 1:2, 2:6, 2:14, 8:1, 8:9
Strategies, 8:9
Treatment of trade secrets, 2:13
Trial, 1:2, 1:7, 2:3, 2:4, 2:7, 2:8,
2:13, 2:15 to 2:18, 2:20,
2:23, 3:1, 3:4, 3:15, 3:25,
3:41, 4:5, 4:10, 4:18, 5:1,
5:4, 5:6, 5:8, 5:11, 5:15,
5:19, 5:22, 5:35, 5:52, 5:53,
6:5, 6:9, 6:11, 7:9, 8:1, 8:3,
8:9
United Kingdom, 5:35
United States, 2:4 to 2:6, 3:1,
5:15, 5:35, 8:3

LOST PROFITS

Misappropriation of trade secrets,
2:13, 6:3, 6:5, 6:10, 8:1

MASSACHUSETTS

Statute, 7:3, 8:9

MERGERS

Definition, 3:4
Department of Justice, 3:4
Parties, 3:4

MISAPPROPRIATION

Bankruptcy, 6:13
California, 2:13, 6:10, 8:9
Defend Trade Secrets Act, 2:13,
6:2, 6:10, 7:1
Disclosure, 2:13, 6:10, 6:13
Evidence, 1:1, 2:6, 6:2, 6:3, 6:5,
6:7, 6:9, 6:10, 6:12, 6:13,
7:1, 7:2, 7:4 to 7:7, 7:10,
8:1, 8:9
Injunction, 1:1, 2:1, 2:13, 6:13,
7:1
Lost profits, 2:1, 2:6, 2:13, 6:2,
6:3, 6:5, 6:7, 6:9, 6:10, 7:1,
8:1
Punitive damages, 7:1, 8:1
Reasonable royalties, 2:6, 6:2,
6:7, 6:9, 6:10, 7:1, 8:1

MISAPPROPRIATION—Cont'd

Remedies, 1:1, 2:1, 2:6, 2:13, 6:3,
6:7, 6:9, 6:13, 7:1
Royalties, 1:1, 2:6, 6:2, 6:7, 6:9,
6:10, 6:13, 7:1, 8:1
Source code, 6:10
Statute of limitations, 6:2, 7:2
Texas, 6:13, 7:7, 8:9
Uniform Trade Secrets Act, 2:13,
6:10, 7:1, 7:4
United States, 2:6

MOTIONS

Delays, 8:9
Deposition, 1:7
Forms, 5:6
Grant, 5:6, 5:53
Objections, 5:12, 5:53
Summary judgment, 6:11

MUSIC

Access, 6:13
Advertising, 6:11, 7:3, 7:6
Colorado, 7:6
Copyright, 2:12, 6:11, 6:13, 7:3,
7:6, 7:11, 8:1, 8:5
Infringement, 2:12, 6:11, 6:13,
7:3, 7:6, 7:11, 8:1, 8:5
Licenses, 6:11, 6:13
Musical compositions, 6:11
Ownership, 6:11
Trademarks, 2:12, 6:11, 6:13, 7:6

NEGOTIATIONS

Licensing, 5:2, 5:6 to 5:8, 5:12,
5:13, 5:19, 5:23, 5:25, 5:32,
5:34 to 5:36, 5:38, 5:40,
5:46, 5:51, 5:53

NEW JERSEY

Damages, 2:13
Remedies, 2:13

NEW YORK

Advertising, 3:10, 6:8
Claims, 5:8, 5:14, 6:8
Consumers, 3:10, 5:8, 6:8

INDEX

NEW YORK—Cont'd
Damages, 3:10, 5:8, 5:14, 6:8
Evidence, 3:10, 5:8, 6:8
False advertising, 6:8
Preemption, 6:8
Services, 6:8
Trial, 3:10, 5:8, 5:14
Unfair competition, 6:8

ORDERS
Appeal, 5:50

OREGON
Evidence, 6:9
Remedies, 6:9

OWNERSHIP
Appeal, 7:5, 8:7
Copyright, 6:11, 7:5
Evidence, 5:16, 6:11, 7:5, 8:7
Licenses, 6:11
Patents, 5:16, 6:11
Trade secrets, 6:11, 7:5

PARTIES
Depositions, 1:13, 3:12, 4:5
Discovery, 1:5, 1:14, 4:6, 5:1, 5:22, 5:36, 5:50, 6:5
Infringement, 1:2 to 2:2, 2:4, 2:14, 2:15, 2:17 to 2:19, 2:21 to 2:23, 3:3, 3:4, 3:6, 3:7, 3:9, 3:10, 3:12, 3:13, 3:15, 3:16, 3:18, 3:20, 3:22, 3:26, 3:27, 3:39, 3:47, 3:51, 4:4 to 4:7, 4:14, 5:1 to 5:6, 5:8, 5:9, 5:11 to 5:23, 5:25 to 5:28, 5:31 to 5:36, 5:38 to 5:42, 5:45 to 5:47, 5:49 to 5:51, 5:53, 6:2, 6:5, 6:8 to 6:11, 6:13, 7:2 to 7:4, 7:6, 7:9, 7:11, 7:13, 8:2, 8:3
Injunctions, 2:14, 2:15, 2:17 to 2:19, 2:22, 3:51, 5:50, 6:13
Other rules, 5:32
Pleadings, 3:39
Removal, 2:22
Transfer, 5:14, 5:16

PARTIES—Cont'd
United States, 2:4, 5:15, 5:16, 5:35, 5:38, 5:50, 5:51, 8:2, 8:3

PATENT LICENSE AGREEMENTS
Research, 5:21

PATENTS
Accounting, 1:3, 2:1, 5:6, 5:26, 5:32, 5:36, 5:48, 6:11, 6:13, 7:1
Announcements, 4:17
Applications, 2:9
Apportionment, 5:3, 5:8 to 5:11, 5:19, 5:23, 5:53, 6:2, 6:10, 7:9
Availability, 1:3, 2:7, 2:9, 3:18, 4:17, 5:2, 5:29, 6:1, 7:1
But-for prices, 4:2
But-for sales, 3:18, 3:21, 3:23, 5:2
Capacity, 5:39, 6:5
Causation, 3:8, 3:18, 4:2, 6:3, 6:7, 6:12
Children, 6:5, 8:9
Claims, 1:1, 2:2, 2:7, 2:13, 2:17, 2:23, 3:15, 3:39, 4:2, 4:17, 5:4, 5:6, 5:8 to 5:10, 5:14, 5:15, 5:23, 5:53, 6:2 to 6:4, 6:7 to 6:9, 6:11, 6:12, 7:7, 7:9, 8:9
Combinations, 2:7
Compensation, 2:1, 2:3, 2:16, 2:20, 3:39, 5:2, 5:4, 5:6, 5:14, 5:35, 5:38, 5:53, 6:8 to 6:10, 6:13, 7:9, 8:1
Competition, 2:17, 3:4, 3:15, 3:23, 4:2, 4:17, 5:2, 5:4, 5:14, 5:19, 5:26, 5:39, 6:3 to 6:9, 7:1
Confidentiality, 2:13, 6:3
Contributory infringement, 2:5
Convoyed sales, 3:39, 7:9
Cost, 1:1, 2:15, 2:23, 3:18, 3:29, 5:6, 5:8, 5:11, 5:14, 5:22, 5:23, 5:26, 5:28, 5:29, 5:32,

CALCULATING INTELLECTUAL PROPERTY DAMAGES

PATENTS—Cont'd

5:35, 6:2, 6:3, 6:9 to 6:11, 6:13
Damages, 1:1, 1:3, 2:1 to 2:5, 2:7 to 2:9, 2:13, 2:15 to 2:17, 2:20, 2:23, 3:4, 3:15, 3:18, 3:20, 3:21, 3:23, 3:25, 3:39, 4:2, 4:17, 5:2 to 5:4, 5:6, 5:8 to 5:11, 5:13 to 5:16, 5:19, 5:22, 5:23, 5:26, 5:28, 5:29, 5:32, 5:33, 5:35 to 5:39, 5:46, 5:48, 5:53, 6:1 to 6:13, 7:1, 7:7, 7:9, 8:1, 8:9
Design patents, 2:9, 2:17, 6:1 to 6:13, 7:1, 7:9
Disclosure, 2:13, 6:10, 6:13
Discovery, 5:22, 5:36, 6:5
Dismissal, 6:2
Drawings, 7:9
Economic evidence, 7:1
Economic issues, 5:53, 6:6
Enhanced damages, 2:4, 2:8, 2:13, 2:23
Entire market value rule, 5:8 to 5:10, 5:19, 5:28, 5:53
Evidence, 1:1, 2:5, 2:8, 2:15 to 2:17, 2:20, 2:23, 3:4, 3:8, 3:15, 3:18, 3:20, 3:23, 3:25, 3:39, 4:2, 4:17, 5:2, 5:6, 5:8 to 5:11, 5:16, 5:19, 5:22, 5:23, 5:26, 5:28, 5:29, 5:32, 5:33, 5:35, 5:36, 5:39, 5:46, 5:53, 6:2, 6:3, 6:5 to 6:13, 7:1, 7:7, 7:9, 8:1, 8:9
Financial evidence, 1:1, 2:15
Financial issues, 1:1, 2:8, 2:15, 6:5, 6:9, 6:13
Financial records, 6:5
Forms, 2:13, 5:6, 6:7, 7:9
Future price erosion, 6:7
Good faith, 5:53
Goods sold, 3:29
Grain Processing, 5:16, 5:29, 5:32
Identification, 6:5, 7:9
Increased damages, 2:2, 2:8, 2:9
Incremental costs, 5:26

PATENTS—Cont'd

Induced infringement, 2:5, 5:15
Induced patent infringement, 2:5
Inducement of infringement, 2:5, 5:15
Infringement, 1:1, 1:3, 2:1 to 2:5, 2:7 to 2:9, 2:13, 2:15 to 2:17, 2:20, 2:23, 3:4, 3:8, 3:15, 3:18, 3:20, 3:21, 3:23, 3:25, 3:29, 3:39, 4:2, 4:17, 5:2 to 5:4, 5:6, 5:8 to 5:11, 5:13 to 5:16, 5:19, 5:22, 5:23, 5:26, 5:28, 5:29, 5:32, 5:33, 5:35 to 5:39, 5:46, 5:48, 5:53, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1, 7:7, 7:9, 8:1
Injunctions, 2:15, 2:17, 6:1, 6:13
Intellectual property, 1:1, 1:3, 2:1 to 2:5, 2:7 to 2:9, 2:13, 2:15 to 2:17, 2:20, 2:23, 3:4, 5:4, 5:6, 5:23, 5:33, 5:35, 5:38, 5:53, 6:1, 6:8, 6:12, 7:1, 8:1
Irreparable harm, 1:1, 2:15 to 2:17, 2:20, 5:6, 6:13
Jurisdiction, 2:13
Laches, 7:1
Lost profits, 2:1, 2:3, 2:5, 2:7, 2:9, 2:13, 3:4, 3:8, 3:15, 3:18, 3:20, 3:21, 3:23, 3:25, 3:29, 3:39, 4:2, 4:17, 5:2, 5:4, 5:9, 5:14, 5:26, 5:29, 5:39, 6:1 to 6:10, 7:1, 8:1
Lost sales, 2:1, 2:3, 2:13, 2:17, 3:23, 3:25, 3:39, 4:2, 5:2, 5:26, 6:2, 6:4 to 6:9, 6:11
Mail, 5:19
Market shares, 3:18, 6:6
Military, 6:13
Models, 2:8, 4:17, 5:33, 6:8, 6:10
Motion, 2:15, 3:25, 4:17, 5:9, 5:16, 5:19, 5:29, 5:33, 5:35, 6:12
Motions, 5:4, 5:6, 5:53, 6:11, 8:9
Multiple claims, 2:7, 7:7
Multiple patents, 2:7, 3:25, 5:23, 5:35, 7:7

INDEX

PATENTS—Cont'd

Navy, 6:9
New trial, 2:7, 2:13, 3:25, 4:17, 5:6, 5:8, 5:9, 5:11, 5:16, 5:19, 5:35, 6:5, 6:9, 7:9
Novelty, 2:2
Objections, 5:22, 5:53, 6:2
Offering to sell, 2:2
Operating costs, 3:29
Parties, 1:3, 2:2, 2:4, 2:15, 2:17, 2:23, 3:4, 3:15, 3:18, 3:20, 3:39, 5:2 to 5:4, 5:6, 5:8, 5:9, 5:11, 5:13 to 5:16, 5:19, 5:22, 5:23, 5:26, 5:28, 5:32, 5:33, 5:35, 5:36, 5:38, 5:39, 5:46, 5:53, 6:2, 6:4, 6:5, 6:8 to 6:11, 6:13, 7:9, 8:9
Patent and Trademark Office, 2:2
Performance, 3:4, 5:8, 6:3, 6:5
Permanent injunctions, 2:15, 2:17, 6:13
Pleadings, 3:39
Preemption, 6:8
Preliminary injunctions, 2:17, 6:13
Price erosion, 2:1, 2:13, 2:16, 3:4, 4:2, 4:17, 5:9, 5:39, 6:1, 6:2, 6:7, 6:13
Profits, 1:1, 2:1, 2:3, 2:5, 2:7, 2:9, 2:13, 2:23, 3:4, 3:8, 3:15, 3:18, 3:20, 3:21, 3:23, 3:25, 3:29, 3:39, 4:2, 4:17, 5:2 to 5:4, 5:6, 5:9, 5:11, 5:14, 5:19, 5:23, 5:26, 5:28, 5:29, 5:32, 5:33, 5:38, 5:39, 5:53, 6:1 to 6:11, 6:13, 7:1, 7:7, 7:9, 8:1, 8:9
Public, 2:4, 2:13, 2:15, 5:11, 5:53, 6:13, 7:1
Public interest, 6:13, 7:1
Reasonable probability, 3:15
Reasonable royalty, 1:3, 2:1 to 2:3, 2:7, 2:9, 2:13, 2:15, 2:20, 2:23, 3:8, 3:15, 3:20, 3:25, 5:2 to 5:4, 5:6, 5:8 to 5:11, 5:13 to 5:16, 5:19,

PATENTS—Cont'd

5:22, 5:23, 5:26, 5:28, 5:29, 5:32, 5:33, 5:35 to 5:39, 5:46, 5:48, 5:53, 6:1 to 6:3, 6:7, 6:9 to 6:12, 7:1, 7:9, 8:1, 8:9
Reconsideration, 2:9, 5:53
Records, 1:3, 3:25, 6:5
References, 4:17, 5:9, 5:11
Regression analysis, 5:9, 5:11
Relevant market, 3:4, 5:2
Rest, 2:16, 3:25, 6:12, 7:9
Revenues, 3:39, 5:4, 5:9, 5:11, 5:14, 5:26, 5:35, 5:53, 6:2, 6:5, 6:8
Sales, 1:1, 2:1, 2:3 to 2:5, 2:8, 2:9, 2:13, 2:17, 2:20, 2:23, 3:8, 3:15, 3:18, 3:20, 3:21, 3:23, 3:25, 3:39, 4:2, 4:17, 5:2 to 5:4, 5:6, 5:8 to 5:11, 5:13 to 5:16, 5:19, 5:23, 5:26, 5:32, 5:35, 5:39, 5:46, 5:53, 6:2 to 6:11, 6:13, 7:1, 7:9
Small businesses, 5:53
Specifications, 2:17, 3:21
Statistical analysis, 5:22
Subject matter, 2:2
Summary judgment, 6:5, 6:10 to 6:12
Suppliers, 2:17, 3:4, 3:15, 3:18, 3:21, 4:17, 5:39
Surveys, 5:4, 5:11
Taxation, 5:35
Technology patents, 2:2
Third parties, 3:18, 5:35, 5:36, 5:53, 6:11
Time, 2:2, 2:4, 2:5, 2:13, 2:23, 3:18, 3:21, 3:25, 5:2, 5:4, 5:6, 5:10, 5:11, 5:13 to 5:16, 5:19, 5:22, 5:26, 5:29, 5:32, 5:33, 5:35, 5:53, 6:2, 6:3, 6:7 to 6:13, 8:1, 8:9
Trade secrets, 1:1, 2:13, 6:1 to 6:13, 7:1, 7:7, 8:1, 8:9
Two-supplier market, 3:18, 3:20

CALCULATING INTELLECTUAL PROPERTY DAMAGES

PATENTS—Cont'd

United States, 2:4, 2:5, 4:17, 5:15, 5:16, 5:35, 5:37, 5:38
Use, 1:1, 2:1, 2:2, 2:4, 2:5, 2:8, 2:13, 2:15 to 2:17, 2:23, 3:4, 3:15, 3:18, 3:21, 3:23, 3:39, 5:2 to 5:4, 5:6, 5:8 to 5:11, 5:13 to 5:16, 5:19, 5:22, 5:23, 5:26, 5:28, 5:32, 5:33, 5:35 to 5:38, 5:46, 5:53, 6:1 to 6:6, 6:8 to 6:11, 6:13, 7:1, 7:9, 8:1, 8:9
Utility patent, 2:2, 2:4, 2:5, 2:9, 2:17, 6:2, 6:9
Verdict, 2:4, 2:5, 2:7, 2:23, 3:39, 4:17, 5:6, 5:11, 5:19, 5:23, 5:35, 5:53, 6:5, 6:8, 6:9, 6:13, 7:7, 7:9, 8:1
Wife, 2:5
Witnesses, 1:1, 3:18, 5:48, 7:9

PEOPLE

Advertising, 7:3
Copyright, 7:3

PLEADINGS

Evidence, 3:39
Parties, 3:39

PREAMBLES

Infringement, 5:6

PREJUDGMENT INTEREST

Uniform Trade Secrets Act, 2:13

PRELIMINARY INJUNCTIONS

Irreparable harm, 2:17, 2:18, 6:13
Likelihood of success, 2:17
Public interest, 2:22, 6:13

PRESUMPTION

Preliminary injunctions, 6:13

PRICE

United States, 3:1, 4:17, 4:19, 5:35, 5:51

PROFITS

Illinois, 5:53

PROFITS—Cont'd

Misappropriation of trade secrets, 1:1, 2:13, 6:3, 6:5, 6:10, 8:1, 8:9

PROPERTY

Bankruptcy, 6:13
California, 1:14, 2:13
Contracts, 2:6, 2:21, 3:1
Copyright, 2:6, 2:12, 6:9, 6:13, 7:1, 7:5, 7:6, 7:10, 7:16, 8:1
Escrow, 2:23
Intent, 2:5, 2:15, 5:53, 7:1
Licensing, 1:1, 1:3, 2:2, 2:4, 2:15, 2:19, 2:20, 5:6, 5:23, 5:25, 5:35, 5:38, 5:51, 5:53, 6:8, 6:9, 6:13, 8:7
Patents, 1:1, 1:3, 2:1 to 2:5, 2:7 to 2:9, 2:13, 2:15 to 2:17, 2:20, 2:23, 3:4, 5:4, 5:6, 5:23, 5:33, 5:35, 5:38, 5:53, 6:1, 6:8, 6:9, 6:12, 6:13, 7:1, 8:1
Preferences, 2:17
Proceeds, 3:4
Royalties, 1:1, 2:4, 2:6, 2:7, 2:19 to 2:21, 2:23, 3:1, 5:4 to 5:6, 5:25, 5:33, 5:35, 5:49, 5:51, 5:53, 6:1, 6:8, 6:9, 6:13, 7:1, 8:1

Sale, 2:5, 2:6, 2:17, 2:18, 2:21, 2:22, 5:4, 5:35, 6:8, 7:1, 7:5, 7:6, 7:10
Trade secrets, 1:1, 2:6, 2:13, 6:1, 6:8, 6:9, 6:12, 6:13, 7:1, 7:5, 7:6, 7:10, 8:1

Trademarks, 1:1, 2:9, 2:10, 2:12, 2:13, 6:1, 6:8, 6:9, 6:12, 6:13, 7:1, 7:6

Use, 1:1 to 2:2, 2:4, 2:5, 2:8, 2:10, 2:13 to 2:17, 2:19, 2:23, 3:1, 3:4, 3:40, 5:4 to 5:6, 5:23, 5:25, 5:33, 5:35, 5:38, 5:49, 5:51, 5:53, 6:1, 6:8, 6:9, 6:13, 7:1, 7:5, 7:6, 7:10, 8:1, 8:7

INDEX

PUBLIC INTEREST

Preliminary injunctions, 2:22, 6:13

PUBLIC KNOWLEDGE

Evidence, 5:53

PUBLICATION

Copyright, 2:12, 7:10

PUNITIVE DAMAGES

Misappropriation of trade secrets, 8:1

REASONABLE ROYALTY

25 percent rule, 5:11, 5:32, 5:35

Actual damages, 2:1, 2:10, 2:13, 3:1, 3:25, 6:1 to 6:3, 6:9 to 6:11, 7:1, 7:3, 8:1

Apportionment, 3:11, 5:3, 5:7 to 5:11, 5:19, 5:23, 5:47, 5:50, 5:53, 6:2, 6:10, 7:4, 7:9, 7:10

Assessment, 2:15, 2:23, 5:2, 5:4, 5:5, 5:9, 5:11, 5:17, 5:19, 5:23, 5:28, 6:3, 6:9, 7:10

Assets, 2:1, 2:9, 5:35, 6:1 to 6:3, 6:7, 6:9, 6:12, 7:1, 7:9, 7:10

Awards, 2:1, 2:10, 2:13, 5:1 to 5:6, 5:13, 5:22, 5:32, 5:33, 5:49, 5:50, 6:1 to 6:3, 6:7, 6:9, 6:11, 7:9, 8:1, 8:2, 8:5, 8:9

Business proposition, 5:26, 5:49

Business risks, 5:47

Causation, 3:1, 3:8, 3:9, 3:11, 3:19, 3:22, 3:24, 6:3, 6:7, 6:12, 7:10

Commercial embodiment, 5:8, 5:44

Commercial relationship, 5:4, 5:39, 5:53

Commercial success, 5:42, 5:44

Comparable businesses, 5:46

Compensatory damages, 2:3, 3:1, 5:51, 7:1, 8:1, 8:9

Competition, 2:19, 3:1, 3:15, 5:2, 5:4, 5:14, 5:19, 5:26, 5:39, 5:42, 6:3, 6:7, 6:9, 7:1

REASONABLE ROYALTY

—Cont'd

Conditions, 3:9, 3:11, 3:14, 3:15, 3:19, 3:20, 3:22, 5:8, 5:19, 5:21, 5:26, 5:33, 5:38, 7:3, 8:9

Convoyed sales, 5:40, 7:9

Cost savings, 5:5, 5:6, 5:24 to 5:27, 5:29, 5:32, 5:45, 5:51

Databases, 5:21

Design patents, 2:9, 6:1 to 6:3, 6:7, 6:9 to 6:12, 7:1, 7:9

Duration, 2:1, 2:13, 5:41, 6:11, 8:1

Embodiment, 5:8, 5:44

Entire business, 6:12

Entire market value rule, 5:8 to 5:10, 5:19, 5:28, 5:47, 5:51, 5:53, 7:3

Established royalty, 5:19, 5:20, 5:35, 5:51, 5:52

Evidence, 2:6, 2:15, 2:19, 2:20, 2:23, 3:1, 3:8, 3:14, 3:15, 3:20, 3:22, 3:24, 3:25, 3:36, 5:1, 5:2, 5:5 to 5:11, 5:16 to 5:23, 5:26, 5:28, 5:29, 5:31 to 5:36, 5:39, 5:40, 5:42, 5:45, 5:46, 5:50, 5:51, 5:53, 6:2, 6:3, 6:7, 6:9 to 6:12, 7:1, 7:3, 7:4, 7:9, 7:10, 8:1, 8:2, 8:5, 8:9

Exclusive license, 5:37, 6:11

Expert witnesses, 5:34, 7:9

Fair market value, 5:8, 6:2, 6:9, 6:11

Georgia-Pacific factors, 2:23, 5:3, 5:4, 5:8, 5:12, 5:18, 5:27, 5:32, 5:34, 5:40, 5:49, 5:51, 5:53, 6:9, 6:10

Improvements, 5:9, 5:22, 5:41, 5:47

Infringement, 1:3, 2:1 to 2:3, 2:6, 2:7, 2:9, 2:10, 2:13, 2:15, 2:19, 2:20, 2:23, 3:1, 3:8, 3:9, 3:11, 3:14, 3:15, 3:19, 3:20, 3:22, 3:24, 3:25, 3:36,

CALCULATING INTELLECTUAL PROPERTY DAMAGES

REASONABLE ROYALTY

—Cont'd

5:1 to 5:53, 6:1 to 6:3, 6:7, 6:9 to 6:12, 7:1, 7:3, 7:4, 7:9, 8:1, 8:2, 8:5
 Injunctions, 2:15, 2:19, 5:50, 6:1
 Intent, 2:15, 5:2, 5:8, 5:53, 7:1, 7:3, 7:9
 Inventor, 3:24, 5:28, 5:35, 5:39, 5:49
 Licensing agreements, 5:21, 5:35, 5:36, 5:51
 Licensing negotiations, 5:6, 5:13, 5:23, 5:32, 5:34, 5:35, 5:53
 Lump sum royalty, 5:6, 5:52, 8:1
 Market value, 5:8 to 5:10, 5:13, 5:19, 5:23, 5:28, 5:29, 5:47, 5:51, 5:53, 6:2, 6:9 to 6:12, 7:3, 7:10
 Marketing, 2:6, 3:8, 3:22, 3:24, 5:5, 5:8, 5:11, 5:38, 6:3, 6:10, 7:9
 Misappropriation, 2:1, 2:6, 2:13, 6:2, 6:3, 6:7, 6:9, 6:10, 6:12, 7:1, 7:4, 7:10, 8:1, 8:9
 Monopoly, 5:38
 Nash Bargaining Solution, 5:11, 5:33
 Next-best alternatives, 5:28
 Opinions, 1:3, 5:3, 5:8, 5:10, 5:12, 5:13, 5:19, 5:21, 5:28, 5:31, 5:45, 5:48, 5:50, 5:51, 5:53, 7:3, 8:2
 Ownership, 5:16, 6:11
 Panduit kicker, 5:52
 Patents, 1:3, 2:1 to 2:3, 2:7, 2:9, 2:13, 2:15, 2:20, 2:23, 3:8, 3:15, 3:20, 3:25, 5:2 to 5:4, 5:6, 5:8 to 5:11, 5:13 to 5:16, 5:19, 5:22, 5:23, 5:26, 5:28, 5:29, 5:32, 5:33, 5:35 to 5:39, 5:46, 5:48, 5:53, 6:1 to 6:3, 6:7, 6:9 to 6:12, 7:1, 7:9, 8:1, 8:9
 Popularity, 5:42, 5:53
 Portions, 3:24, 5:16, 5:53

REASONABLE ROYALTY

—Cont'd

Price, 2:1, 2:13, 3:1, 3:8, 3:22, 3:25, 3:36, 5:4 to 5:9, 5:11, 5:13, 5:14, 5:17, 5:23, 5:26, 5:31, 5:35, 5:39, 5:40, 5:46, 5:47, 5:49, 5:51 to 5:53, 6:1 to 6:3, 6:7, 6:9, 6:12, 7:10
 Production, 2:2, 3:15, 3:22, 3:24, 5:4, 5:7, 5:12, 5:27 to 5:29, 5:35, 5:51, 5:53, 7:3
 Profit splits, 5:32
 Profitability, 2:9, 2:23, 5:4, 5:26, 5:27, 5:42, 5:45, 5:53, 7:1
 Prudent licensee, 5:40
 Qualified experts, 5:48
 Rates, 2:23, 5:6, 5:12, 5:13, 5:15, 5:16, 5:19, 5:21 to 5:23, 5:27, 5:33, 5:35 to 5:38, 5:46, 5:49, 5:51, 5:53, 6:11, 8:2, 8:5, 8:9
 Realizable profit, 5:11, 5:47
 Reasonable profit, 5:4, 5:26, 5:49
 Reliance on sale of business, 5:30
 Sales, 2:1, 2:3, 2:6, 2:9, 2:10, 2:13, 2:19, 2:20, 2:23, 3:1, 3:8, 3:9, 3:11, 3:14, 3:15, 3:19, 3:20, 3:22, 3:24, 3:25, 3:36, 5:1 to 5:11, 5:13 to 5:19, 5:21, 5:23, 5:24, 5:26, 5:27, 5:30 to 5:32, 5:35, 5:39 to 5:42, 5:45, 5:46, 5:50, 5:51, 5:53, 6:2, 6:3, 6:7, 6:9 to 6:11, 7:1, 7:3, 7:4, 7:9, 7:10
 Savings, 5:5, 5:6, 5:11, 5:24 to 5:27, 5:29, 5:32, 5:35, 5:45, 5:51
 Similar results, 5:43
 Special conditions, 5:38
 Specialty, 3:24, 5:40
 Standard essential patents, 5:15, 5:37, 5:53
 Statutory basis, 5:1
 Territory, 5:37, 5:39
 Timing, 5:15, 5:22, 5:53

INDEX

REASONABLE ROYALTY
—Cont'd
Total sales, 3:24, 3:25, 5:4, 5:8, 5:9, 5:50
Trade secrets, 2:6, 2:13, 6:1 to 6:3, 6:7, 6:9 to 6:12, 7:1, 7:3, 7:4, 7:10, 8:1, 8:9
Utility, 2:1 to 2:3, 2:9, 3:8, 5:43, 5:53, 6:1, 6:2, 6:7, 6:9, 7:1
Value, 2:1 to 2:3, 2:13, 3:8, 3:11, 3:36, 5:3 to 5:11, 5:13, 5:15 to 5:17, 5:19 to 5:33, 5:35 to 5:38, 5:40, 5:43, 5:45, 5:47, 5:49 to 5:51, 5:53, 6:1 to 6:3, 6:9 to 6:12, 7:1, 7:3, 7:9, 7:10, 8:1, 8:9
Willingness, 2:20, 5:14, 5:53

RECORDS
Appeal, 2:14, 5:50, 7:5, 7:8
Claim, 2:14, 3:25, 3:41, 3:43, 3:44, 3:48, 4:4 to 6:5, 7:5, 7:6, 7:8, 7:15
Design patent, 7:15
Diligence, 3:50
Documentation, 4:5
Evidence, 2:14, 3:25, 3:43, 4:4 to 4:6, 5:50, 6:5, 7:5, 7:6, 7:8, 7:15
Infringement, 1:3, 2:14, 3:25, 3:27, 3:28, 3:31, 3:41 to 3:46, 3:48, 3:50, 4:4 to 4:6, 5:50, 6:5, 7:5, 7:6, 7:8, 7:12, 7:15
Manufacturing, 3:41, 3:43, 3:45, 4:4, 4:5, 7:12
Name, 7:5
Orders, 5:50
Time, 1:10, 3:25, 3:42, 3:50, 4:4 to 7:6, 7:12
Witnesses, 4:5, 7:8

REMEDIES
Defend Trade Secrets Act, 2:13, 7:1
Misappropriation of Trade Secrets, 1:1, 2:13, 6:3

REMEDIES—Cont'd
United States, 2:4 to 2:6

REMOVAL
Appeal, 2:22
Parties, 2:22
Witnesses, 2:22

REVIEW
United Kingdom, 5:35
United States, 3:1, 5:35

ROYALTIES
Antitrust, 1:1, 5:10
Damages, 1:1, 2:4, 2:6, 2:7, 2:19 to 2:21, 2:23, 3:1, 3:10, 3:18, 3:23, 3:24, 4:2, 4:15, 4:16, 5:1, 5:4 to 5:6, 5:8 to 5:10, 5:12, 5:13, 5:19, 5:20, 5:22, 5:25, 5:26, 5:33, 5:35, 5:36, 5:39 to 5:41, 5:49 to 5:51, 5:53, 6:1, 6:2, 6:7 to 6:11, 6:13, 7:1, 7:9, 8:1, 8:3, 8:5
Reasonable royalties, 2:6, 2:7, 2:20, 3:18, 3:23, 3:24, 4:2, 4:16, 5:1, 5:4, 5:6, 5:9, 5:12, 5:13, 5:19, 5:20, 5:22, 5:25, 5:33, 5:49, 5:50, 5:53, 6:1, 6:2, 6:7, 6:9 to 6:11, 7:1, 8:1
United Kingdom, 5:35
United States, 2:4, 2:6, 3:1, 3:24, 5:35, 5:50, 5:51, 8:2, 8:3

SCRIPTS
Infringement, 2:12
Publication, 2:12
Trademarks, 2:12
Works made for hire, 2:12

SECURITY
Evidence, 2:22, 5:9

SETTLEMENT
Form, 5:5, 5:22, 5:35, 6:10

SOFTWARE
Apparatus claims, 2:2
Claims, 2:2, 5:8, 5:9, 5:53, 6:3, 6:9, 7:10

CALCULATING INTELLECTUAL PROPERTY DAMAGES

SOFTWARE—Cont'd	SUMMARY JUDGMENT
Design patents, 6:3, 6:5, 6:9, 6:10, 6:13	—Cont'd
Disclosure, 6:10, 6:13	Trade secrets, 6:5, 6:10 to 6:12, 7:3, 7:10
Infringement, 2:2, 2:4, 2:5, 3:42, 5:8, 5:9, 5:11, 5:19, 5:21, 5:39, 5:44 to 5:46, 5:53, 6:3, 6:5, 6:9, 6:10, 6:13, 7:3	
Method claims, 2:2	SUPPLIERS
Presentation, 5:19, 6:13	Evidence, 2:17, 3:4, 3:5, 3:10, 3:15, 3:16, 3:18, 3:22, 3:37, 4:9, 4:11, 4:17, 5:39, 5:51
Records, 3:42, 6:5	United States, 4:17, 5:51
Timing, 2:4, 2:5, 5:53	
Use, 2:2, 2:4, 2:5, 3:42, 5:8, 5:9, 5:11, 5:19, 5:21, 5:44 to 5:46, 5:53, 6:3, 6:5, 6:9, 6:10, 6:13, 7:3, 7:10	SUPREME COURT
STAMPS	United States, 2:6, 3:1, 5:50
Evidence, 6:11	
STATE LAWS	TAXATION
Uniform Trade Secrets Act, 2:13	Patents, 5:35
STATES	United Kingdom, 5:35
Disclosure, 2:13, 6:10	United States, 5:35
Discovery, 5:50	
Uniform Trade Secrets Act, 2:13, 6:10	TECHNOLOGY
STATUTE OF LIMITATIONS	France, 3:15
United States, 2:4, 5:15	United Kingdom, 5:35
STATUTES	United States, 2:5, 3:1, 3:38, 4:17, 5:15, 5:16, 5:35, 5:37, 5:38, 5:51
Lanham Act, 8:1	
Patents, 8:1, 8:9	TELEVISION
STRUCTURE	Copyright, 7:3, 7:5
Software, 2:5, 3:42, 5:8	Internet, 7:3
SUCCESS	
Preliminary injunctions, 2:17	TERMINATION
SUMMARY JUDGMENT	United States, 3:38
Evidence, 3:14, 3:17, 6:5, 6:10 to 6:12, 7:3, 7:10	
Motions, 6:11	TESTIMONY
Patent, 3:14, 3:17, 6:10, 7:3	Cross-examination, 1:7, 5:11, 5:21, 5:22, 5:36, 7:14
Testimony, 6:5, 6:10 to 6:12, 7:3, 7:10	Discovery, 1:5, 1:14, 3:42, 4:6, 5:1, 5:22, 5:36, 6:5
	Examination, 1:7, 1:9, 1:14, 3:7, 5:11, 5:21, 5:22, 5:35, 5:36, 7:14
	Exhibits, 1:5, 1:9, 3:25, 5:6
	Hearings, 1:11
	Publications, 1:5, 1:10
	Records, 1:10, 2:14, 3:25, 3:31, 3:41, 3:42, 3:48, 4:4 to 4:6, 6:5, 7:5
	Summary judgment, 6:5, 6:10 to 6:12, 7:3, 7:10

INDEX

TESTIMONY—Cont'd
Witnesses, 1:1, 1:9, 3:3, 3:7, 4:5, 4:14, 5:34, 5:48, 7:9

TESTS
Evidence, 4:13

TEXAS
Evidence, 5:22, 5:53, 6:13, 7:7, 8:9
Misappropriation, 6:13, 7:7, 8:9
Remedies, 6:13
Statutes, 8:9

THEFT
Case law, 6:9
Software, 6:9

THIRD PARTIES
United Kingdom, 5:35
United States, 5:35

TORTS
Damages, 6:13

TRADE SECRETS
Agreements, 6:9, 6:13
Damages, 1:1, 2:6, 2:13, 6:1 to 6:13, 7:1, 7:3 to 7:8, 7:10, 8:1, 8:9
Economic value, 2:13, 6:1, 6:10, 6:12
Information, 2:13, 6:10, 6:11, 6:13, 7:5, 7:6, 8:1
Infringement, 1:1, 2:6, 2:13, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1, 7:3 to 7:8, 8:1
Misappropriation of Trade Secrets, 1:1, 2:13, 6:3, 6:5, 6:10, 8:1, 8:9
Patents, 1:1, 2:13, 6:1 to 6:13, 7:1, 7:7, 8:1, 8:9
Software, 6:3, 6:5, 6:9, 6:10, 6:13, 7:3, 7:10
Statute of limitations, 6:2
Theft, 6:9, 7:7
Under the circumstances, 6:2, 6:9

TRADE SECRETS—Cont'd
Uniform Trade Secrets Act, 2:13, 6:10, 7:1, 7:4
Value, 2:13, 6:1 to 6:3, 6:8 to 6:12, 7:1, 7:3, 7:5, 7:10, 8:1, 8:9

TRADEMARKS
Applications, 2:9, 2:10
Books, 2:12
Challenges, 6:10
Commerce, 2:10
Confidential information, 6:13
Copies, 2:12, 6:5, 6:9, 6:11
Counterclaims, 1:1
Damages, 1:1, 2:9, 2:10, 2:12, 2:13, 6:1 to 6:13, 7:1, 7:6, 7:9
Date, 2:10, 2:12, 6:13
Decisions, 7:9
Denial, 6:13
Description, 7:9
Discovery, 6:5
Diversity, 2:13, 6:9
Drawings, 7:9
Evidence, 1:1, 6:2, 6:3, 6:5 to 6:13, 7:1, 7:6, 7:9
Fees, 2:10, 6:8, 6:9, 6:11
Filing, 2:12
Form, 2:13, 6:9 to 6:11, 6:13, 7:1
Goods and services, 2:10
Infringement, 1:1, 2:9, 2:10, 2:12, 2:13, 6:1 to 6:3, 6:5, 6:7 to 6:13, 7:1, 7:6, 7:9
Infringement litigation, 1:1
Jurisdiction, 2:13
Knowledge, 1:1
Lanham Act, 2:10, 2:12, 6:2, 6:8, 6:11, 7:1
Motion, 6:12
Motions, 6:11
Music, 2:12, 6:11, 6:13, 7:6
Number, 6:5, 6:10 to 6:13, 7:9
Objections, 6:2

CALCULATING INTELLECTUAL PROPERTY DAMAGES

TRADEMARKS—Cont'd	UNIFORM TRADE SECRETS
Parties, 6:2, 6:4, 6:5, 6:8 to 6:11, 6:13, 7:6, 7:9	ACT
Patents, 1:1, 2:9, 2:13, 6:1 to 6:13, 7:1, 7:9	Damages, 2:13, 6:10, 7:1, 7:4
Preliminary injunctions, 6:13	Economic value, 2:13, 6:10
Punitive damages, 7:1	Georgia, 2:13, 6:10
Quantity, 6:5, 6:6	Independent economic value, 2:13, 6:10
Questions, 1:1, 2:10, 7:9	Internet, 6:10
Reconsideration, 2:9	Iowa, 2:13
Registration, 2:12	Misappropriation, 2:13, 6:10, 7:1, 7:4
Remand, 6:11, 7:9	Prejudgment interest, 2:13
Restrictions, 6:13	Readily ascertainable, 2:13
Review, 6:10	Value, 2:13, 6:10, 7:1
Rules, 7:1	Vermont, 6:10
Scripts, 2:12	Virginia, 6:10, 7:4
Service marks, 2:10	
Services, 2:10, 6:3, 6:5, 6:8, 6:9, 7:6	
Summary judgment, 6:5, 6:10 to 6:12	
Testimony, 1:1, 2:10, 6:5, 6:7, 6:9 to 6:13, 7:9	
Third parties, 6:11	
Time, 2:12, 2:13, 6:2, 6:3, 6:7 to 6:13, 7:6	
Trade secrets, 1:1, 2:13, 6:1 to 6:13, 7:1, 7:6	
Trial, 2:13, 6:2, 6:5, 6:6, 6:9 to 6:11, 7:9	
Use, 1:1, 2:10, 2:13, 6:1 to 6:6, 6:8 to 6:11, 6:13, 7:1, 7:6, 7:9	
TRANSFER	
Parties, 5:14, 5:16	
TRIAL	
California, 2:13, 6:10, 8:9	
Disclosure, 1:5, 2:13, 6:10	
Jury trial, 2:4, 3:4, 5:6, 7:2	
New York, 3:10, 5:8, 5:14	
UNFAIR COMPETITION	
New York, 6:8	
UNIFORM TRADE SECRETS	
ACT	
Damages, 2:13, 6:10, 7:1, 7:4	
Economic value, 2:13, 6:10	
Georgia, 2:13, 6:10	
Independent economic value, 2:13, 6:10	
Internet, 6:10	
Iowa, 2:13	
Misappropriation, 2:13, 6:10, 7:1, 7:4	
Prejudgment interest, 2:13	
Readily ascertainable, 2:13	
Value, 2:13, 6:10, 7:1	
Vermont, 6:10	
Virginia, 6:10, 7:4	
UNITED KINGDOM	
Damages, 5:35	
Litigation, 5:35	
Review, 5:35	
Taxation, 5:35	
Technology, 5:35	
Third parties, 5:35	
UNITED STATES	
Burden of proof, 3:1	
Damages, 2:4 to 2:6, 3:1, 3:24, 3:38, 4:17, 4:19, 5:15, 5:16, 5:35, 5:37, 5:38, 5:50, 5:51, 8:3	
Discovery, 5:50	
Duration, 2:4	
Exclusion orders, 5:50	
History, 5:35	
Injunctions, 5:50	
Injury, 3:1	
Limitations, 2:4, 5:15	
Litigation, 2:4 to 2:6, 3:1, 5:15, 5:35, 8:3	
Misappropriation, 2:6	
Parties, 2:4, 5:15, 5:16, 5:35, 5:38, 5:50, 5:51, 8:2, 8:3	
Patents, 2:4, 2:5, 4:17, 5:15, 5:16, 5:35, 5:37, 5:38	

INDEX

UNITED STATES—Cont'd

 Remedies, 2:4 to 2:6
 Review, 3:1, 5:35
 Royalties, 2:4, 2:6, 3:1, 3:24, 5:35, 5:50, 5:51, 8:2, 8:3
 Statute of limitations, 2:4, 5:15
 Taxation, 5:35
 Technology, 2:5, 3:1, 3:38, 4:17, 5:15, 5:16, 5:35, 5:37, 5:38, 5:51
 Trade secrets, 2:6

USE

 Damages, 1:1, 1:2, 1:4, 1:11, 2:1, 2:2, 2:4, 2:5, 2:8, 2:10, 2:13 to 2:17, 2:19, 2:23, 3:1, 3:4, 3:10, 3:15 to 3:18, 3:21 to 3:23, 3:26, 3:28, 3:32, 3:36, 3:38 to 3:41, 3:43, 3:44, 3:49, 3:50, 4:6, 4:11, 4:15, 5:1 to 5:28, 5:31 to 5:38, 5:42, 5:44 to 5:46, 5:49, 5:51 to 5:53, 6:1 to 6:6, 6:8 to 6:11, 6:13, 7:1 to 7:6, 7:8 to 7:10, 7:13, 7:14, 8:1, 8:3 to 8:5, 8:7 to 8:10
 Evidence, 1:1, 1:2, 2:5, 2:8, 2:14 to 2:17, 2:19, 2:23, 3:1, 3:4, 3:10, 3:15 to 3:18, 3:22, 3:23, 3:26, 3:36, 3:39, 3:43, 4:6, 4:11, 4:15, 5:1, 5:2, 5:5 to 5:11, 5:16 to 5:23, 5:26, 5:28, 5:31 to 5:36, 5:42, 5:45, 5:46, 5:51, 5:53, 6:2, 6:3, 6:5, 6:6, 6:8 to 6:11, 6:13, 7:1 to 7:6, 7:8 to 7:10, 7:14, 8:1 to 8:3, 8:5, 8:7 to 8:9
 Patent law, 2:2, 2:14, 3:1, 3:17, 5:1, 6:2, 6:3, 6:9
 Software, 2:2, 2:4, 2:5, 3:42, 5:8, 5:9, 5:11, 5:19, 5:21, 5:44 to 5:46, 5:53, 6:3, 6:5, 6:9, 6:10, 6:13, 7:3, 7:10

UTAH

 Evidence, 3:4, 3:22, 5:21, 5:36

VALIDITY

 Anticipation, 5:27
 Evidence, 2:14, 2:20, 2:23, 5:1, 5:19, 5:22, 5:31, 5:32, 5:35
 Records, 2:14, 3:48
 Requirements, 5:35
 Subject matter, 2:2
 Use, 2:2, 2:14, 2:23, 5:1, 5:4, 5:14, 5:15, 5:19, 5:22, 5:27, 5:31, 5:32, 5:35, 5:49
 Utility, 2:2

VALUE

 Economic Value, 2:13, 5:53, 6:1, 6:10, 6:12
 United States, 3:38, 5:15, 5:16, 5:35, 5:37, 5:38, 5:50, 5:51

VENDORS

 Evidence, 2:22, 3:24, 4:17, 5:39

VENTURE CAPITAL

 Financing, 7:10
 Terms, 7:10

VERMONT

 Uniform Trade Secrets Act, 6:10

VICARIOUS LIABILITY

 Damages, 2:5

VIRGINIA

 Evidence, 5:22, 6:10, 7:4
 Uniform Trade Secrets Act, 6:10, 7:4

WISCONSIN

 Evidence, 5:9

WITNESSES

 Expert witnesses, 1:1, 5:34, 7:9
 Invalidity, 7:9
 Opinion testimony, 5:48
 Removal, 2:22

