

Index

ACQUISITIONS

Ancillary agreements, **2:10**
Anti-assignment provisions, **2:4, 2:14, 2:16**
Assignment, **2:3, 2:4, 2:7, 2:14, 2:16, 2:17**
Authority, **2:8, 4:20**
Break-up fees, **2:12**
Consideration, **2:2 to 2:4, 2:6 to 2:8, 2:11, 2:14 to 2:17, 4:15**
Contractual provisions, **2:3, 2:4**
Control, **2:3, 2:4, 2:6, 2:7, 2:11, 2:15 to 2:17, 3:46, 4:20**
Definition, **2:15**
Department of Justice, **2:4**
Disclosure schedules, **2:8, 4:20**
Evidence, **4:20**
Fees, **2:12, 2:14**
Forward subsidiary mergers, **2:16**
Indemnification, **2:3, 2:4, 2:6, 2:8, 2:11**
Investigations, **2:3, 4:20**
License, **2:3, 4:20**
Notice, **2:16, 2:17**
Parties, **2:1 to 2:11, 2:14 to 2:16, 4:15, 4:20**
Positive covenants, **2:4, 2:9**
Post-signing, **2:2 to 2:4, 2:6, 2:8 to 2:10**
Pre-signing, **2:2, 2:3**
Proxy statements, **2:3**
Public companies, **2:4**
Railroads, **2:4**
Remedies, **2:17**
Reverse subsidiary mergers, **2:16**
Risk allocation, **2:6**
Shareholder approval, **2:2, 2:4, 2:10, 2:12**

ACQUISITIONS—Cont'd

Telecommunications, **2:4**
Trademarks, **1:2, 3:46**
Transaction agreements, **1:2, 2:1, 2:3, 2:9**
Transaction documents, **1:1 to 2:3**
Transaction mechanics, **2:7**
Waivers, **2:4, 4:20**

ADVERTISING

Antitrust, **4:13**
Behavioral advertising, **4:25**
Consent, **3:17, 3:48, 3:52, 4:13, 4:25, 4:30, 6:38, 6:42**
Data, **3:52, 4:13, 4:25, 4:30, 6:42**
Data security, **4:25**
Disclosure, **3:52, 4:13, 4:25, 4:30, 5:33, 6:42**
Federal Trade Commission, **3:52**
Federal Trademark Dilution Act, **3:24**
Sensitive data, **4:30**
Trademarks, **3:1, 3:17, 3:24, 3:25, 4:13, 4:25, 4:30, 5:33, 6:14, 6:38, 6:42**
Transparency, **3:52**

AGREEMENTS

Assignment, **2:3, 2:4, 2:7, 2:14, 2:16, 3:11, 4:2, 4:4, 4:5, 4:9, 4:12 to 4:14, 4:21, 4:23, 4:25 to 4:27, 4:30, 5:22, 5:28, 5:31, 5:34, 5:35, 5:39, 5:40, 6:1, 6:2, 6:32, 6:39 to 6:41**
Breach, **2:4, 2:6, 2:9, 3:51, 3:52, 4:8, 4:9, 4:12 to 4:14, 4:21, 4:25, 4:26, 4:30, 5:13, 5:22, 5:26, 5:28, 5:34, 5:35, 5:40, 6:5, 6:11, 6:39 to 6:41**
California, **3:11, 4:12**

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

AGREEMENTS—Cont'd

Confidentiality, 2:3, 3:42, 3:43, 3:52, 4:4, 4:8, 4:12, 4:13, 4:20 to 4:22, 4:25, 4:26, 4:30, 5:28, 5:30, 5:34, 5:35, 5:39 to 6:41
Damages, 2:4, 2:10, 3:36, 3:42, 4:12, 4:14, 4:20, 4:25, 4:26, 5:28, 6:39 to 6:41
Evidence, 3:9, 3:36, 3:43, 3:51, 4:12, 4:16, 4:20, 4:30, 6:2
Forms, 2:1, 2:3, 3:1, 3:36, 3:40, 3:52, 4:9, 4:20, 4:27, 5:3, 5:5, 5:24, 5:28, 5:32, 5:35, 5:39, 5:40, 6:1, 6:2, 6:32, 6:41
Negotiations, 2:3, 2:7, 4:8, 5:14
New York, 3:42, 6:39, 6:40
Nondisclosure Agreements, 3:42, 4:20, 4:21, 4:25, 4:26
North Carolina, 3:11, 3:42
Patent validity, 4:14
Restrictive Covenants, 4:6, 4:9, 4:12, 4:30, 5:33
Theory, 3:11, 6:7

AMERICA INVENTS ACT

Obviousness, 3:9

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

Confusingly similar, 3:27
Cybersquatting, 3:26, 3:27
Damages, 3:27
Dispute resolution, 3:27
Domain name, 3:26, 3:27
Injunctive relief, 3:27
Jurisdiction, 3:27
Personal jurisdiction, 3:27
Registration, 3:26, 3:27
Remedies, 3:27
Use, 3:26, 3:27

ANTITRUST

Advertising, 4:13
Contracts and agreements, 4:20

ANTITRUST—Cont'd

Deal, 2:3, 4:2, 4:4, 4:13
Distribution, 4:13, 4:20
Intellectual property, 2:3, 3:7, 3:9, 4:2, 4:4, 4:13, 4:20
Intent, 2:3
Licenses, 2:3, 4:2, 4:13, 4:20
Licensing, 4:13
Networks, 4:4
Parties, 2:3, 2:4, 2:9, 3:7, 3:9, 4:4, 4:13, 4:20
Patents, 3:7, 3:9, 4:4, 4:13
Restrictions, 2:3, 2:4, 2:9, 4:4, 4:13, 4:20
Time, 2:3, 2:4, 2:9, 3:9, 4:4, 4:20
United States, 3:7, 3:9
Validity, 3:9, 4:4, 4:13

APPEAL

Arguments, 3:9
Board of Patent Appeals and Interferences, 3:5
Decisions, 3:5, 3:9
Federal Circuit, 3:5, 3:9
Infringement, 3:5, 3:9
Inter partes review, 3:9
Interferences, 3:5
Judicial review, 3:9
Patent Trial and Appeal Board, 3:9

APPLICATION

Acquired distinctiveness, 3:17
Amendment, 3:9, 3:17, 6:40, 6:42
Cancellation Proceedings, 4:11, 4:21
Disclaimers, 5:40
Discovery, 3:9, 4:14, 6:40, 6:42
Examination, 3:3, 3:5, 3:6, 3:9, 3:10, 3:12, 3:22, 4:9, 4:11, 4:16, 6:42
Forms, 3:52, 4:9, 4:27, 5:24, 5:28, 5:39, 5:40, 6:2, 6:32
Germany, 3:12
Intent to use, 3:17, 6:2, 6:35, 6:36
Judicial Review, 3:9

INDEX

APPLICATION—Cont'd

Patents, 3:3 to 3:6, 3:9, 3:11 to 3:13, 3:21, 4:6, 4:8, 4:9, 4:11, 4:14, 4:21, 4:27, 4:30, 5:24, 5:28, 5:39, 5:40, 6:2, 6:32, 6:33, 6:40, 6:42
Previously filed, 3:9
Registered Marks, 3:17
Registration, 3:17, 3:18, 3:22, 3:23, 4:6, 4:8, 4:9, 4:21, 4:27, 4:30, 5:28, 5:39, 5:40, 6:32, 6:34, 6:42
Requests for, 3:9
Sua sponte, 3:9

ASSET SALE

Definition, 5:25
Licenses, 5:25
Ownership, 5:25
Transaction agreements, 5:25

ASSIGNABILITY

Restrictive covenants, 4:30

ASSIGNMENT

Abstracts of title, 3:11
Agency, 6:39 to 6:42
Annuities, 4:30
Bankruptcy, 6:39, 6:41, 6:42
Commercial Code, 2:14, 4:9
Confidential relationship, 3:11
Consent, 2:3, 2:4, 2:17, 4:9, 4:13, 4:21, 4:25 to 4:28, 4:30, 5:31, 5:35, 5:39, 5:40, 6:38 to 6:42
Consideration, 2:3, 2:4, 2:7, 2:14, 2:16, 2:17, 4:2, 5:28, 5:31, 6:32 to 6:42
Contracts, 2:3, 2:4, 2:14, 3:11, 4:12, 4:13, 4:21, 4:25, 4:26, 5:22, 5:28, 5:31, 5:39, 5:40, 6:2, 6:38, 6:40, 6:42
Copyright, 2:3, 4:9, 4:13, 4:14, 4:21, 4:23, 4:25 to 4:28, 4:30, 5:28, 5:31, 5:35, 5:40, 6:2, 6:32, 6:37, 6:40, 6:42
Corporations, 2:4, 5:39

ASSIGNMENT—Cont'd

Death, 6:42
Defenses, 6:42
Definitions, 2:4, 5:28, 5:35, 5:40, 6:38 to 6:40, 6:42
Employment, 2:3, 2:17, 3:11, 4:2, 4:4, 4:9, 4:12, 4:14, 4:25, 4:26, 4:28, 4:30, 5:23, 5:35, 6:40, 6:42
Evidence, 4:12, 4:30, 6:2, 6:38, 6:42
Guaranty, 5:28
Indemnity, 4:28
Infringement, 3:11, 4:4, 4:5, 4:13, 4:14, 4:21, 4:25, 4:26, 4:28, 4:30, 5:28, 5:39, 5:40, 6:32 to 6:37, 6:39, 6:40, 6:42
Insurance, 2:4, 2:14, 4:13, 5:40, 6:41, 6:42
Names, 4:4, 4:14, 4:21, 4:25, 4:26, 4:30, 5:28, 5:35, 5:39, 5:40, 6:32, 6:38 to 6:42
Options, 2:3
Parties, 2:3, 2:4, 2:7, 2:14, 2:16, 4:4, 4:5, 4:9, 4:12 to 4:14, 4:21, 4:23, 4:25, 4:26, 4:28, 4:30, 5:22, 5:28, 5:31, 5:34, 5:35, 5:39, 5:40, 6:32 to 6:42
Patents, 3:11, 4:4, 4:9, 4:13, 4:14, 4:21, 4:25 to 4:27, 4:30, 5:28, 5:31, 5:35, 5:39, 5:40, 6:2, 6:32, 6:33, 6:39, 6:40, 6:42
Payment, 4:9, 4:13, 4:21, 4:25, 4:26, 4:28, 4:30, 5:28, 5:31, 5:39 to 6:42
Penalties, 2:4, 6:41, 6:42
Personal property, 2:3, 6:42
Pleadings, 4:4, 4:14, 4:21, 4:25, 4:26
Property, 2:3, 2:4, 2:14, 3:11, 4:2, 4:4, 4:5, 4:9, 4:12 to 4:14, 4:21, 4:23, 4:25 to 4:28, 4:30, 5:22, 5:23, 5:28, 5:31, 5:34, 5:35, 5:39, 5:40, 6:1, 6:2, 6:32, 6:38 to 6:42

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

ASSIGNMENT—Cont'd

- Property Insurance, 6:42
- Public policy, 6:38 to 6:42
- Public securities, 2:4
- Punitive damages, 4:28
- Real property, 2:14
- Reorganizations, 2:16
- Restatement, 4:12
- Sales, 4:21, 4:28, 5:40, 6:42
- Specific performance, 6:41, 6:42
- Standing, 3:11, 5:40, 6:42
- Subject matter, 3:11, 4:4, 4:13, 4:14, 4:30, 5:22, 6:39 to 6:41
- Subrogation, 6:42
- Time, 2:3, 2:4, 2:7, 2:14, 2:16, 2:17, 3:11, 4:4, 4:9, 4:12, 4:14, 4:28, 5:22, 5:31, 5:39, 5:40, 6:38 to 6:42
- Warranties, 2:3, 2:4, 2:17, 4:2, 4:9, 4:13, 4:14, 4:28, 4:30, 5:22, 5:28, 5:31, 5:34, 5:39, 5:40, 6:2, 6:32 to 6:37, 6:39, 6:40, 6:42

ASSIGNMENT AGREEMENTS

- Copyright, 5:28
- Development, 5:28
- Domain names, 5:28
- Inventions, 3:11, 5:28
- Patents, 3:11, 5:28
- Technology, 5:28
- Trademarks, 5:28

BANKRUPTCY

- Agreements, 6:39, 6:41
- Assignment, 6:39, 6:41, 6:42
- Contracts, 6:42
- Enforcement, 6:39
- License, 6:14, 6:39, 6:41, 6:42
- Termination, 6:14, 6:39, 6:41, 6:42
- Transfer, 6:41, 6:42

BENEFITS

- Mexico, 3:12
- Spain, 3:12

BOOKS

- Access, 2:3, 4:25, 6:41, 6:42
- Authorship, 4:25
- Biographies, 3:40
- Character, 6:42
- Contracts, 2:3, 4:25, 6:42
- Fair use, 3:40
- Infringement, 3:30, 4:25, 6:42
- Name, 4:25, 6:41, 6:42
- Ownership, 2:3, 3:40, 4:19, 4:24, 4:25, 6:41, 6:42
- Photographs, 3:40
- Privacy, 4:25
- Titles, 4:24
- Trademarks, 4:25, 6:42

BURDEN OF PROOF

- United States, 3:9

CALIFORNIA

- Advertising, 3:48
- Claims, 4:12
- Consumers, 3:47
- Damages, 4:12
- Liability, 3:47
- Licenses, 3:11, 3:18, 3:48, 4:12
- Misappropriation, 3:48, 4:12
- Property rights, 4:12
- Remedies, 4:12
- Restrictive covenants, 4:12
- Standing, 3:11
- Transactions, 3:47, 4:12

CANADA

- Obligations, 3:12

CANCELLATION PROCEEDINGS

- Applications, 4:11, 4:21
- Dilution, 4:21
- Exhibits, 4:21
- Parties, 4:21
- Pleadings, 4:11, 4:21
- Registration, 4:21

INDEX

CHEMICAL

- Compositions, 3:3
- Discovery, 3:9
- Evidence, 3:3, 3:9
- Novelty, 3:4
- Plurality, 3:3

CLAIMS

- Adapted, 3:7, 3:13, 3:37
- Alternatives, 6:42
- Amendments, 3:9, 4:15, 4:20 to 4:22, 6:42
- Apparatus, 3:3, 3:5, 3:13
- Business methods, 3:3, 3:9, 3:12, 3:13
- Complete, 2:8, 3:5, 3:9, 3:12, 4:14, 4:15, 4:21, 5:28, 5:29, 5:35, 5:40
- Composition of matter, 3:3
- Defect, 3:9, 3:37, 5:40
- Design patents, 3:9, 3:12, 3:13
- Discovery, 3:9, 3:37, 3:38, 4:14, 6:39, 6:40, 6:42
- Doctrine of equivalents, 3:13, 4:11
- Drafting, 3:3, 3:6, 3:9, 6:39
- Drawing, 3:1
- E-Commerce, 3:26, 4:22
- Electronics, 3:13
- Format, 3:6, 6:39, 6:42
- Internet, 3:1, 3:3, 3:26, 3:28, 3:37, 3:38, 4:14, 4:15, 4:21, 4:22, 4:25, 4:26, 5:24, 5:35, 5:40, 6:42
- Language, 3:3 to 3:5, 3:12, 4:12, 4:14, 4:21, 5:16, 5:20, 5:29
- Literal infringement, 3:13
- Mathematical algorithms, 3:3
- Method claims, 3:3
- Objection, 6:38, 6:40
- Omission, 6:38
- Patentee, 3:9, 3:13, 4:11, 4:14
- Preamble, 3:38, 5:40, 6:42
- Process, 3:3, 3:5 to 3:7, 3:9, 3:12, 3:13, 3:17, 3:42, 4:3, 4:11, 4:12, 4:15, 4:25, 4:26, 5:16,

CLAIMS—Cont'd

- 5:28, 5:35, 6:38, 6:40, 6:42
- Prosecution, 3:5, 3:8, 3:9, 3:12, 3:13, 4:3, 4:11, 6:9, 6:22, 6:39, 6:40
- Royalties, 3:13, 4:14, 5:28, 5:40
- Specification, 3:5, 3:9, 3:13
- Telecommunications, 5:40
- Trade names, 4:21, 4:22, 5:28, 5:35, 5:40, 6:38 to 6:40
- Trademarks, 3:1, 3:17, 3:24, 3:26, 3:28, 3:42, 4:6, 4:11, 4:14, 4:21, 4:22, 4:25, 4:26, 5:28, 5:29, 5:35, 5:40, 6:11, 6:38 to 6:40, 6:42
- Value, 3:1, 3:4, 3:9, 3:26, 3:38, 4:3, 4:11, 4:12, 4:14, 4:15, 4:21, 5:16, 6:11, 6:38

CLOUD COMPUTING

- E-discovery, 3:37

COMMON LAW

- California, 3:11, 3:18, 3:48, 4:12
- Definitions, 3:52, 5:9, 5:28
- Employment, 3:11, 3:42, 3:52, 4:12, 4:14
- History, 3:17
- Misappropriation, 3:42, 3:48, 4:12, 4:14, 5:9, 5:28
- United States, 3:17, 3:18, 3:52, 4:14, 5:28

COMPETITION

- Unfair Competition, 3:1, 4:4, 4:21, 4:22, 5:28

COMPLIANCE

- Attorney-client privilege, 4:28, 4:30
- Audits, 4:13, 4:15, 4:16, 4:20, 4:25, 6:42
- Federal Trade Commission, 3:52
- Programs, 3:51, 3:52, 4:28, 5:24, 5:40, 6:42

COMPUTER FRAUD AND ABUSE ACT

- Privacy, 3:46

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

COMPUTERS

Codes, 5:40
Copyrights, 4:25, 4:26, 5:40
Distribution of software, 5:40
Enforcement, 5:40
Evidence, 4:20
Misappropriation, 4:25, 4:26, 5:40
Object codes, 5:40
Secrecy, 4:20
Software, 4:25, 4:26, 5:40
Statutes, 4:20

CONFIDENTIALITY

Evidence, 3:43, 4:12, 4:20, 4:30, 6:42
Licensing, 4:13, 4:21, 4:30, 5:28, 5:40
Misappropriation of trade secrets, 3:42
Restrictive covenants, 4:12, 4:30

CONFIDENTIALITY AGREEMENTS

Employment agreement, 3:42, 4:12
Noncompete agreement, 4:12
Nondisclosure, 3:42, 4:12, 4:30

CONSULTANTS

Forms, 4:20, 5:28, 5:39

CONTRACTS

Assignment, 2:3, 2:4, 2:14, 3:11, 4:12, 4:13, 4:21, 4:25, 4:26, 5:22, 5:28, 5:31, 5:39, 5:40, 6:2, 6:38, 6:40, 6:42
Breach, 2:4, 2:8, 3:52, 4:12, 4:13, 4:21, 4:25, 4:26, 5:22, 5:26, 5:28, 5:40, 6:38, 6:40, 6:42
California, 3:11, 4:12
Confidentiality, 2:3, 3:52, 4:12, 4:13, 4:20, 4:21, 4:25, 4:26, 5:28, 5:39 to 6:40, 6:42
Damages, 2:4, 4:12, 4:20, 4:25, 4:26, 5:28, 6:38, 6:40, 6:42
Evidence, 4:12, 4:20, 6:2, 6:38, 6:42

CONTRACTS—Cont'd

Forms, 2:3, 2:8, 3:52, 4:20, 5:3, 5:28, 5:39, 5:40, 6:2
Negotiations, 2:3, 6:42
New York, 6:40, 6:42
Nondisclosure Agreements, 4:20, 4:21, 4:25, 4:26
North Carolina, 3:11
Restrictive Covenants, 4:12, 5:33
Theory, 3:11

COPYRIGHT

Access, 2:3, 3:37, 3:51, 4:8, 4:13, 4:14, 4:21, 4:25, 4:26, 4:28, 4:30, 5:31, 5:35, 5:40, 6:42
Actual damages, 3:36
Amendments, 3:30, 4:21, 4:24, 6:42
Anonymous works, 3:35
Answers, 4:13
Applications, 1:11, 3:37, 4:6, 4:8, 4:9, 4:21, 4:23, 4:25 to 4:27, 4:30, 5:3, 5:11, 5:14, 5:28, 5:29, 5:35, 5:36, 5:38, 5:40, 6:2, 6:32, 6:37, 6:40, 6:42
Attorneys, 4:6, 4:9, 4:13, 4:14
Bad faith, 3:27
Beneficial ownership, 6:40
Berne Convention, 3:30, 3:36, 4:6
Books, 2:3, 3:30, 3:40, 4:19, 4:24, 4:25, 6:42
Certificates, 3:37, 5:28, 6:42
Chain of title, 3:39, 4:8, 4:9, 4:18, 4:21, 4:23, 4:27, 4:30
Change, 2:3, 3:2, 4:6, 4:13, 4:14, 4:27, 4:30, 5:14, 5:31, 6:32, 6:42
Children, 4:21, 4:25, 4:26
Choice of law, 4:28
Common law, 3:1, 4:13, 4:14, 5:28
Competition, 3:1, 3:2, 3:31, 4:14, 4:21, 5:28, 5:40, 6:40
Compulsory licenses, 3:30
Confidential information, 2:3, 4:28, 4:30, 5:28, 5:40, 6:42

INDEX

COPYRIGHT—Cont'd

Contracts, 2:3, 3:32, 4:13, 4:21, 4:25, 4:26, 5:3, 5:28, 5:31, 5:40, 6:2, 6:40, 6:42
Contributory infringement, 3:37
Copies, 3:29, 3:31, 3:32, 3:36 to 3:38, 3:40, 3:51, 4:9, 4:14, 4:19, 4:21, 4:23 to 4:28, 4:30, 5:14, 5:31, 5:40, 6:42
Copying, 3:29, 3:32, 3:37, 3:38, 4:9
Copyright Act of 1976, 3:30, 3:35
Corrections, 5:35, 5:40
Costs, 2:3, 3:37, 4:14, 4:28, 6:40, 6:42
Courts, 3:27, 3:31, 3:32, 3:37, 3:38, 4:13, 4:14, 6:40, 6:42
Customs, 3:36
Damages, 3:27, 3:36 to 3:38, 4:14, 4:25, 4:26, 4:28, 5:28, 6:40, 6:42
Decrees, 4:21, 5:35, 5:36
Defenses, 3:38, 6:42
Delay, 3:37, 4:9, 6:42
Derivative works, 3:29, 3:32, 3:37, 4:14, 5:40, 6:40, 6:42
Destruction, 4:21, 4:28, 5:40, 6:42
Discovery, 3:37, 3:38, 4:14, 6:40, 6:42
Distribution, 3:30, 3:32, 3:37, 3:40, 3:51, 4:6, 4:13, 4:19, 4:21, 4:23, 4:25, 5:40
Errors, 4:8, 4:25, 4:26, 5:35, 5:40, 6:42
Evidence, 3:31, 3:36, 3:37, 3:51, 4:30, 6:2, 6:42
Exclusivity, 2:3
Exemptions, 3:32
Expenses, 3:37, 6:40, 6:42
Expert witnesses, 3:37
Fair use, 3:38, 3:40
Fees, 3:35 to 3:37, 3:40, 4:8, 4:14, 4:19, 4:25 to 4:28, 4:30, 5:28, 5:40, 6:40, 6:42
Films, 3:30

COPYRIGHT—Cont'd

Fines, 2:3, 6:42
First sale doctrine, 3:38
Foreign countries, 6:2
Forms, 2:3, 3:1, 3:2, 3:36, 3:40, 4:9, 4:27, 5:3, 5:28, 5:35, 5:40, 6:2, 6:32
Fraud, 4:9, 6:42
Good faith, 3:27, 6:40, 6:42
Governing law, 6:32, 6:40, 6:42
Hire, 3:34, 3:35, 3:40, 4:9, 4:23, 4:25, 4:26, 4:30, 5:40
Husband, 4:14
Ideas, 3:29 to 3:31, 4:14, 6:42
Indemnity, 4:28
Infringement, 3:27, 3:29 to 3:31, 3:34, 3:36 to 3:38, 3:51, 4:6, 4:13, 4:14, 4:21, 4:25, 4:26, 4:28, 4:30, 5:28, 5:40, 6:32, 6:37, 6:40, 6:42
Injunctions, 4:14, 5:35, 5:36, 6:42
Innocent infringement, 3:36
Intent, 1:11, 2:3, 3:27, 3:37, 3:38, 4:8, 4:9, 4:25, 4:26, 4:30, 6:2, 6:40, 6:42
Interest, 2:3, 3:37 to 3:40, 3:51, 4:8, 4:9, 4:13, 4:14, 4:18, 4:19, 4:23, 4:24, 4:28, 5:28, 5:29, 5:35, 5:36, 5:38, 5:40, 6:2, 6:32, 6:37, 6:40, 6:42
Internet, 3:1, 3:30 to 3:32, 3:37, 3:38, 3:40, 3:51, 4:8, 4:14, 4:21, 4:25, 4:26, 4:30, 5:14, 5:35, 5:36, 5:40, 6:32, 6:42
Joint, 3:34, 3:35, 3:39, 4:9, 4:18, 4:21, 4:23, 4:25, 4:26, 4:30, 5:28, 6:40, 6:42
Joint works, 3:35
Judgments, 2:3, 4:21, 5:35, 5:36, 6:42
Jurisdiction, 3:27, 4:13, 4:30, 5:28, 5:35, 5:40, 6:40, 6:42
Knowledge, 3:2, 3:37, 4:8, 4:9, 4:14, 4:25, 4:26, 5:28, 5:35, 5:36, 5:38, 5:40, 6:42
Laches, 3:38

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

COPYRIGHT—Cont'd

License fee, 4:28
 Licenses, 1:11, 2:3, 3:1, 3:30, 3:34, 3:40, 3:51, 4:6, 4:9, 4:13, 4:19, 4:24 to 4:27, 4:30, 5:14, 5:28, 5:31, 5:35, 5:36, 5:38, 5:40, 6:40, 6:42
 Loss, 4:21, 4:25, 4:26, 4:30, 5:35, 5:40, 6:40, 6:42
 Mask work, 5:40
 Merits, 4:14, 4:25, 4:26, 4:30
 Mistakes, 3:37
 Moral rights, 3:1, 5:40
 Music, 3:30, 3:39, 3:40, 4:18, 4:19, 4:23, 4:25
 Music rights, 4:19
 Networks, 3:38, 4:21, 5:35
 New York, 6:40, 6:42
 Notice, 3:29, 3:32, 3:36, 3:51, 4:6, 4:14, 4:25, 4:26, 4:28, 5:28, 5:31, 5:40, 6:40, 6:42
 Orders, 4:14, 4:27, 5:35, 5:36, 6:42
 Originality, 3:31, 3:51
 Parent, 5:28, 6:42
 Penalties, 6:42
 Performances, 3:40, 4:19
 Personal jurisdiction, 3:27
 Phonorecords, 3:36, 3:37, 3:40, 4:19
 Photographs, 3:40
 Pleadings, 4:14, 4:21, 4:25, 4:26
 Prevailing party, 3:37
 Process, 2:3, 4:8, 4:9, 4:13, 4:25 to 4:27, 5:14, 5:28, 5:35, 6:40, 6:42
 Profits, 3:34, 3:36, 3:37, 4:28
 Receipts, 4:24
 Registration, 3:27, 3:36, 3:37, 4:6, 4:8, 4:9, 4:21, 4:27, 4:30, 5:14, 5:28, 5:35, 5:36, 5:40, 6:32, 6:42
 Religious purposes, 3:32
 Removal, 3:51

COPYRIGHT—Cont'd

Review, 2:3, 3:1, 3:51, 4:9, 4:13, 4:14, 4:19, 4:25, 4:26, 4:30, 6:2, 6:42
 Royalties, 3:40, 4:14, 4:30, 5:28, 5:40
 Satellite Home Viewer Act, 3:30
 Schools, 3:40
 Scripts, 4:13, 5:40
 Search, 3:32, 4:8, 4:9, 4:14, 4:23, 4:25, 4:26, 4:30
 Securities, 2:3, 5:14
 Sentence, 5:40
 Service of process, 6:40
 Signatures, 6:42
 Similarity, 3:37
 Sound recordings, 3:30, 3:40, 4:19
 Standing, 5:40, 6:42
 Statutes, 3:27, 3:30, 4:9
 Statutory damages, 3:27, 3:36, 3:37
 Substantial similarity, 3:37
 Telecommunications, 5:40
 Television, 3:2, 3:30, 3:32, 3:37, 3:39, 3:40, 4:18, 4:19, 6:42
 Theater, 3:40, 4:19
 Time, 2:3, 3:1, 3:2, 3:30 to 3:32, 3:35, 3:37, 3:40, 4:8, 4:9, 4:14, 4:28, 5:31, 5:40, 6:40, 6:42
 Titles, 4:21, 4:24
 Transfers, 3:34, 4:13, 4:24, 4:30, 6:2
 Translations, 4:21, 5:40
 Tribunal, 5:28
 United States, 3:2, 3:30, 3:32, 3:36 to 3:38, 3:40, 4:6, 4:14, 4:25, 4:26, 5:3, 5:28, 5:35, 5:38, 6:2, 6:40
 Venue, 6:40
 Vicarious liability, 3:37
 Video games, 3:40
 Wife, 4:14
 Witnesses, 3:37, 4:14

INDEX

COPYRIGHT—Cont'd

Works made for hire, 3:35, 4:9

COSTS AND EXPENSES

Discovery, 6:39, 6:40, 6:42

COVENANTS

Restrictive Covenants, 4:6, 4:9,
4:12, 4:30, 5:33

CUSTOMERS

California, 3:47
Restrictive covenants, 5:33
United States, 3:52, 4:15, 4:25,
5:24, 5:35

DAMAGES

California, 4:12
Copyright infringement, 3:36 to
3:38, 4:14, 4:25, 4:28, 6:42
Defend Trade Secrets Act, 3:42,
4:12
Definitions, 2:4, 5:9, 5:28, 6:38 to
6:40, 6:42
False advertising, 3:17
Lanham Act, 3:17, 3:24
Lost profits, 3:13, 3:24, 3:37,
4:28, 6:41
Misappropriation of trade secrets,
3:42, 4:14
New York, 3:42, 6:39, 6:40, 6:42
Punitive damages, 4:28
Reasonable royalty, 3:13
Restrictive covenants, 4:12
Royalty, 3:13, 4:14, 4:20, 6:39,
6:41, 6:42
Uniform Trade Secrets Act, 3:42
United States, 3:13, 3:17, 3:24,
3:36 to 3:38, 3:45, 4:14,
4:15, 4:25, 4:26, 5:28, 6:40
Use, 3:13, 3:17, 3:24, 3:27, 3:36
to 3:38, 3:42, 3:44, 4:12,
4:14, 4:15, 4:20, 4:25, 4:26,
4:28, 5:9, 5:28, 6:14, 6:38 to
6:42
Vicarious liability, 3:37

DATA

Information and Data, 3:52, 6:39,
6:40

DATABASES

Agreements, 3:52, 4:8, 4:9, 4:14,
4:27, 4:30, 5:24, 5:25, 5:28,
5:35, 5:39, 5:40
Commercial databases, 4:9
Contracts, 3:52, 5:28, 5:39, 5:40,
6:42
Copyright, 4:8, 4:9, 4:14, 4:27,
4:30, 5:28, 5:35, 5:40, 6:42
Copyright Office, 4:8, 4:9, 4:27,
5:28
Customer agreement, 5:40
Disclaimers, 5:40
Infringement, 4:14, 4:30, 5:9,
5:25, 5:28, 5:39, 5:40, 6:42
Licensing, 4:14, 4:30, 5:28, 5:40
Misappropriation, 4:14, 5:9, 5:28,
5:35, 5:39, 5:40
Negligence, 6:42
Notice, 3:52, 4:14, 5:28, 5:39,
5:40, 6:42
Privacy, 3:52, 4:30, 5:8, 5:9, 5:35,
5:40
Publication, 4:8, 5:40
Registration, 4:8, 4:9, 4:27, 4:30,
5:8, 5:9, 5:28, 5:35, 5:39,
5:40, 6:42
Statutes, 3:52, 4:9
Trade secrets, 4:8, 4:14, 4:30, 5:8,
5:9, 5:24, 5:28, 5:35, 5:39,
6:42
Treaties, 5:9, 5:35
Uniform Commercial Code, 4:9

DEFAMATION

Actual malice, 3:49
Damages, 3:38
Defenses, 3:38
Fiction, 3:38
Intent, 3:38
Libel, 3:49
Malice, 3:49

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

DEFAMATION—Cont'd

Parody, 3:38
Publication, 3:38, 3:49
Reputation, 3:49
Slander, 3:49
Truth, 3:38, 3:49
Types, 3:38

DEFAULT

Abandonment, 6:39
Dilution, 4:25, 4:26
Failure to perform, 6:41
Infringement, 4:13, 4:25, 4:26,
4:28, 4:30, 5:28, 6:39, 6:40,
6:42
Waiver, 6:39 to 6:42

DEFEND TRADE SECRETS ACT

Remedies, 3:42, 4:12

DEFENSES

Best mode, 3:9
Description, 3:9, 6:42
Enablement, 3:9
Enforcement, 3:13
Infringement, 3:9, 3:13, 3:38,
6:42
Laches, 3:38
Utility, 3:13, 6:42
Validity, 3:9, 3:38

DEFINITION

Common Law, 3:42, 3:52, 5:9
Customer lists, 3:52
Databases, 3:52, 5:8, 5:9, 5:24,
5:25, 6:42
Defend Trade Secrets Act, 3:41,
3:42
Economic Espionage Act of 1996,
3:42
Franchise, 6:42
Licensing, 4:17, 5:31, 6:4
Machine, 3:41, 3:52
Misappropriation of trade secrets,
3:42

DEFINITION—Cont'd

Patents, 3:42, 5:2, 5:6 to 5:9,
5:11, 5:14, 5:24, 5:29, 5:31,
6:42
Preamble, 6:42
Process, 3:41, 3:42, 3:52, 4:17,
5:14, 5:25, 6:42
Restatement of Torts, 3:42
Statutes, 3:52
Trade secrets, 3:41, 3:42, 5:7 to
5:9, 5:14, 5:24, 6:42
Uniform Trade Secrets Act, 3:42

DEPARTMENT OF JUSTICE

Intellectual property, 3:52
Mergers, 2:4

DEPOSITIONS

Notice, 4:14
Parties, 4:14
Place, 4:14
Time, 4:14

DESIGN PATENT

APPLICATION

Examination, 3:10

DIGITAL MILLENNIUM

COPYRIGHT ACT

Infringement, 3:30, 3:38, 3:51
Management information, 3:51
Music, 3:30
Section 1202, 3:51

DISCLOSURE

Agreements, 2:3, 2:15, 2:16, 3:4,
3:9, 3:41, 3:42, 3:52, 4:4,
4:8, 4:13, 4:16, 4:17, 4:20 to
4:22, 4:25 to 4:27, 4:30,
5:14, 5:22, 5:25, 5:28, 5:30,
5:31, 5:33 to 5:36, 5:39 to
6:40
Copyright, 2:3, 3:2, 4:8, 4:13,
4:21, 4:25 to 4:28, 4:30,
5:14, 5:28, 5:31, 5:35, 5:36,
5:38, 5:40, 6:40, 6:42
Description, 3:5, 3:6, 3:9, 3:52,
4:4, 4:8, 4:20 to 4:22, 4:30,

INDEX

DISCLOSURE—Cont'd

5:39, 5:40, 6:42
Discovery, 3:9, 3:44, 6:39, 6:40, 6:42
Drawing, 5:39
Effect of, 2:8, 3:9, 4:13, 4:27, 5:14, 6:42
Evidence, 3:9, 4:16, 4:20, 4:30, 6:42
Federal Register, 3:52
Forms, 2:3, 2:8, 3:2, 3:52, 4:20, 4:27, 5:2, 5:9, 5:28, 5:35, 5:39, 5:40
Identification, 3:52, 4:4, 4:13, 4:21, 4:22, 5:33, 6:42
Infringement, 2:8, 3:5, 3:9, 4:4, 4:13, 4:21, 4:22, 4:25, 4:26, 4:28, 4:30, 5:9, 5:16, 5:20, 5:25, 5:28, 5:39 to 6:40, 6:42
Invention, 3:2, 3:4 to 3:6, 3:9, 4:8, 4:11, 4:21, 4:22, 4:25, 4:26, 4:30, 5:23, 5:28, 5:30, 5:35, 5:36, 5:39, 5:40, 6:42
Language, 3:4, 3:5, 3:52, 4:8, 4:13, 4:21, 4:27, 4:30, 5:14, 5:16, 5:18, 5:20, 5:33, 5:34, 5:39
Listings, 5:40
Mask work, 5:39, 5:40
Mistake, 3:44
Nondisclosure, 3:42, 4:4, 4:8, 4:20 to 4:22, 4:25, 4:26, 4:30, 5:23, 5:30, 5:35, 5:40
Patent protection, 3:2, 3:4, 3:5, 4:25, 4:26, 5:39
Prior art, 3:4 to 3:6, 3:9, 4:11
Records, 2:3, 3:52, 4:8, 4:15, 4:27, 5:28, 5:33, 5:40, 6:42
Reference, 4:11, 5:25, 5:31, 5:33, 6:39, 6:40
Research and development, 4:4, 4:20 to 4:22, 5:9, 5:35, 6:39, 6:40
Spain, 3:52
Time, 2:3, 2:8, 2:16, 2:17, 3:2, 3:4, 3:5, 3:9, 3:52, 4:4, 4:8,

DISCLOSURE—Cont'd

4:11, 4:16, 4:20, 4:28, 5:16, 5:20, 5:22, 5:25, 5:31, 5:33, 5:39 to 6:40, 6:42
Title of invention, 4:8, 4:30
Trade secret, 3:4, 3:41, 3:42, 3:44, 4:8, 4:25, 4:26, 5:14, 5:40, 6:42
Trial, 3:9, 4:11, 5:39
Written description, 3:5, 3:6, 3:9, 6:42

DISCOVERY

Authority, 3:9, 6:39, 6:40, 6:42
Closing, 6:39, 6:40, 6:42
Conference, 6:42
Confidential information, 6:42
Consultants, 6:39, 6:40, 6:42
Costs, 3:9, 3:37, 4:14, 6:39, 6:40, 6:42
Depositions, 4:14
Disclosure, 3:9, 3:44, 6:39, 6:40, 6:42
Evidence, 3:9, 3:37, 6:42
Expert witnesses, 3:37
Independent discovery, 3:44
Meeting, 6:39, 6:42
Motions, 4:14
New York, 6:39, 6:40, 6:42
Orders, 3:9, 4:14, 6:42
Parties, 3:9, 3:37, 4:14, 6:39, 6:40, 6:42
Patent applications, 3:9, 6:39, 6:40, 6:42
Protective orders, 4:14
Records, 6:42
Reports, 6:42
Response, 3:9, 4:14, 6:42
Scope of, 3:9, 3:38, 4:14, 6:42
Stay, 3:9
Timing, 6:40
United States, 3:9, 3:37, 3:38, 4:14, 6:40
Use of, 3:9, 3:37, 3:38, 4:14, 6:39, 6:40, 6:42

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

DISCOVERY—Cont'd

Witnesses, 3:37, 4:14

DISTRIBUTION

Computer software, 3:30, 3:51,
4:13, 4:21, 4:22, 4:25, 5:24

DISTRICT COURT

Parties, 3:9, 3:13, 3:37, 3:51, 6:40

Requirements, 3:9, 3:51

Subject matter, 3:13, 3:37, 6:40

Suspension, 6:40

DOMAIN NAMES

Components, 5:40

Conversion, 3:1, 6:41

Fair dealing, 4:14

Functions, 5:35, 5:40

History, 4:4, 4:30

Property, 3:1, 3:26 to 3:28, 4:4,
4:8, 4:14, 4:21, 4:22, 4:25,
4:26, 4:30, 5:8, 5:9, 5:14,
5:17, 5:28, 5:32, 5:35 to
5:37, 5:40, 6:32, 6:38, 6:41,
6:42

Technology, 4:4, 4:8, 4:21, 4:22,
4:25, 4:26, 4:30, 5:9, 5:28,
5:33, 5:35, 5:40, 6:42

Trademarks, 3:1, 3:26 to 3:28,
4:4, 4:8, 4:14, 4:21, 4:22,
4:25, 4:26, 4:30, 5:8, 5:9,
5:14, 5:28, 5:33, 5:35 to
5:37, 5:40, 6:32, 6:38, 6:42

DRAWINGS

Claims, 3:9, 4:12, 5:35, 5:40

Copyright, 5:35, 5:40

Design patents, 3:9

Disclosure, 3:9, 5:9, 5:35, 5:40

Discovery, 3:9

Evidence, 3:9, 4:12

Mask work, 5:40

Notice, 4:12, 5:40

Patentability, 3:9

DUE DILIGENCE

Anti-assignment provisions, 2:4,
2:14

DUE DILIGENCE—Cont'd

Audiovisual works, 3:39, 4:18

Cease and desist letters, 4:4, 4:30

Checklist, 4:4, 4:30

Closing conditions, 2:3, 2:4, 2:6,
2:8

Consideration, 2:2 to 2:4, 2:6,
2:8, 2:11, 2:14, 4:2, 4:11,
4:15, 4:18

Contingent liabilities, 2:3, 2:11

Contractual provisions, 2:3, 2:4

Derivative work, 3:39, 4:12, 4:13,
4:18

Disclosure schedules, 2:8, 4:8,
4:13, 4:16, 4:17, 4:20, 4:30,
5:14, 5:34

Employment agreement, 4:2, 4:9,
4:12, 4:25, 4:26, 5:23

Exhibits, 4:4, 4:8, 4:20 to 4:30,
5:40

Financial assumptions, 4:1

Indemnification provisions, 2:6,
2:11, 4:5, 4:30

Information technology systems,
4:16

Infringement, 2:8, 2:11, 3:11, 4:3
to 4:6, 4:13, 4:14, 4:21, 4:22,
4:25, 4:26, 4:28, 4:30, 5:40

Legal Due Diligence Request List,
2:3

Licenses, 2:3, 3:1, 3:11, 4:2, 4:3,
4:6, 4:9, 4:12, 4:13, 4:16,
4:17, 4:19, 4:20, 4:22, 4:24
to 4:27, 4:30, 5:14, 5:40

Lien searches, 2:3

Music rights, 4:19

Offering memorandum, 4:4

Privacy, 3:1, 4:4, 4:15, 4:18, 4:21,
4:22, 4:25, 4:26, 4:30, 5:40

Purpose, 1:1, 2:3, 4:1, 4:4, 4:8,
4:19, 4:21, 4:25, 5:40

Regulatory approvals, 4:20

Reporting issues, 4:5

Representations and warranties,
1:2, 2:3, 2:4, 2:6, 2:8, 2:11,
3:1, 4:2, 4:3, 4:8, 4:9, 4:13,

INDEX

DUE DILIGENCE—Cont'd

4:14, 4:17, 4:18, 4:30, 5:14,
5:34, 5:40
Requests for information, 4:4,
4:20
Restrictive covenants, 4:6, 4:9,
4:12, 4:30
Scope, 2:3, 2:8, 3:1, 3:4, 4:3, 4:5,
4:8, 4:9, 4:11, 4:12, 4:14,
4:15, 4:18, 4:19, 4:25, 4:26,
5:14, 5:40
Technology transfer agreements,
4:13, 4:30
Television rights, 3:39, 4:18
Validity, 3:11, 4:4, 4:6, 4:9, 4:11,
4:13, 4:14, 4:21, 4:22, 4:25,
4:26, 4:30, 5:40
Verification, 4:8

DURATION

Patent protection, 3:2
United States, 3:2, 3:24

EDUCATION

Internet, 4:16

ELEMENTS

Utility, 3:3, 3:4, 3:13
Validity, 3:36, 5:40

EMPLOYEES

Agreements, 2:3, 2:10, 3:4, 3:11,
4:4, 4:9, 4:12 to 4:14, 4:16,
4:20 to 4:22, 4:25, 4:26,
4:30, 5:28, 5:31, 5:39, 6:39
to 6:41
Exit interview, 4:12
Hiring, 3:34
Interviews, 4:12, 4:14
Restrictive Covenants, 4:9, 4:12,
4:30

EMPLOYERS

Employees, 3:34, 4:12, 4:14
Restrictive covenants, 4:12

EMPLOYMENT

Contracts and agreements, 4:20

EMPLOYMENT—Cont'd

Restrictive covenants, 4:9, 4:12,
4:30

EMPLOYMENT AGREEMENTS

Confidentiality, 2:3, 4:12, 4:20,
4:25, 4:26
Executives, 2:3
Noncompete agreement, 4:12

ENFORCEMENT

Computers, 5:40
New York, 6:39, 6:40
Remedies, 3:13, 3:37, 3:51, 3:52,
6:39, 6:40
United States, 3:13, 3:37, 3:40,
3:52, 6:40

ENGINEERING

Evidence, 3:9

EUROPEAN UNION

Regulation, 3:52

EVIDENCE

Acquisition, 4:16, 4:20
Checklist, 4:30
Confidentiality agreements, 3:43,
4:12, 4:30
Contracts and agreements, 4:20
Disclosure, 3:9, 4:16, 4:20, 4:30,
6:42
Discovery, 3:9, 3:37, 6:42
Drawings, 3:9, 4:12
Enforcement, 3:13, 3:37, 3:51
Engineering, 3:9
Exceptions, 3:3, 3:9, 6:2, 6:42
Exit interviews, 4:12
Expert witnesses, 3:37
Identification, 6:42
Infringement, 3:9, 3:13, 3:17,
3:31, 3:36, 3:37, 3:51, 4:30,
6:42
Injunctions, 3:13, 6:42
Interviews, 4:12
New York, 6:42

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

EVIDENCE—Cont'd

Notice, **3:13, 3:17, 3:36, 3:43, 3:51, 4:12, 6:38, 6:42**
Novelty, **3:31**
Physical security, **4:16**
Presumptions, **3:9**
Public knowledge, **3:13**
Tests, **3:3, 4:16**
Texas, **3:9, 3:13**
United States, **3:9, 3:13, 3:17, 3:36, 3:37, 6:2**
Use, **3:3, 3:9, 3:13, 3:17, 3:31, 3:36, 3:37, 3:51, 4:12, 4:16, 4:20, 4:30, 6:2, 6:38, 6:42**
Utah, **3:13**
Validity, **3:9, 3:17, 3:36, 4:30**
Value, **3:9, 3:43, 3:51, 4:12, 6:2, 6:38**
Witnesses, **3:37**

EX PARTE

Acquired distinctiveness, **3:17**
Amendment, **3:9, 3:17**
Applicants, **3:17**
Disparaging marks, **3:17**
Distinctiveness, **3:17**
Evidence, **3:9, 3:17**
Examiners, **3:9**
Federal Circuit, **3:9, 3:17**
Fees, **3:42**
Flag, **3:17**
Genericness, **3:17**
Goods, **3:17**
Insignia, **3:17**
Judicial Review, **3:9**
Likelihood of confusion, **3:17**
Petitions, **3:9**
Publications, **3:9**
Record, **3:9**
References, **3:9**
Registration, **3:17, 3:42**
Services, **3:17**
Sua sponte, **3:9**

EXAMINATION

Design patents, **3:9, 3:12**
Fees, **3:6, 3:12, 3:22, 6:41, 6:42**
Infringement, **3:5, 3:9, 6:42**
Mathematical algorithms, **3:3**
Patent Cooperation Treaty, **3:12**
Preliminary examination report, **3:12**
Preliminary examining authority, **3:12**

EXAMINERS

Appeal, **3:5, 3:9**

EXEMPTIONS

Compliance, **3:52**
Federal Trade Commission, **3:52**
Securities, **3:52**

EXIT INTERVIEWS

Employees, **4:12**
Evidence, **4:12**

EXPENSES

Costs and Expenses, **6:39 to 6:42**

FAIR CREDIT REPORTING ACT

Privacy, **4:15**

FEDERAL CIRCUIT

District Court, **3:9, 3:13, 3:51**
Parties, **3:9, 3:13, 3:51, 4:14**

FEDERAL TRADE COMMISSION

Actions, **2:4**
Advertising, **3:52**
Antitrust, **2:4**
Commencement, **3:52**
Commissioner, **3:52**
Compliance, **3:52**
Confidentiality, **3:52**
Data, **3:52**
Disclosure, **3:52**
Dissemination, **3:52**
Employee, **3:52**
Exceptions, **2:4, 3:52**

INDEX

FEDERAL TRADE

COMMISSION—Cont'd

Exemptions, 3:52
Health care, 3:52
Injunctions, 2:4
Intellectual property, 3:52
Intervention, 3:52
Jurisdiction, 3:52
Mergers, 2:4
Penalties, 2:4, 3:52
Personal information, 3:52
Privacy, 3:52
Public information, 3:52
Safe harbor, 3:52
Security, 3:52
Transparency, 3:52

FEDERAL TRADEMARK

DILUTION ACT

Actual dilution, 3:24
Blurring, 3:24
Commentary, 3:24
Damages, 3:24
Fair use, 3:24
Famous mark, 3:24
Fees, 3:24
News, 3:24
Remedies, 3:24
Tarnishment, 3:24

FEES

Allowance, 3:13
Insurance coverage, 6:42
Misappropriation of trade secrets,
3:42, 4:14
Patent Cooperation Treaty, 3:12
Payment, 2:12, 3:40, 4:25, 4:26,
4:28, 4:30, 5:28, 5:40, 6:39
to 6:42
Prosecution, 3:12, 3:13, 4:30,
6:39, 6:40
Reinstatement fee, 4:28

FIRST AMENDMENT

Privacy, 3:47

FORMER EMPLOYEE

United States, 4:25, 4:26, 5:39

FORMS

Confidentiality, 2:3, 3:52, 4:20,
5:28, 5:35, 5:39 to 6:41
Consultants, 4:20, 5:28, 5:39
Manufacturing, 5:9, 5:35, 5:40
Nondisclosure Agreements, 4:20
Statement of use, 4:9
Trademarks, 3:1, 4:9, 4:27, 5:2,
5:3, 5:9, 5:28, 5:35, 5:39,
5:40, 6:2, 6:32

FRANCE

Jurisdiction, 3:12

FRANCHISE

Access, 4:8, 4:25, 5:39, 6:42
Amendment, 3:9, 6:40, 6:42
Antitrust, 3:9, 4:20
Appeal, 3:9
Arbitration, 4:20
Billing, 6:42
Bonds, 4:20
Charges, 6:42
Construction, 3:9, 4:20
Contract, 4:25, 5:39, 6:40, 6:42
Damages, 4:20, 4:25, 6:40, 6:42
Definitions, 6:40, 6:42
Design, 3:9, 4:25, 5:39
Disputes, 3:9, 6:42
Easements, 4:20
Enforcement, 6:40
Equipment, 4:20, 6:42
History, 3:9, 4:20
Insurance, 4:20, 6:42
Internet, 4:8, 4:25, 6:42
Jurisdiction, 4:20, 6:40, 6:42
Modifications, 6:40, 6:42
Ownership, 4:8, 4:20, 4:25, 6:40,
6:42
Payments, 4:8, 6:42
Permits, 4:20, 4:25
Privacy, 4:25
Privilege, 4:20, 6:42

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

FRANCHISE—Cont'd

Programming, 5:39
Proposal, 6:42
Quality, 3:9, 4:25, 6:42
Rates, 3:9, 4:20
Sales and use taxes, 6:42
Tax, 4:20, 6:42
Use, 3:9, 4:8, 4:20, 4:25, 5:39, 6:40, 6:42
Validity, 3:9, 4:25, 6:40

FREE SPEECH

Advertising, 3:17, 3:48
Content, 3:17, 3:48
Content-based, 3:17
Harm, 3:17
Jurisdiction, 3:17
Privacy, 3:48
Right of publicity, 3:48
Time, 3:17
Trademarks, 3:17
Violence, 3:17

GERMANY

Jurisdiction, 3:12

GOVERNING LAW

United States, 6:40

GOVERNMENT

Affirmative action, 3:52
Copyright, 2:3, 3:2, 3:30, 3:34, 4:6, 4:8, 4:9, 4:13, 4:30, 5:28, 5:40, 6:2, 6:42
Intellectual property, 2:3, 3:2, 3:9, 3:11, 3:30, 3:34, 3:42, 3:47, 3:52, 4:2, 4:6, 4:8, 4:9, 4:12, 4:13, 4:15, 4:30, 5:20, 5:28, 5:40, 6:2, 6:42
Trademark, 2:3, 3:2, 3:9, 4:2, 4:6, 4:8, 4:9, 4:13, 4:30, 5:28, 5:40, 6:2, 6:41

HARDWARE

Claims, 3:1, 4:22, 5:35
Disclosure, 4:13, 4:17, 4:22, 4:28, 5:25, 5:35, 5:39

HARDWARE—Cont'd

Drawing, 3:1, 5:39
E-commerce, 4:22
Format, 4:28, 5:39
Icons, 5:35
Infringement, 4:13, 4:22, 4:28, 5:25, 5:39

HARM

Injunctions, 6:42

HISTORY

Common law, 3:17
United States, 3:5, 3:9, 3:13, 3:17, 4:11, 4:15

IDENTIFICATION

Litigation, 4:4, 4:13

INFRINGEMENT

Actual damages, 3:36
Agents, 4:28, 5:39, 6:39, 6:40, 6:42
Amendments, 3:9, 3:30, 4:4, 4:21, 4:22, 5:39, 6:42
Appeals, 3:5, 3:9, 3:13, 3:17, 3:24, 3:51, 4:14
Assignment, 3:11, 4:4, 4:5, 4:13, 4:14, 4:21, 4:25, 4:26, 4:28, 4:30, 5:28, 5:39, 5:40, 6:32 to 6:37, 6:39, 6:40, 6:42
Attorneys, 3:13, 4:6, 4:13, 4:14
Bond, 6:40, 6:42
Burden of proof, 3:9
Business method patents, 3:9
Claims, 2:8, 3:5, 3:7, 3:9, 3:13, 3:17, 3:24, 3:26, 3:28, 3:37, 3:38, 4:3, 4:6, 4:14, 4:21, 4:22, 4:25, 4:26, 5:16, 5:20, 5:28, 5:40, 6:11, 6:39, 6:40, 6:42
Communication, 5:39 to 6:40
Computers, 4:25, 4:26, 5:40
Contributory infringement, 3:7, 3:13, 3:37
Copying, 3:7, 3:29, 3:37, 3:38, 4:4

INDEX

INFRINGEMENT—Cont'd

Copyright, 3:27, 3:29 to 3:31, 3:34, 3:36 to 3:38, 3:51, 4:6, 4:13, 4:14, 4:21, 4:25, 4:26, 4:28, 4:30, 5:28, 5:40, 6:32, 6:37, 6:40, 6:42
Costs, 3:9, 3:11, 3:28, 3:37, 4:3, 4:14, 4:28, 5:9, 5:39, 6:39, 6:40, 6:42
Courts, 3:5, 3:9, 3:13, 3:24, 3:26, 3:27, 3:31, 3:37, 3:38, 4:13, 4:14, 6:40, 6:42
Damages, 2:11, 3:13, 3:17, 3:24, 3:27, 3:36 to 3:38, 4:14, 4:25, 4:26, 4:28, 5:9, 5:28, 6:39, 6:40, 6:42
Defenses, 3:9, 3:13, 3:38, 6:42
Design patent, 3:13
Destruction, 4:21, 4:28, 5:40, 6:42
Digital, 3:30, 3:37, 3:38, 3:51
Digital Millennium Copyright Act, 3:30, 3:38, 3:51
Direct infringement, 3:13, 3:37
Disclosure, 2:8, 3:5, 3:9, 4:4, 4:13, 4:21, 4:22, 4:25, 4:26, 4:28, 4:30, 5:9, 5:16, 5:20, 5:25, 5:28, 5:39 to 6:40, 6:42
Doctrine of equivalents, 3:13
Drafting, 3:9, 4:5, 6:39
Engineering, 3:9, 5:39
Estoppel, 3:9, 3:11, 4:14
Evidence, 3:9, 3:13, 3:17, 3:31, 3:36, 3:37, 3:51, 4:30, 6:42
Examiner, 3:5, 3:9
Exceptions, 2:8, 3:9, 3:24, 3:38, 4:25, 4:28, 5:16, 6:39, 6:40, 6:42
Exclusive right, 3:17, 3:29, 3:37, 3:38, 3:51, 5:28, 6:39, 6:42
Fair use, 3:24, 3:38
Fees, 3:13, 3:23, 3:24, 3:36, 3:37, 4:14, 4:25, 4:26, 4:28, 4:30, 5:9, 5:28, 5:40, 6:39, 6:40, 6:42
Festo, 3:5
Flexibility, 3:24

INFRINGEMENT—Cont'd

Forfeiture, 3:27
Format, 3:30, 4:28, 5:39, 6:39, 6:42
Fraud, 6:42
Good faith, 3:24, 3:25, 3:27, 6:39, 6:40, 6:42
Goodwill, 3:27, 4:30, 5:9, 5:39, 5:40, 6:32, 6:34 to 6:36, 6:39
Hardware, 4:13, 4:22, 4:28, 5:25, 5:39
Importation, 3:7, 3:17, 3:30, 3:36, 5:16
Indemnification, 2:8, 2:11, 4:3, 4:5, 4:14, 4:30, 6:11, 6:39, 6:40, 6:42
Injunctive relief, 3:23, 3:24, 3:27, 3:37, 6:39, 6:40, 6:42
Insurance, 2:8, 2:11, 4:13, 5:40, 6:42
Intent, 3:11, 3:13, 3:17, 3:27, 3:37, 3:38, 4:25, 4:26, 4:30, 6:35, 6:36, 6:39, 6:40, 6:42
Joint owner, 4:25, 4:26, 4:30
Jurisdiction, 3:17, 3:23, 3:27, 4:13, 4:30, 5:9, 5:28, 5:40, 6:39, 6:40, 6:42
Libraries, 4:13
License, 3:7, 3:11, 3:27, 3:34, 3:37, 3:51, 4:3 to 4:6, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:28, 4:30, 5:20, 5:28, 5:39, 5:40, 6:11, 6:24, 6:39, 6:40, 6:42
Licensing, 3:11, 3:17, 3:30, 3:51, 4:3, 4:13, 4:14, 4:21, 4:30, 5:28, 5:40
Literal infringement, 3:13
Manufacturing, 3:13, 4:21, 5:9, 5:40, 6:39, 6:40
Mask works, 4:21, 4:22, 5:9, 5:28, 5:39, 5:40
Networks, 3:38, 4:4, 4:21, 4:22, 5:25
Order, 2:11, 3:5, 3:9, 3:13, 3:17, 3:26, 3:27, 4:3, 4:4, 4:13,

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

INFRINGEMENT—Cont'd

4:14, 4:25, 4:26, 4:30, 5:16,
5:25, 5:28, 5:40, 6:39, 6:40,
6:42
Patent, 2:8, 2:11, 3:5, 3:7, 3:9,
3:11, 3:13, 3:17, 3:26, 3:30,
3:31, 3:37, 4:3, 4:4, 4:6,
4:13, 4:14, 4:21, 4:22, 4:25,
4:26, 4:28, 4:30, 5:9, 5:16,
5:28, 5:39, 5:40, 6:32, 6:33,
6:39, 6:40, 6:42
Patents, 3:5, 3:7, 3:9, 3:11, 3:13,
4:4, 4:6, 4:13, 4:14, 4:21,
4:22, 4:25, 4:26, 4:30, 5:9,
5:16, 5:28, 5:39, 5:40, 6:32,
6:33, 6:39, 6:40, 6:42
Payment, 4:13, 4:21, 4:25, 4:26,
4:28, 4:30, 5:28, 5:39 to
6:40, 6:42
Preliminary injunction, 3:13
Public domain, 3:31, 3:36, 3:51,
4:13, 6:39, 6:40, 6:42
Reasonable royalties, 3:13
Redistribution, 4:13
Remedies, 3:13, 3:17, 3:24, 3:27,
3:37, 3:51, 4:13, 4:28, 6:11,
6:39, 6:40, 6:42
Research, 3:38, 4:4, 4:21, 4:22,
4:30, 5:9, 6:39, 6:40
Revenue, 5:40
Seizure, 6:42
Software, 3:30, 3:31, 3:34, 3:51,
4:3, 4:4, 4:13, 4:21, 4:22,
4:25, 4:26, 4:28, 4:30, 5:9,
5:25, 5:28, 5:39, 5:40, 6:42
Standing, 3:9, 3:11, 5:40, 6:42
Statute of limitations, 2:8, 3:38,
5:16
Subscribers, 3:30, 3:37
Tests, 4:21, 5:25
Time, 2:8, 2:11, 3:5, 3:9, 3:11,
3:17, 3:30, 3:31, 3:37, 4:3,
4:4, 4:14, 4:28, 5:16, 5:20,
5:25, 5:39 to 6:40, 6:42
Tools, 4:4, 4:13, 5:28, 5:40

INFRINGEMENT—Cont'd

Trade dress, 3:17, 4:4, 4:21, 4:22,
4:30, 5:9, 5:28, 5:39, 5:40,
6:42
Trade secrets, 3:7, 3:13, 4:4, 4:6,
4:13, 4:14, 4:21, 4:22, 4:25,
4:26, 4:30, 5:9, 5:28, 5:39,
6:39, 6:40, 6:42
Trademarks, 3:17, 3:23 to 3:28,
4:4, 4:6, 4:13, 4:14, 4:21,
4:22, 4:25, 4:26, 4:30, 5:9,
5:28, 5:39, 5:40, 6:11, 6:32,
6:34 to 6:36, 6:39, 6:40, 6:42
Use, 3:5, 3:7, 3:9, 3:11, 3:13,
3:17, 3:23 to 3:27, 3:29 to
3:31, 3:34, 3:36 to 3:38,
3:51, 4:3 to 4:6, 4:13, 4:14,
4:21, 4:25, 4:26, 4:28, 4:30,
5:9, 5:16, 5:20, 5:25, 5:28,
5:39, 5:40, 6:11, 6:24, 6:35,
6:36, 6:39, 6:40, 6:42
Users, 3:28, 3:37, 3:51, 4:6, 4:28,
5:28

INGREDIENTS

Addition, 3:31
Infringement, 3:31
Novelty, 3:31

INJUNCTIONS

Defend Trade Secrets Act, 3:42
Evidence, 3:13, 6:42
Harm, 6:42
New York, 3:42, 6:42
Orders, 4:14, 5:12, 5:35, 5:36,
6:42
Parties, 2:4, 3:13, 4:14, 5:12,
5:35, 5:36, 6:42
Subject matter, 3:13, 3:42, 4:14
Uniform Trade Secrets Act, 3:42
United States, 3:13, 4:14, 5:35

INJUNCTIVE RELIEF

Misappropriation of trade secrets,
3:42
Restrictive covenants, 4:12

INDEX

INSURANCE COVERAGE

Fees, **6:42**

INTELLECTUAL PROPERTY PORTFOLIO

Agreements, **3:1, 4:8, 4:25, 4:26**
Consultants, **4:25, 4:26**
Contracts, **4:25, 4:26**
Copyrights, **3:1, 4:8, 4:25, 4:26**
Disclosure, **4:8, 4:25, 4:26**
Employment, **4:25, 4:26**
Maintenance, **4:8**
Management, **4:8, 4:25, 4:26**
Marketing, **4:25, 4:26**
Patents, **3:1, 4:8, 4:25, 4:26**
Records, **4:8**
Registration, **3:26, 4:8**
Service marks, **4:25**
Services, **4:8, 4:25, 4:26**
Systems, **4:25, 4:26**
Trade secrets, **3:1, 4:8, 4:25, 4:26**
Trademarks, **3:1, 3:26, 4:8, 4:25, 4:26**
Use, **3:1, 3:26, 4:8, 4:25, 4:26**

INTEREST

Damages, **3:17, 3:37, 3:38, 4:14, 4:15, 4:20, 4:28, 5:28, 6:38 to 6:40, 6:42**
Restrictive Covenants, **4:9, 5:33**

INTERFERENCES

Issues, **3:3, 4:14**
Record, **4:14**
Review, **4:14**

INTERNET

Access, **3:37, 3:46, 3:51, 3:52, 4:4, 4:8, 4:14 to 4:16, 4:21, 4:25, 4:26, 4:30, 5:25, 5:26, 5:35, 5:40, 6:41, 6:42**
Authority, **3:30, 3:32, 3:52, 4:8, 4:16, 4:21, 4:22, 5:35, 5:40, 6:32, 6:41, 6:42**
Cable, **3:32, 3:52, 6:41**
Classification, **3:15, 3:50, 4:15**

INTERNET—Cont'd

Competition, **3:1, 3:31, 4:4, 4:14, 4:21, 4:22, 5:40**
Copyright, **3:1, 3:30 to 3:32, 3:37, 3:38, 3:40, 3:51, 4:8, 4:14, 4:21, 4:25, 4:26, 4:30, 5:14, 5:35, 5:36, 5:40, 6:32, 6:42**
Customers, **3:52, 4:4, 4:15, 4:21, 4:25, 5:24 to 5:26, 5:33, 5:35, 5:40, 6:41**
Defamation, **3:38, 3:49**
Development, **3:1, 3:37, 3:51, 4:4, 4:8, 4:16, 4:21, 4:22, 4:25, 4:26, 4:30, 5:9, 5:12, 5:14, 5:24, 5:25, 5:35, 5:36, 5:40, 6:42**
Evidence, **3:3, 3:31, 3:37, 3:51, 4:16, 4:30, 6:42**
Franchise, **4:8, 4:25, 6:42**
Options, **3:52**
Privacy, **3:1, 3:46, 3:49, 3:52, 4:4, 4:15, 4:21, 4:22, 4:25, 4:26, 4:30, 5:8, 5:9, 5:26, 5:35, 5:40**
Providers, **3:28, 3:30, 3:38, 3:52, 6:42**
Statutes, **3:30, 3:52, 4:15, 4:16**
Tax, **3:3, 4:2, 4:4, 6:42**
Technology, **3:3, 3:31, 3:46, 3:50, 3:52, 4:2, 4:4, 4:8, 4:15, 4:16, 4:21, 4:22, 4:25, 4:26, 4:30, 5:9, 5:25, 5:33, 5:35, 5:40, 6:42**
Trademarks, **3:1, 3:15, 3:26, 3:28, 3:46, 4:4, 4:8, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:8, 5:9, 5:14, 5:33, 5:35 to 5:37, 5:40, 6:32, 6:42**
Websites, **3:1, 3:26, 3:52, 4:4, 4:16, 4:21, 4:22, 4:25, 4:26, 4:30, 5:8, 5:9, 5:12, 5:14, 5:24 to 5:26, 5:33, 5:35, 5:36, 5:40, 6:41**

INTERVIEWS

Evidence, **4:12**

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

IRS

Internal Revenue Service, 4:20

JAPAN

Know-how, 4:8

Technology, 4:8

JUDICIAL REVIEW

Appeal, 3:9

District Court, 3:9

Federal Circuit, 3:9

Parties, 3:9

Requirements, 3:9

JURISDICTION

Federal question, 3:17

France, 3:12

Germany, 3:12

New York, 6:39, 6:40, 6:42

United States, 3:12, 3:17, 3:52,
5:28, 5:35, 6:40

KNOW-HOW

Japan, 4:8

United States, 4:22, 5:35, 5:38 to
6:40

KNOWLEDGE

Restrictive covenants, 4:9, 4:12

LANHAM ACT

Litigation, 3:24

LEGAL BASIS

Spain, 3:52

United States, 3:52

LICENSES

Acceptable restrictions, 4:12

Antitrust, 2:3, 4:2, 4:13, 4:20

Arbitration, 4:20

Artistic license, 3:51, 5:40

California, 3:11, 3:18, 3:48, 4:12

Confidentiality, 2:3, 4:12, 4:13,
4:20, 4:22, 4:25, 4:26, 4:30,
5:28, 5:30, 5:35, 5:39 to 6:42

Confidentiality provisions, 4:12,
4:13, 4:30, 5:40

LICENSES—Cont'd

Consultant, 4:9, 4:12, 4:20, 4:25,
4:26, 4:30, 5:28, 5:39, 5:40

Contracts and agreements, 4:20

Contractual liability, 6:42

Copyright, 1:11, 2:3, 3:1, 3:30,
3:34, 3:40, 3:51, 4:6, 4:9,
4:13, 4:19, 4:24 to 4:27,
4:30, 5:14, 5:28, 5:31, 5:35,
5:36, 5:38, 5:40, 6:40, 6:42

Databases, 4:9, 4:27, 4:30, 5:24,
5:25, 5:28, 5:35, 5:39, 5:40,
6:42

Definitions, 5:12, 5:14, 5:24,
5:25, 5:28, 5:35, 5:36, 5:38,
5:40, 6:39, 6:40, 6:42

Delivery, 4:25, 5:31, 5:39 to 6:42

Enforcement, 3:40, 3:51, 4:19,
5:40, 6:9, 6:39, 6:40

Enhancements, 5:24, 5:35, 6:42

Fees, 3:40, 4:19, 4:25 to 4:27,
4:30, 5:28, 5:30, 5:40, 6:39
to 6:42

GNU general public license, 3:51,
4:13

Hybrid license, 3:11, 4:25

Indemnification, 2:3, 4:3, 4:9,
4:30, 5:14, 6:13, 6:39 to 6:42

Infringement, 3:11, 3:30, 3:34,
3:51, 4:3, 4:6, 4:13, 4:22,
4:25, 4:26, 4:30, 5:25, 5:28,
5:39 to 6:40, 6:42

Insurance, 4:13, 4:20, 5:40, 6:41,
6:42

Internet, 3:1, 3:30, 3:40, 3:51,
4:2, 4:16, 4:22, 4:25, 4:26,
4:30, 5:12, 5:14, 5:24 to
5:26, 5:33, 5:35, 5:36, 5:40,
6:41, 6:42

Jurisdiction, 4:13, 4:20, 4:30,
5:26, 5:28, 5:35, 5:40, 6:39
to 6:42

Language, 3:51, 4:12, 4:13, 4:27,
4:30, 5:14, 5:18, 5:33, 5:39,
6:5, 6:14

Leases, 2:3, 4:13, 4:20

INDEX

LICENSES—Cont'd

- Limitations of liability, 6:41
- Litigation, 2:3, 3:51, 4:13, 4:20, 4:25 to 4:27, 4:30, 5:31
- Maintenance, 4:30, 5:25, 5:28, 5:35, 5:40, 6:8, 6:39, 6:40, 6:42
- Mexico, 4:27
- Modification, 3:51, 4:25, 4:26, 5:12, 5:14, 5:22, 5:25, 5:26, 5:35, 5:36, 5:40
- Modifications, 3:51, 4:13, 5:24, 5:35, 5:40, 6:39 to 6:42
- Music, 3:30, 3:40, 4:19, 4:25
- Negotiations, 2:3, 5:14, 6:42
- Open source software, 3:51, 4:13, 4:22, 4:25, 5:40
- Parties, 2:3, 3:1, 3:34, 3:40, 3:51, 4:3, 4:6, 4:9, 4:12, 4:13, 4:16, 4:17, 4:19, 4:20, 4:22, 4:24 to 4:26, 4:30, 5:12, 5:14, 5:18, 5:22, 5:25, 5:28, 5:30, 5:31, 5:33, 5:35, 5:36, 5:39, 5:40, 6:3, 6:5, 6:13, 6:17, 6:23, 6:39 to 6:42
- Patent infringement, 4:25, 6:39
- Patent law, 3:30, 4:27
- Patents, 1:11, 3:1, 3:11, 4:6, 4:9, 4:13, 4:22, 4:25 to 4:27, 4:30, 5:14, 5:24, 5:28, 5:31, 5:35, 5:36, 5:38 to 5:40, 6:17, 6:30, 6:39, 6:40, 6:42
- Payment of fees, 3:40
- Petition, 6:14, 6:41
- Products liability, 4:20
- Purpose, 2:3, 3:30, 3:40, 3:48, 4:19, 4:25, 5:33, 5:40, 6:3, 6:39 to 6:42
- Restrictions, 2:3, 3:51, 4:12, 4:13, 4:16, 4:20, 4:30, 5:31, 5:40, 6:3, 6:20, 6:40
- Service provider, 4:30
- Source code, 3:30, 3:51, 4:13, 4:22, 4:25, 4:26, 5:24, 5:28, 5:35, 5:39, 5:40, 6:42
- Spyware, 4:16

LICENSES—Cont'd

- Subject matter, 3:11, 3:30, 4:13, 4:30, 5:22, 6:39 to 6:41
- Support, 2:3, 4:9, 4:16, 5:25, 5:39, 5:40, 6:42
- Termination, 2:3, 4:13, 4:20, 4:30, 5:22, 5:40, 6:14, 6:30, 6:39 to 6:42
- Trade secret licenses, 4:25
- Uniform Commercial Code, 4:9
- United States, 3:18, 3:30, 3:40, 4:6, 4:22, 4:25, 4:26, 5:24, 5:28, 5:35, 5:38 to 6:40
- Use restrictions, 6:20
- Validity, 3:11, 4:6, 4:9, 4:13, 4:22, 4:25, 4:26, 4:30, 5:12, 5:28, 5:35, 5:36, 5:40, 6:39, 6:40
- Warranties, 2:3, 3:1, 4:2, 4:3, 4:9, 4:13, 4:17, 4:20, 4:30, 5:12, 5:14, 5:22, 5:24, 5:25, 5:28, 5:31, 5:36, 5:38 to 5:40, 6:12, 6:39, 6:40, 6:42
- Warranty disclaimers, 3:51

LICENSING

- Antitrust, 4:13
- Artistic license, 3:51, 5:40
- California, 3:11
- Confidentiality, 4:13, 4:21, 4:30, 5:28, 5:40
- Confidentiality provisions, 4:13, 4:30, 5:40
- Consultant, 4:30, 5:28, 5:40
- Copyright, 3:30, 3:40, 3:51, 4:13, 4:14, 4:19, 4:21, 4:23, 4:30, 5:28, 5:31, 5:40
- Databases, 4:14, 4:30, 5:28, 5:40
- Definitions, 5:28, 5:40
- Delivery, 5:4, 5:31, 5:40
- Enforcement, 3:40, 3:51, 4:19, 5:40
- Fees, 3:40, 4:14, 4:19, 4:30, 5:28, 5:40
- GNU general public license, 3:51, 4:13
- Hybrid license, 3:11

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

LICENSING—Cont'd

Indemnification, 3:49, 4:3, 4:14, 4:30
Infringement, 3:11, 3:17, 3:30, 3:51, 4:3, 4:13, 4:14, 4:21, 4:30, 5:28, 5:40
Insurance, 4:13, 5:40
Internet, 3:30, 3:40, 3:49, 3:51, 4:14, 4:21, 4:30, 5:40
Jurisdiction, 3:17, 4:13, 4:30, 5:28, 5:40
Language, 3:51, 4:13, 4:14, 4:21, 4:30
Leases, 4:13
Litigation, 3:51, 4:13, 4:14, 4:30, 5:31
Maintenance, 4:21, 4:30, 5:28, 5:40
Modification, 3:51, 5:40
Modifications, 3:51, 4:13, 5:40
Open source software, 3:51, 4:13, 4:21, 5:40
Parties, 3:40, 3:51, 4:3, 4:13, 4:14, 4:17, 4:19, 4:21, 4:23, 4:30, 5:4, 5:28, 5:31, 5:40, 6:3
Patent infringement, 4:14
Patent law, 3:30
Patents, 3:11, 4:13, 4:14, 4:21, 4:30, 5:4, 5:28, 5:31, 5:40
Payment of fees, 3:40
Petition, 4:14
Purpose, 3:30, 3:40, 4:19, 4:21, 5:40, 6:3
Restrictions, 3:51, 4:13, 4:30, 5:31, 5:40, 6:3
Service provider, 4:30, 5:4
Source code, 3:30, 3:51, 4:13, 5:28, 5:40
Subject matter, 3:11, 3:30, 4:13, 4:14, 4:30
Support, 4:21, 5:40
Termination, 4:13, 4:21, 4:30, 5:40

LICENSING—Cont'd

United States, 3:17, 3:30, 3:40, 4:14, 5:28
Validity, 3:11, 3:17, 4:13, 4:14, 4:21, 4:30, 5:28, 5:40
Warranties, 4:3, 4:13, 4:14, 4:17, 4:30, 5:28, 5:31, 5:40
Warranty disclaimers, 3:51

LIKELIHOOD OF CONFUSION

Actual confusion, 3:24
Affiliation, 3:28
Common law, 3:17
Confusingly similar, 3:17, 3:28
Context, 3:24
Dilution, 3:24
Evidence, 3:17
Fair use, 3:24
Federal registration, 3:17
Goods, 3:17, 3:24
Infringement, 3:17, 3:24, 3:28
Intent, 3:17
Lanham Act, 3:17, 3:24
Mens rea, 3:24
Necessity, 3:17
Presumption, 3:17
Secondary meaning, 3:17
Services, 3:17, 3:24
Similarity, 3:24
Supplemental Register, 3:17
Supreme Court, 3:17, 3:24
Trade dress, 3:17
Validity, 3:17

LIST

Customer Lists, 5:40
Customer lists, 5:40

LITIGATION

Amendments, 3:9, 4:4, 4:15, 4:20
Disclosure, 2:3, 2:8, 3:9, 4:4, 4:11, 4:13, 4:15, 4:20, 4:25 to 4:27, 4:30, 5:31
Discovery, 3:9, 3:37, 4:14
Fees, 3:24, 3:36, 3:37, 4:14, 4:25 to 4:27, 4:30

INDEX

LITIGATION—Cont'd

Identification, 4:4, 4:13
Jurisdiction, 4:13, 4:20, 4:30
Lanham Act, 3:24
Mexico, 4:27
Orders, 3:9, 4:14, 4:20, 4:27
Pleadings, 4:4, 4:11, 4:14, 4:25, 4:26
Privilege, 4:11, 4:14, 4:20, 4:30
Protective orders, 4:14
Remedies, 3:24, 3:37, 3:51, 4:13
Statutes, 4:15, 4:20
Strategies, 3:24, 4:4, 4:15, 4:20
Trial, 1:4, 3:9, 4:11
United States, 1:1, 3:9, 3:24, 3:36, 3:37, 4:11, 4:14, 4:15, 4:25, 4:26
Venue, 3:9, 4:20

MASK WORK

Copyright, 5:40
Fees, 5:40
Infringement, 5:39, 5:40
Marketing, 5:40
Publication, 5:40
Registration, 5:39, 5:40

MASSACHUSETTS

Criminal penalties, 3:42
Remedies, 3:42
Statute, 3:42

MATHEMATICAL ALGORITHMS

Bilski, 3:3
Claims, 3:3
Composition of matter, 3:3
Drafting, 3:3
Examination, 3:3
Machines, 3:3
Prior art, 3:3

MERGERS

Ancillary agreements, 2:10
Anti-assignment provisions, 2:4, 2:14, 2:16

MERGERS—Cont'd

Assignment, 2:3, 2:4, 2:7, 2:14, 2:16, 2:17
Authority, 2:8, 4:20
Break-up fees, 2:12
Consideration, 2:2 to 2:4, 2:6 to 2:8, 2:11, 2:14 to 2:17, 4:15, 5:2
Contractual provisions, 2:3, 2:4
Control, 2:3, 2:4, 2:6, 2:7, 2:11, 2:15 to 2:17, 3:46, 4:20
Conveyance documents, 5:2
Definition, 2:15, 5:2
Department of Justice, 2:4
Disclosure schedules, 2:8, 4:20, 5:2
Fees, 2:12, 2:14
Forward subsidiary mergers, 2:16
Indemnification, 2:3, 2:4, 2:6, 2:8, 2:11
Investigations, 2:3, 4:20
License, 2:3, 4:20
Notice, 2:16, 2:17
Parties, 2:1 to 2:11, 2:14 to 2:16, 4:15, 4:20, 5:2
Positive covenants, 2:4, 2:9
Post-signing, 2:2 to 2:4, 2:6, 2:8 to 2:10
Pre-signing, 2:2, 2:3
Proxy statements, 2:3
Public companies, 2:4
Railroads, 2:4
Remedies, 2:17
Reverse subsidiary mergers, 2:16
Risk allocation, 2:6, 5:2
Shareholder approval, 2:2, 2:4, 2:10, 2:12
Telecommunications, 2:4
Trademarks, 1:2, 1:5, 3:46, 5:2
Transaction agreements, 1:2, 1:5, 2:1, 2:3, 2:9
Transaction documents, 1:1 to 5:2
Transaction mechanics, 2:7
Waivers, 2:4, 4:20

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

MEXICO

Expense, 3:12
Litigation, 4:27

MISAPPROPRIATION

California, 3:48, 4:12
Defend Trade Secrets Act, 3:42, 4:12
Disclosure, 3:42, 3:44, 4:4, 4:21, 4:22, 4:25, 4:26, 5:9, 5:23, 5:28, 5:35, 5:39 to 6:40
Evidence, 4:12
Injunction, 4:12, 4:14, 4:25, 4:26, 5:35
Pleadings, 4:4, 4:14, 4:21, 4:22, 4:25, 4:26
Remedies, 3:42, 3:45, 4:12, 6:40
Royalties, 4:14, 5:28, 5:40
Source code, 4:22, 4:25, 4:26, 5:9, 5:28, 5:35, 5:39, 5:40
Threatened misappropriation, 4:12
Uniform Trade Secrets Act, 3:42
United States, 3:45, 4:6, 4:14, 4:22, 4:25, 4:26, 5:28, 5:35, 5:39, 6:40

MOTIONS

Discovery, 4:14
Grant, 4:14
Pleadings, 4:14
Protective orders, 4:14
Summary judgment, 4:14

MUSIC

Access, 4:25
Advertising, 4:25
Arrangements, 3:40, 4:19, 4:25
Audio Home Recording Act, 3:30
Authorship, 4:23, 4:25
Compulsory licenses, 3:30
Copyright, 3:30, 3:39, 3:40, 4:18, 4:19, 4:23, 4:25
Digital Millennium Copyright Act, 3:30
Digital performance, 3:30
Fair use, 3:40

MUSIC—Cont'd

Infringement, 3:30, 4:25
Licenses, 3:30, 3:40, 4:19, 4:25
Lyrics, 3:40, 4:19
Musical compositions, 3:30, 3:40, 4:19
Ownership, 3:39, 3:40, 4:18, 4:19, 4:23, 4:25
Public performance licenses, 4:19
Reproduction, 3:40, 4:19
Sound recordings, 3:30, 3:40, 4:19
Synchronization licenses, 3:40, 4:19
Trademarks, 3:39, 4:18, 4:23, 4:25

NETHERLANDS

Netherlands, 3:12

NEW JERSEY

Protectable interest, 3:18

NEW YORK

Actions, 6:39, 6:40, 6:42
Advertising, 6:42
Claims, 3:42, 6:39, 6:40, 6:42
Damages, 3:42, 6:39, 6:40, 6:42
Definitions, 6:39, 6:40, 6:42
Discovery, 6:39, 6:40, 6:42
Enforcement, 6:39, 6:40
Evidence, 6:42
Injunctions, 3:42, 6:42
Jurisdiction, 6:39, 6:40, 6:42
Notice, 2:17, 3:18, 6:39, 6:40, 6:42
Omissions, 2:17, 6:42
Public policy, 6:39, 6:40, 6:42
Remedies, 2:17, 3:42, 6:39, 6:40, 6:42
Secrecy, 3:42
Services, 3:18, 6:39, 6:40, 6:42

NONCOMPETITION

Restrictive covenants, 4:12, 4:30
United States, 5:28

INDEX

NONDISCLOSURE

Forms, 4:20, 5:35, 5:40
Restrictive covenants, 4:12, 4:30
United States, 4:22, 4:25, 4:26,
5:35

NOVELTY

Evidence, 3:31
United States, 3:4, 3:5, 3:12, 4:11,
4:14

ORDERS

Appeal, 3:9
Protective orders, 4:14
Venue, 3:9, 4:20

OWNERSHIP

Assets, 2:1, 2:3, 3:17, 4:2, 4:7,
4:8, 4:13, 4:17, 4:20, 5:25,
5:35, 6:2 to 6:4, 6:39 to 6:42
Assignments, 3:11, 4:2, 4:3, 4:8,
4:9, 4:20, 4:24 to 4:26, 4:30,
5:32, 6:2, 6:42
Attribution, 3:51, 4:13
Audiovisual works, 3:39, 3:40,
4:18
Bankruptcy, 6:39, 6:41, 6:42
Cable systems, 6:41
Common law, 3:11, 3:17, 3:18,
4:12, 4:13, 5:28
Competition, 3:31, 4:12, 4:21,
5:28, 5:40, 6:40
Computer searches, 4:8, 4:9, 4:30
Copyright, 2:3, 3:31, 3:34, 3:39,
3:40, 3:51, 4:8, 4:9, 4:13,
4:18, 4:19, 4:21, 4:23 to
4:26, 4:30, 5:28, 5:35, 5:40,
6:2, 6:40, 6:42
Disclosure schedules, 4:8, 4:13,
4:16, 4:17, 4:20, 4:30, 5:25
Distribution, 3:40, 3:51, 4:13,
4:19 to 4:21, 4:23, 4:25,
5:40, 6:39
Due diligence, 2:3, 3:11, 3:39,
4:2, 4:3, 4:7 to 4:13, 4:16 to
4:21, 4:23 to 4:26, 4:29,
4:30, 5:23, 5:40

OWNERSHIP—Cont'd

Employment, 2:3, 3:11, 3:34, 4:2,
4:9, 4:12, 4:18, 4:20, 4:25,
4:26, 4:30, 5:23, 5:35, 6:40,
6:42
Evidence, 3:17, 3:31, 3:51, 4:12,
4:16, 4:20, 4:30, 6:2, 6:38,
6:42
Franchise, 4:8, 4:20, 4:25, 6:40,
6:42
Information technology systems,
4:16, 5:25
Joint ownership, 4:9, 4:30, 5:28
Licenses, 2:3, 3:11, 3:18, 3:34,
3:40, 3:51, 4:2, 4:3, 4:9,
4:12, 4:13, 4:16, 4:17, 4:19,
4:20, 4:24 to 4:26, 4:30,
5:18, 5:25, 5:28, 5:35, 5:40,
6:3, 6:4, 6:39 to 6:42
Lien searches, 2:3
Media, 3:31, 4:13, 4:21, 4:25,
4:30, 5:8, 5:28, 5:40, 6:40,
6:42
Networks, 4:16, 4:21, 5:25, 5:35
Nonemployees, 4:9
Patents, 3:11, 4:8, 4:9, 4:11, 4:13,
4:21, 4:25, 4:26, 4:30, 5:8,
5:28, 5:35, 5:40, 6:2, 6:39,
6:40, 6:42
Record ownership, 4:9, 4:30
Representations and warranties,
2:3, 4:2, 4:3, 4:8, 4:9, 4:13,
4:17, 4:18, 4:30, 5:8, 5:13,
5:25, 5:28, 5:40, 6:39, 6:40,
6:42
Search results, 4:8 to 4:10, 4:30
State laws, 4:13
Termination, 2:3, 4:13, 4:20, 4:21,
4:29, 4:30, 5:40, 6:38 to 6:42
Trade secrets, 4:8, 4:12, 4:13,
4:21, 4:25, 4:26, 4:30, 5:8,
5:23, 5:28, 5:35, 6:2, 6:39,
6:40, 6:42
Transfer of ownership, 2:1, 2:3,
5:32
Validity, 3:11, 3:17, 4:9, 4:11,
4:13, 4:21, 4:25, 4:26, 4:30,

OWNERSHIP—Cont'd

5:13, 5:28, 5:35, 5:40, 6:39,
6:40

Verification, 4:8

PARTIES

Assignor estoppel, 4:14

Depositions, 4:14

Discovery, 3:9, 3:37, 4:14, 6:39,
6:40, 6:42

Infringement, 2:8, 2:11, 3:7, 3:9,
3:13, 3:24, 3:27, 3:34, 3:37,
3:51, 4:3 to 4:6, 4:13, 4:14,
4:21, 4:22, 4:25, 4:26, 4:28,
4:30, 5:16, 5:20, 5:25, 5:28,
5:39, 5:40, 6:32 to 6:37,
6:39, 6:40, 6:42

Injunctions, 2:4, 3:13, 4:14, 5:12,
5:35, 5:36, 6:42

Intervention, 3:52

Joinder, 3:9, 3:37

Pleadings, 4:4, 4:14, 4:21, 4:22,
4:25, 4:26

Removal, 3:51, 3:52, 4:20, 5:33,
6:41

Transfer, 2:1, 2:3, 2:4, 2:14, 2:15,
3:13, 3:27, 3:32, 3:52, 4:4,
4:6, 4:8, 4:9, 4:12, 4:13,
4:15, 4:16, 4:20 to 4:23,
4:25, 4:26, 4:30, 5:2, 5:25,
5:28, 5:31, 5:32, 5:35, 5:40,
6:32, 6:41, 6:42

United States, 3:4, 3:6, 3:7, 3:9,
3:13, 3:24, 3:32, 3:37, 3:40,
3:52, 4:6, 4:14, 4:15, 4:22,
4:25, 4:26, 5:20, 5:28, 5:35,
5:39, 6:40

PATENT COOPERATION

TREATY

African Intellectual Property
Organization, 3:12

African Regional Industrial Prop-
erty Organization, 3:12

Application, 3:12

Delay, 3:12

Demand, 3:12

PATENT COOPERATION

TREATY—Cont'd

Eurasian Patent Convention, 3:12

European Patent Convention, 3:12

European Patent Office, 3:12

Examination, 3:12

Fees, 3:12

International application, 3:12

International preliminary examina-
tion, 3:12

International preliminary examina-
tion report, 3:12

International search, 3:12

Patent and Trademark Office, 3:12

Patentability, 3:12

Preliminary examination, 3:12

Preliminary examining authority,
3:12

Priority, 3:12

Reports, 3:12

Request, 3:12

Search, 3:12

Time, 3:12

PATENTS

Abandonment, 3:9, 3:13, 6:39

Accounting, 4:9, 5:4, 5:31, 5:35,
6:42

Affidavits, 4:8, 4:30

Agents, 3:12, 5:39, 6:39, 6:40,
6:42

Amendments, 3:9, 4:4, 4:21, 4:22,
5:39, 6:42

Announcements, 6:40

Answers, 4:13

Antitrust laws, 3:7

Applications, 1:11, 3:3 to 3:6, 3:9,
3:11, 3:12, 3:21, 4:4, 4:6,
4:8, 4:9, 4:11, 4:21, 4:22,
4:25 to 4:27, 4:30, 5:2, 5:3,
5:8, 5:9, 5:11, 5:14, 5:28,
5:29, 5:35 to 5:40, 6:2, 6:32,
6:33, 6:39, 6:40, 6:42

Attorneys, 3:13, 3:42, 4:6, 4:9,
4:13, 4:14

INDEX

PATENTS—Cont'd

Availability, 3:42, 6:42
Best mode, 3:5, 3:6, 3:9, 4:8
Capacity, 5:40, 6:42
Certificates, 5:28, 6:42
Children, 4:21, 4:25, 4:26
Claims, 3:1, 3:3 to 3:7, 3:9, 3:12, 3:13, 3:42, 4:6, 4:11, 4:14, 4:21, 4:22, 4:25, 4:26, 5:16, 5:24, 5:28, 5:29, 5:35, 5:40, 6:39, 6:40, 6:42
Combinations, 5:40
Compensation, 4:4, 6:42
Competition, 3:1, 3:2, 3:9, 4:4, 4:14, 4:21, 4:22, 5:28, 5:40, 6:40
Confidentiality, 3:42, 4:4, 4:8, 4:13, 4:21, 4:22, 4:25, 4:26, 4:30, 5:28, 5:35, 5:39 to 6:40, 6:42
Contributory infringement, 3:7, 3:13
Cost, 3:12, 4:8, 4:9, 5:4, 5:9, 5:16, 5:35, 6:32, 6:33, 6:42
Damages, 3:13, 3:42, 4:14, 4:25, 4:26, 5:9, 5:28, 6:39, 6:40, 6:42
Death, 3:35, 6:42
Declaratory judgment actions, 4:14
Defenses, 3:9, 3:13, 6:42
Design patents, 3:9, 3:12, 3:13
Disclaimers, 5:40
Disclosure, 3:2, 3:4 to 3:6, 3:9, 3:42, 4:4, 4:8, 4:11, 4:13, 4:21, 4:22, 4:25 to 4:27, 4:30, 5:2, 5:9, 5:14, 5:16, 5:28, 5:31, 5:35, 5:36, 5:38 to 5:40, 6:39, 6:40, 6:42
Discovery, 3:9, 4:14, 6:39, 6:40, 6:42
Drawings, 3:9, 5:9, 5:35, 5:40
Employees, 3:4, 3:11, 4:4, 4:9, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:16, 5:28, 5:31, 5:39, 6:39, 6:40, 6:42

PATENTS—Cont'd

Enhanced damages, 3:13
Evidence, 3:3, 3:9, 3:13, 4:30, 6:2, 6:42
Experimentation, 3:5, 6:39, 6:40
Fees and costs, 6:42
Fines, 6:42
Forms, 3:1, 3:2, 4:9, 4:27, 5:2, 5:3, 5:9, 5:24, 5:28, 5:35, 5:39, 5:40, 6:2, 6:32
Future inventions, 4:14
Good faith, 6:39, 6:40, 6:42
Identification, 4:4, 4:6, 4:13, 4:21, 4:22, 5:29, 6:42
Indemnification, 4:9, 4:14, 4:30, 5:14, 6:39, 6:40, 6:42
Independent contractors, 3:11, 4:9, 4:21, 4:25, 4:26, 5:39, 6:40
Inducement of infringement, 3:13
Infringement, 3:5, 3:7, 3:9, 3:11, 3:13, 4:4, 4:6, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:9, 5:16, 5:28, 5:39, 5:40, 6:32, 6:33, 6:39, 6:40, 6:42
Injunctions, 3:13, 3:42, 4:14, 5:35, 5:36, 6:42
Insurance, 4:13, 5:40, 6:42
Intellectual property, 1:2, 1:11, 3:1 to 3:7, 3:9, 3:11 to 3:13, 3:19 to 3:21, 3:35, 3:42, 3:46, 4:4, 4:6, 4:8, 4:9, 4:11, 4:13, 4:14, 4:21, 4:22, 4:25 to 4:27, 4:30, 5:2 to 5:4, 5:6 to 5:9, 5:11, 5:14, 5:16, 5:24, 5:28, 5:29, 5:31, 5:35 to 5:40, 6:2, 6:17, 6:19, 6:30, 6:32, 6:39, 6:40, 6:42
Interferences, 3:3, 3:5, 4:14
Interviews, 4:14
Jurisdiction, 3:12, 4:13, 4:30, 5:9, 5:28, 5:35, 5:40, 6:39, 6:40, 6:42
Libraries, 4:11, 4:13
Listings, 5:29, 5:40
Lost profits, 3:13
Mail, 3:9, 5:14, 6:39, 6:40, 6:42

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

PATENTS—Cont'd

Maintenance fee, 3:5
 Markings, 5:28, 5:40, 6:39
 Materiality, 4:8, 4:14, 5:14, 5:16
 Models, 5:40
 Mortgages, 4:4, 4:21, 4:22
 Motion, 3:9
 Motions, 4:14
 New matter, 3:5, 3:9
 Novelty, 3:4, 3:5, 3:12, 4:11, 4:14
 Objections, 3:5
 Offering to sell, 3:7
 Orders, 3:9, 4:14, 4:27, 5:24, 5:35, 5:36, 6:42
 Parties, 3:1, 3:4, 3:6, 3:7, 3:9, 3:13, 4:4, 4:6, 4:8, 4:9, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:2, 5:4, 5:6, 5:14, 5:16, 5:28, 5:31, 5:35 to 5:37, 5:39, 5:40, 6:17, 6:32, 6:33, 6:39, 6:40, 6:42
 Patent and Trademark Office, 3:2, 3:3, 3:9, 3:12, 3:13, 3:19, 4:8, 4:9, 4:11, 4:25 to 4:27, 5:2, 5:3, 5:28, 5:31, 6:2
 Pending patents, 5:14
 Performance, 4:8, 4:25, 4:26, 5:28, 5:35, 5:39 to 6:40, 6:42
 Petitions, 3:9
 Place of business, 6:32, 6:33
 Pleadings, 4:4, 4:11, 4:14, 4:21, 4:22, 4:25, 4:26
 Priority, 3:4, 3:6, 3:9, 3:11, 3:12, 3:21, 4:9, 5:40
 Privity, 4:14
 Profits, 3:11, 3:13
 Public, 3:2, 3:4, 3:5, 3:9, 3:13, 3:35, 4:4, 4:8, 4:11, 4:13, 4:14, 5:24, 5:28, 5:37, 5:40, 6:39, 6:40, 6:42
 Publications, 3:6, 3:9
 Reasonable royalty, 3:13
 Reconsideration, 3:9
 Records, 3:11, 4:8, 4:9, 4:27, 5:28, 5:40, 6:42

PATENTS—Cont'd

References, 3:9, 4:8, 4:11
 Registration, 3:19, 3:20, 3:42, 4:4, 4:6, 4:8, 4:9, 4:21, 4:22, 4:27, 4:30, 5:8, 5:9, 5:14, 5:28, 5:35 to 5:37, 5:39, 5:40, 6:32, 6:39, 6:42
 Rescission, 5:28
 Sales, 4:8, 4:21, 5:40, 6:42
 Secret use, 3:4
 Signatures, 6:42
 Small businesses, 3:11
 Specifications, 4:13, 5:9, 5:24, 5:35, 5:40, 6:42
 Subject matter, 3:3 to 3:6, 3:11, 3:13, 3:42, 4:4, 4:11, 4:13, 4:14, 4:30, 5:9, 6:39, 6:40
 Summary judgment, 4:14
 Suppliers, 4:21, 4:25, 5:35
 Term of patent, 6:18
 Termination, 4:13, 4:21, 4:30, 5:40, 6:30, 6:39, 6:40, 6:42
 Third parties, 3:6, 3:7, 4:4, 4:6, 4:9, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:14, 5:16, 5:31, 5:35, 5:36, 5:39 to 6:40, 6:42
 Time, 3:1, 3:2, 3:4, 3:5, 3:9, 3:11, 3:12, 3:35, 4:4, 4:8, 4:9, 4:11, 4:14, 5:4, 5:16, 5:31, 5:39 to 6:40, 6:42
 Trade secrets, 3:1, 3:7, 3:13, 3:42, 3:46, 4:4, 4:6, 4:8, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:4, 5:7 to 5:9, 5:14, 5:24, 5:28, 5:35 to 5:39, 6:2, 6:17, 6:39, 6:40, 6:42
 United States, 3:2, 3:4 to 3:7, 3:9, 3:12, 3:13, 3:19, 3:20, 4:6, 4:11, 4:14, 4:22, 4:25, 4:26, 5:3, 5:24, 5:28, 5:35, 5:38, 5:39, 6:2, 6:40
 Use, 1:11, 3:1, 3:3 to 3:5, 3:7, 3:9, 3:11 to 3:13, 3:19, 3:20, 3:42, 4:4, 4:6, 4:8, 4:9, 4:11, 4:13, 4:14, 4:21, 4:25 to

INDEX

PATENTS—Cont'd

4:27, 4:30, 5:3, 5:4, 5:8, 5:9,
5:11, 5:14, 5:16, 5:24, 5:28,
5:29, 5:31, 5:35 to 5:40, 6:2,
6:17, 6:19, 6:30, 6:39, 6:40,
6:42

Utility patent, 3:5

Venue, 3:9, 6:40

Verdict, 3:13

Verification, 4:8

Wife, 4:14

Witnesses, 4:14

PAYMENT

Restrictive covenants, 4:9, 4:30

Trade secret licenses, 4:25

PENALTIES

Massachusetts, 3:42

United States, 3:52

PEOPLE

Advertising, 3:17, 3:52, 5:33

Confidential information, 3:43,
4:4

Copyright, 3:40, 5:14

Privacy, 3:52, 4:4

Reputation, 3:52

Title, 3:4, 4:2, 4:4, 4:5, 5:33

Trademarks, 3:17, 4:4, 4:17, 5:14,
5:33

PERSONAL JURISDICTION

Consent, 3:27

Intent, 3:27

Statutes, 3:27

PHILIPPINES

Philippines, 3:12

PHYSICAL SECURITY

Evidence, 4:16

PLEADINGS

Depositions, 4:14

Discovery, 4:14

Judgment, 4:14, 4:25, 4:26

PLEADINGS—Cont'd

Parties, 4:4, 4:14, 4:21, 4:22,

4:25, 4:26

Sample, 4:4

Summary judgment, 4:14

United States, 4:11, 4:14, 4:22,

4:25, 4:26

POLICIES

Nondisclosure agreements, 4:20,

4:21

PRICE

United States, 3:5, 4:11

PRIVACY

Abuse, 3:46, 3:52

Books, 4:25

Communications, 3:46, 3:47, 4:4,
4:21, 4:22, 5:40

Computer Fraud and Abuse Act,
3:46

Consumer data, 4:21

Credit, 3:47, 3:52, 4:15, 4:21,
4:25, 4:26, 4:30, 5:26

Definitions, 3:52, 5:8, 5:9, 5:35,
5:40

Enforcement, 3:52, 5:40

Fair Credit Reporting Act, 4:15

Federal Trade Commission, 3:52

Fraud, 3:46

Free speech, 3:48

Gramm-Leach-Bliley Act, 4:15

Medical information, 3:52, 4:21

Names, 3:1, 3:52, 4:4, 4:21, 4:22,
4:25, 4:26, 4:30, 5:8, 5:9,
5:35, 5:40

Right to be forgotten, 3:52

Scripts, 5:40

Security, 3:52, 4:4, 4:15, 4:21,
4:22, 4:25, 4:26, 4:30, 5:26,
5:35, 5:40

Social media, 4:21, 4:30

Theft, 3:1, 3:47, 3:52

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

PROPERTY

Assignment, 2:3, 2:4, 2:14, 3:11, 4:2, 4:4, 4:5, 4:9, 4:12 to 4:14, 4:21, 4:23, 4:25 to 4:28, 4:30, 5:22, 5:23, 5:28, 5:31, 5:34, 5:35, 5:39, 5:40, 6:1, 6:2, 6:32, 6:38 to 6:42

Avoidance, 3:3

Bankruptcy, 6:39, 6:41, 6:42

California, 3:11, 3:18, 3:47, 3:48, 4:12

Cause of action, 3:42, 3:52, 5:16, 6:24, 6:41

Contracts, 2:3, 2:4, 2:8, 2:14, 3:11, 3:32, 3:52, 4:12, 4:13, 4:20, 4:21, 4:25, 4:26, 5:3, 5:12, 5:22, 5:28, 5:31, 5:39, 5:40, 6:2, 6:38, 6:40, 6:42

Copyright, 1:11, 2:3, 3:1, 3:2, 3:27, 3:29 to 3:32, 3:34 to 3:40, 3:51, 4:6, 4:8, 4:9, 4:13, 4:14, 4:18, 4:19, 4:21, 4:23 to 4:28, 4:30, 5:3, 5:11, 5:14, 5:28, 5:29, 5:31, 5:35, 5:36, 5:38, 5:40, 6:2, 6:32, 6:40, 6:42

Discharge, 4:20, 5:40

Escrow, 4:4, 4:9, 4:14, 4:21, 4:22, 5:31, 5:39, 5:40

Intent, 1:11, 2:3, 3:11, 3:13, 3:17 to 3:19, 3:27, 3:37, 3:38, 4:8, 4:9, 4:25, 4:26, 4:30, 6:2, 6:38 to 6:42

Licensing, 3:11, 3:17, 3:30, 3:40, 3:49, 3:51, 4:3, 4:13, 4:14, 4:17, 4:19, 4:21, 4:23, 4:30, 5:4, 5:28, 5:31, 5:40, 6:3, 6:4

Patents, 1:2, 1:11, 3:1 to 3:7, 3:9, 3:11 to 3:13, 3:19 to 3:21, 3:35, 3:42, 3:46, 4:4, 4:6, 4:8, 4:9, 4:11, 4:13, 4:14, 4:21, 4:22, 4:25 to 4:27, 4:30, 5:2 to 5:4, 5:6 to 5:9, 5:11, 5:14, 5:16, 5:24, 5:28, 5:29, 5:31, 5:35 to 5:40, 6:2, 6:17, 6:19, 6:30, 6:32, 6:39, 6:40, 6:42

PROPERTY—Cont'd

Preferences, 3:52

Preservation, 3:31

Restrictive covenants, 4:6, 4:9, 4:12, 4:30

Royalties, 3:10, 3:13, 3:40, 4:14, 4:29, 4:30, 5:28, 5:40

Sale, 1:5, 1:9, 2:3, 2:4, 2:14, 3:2, 3:4, 3:7, 3:9, 3:17, 3:18, 3:25, 3:27, 3:32, 3:38, 3:40, 4:2, 4:4, 4:11, 4:14, 4:20 to 4:22, 5:2, 5:3, 5:16, 5:25, 5:28, 5:29, 5:31, 5:40, 6:2, 6:3, 6:19, 6:39 to 6:42

Security interest, 4:9, 4:23, 4:24, 5:30

Software escrow, 5:40

Trade secrets, 3:1, 3:7, 3:13, 3:41 to 3:43, 3:45, 3:46, 4:4, 4:6, 4:8, 4:12 to 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:4, 5:7 to 5:9, 5:14, 5:23, 5:24, 5:28, 5:35 to 5:39, 6:2, 6:17, 6:39, 6:40, 6:42

Trademark registration, 3:17, 3:19, 3:20, 4:6, 4:8, 5:40

Trademarks, 1:2, 1:5, 1:11, 3:1, 3:14 to 3:28, 3:35, 3:39, 3:42, 3:46, 4:4, 4:6, 4:8, 4:9, 4:11, 4:13, 4:14, 4:17, 4:18, 4:21 to 4:23, 4:25 to 4:27, 4:30, 5:2 to 5:4, 5:7 to 5:9, 5:14, 5:28, 5:29, 5:31, 5:35 to 5:40, 6:2, 6:4, 6:17, 6:20, 6:30, 6:32, 6:38 to 6:40, 6:42

Transfers, 1:5, 3:11, 3:34, 3:52, 4:13, 4:24, 4:30, 5:8, 6:2, 6:41

Use, 1:1, 1:6, 1:11, 2:3, 3:1, 3:3 to 3:5, 3:7, 3:9, 3:11 to 3:13, 3:15, 3:17 to 3:20, 3:22 to 3:27, 3:29 to 3:31, 3:33, 3:34, 3:36 to 3:42, 3:44, 3:47, 3:48, 3:50 to 3:52, 4:1 to 4:6, 4:8, 4:9, 4:11 to 4:21, 4:25 to 4:28, 4:30, 5:3 to 5:5, 5:8, 5:9, 5:11 to 5:14,

INDEX

PROPERTY—Cont'd

5:16, 5:18, 5:20, 5:21, 5:23
to 5:25, 5:28, 5:29, 5:31,
5:32, 5:35 to 5:40, 6:1 to
6:3, 6:17, 6:19, 6:20, 6:24,
6:30, 6:38 to 6:42

PROSECUTION

Abandonment, 3:9, 3:13, 6:39
Allowance, 3:5, 3:13
America Invents Act, 3:9
Apparatus, 3:5, 3:13
Attorneys, 3:13
Best mode requirement, 3:5
Challenges, 3:9
Claims, 3:5, 3:8, 3:9, 3:12, 3:13,
4:3, 4:11, 6:9, 6:22, 6:39,
6:40
Complete, 3:5, 3:9, 3:12, 3:52,
4:30
Consultants, 4:30, 6:39, 6:40
Continuation-in-part, 3:5, 3:8
Decisions, 3:5, 3:9, 3:52
Defenses, 3:9, 3:13
Definitions, 3:52, 6:39, 6:40
Description, 3:5, 3:9, 3:52, 4:30
Disclosure, 3:5, 3:9, 3:52, 4:11,
4:30, 6:39, 6:40
Doing business, 3:52
Enablement requirement, 3:5
European Patent Office, 3:12
Evidence, 3:9, 3:13, 4:30
Examination, 3:5, 3:9, 3:12, 4:11
Failure, 3:5, 3:9, 3:13, 3:52, 6:39,
6:40
File wrapper estoppel, 4:11
Final rejection, 3:5
Foreign patents, 3:12
Intent, 3:13, 4:30, 6:39, 6:40
Interference, 3:52, 4:11, 4:30
Judicial review, 3:9
Language, 3:5, 3:12, 3:52, 4:30
Manufacturing, 3:13, 6:39, 6:40
New matter, 3:5, 3:9
Novelty, 3:5, 3:12, 4:11

PROSECUTION—Cont'd

Obviousness, 3:9, 3:13, 4:11
Operational, 3:52
Orders, 3:9
Original application, 3:5
Patentability, 3:5, 3:9, 3:12
Payment, 4:30, 6:39, 6:40
Petition, 3:9
Prior art, 3:5, 3:9, 3:12, 3:13, 4:11
Priority, 3:8, 3:9, 3:12
Publications, 3:9
References, 3:9, 3:52, 4:11
Search, 3:12, 3:52, 4:11, 4:30
Skill, 3:5, 3:13, 4:11
Time, 3:5, 3:9, 3:12, 3:52, 4:3,
4:11, 6:39, 6:40
Trade secrets, 3:13, 4:30, 6:39,
6:40
Utility, 3:5, 3:8, 3:12, 3:13
Written description, 3:5, 3:9

PROTECTABLE INTEREST

New Jersey, 3:18

PROTECTION OF TRADE SECRETS

Trade secrets, 3:42, 3:45

PROTECTIVE ORDERS

Discovery, 4:14

PUBLIC DOMAIN

Software, 3:31, 3:51, 4:13, 5:24,
6:42
United States, 3:36, 4:11, 5:24,
6:40

PUBLIC KNOWLEDGE

Evidence, 3:13

PUBLIC USE

Patent law, 3:30

PUBLICATION

Copyright, 3:32, 3:35 to 3:38, 4:8,
5:40, 6:37

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

PURCHASE

Order forms, 5:40

REASONABLE PRECAUTIONS

Disclosure, 3:52

REASONABLE ROYALTY

Design patents, 3:13

Entire business, 3:13

Evidence, 3:13

Infringement, 3:13

Injunctions, 3:13

Intent, 3:13

Patents, 3:13

Production, 3:13

Trade secrets, 3:13

Utility, 3:13

RECORDS

Addresses, 3:47, 3:52, 5:28, 5:33,
5:40, 6:41, 6:42

Amendments, 3:30, 4:15, 4:24,
6:41, 6:42

Assignment, 2:3, 3:11, 4:9, 4:27,
5:28, 5:40, 6:41, 6:42

Claim, 3:11, 3:24, 4:8, 4:15, 5:40,
6:41, 6:42

Computer records, 4:27

Continuation-in-part, 5:28

Conversion, 6:41

Correspondence, 5:40

Database, 3:11, 4:8, 4:27

Delay, 3:52, 4:9, 6:41, 6:42

Diligence, 2:3, 3:11, 4:8, 4:9,
4:15, 4:24, 4:27, 5:40

Disclosure, 2:3, 3:52, 4:8, 4:15,
4:27, 5:28, 5:33, 5:40, 6:42

Documentation, 2:3, 4:9, 5:28,
5:40, 6:42

Enforcement, 3:52, 5:40

Evidence, 6:42

Examination, 4:9, 6:41, 6:42

Exceptions, 3:24, 3:52, 4:15, 6:42

Facsimile, 4:9, 6:42

Foreign application, 4:8

Good faith, 3:24, 6:41, 6:42

RECORDS—Cont'd

Infringement, 3:11, 3:24, 3:30,
5:28, 5:40, 6:42

Interference, 3:52, 5:40, 6:42

Manufacturing, 4:8, 5:40

Merger, 2:3, 4:8, 4:15, 5:28, 6:42

Name, 3:24, 3:47, 3:52, 4:9, 4:27,
5:28, 5:33, 5:40, 6:41, 6:42

Notice, 3:11, 3:52, 5:28, 5:33,
5:40, 6:41, 6:42

Orders, 4:27, 6:42

Personal property, 2:3, 6:42

Petition, 6:41

Priority, 3:11, 4:9, 5:40

Prosecution, 3:52

Publication, 4:8, 5:40

Reexamination, 5:40

Response, 5:28, 6:42

Signatures, 6:42

Time, 2:3, 3:11, 3:30, 3:52, 4:8,
4:9, 5:33, 5:40, 6:41, 6:42

REDISTRIBUTION

Attorneys, 4:13

Confidentiality, 4:13

Development, 4:13

Disclosure, 4:13

Infringement, 4:13

Parties, 4:13

REGISTRATION

Amendment, 3:17, 6:42

Applications, 3:17, 3:37, 4:4, 4:6,
4:8, 4:9, 4:21, 4:22, 4:27,
4:30, 5:8, 5:9, 5:14, 5:28,
5:35 to 5:37, 5:39, 5:40,
6:32, 6:34, 6:39, 6:42

Copyright law, 3:37, 4:8

REISSUE

Intervening rights, 3:9

REMEDIES

Defend Trade Secrets Act, 3:42,
4:12

Economic Espionage Act of 1996,
3:42

INDEX

REMEDIES—Cont'd

Misappropriation of Trade Secrets, 3:42
Restrictive covenants, 4:9, 4:12
United States, 3:13, 3:17, 3:24, 3:37, 3:45, 3:52, 6:40

REMOVAL

Orders, 4:20
Parties, 3:51, 3:52, 4:20, 5:33, 6:41

REPRESENTATIONS AND WARRANTIES

Audiovisual works, 4:18
Computer software, 4:3, 4:8, 4:9, 4:13, 5:8, 5:9, 5:14, 5:22, 5:24, 5:36, 6:42
Contract representations, 5:22
Disclosure schedules, 2:8, 4:8, 4:13, 4:17, 4:30, 5:2, 5:10, 5:14, 5:25, 5:34
Due diligence, 1:2, 2:3, 2:4, 2:6, 2:8, 2:11, 3:1, 4:2, 4:3, 4:8, 4:9, 4:13, 4:14, 4:17, 4:18, 4:30, 5:14, 5:34, 5:40
Financing, 2:3, 2:4, 2:6, 2:12
Impairment, 5:22, 5:25
Information technology systems, 5:25
Infringement, 2:8, 2:11, 4:3, 4:13, 4:14, 4:30, 5:9, 5:25, 5:28, 5:39, 5:40, 6:11, 6:39, 6:40, 6:42
Knowledge qualifiers, 2:8
Licenses, 2:3, 3:1, 4:2, 4:3, 4:9, 4:13, 4:17, 4:30, 5:12, 5:14, 5:22, 5:24, 5:25, 5:28, 5:31, 5:36, 5:38 to 5:40, 6:39, 6:40, 6:42
Materiality, 2:8, 4:3, 4:8, 4:14, 5:14, 5:22
Noninfringement, 4:3, 4:14, 4:30, 5:31, 5:40, 6:11
Ownership, 2:3, 4:2, 4:3, 4:8, 4:9, 4:13, 4:17, 4:18, 4:30, 5:8,

REPRESENTATIONS AND

WARRANTIES—Cont'd

5:13, 5:25, 5:28, 5:40, 6:39, 6:40, 6:42
Positive covenants, 2:4
Software company, 5:40
Source code, 4:8, 4:13, 5:9, 5:24, 5:28, 5:39, 5:40, 6:42
Survival period, 2:6, 2:11
Third-party infringement, 6:11
Validity, 4:9, 4:13, 4:14, 4:30, 5:12, 5:13, 5:28, 5:36, 5:40, 6:39, 6:40

RESTRICTIVE COVENANTS

Assignability, 4:30
California, 4:12
Confidentiality agreements, 4:12, 4:30
Damages, 4:12
Disclosure, 4:30, 5:33
Employer, 4:9, 4:12
Employment, 4:9, 4:12, 4:30
Injunctive relief, 4:12
Interest, 4:9, 5:33
Knowledge, 4:9, 4:12
Limitations, 4:12, 4:30, 5:33
Remedies, 4:9, 4:12
Restrictions, 4:12, 4:30
State law, 4:6
Statutes, 4:9
Subject matter, 4:30
Territorial restrictions, 4:30
Time, 4:9, 4:12, 5:33
Trade secrets, 4:6, 4:12, 4:30
Virginia, 4:9
Washington, 4:9

REVIEW

Spain, 3:52
United States, 3:9, 3:52, 4:11, 4:14, 4:15, 4:25, 4:26, 6:2

RIGHT OF PRIVACY

Appropriation, 3:48

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

RIGHT OF PUBLICITY

Advertising, 3:48, 4:30
Agreement, 4:30
California, 3:48
Endorsement, 3:48, 4:30
Free speech, 3:48
Infringement, 4:30
Intent, 4:30
Internet, 4:30
Jurisdiction, 4:30
Names, 4:30
Performance, 3:48
Policy, 4:30
Release, 4:30
Tennessee, 3:48

ROYALTIES

Damages, 3:13, 4:14, 5:28
Reasonable royalties, 3:13
United States, 3:13, 3:40, 4:14, 5:28

SALES ORDERS

Form, 4:20

SCRIPTS

Access, 4:13, 5:40, 6:41
Authorship, 5:40
Derivative works, 5:40
Infringement, 4:13, 5:40
Privacy, 5:40
Publication, 5:40
Setting, 6:41
Termination rights, 4:13
Title, 5:40, 6:41
Trademarks, 4:13, 5:40

SECRECY

New York, 3:42
United States, 3:45, 4:22, 5:39

SECURITY

Evidence, 3:43, 4:12, 4:16, 4:20, 4:30, 6:42
New York, 6:42

SEIZURE

Civil, 3:42, 6:42
Defend Trade Secrets Act, 3:42

SEQUENCE

Software, 3:31

SETTLEMENT

Form, 3:9, 4:13, 4:25, 4:26, 4:30, 5:28, 5:35, 5:36, 6:39, 6:40, 6:42
Suspension, 6:40, 6:42

SOFTWARE

Charts, 3:31, 5:24, 5:40
Claims, 3:1, 4:3, 4:21, 4:22, 4:25, 4:26, 5:24, 5:28, 5:35, 5:40, 6:42
Disclosure, 4:4, 4:8, 4:13, 4:16, 4:17, 4:21, 4:22, 4:25 to 4:28, 4:30, 5:9, 5:14, 5:22, 5:25, 5:28, 5:30, 5:35, 5:36, 5:39, 5:40, 6:42
Drawing, 3:1, 3:31, 5:39
E-commerce, 4:4, 4:22
Flow charts, 3:31, 5:24, 5:40
Format, 3:30, 4:28, 5:39, 6:42
Icons, 5:9, 5:24, 5:35
Infringement, 3:30, 3:31, 3:34, 3:51, 4:3, 4:4, 4:13, 4:21, 4:22, 4:25, 4:26, 4:28, 4:30, 5:9, 5:25, 5:28, 5:39, 5:40, 6:42
Patentability, 4:21, 4:25, 4:26
Public domain, 3:31, 3:51, 4:13, 5:24, 6:42
Records, 3:30, 4:8, 4:9, 4:27, 5:28, 5:40, 6:41, 6:42
Use, 1:1, 3:1, 3:30, 3:31, 3:34, 3:40, 3:51, 4:3, 4:4, 4:8, 4:9, 4:13, 4:16, 4:17, 4:21, 4:25 to 4:28, 4:30, 5:8, 5:9, 5:14, 5:24, 5:25, 5:28, 5:35, 5:36, 5:39 to 6:42

SOURCE CODE ESCROW

Release, 5:39

INDEX

SPAIN

- Benefits, **3:12**
- Confidentiality, **3:52**
- Legal basis, **3:52**
- Review, **3:52**

STANDARD OF PROOF

- United States, **3:9**

STATE LAWS

- Licensing, **4:13**
- Uniform Trade Secrets Act, **3:42**

STATES

- Disclosure, **2:16, 3:2, 3:4 to 3:6, 3:9, 3:42, 3:52, 4:8, 4:11, 4:15, 4:22, 4:25, 4:26, 5:20, 5:28, 5:35, 5:38 to 6:40**
- Discovery, **3:9, 3:37, 3:38, 4:14, 6:40**
- Restrictive covenants, **4:6, 4:12**
- Uniform Trade Secrets Act, **3:42**

STATUTE OF LIMITATIONS

- United States, **3:38**

STATUTES

- Definitions, **3:52**
- Digital Millennium Copyright Act, **3:30**
- Patents, **4:9**
- Protection, **3:27, 3:30, 3:52, 4:15, 4:20**
- Theft, **3:52**

STRUCTURE

- Software, **1:5, 3:31, 4:13**

SUBCONTRACTORS

- Form, **6:38 to 6:40, 6:42**

SUBJECT MATTER

- Restrictive covenants, **4:30**
- United States, **3:4 to 3:6, 3:13, 3:30, 3:37, 4:11, 4:14, 6:40**

SUMMARY JUDGMENT

- Cancellations, **4:14**
- Motions, **4:14**

SUMMARY JUDGMENT

—Cont'd

- Oppositions, **4:14**
- Patent, **4:14**
- Trade secrets, **4:14**
- Validity, **4:14**

SUPPLIERS

- Evidence, **4:20**
- United States, **4:25, 5:35**

SUPREME COURT

- United States, **3:4, 3:5, 3:9, 3:13, 3:17, 3:24, 3:26, 3:30, 3:32, 3:37, 3:38, 4:14**

SUSPENSION

- Bankruptcy, **6:42**

TECHNOLOGY

- Japan, **4:8**
- United States, **1:1, 3:2, 3:4, 3:5, 3:9, 3:13, 3:52, 4:15, 4:22, 4:25, 4:26, 5:28, 5:35, 5:39**

TELEVISION

- Contracts, **3:32, 6:42**
- Copyright, **3:2, 3:30, 3:32, 3:37, 3:39, 3:40, 4:18, 4:19, 6:42**
- Internet, **3:30, 3:32, 3:37, 3:40, 6:41, 6:42**
- Publication, **3:32, 3:37**
- Trademarks, **3:18, 3:39, 4:18, 6:42**

TERM

- Trade secret licenses, **4:25**

TERMINATION

- United States, **6:40**

TESTS

- Evidence, **3:3, 4:16**

TEXAS

- Evidence, **3:9, 3:13**
- Remedies, **3:13**

THEATER

- Copyright, **3:40, 4:19**

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

THEFT

Customer lists, 3:52
Lists, 3:52, 6:42
Software, 3:1, 6:42
State laws, 3:47
Statutes, 3:52

THIRD PARTIES

Misappropriation of trade secrets, 4:14
United States, 3:6, 3:7, 3:24, 3:40, 3:52, 4:6, 4:14, 4:15, 4:22, 4:25, 4:26, 5:35, 5:39, 6:40

TITLES

Copyright, 4:21, 4:24
Domain names, 4:21
Internet domain names, 4:21
Trademarks, 4:21

TORTS

Damages, 3:42

TRADE SECRETS

Agreements, 3:1, 3:41 to 3:43, 4:4, 4:6, 4:8, 4:12 to 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:4, 5:7, 5:14, 5:24, 5:28, 5:35, 5:36, 5:39, 6:2, 6:39, 6:40
Compilation, 3:41, 4:13, 4:22
Confidentiality agreements, 3:42, 3:43, 4:12, 4:30
Customer lists, 3:43
Damages, 3:13, 3:42, 3:45, 4:12, 4:14, 4:25, 4:26, 5:9, 5:28, 6:39, 6:40, 6:42
Economic value, 3:41, 3:43
Information, 3:1, 3:41 to 3:43, 3:45, 4:4, 4:8, 4:12 to 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:8, 5:9, 5:24, 5:28, 5:35 to 5:39, 6:2, 6:39, 6:40, 6:42
Infringement, 3:7, 3:13, 4:4, 4:6, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:9, 5:28, 5:39, 6:39, 6:40, 6:42

TRADE SECRETS—Cont'd

Lists, 3:43, 4:4, 5:8, 5:9, 5:14, 5:24, 5:28, 5:35, 5:39, 6:42
Misappropriation of Trade Secrets, 3:42, 4:14
Nondisclosure Agreements, 3:42, 4:21, 4:25, 4:26
Patents, 3:1, 3:7, 3:13, 3:42, 3:46, 4:4, 4:6, 4:8, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:4, 5:7 to 5:9, 5:14, 5:24, 5:28, 5:35 to 5:39, 6:2, 6:17, 6:39, 6:40, 6:42
Protection of Trade Secrets, 3:42, 3:45
Restatement of Torts, 3:42
Software, 3:1, 4:4, 4:8, 4:13, 4:21, 4:22, 4:25, 4:26, 4:30, 5:8, 5:9, 5:14, 5:24, 5:28, 5:35, 5:36, 5:39, 6:42
Theft, 3:1, 6:42
Under the circumstances, 3:43, 6:42
Uniform Trade Secrets Act, 3:42
Value, 3:1, 3:41, 3:43, 3:45, 4:12 to 4:14, 4:21, 5:23, 5:39, 6:2

TRADEMARKS

Abandonment, 3:18, 6:39
Administrative proceedings, 4:4, 4:14, 4:22, 4:30
Affidavit, 3:17, 3:19
Affiliate, 4:13, 4:17, 4:21, 4:25, 4:26, 6:4, 6:38 to 6:40, 6:42
Amendments, 4:4, 4:21, 4:22, 5:39, 6:42
Answers, 4:13
Applications, 1:11, 3:17, 3:21, 4:4, 4:6, 4:8, 4:9, 4:11, 4:21 to 4:23, 4:25 to 4:27, 4:30, 5:2, 5:3, 5:8, 5:9, 5:14, 5:28, 5:29, 5:35 to 5:40, 6:2, 6:32, 6:34 to 6:36, 6:39, 6:40, 6:42
Applications for registration, 5:8, 5:9, 5:14, 5:35 to 5:37, 6:42

INDEX

TRADEMARKS—Cont'd

Assignments, 4:8, 4:9, 4:25, 4:26, 4:30, 5:2, 5:3, 5:31, 5:33, 6:2, 6:42
Attorneys, 3:42, 4:6, 4:9, 4:13, 4:14
Authority, 4:6, 4:8, 4:9, 4:21, 4:22, 5:28, 5:35, 5:40, 6:32, 6:39, 6:40, 6:42
Books, 4:25, 6:42
Cancellations, 4:14
Change, 3:22, 4:4, 4:6, 4:13, 4:14, 4:27, 4:30, 5:14, 5:31, 5:33, 6:32, 6:39, 6:42
Charges, 5:40, 6:42
Collective marks, 6:38
Commerce, 3:17 to 3:19, 3:26, 3:27, 4:4, 4:21, 4:22, 6:2, 6:40
Composite mark, 6:39
Confidential information, 4:4, 4:30, 5:8, 5:28, 5:39, 5:40, 6:42
Contempt, 3:17
Contents, 5:2, 6:40, 6:42
Copies, 4:4, 4:9, 4:14, 4:21 to 4:23, 4:25 to 4:27, 4:30, 5:9, 5:14, 5:31, 5:39, 5:40, 6:42
Corrections, 5:8, 5:9, 5:35, 5:40
Damages, 3:17, 3:24, 3:27, 3:42, 4:14, 4:25, 4:26, 5:9, 5:28, 6:14, 6:38 to 6:40, 6:42
Date, 3:1, 3:17, 3:18, 3:21, 3:35, 4:4, 4:8, 4:9, 4:11, 4:13, 4:21, 4:22, 4:30, 5:28, 5:29, 5:31, 5:33, 5:39, 5:40, 6:18, 6:32, 6:34 to 6:36, 6:38 to 6:40, 6:42
Decisions, 4:13
Denial, 3:17, 4:25, 4:26, 5:40, 6:42
Depositions, 4:14
Description, 3:15, 4:4, 4:8, 4:21, 4:22, 4:30, 5:29, 5:39, 5:40, 6:42
Discovery, 4:14, 6:39, 6:40, 6:42

TRADEMARKS—Cont'd

Distinctiveness, 3:15, 3:17, 3:24, 4:30
Diversity, 3:17
Domain name registration, 3:28, 5:33
Drawings, 5:9, 5:35, 5:40
Evidence, 3:17, 4:30, 6:2, 6:38, 6:42
Exhibits, 4:4, 4:8, 4:21 to 4:23, 4:25 to 4:27, 4:30, 5:28, 5:35 to 5:40, 6:2, 6:4, 6:5, 6:32, 6:34 to 6:36, 6:38 to 6:40, 6:42
Extension, 3:35, 6:39
Fees, 3:22 to 3:24, 3:35, 3:42, 4:8, 4:14, 4:25 to 4:27, 4:30, 5:9, 5:28, 5:40, 6:39, 6:40, 6:42
Filing, 3:17, 3:18, 3:20 to 3:23, 3:25, 3:28, 4:4, 4:6, 4:8, 4:9, 4:11, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:28, 5:40, 6:32, 6:34 to 6:36
Five years of use, 3:17
Foreign country, 3:17, 3:25, 5:3
Form, 3:1, 3:16 to 3:18, 3:22, 3:26, 3:42, 4:4, 4:6, 4:8, 4:9, 4:13, 4:21, 4:22, 4:25, 4:26, 4:30, 5:2, 5:3, 5:8, 5:9, 5:28, 5:29, 5:31, 5:35 to 5:40, 6:2, 6:38 to 6:40, 6:42
Free speech, 3:17
Goods and services, 3:14, 3:18, 3:22, 5:33
In rem jurisdiction, 3:27
Incontestability, 3:17
Infringement, 3:17, 3:23 to 3:28, 4:4, 4:6, 4:13, 4:14, 4:21, 4:22, 4:25, 4:26, 4:30, 5:9, 5:28, 5:39, 5:40, 6:11, 6:32, 6:34 to 6:36, 6:39, 6:40, 6:42
Insolvency, 6:39
Inspection, 4:30
Intent-to-use application, 3:18
Interferences, 4:14

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

TRADEMARKS—Cont'd

International registration, 3:22
 Jurisdiction, 3:17, 3:23, 3:27, 4:13, 4:30, 5:9, 5:28, 5:35, 5:40, 6:38 to 6:40, 6:42
 Knowledge, 1:2, 3:18, 4:4, 4:8, 4:9, 4:14, 4:25, 4:26, 5:28, 5:35 to 6:39, 6:42
 Lanham Act, 3:17, 3:24, 3:26
 Library, 5:35, 5:40
 Likelihood of confusion, 3:17, 3:24, 3:28
 Madrid Protocol, 3:22
 Modification, 4:25, 4:26, 5:14, 5:35, 5:36, 5:40
 Motions, 4:14
 Music, 3:39, 4:18, 4:23, 4:25
 Notice, 3:17, 3:18, 4:6, 4:14, 4:25, 4:26, 5:28, 5:31, 5:33, 5:39, 5:40, 6:14, 6:38 to 6:40, 6:42
 Number, 3:24, 4:4, 4:6, 4:8, 4:11, 4:13, 4:14, 4:18, 4:22, 4:27, 4:30, 5:14, 5:33, 5:40, 6:42
 Oppositions, 4:14
 Orders, 4:14, 4:27, 5:35, 5:36, 6:42
 Parties, 3:1, 3:24, 3:27, 4:4, 4:6, 4:8, 4:9, 4:13, 4:14, 4:17, 4:21 to 4:23, 4:25, 4:26, 4:30, 5:2, 5:4, 5:14, 5:28, 5:31, 5:33, 5:35 to 5:37, 5:39, 5:40, 6:5, 6:17, 6:32, 6:34 to 6:36, 6:38 to 6:40, 6:42
 Patents, 1:2, 1:11, 3:1, 3:19 to 3:21, 3:35, 3:42, 3:46, 4:4, 4:6, 4:8, 4:9, 4:11, 4:13, 4:14, 4:21, 4:22, 4:25 to 4:27, 4:30, 5:2 to 5:4, 5:7 to 5:9, 5:14, 5:28, 5:29, 5:31, 5:35 to 5:40, 6:2, 6:17, 6:18, 6:30, 6:32, 6:39, 6:40, 6:42
 People, 3:17, 4:4, 4:17, 5:14, 5:33
 Personal jurisdiction, 3:27
 Pleadings, 4:4, 4:11, 4:14, 4:21, 4:22, 4:25, 4:26

TRADEMARKS—Cont'd

Predecessor, 4:8, 4:25, 4:26
 Priority, 3:18, 3:21, 3:25, 4:9, 5:40
 Protective orders, 4:14
 Questions, 4:4, 4:8, 4:11, 4:27
 Refusal, 3:17
 Registration, 3:17 to 3:20, 3:22, 3:23, 3:25 to 3:28, 3:42, 4:4, 4:6, 4:8, 4:9, 4:21, 4:22, 4:27, 4:30, 5:8, 5:9, 5:14, 5:28, 5:33, 5:35 to 5:37, 5:39, 5:40, 6:32, 6:34, 6:39, 6:42
 Removal, 5:33
 Restrictions, 4:4, 4:8, 4:13, 4:30, 5:31, 5:40, 6:6, 6:20, 6:40
 Review, 1:2, 3:1, 4:4, 4:9, 4:11, 4:13, 4:14, 4:25, 4:26, 4:30, 6:2, 6:14, 6:42
 Rules, 1:5, 1:11, 4:9, 4:25, 4:26, 5:40, 6:32, 6:38, 6:42
 Sample, 4:4, 5:31, 5:33, 6:4, 6:42
 Scripts, 4:13, 5:40
 Service marks, 3:14, 3:17, 4:4, 4:21, 4:22, 4:25, 5:8, 5:9, 5:28, 5:33, 5:35 to 5:39, 6:38 to 6:40, 6:42
 Services, 3:14, 3:15, 3:17 to 3:19, 3:22 to 3:24, 4:8, 4:9, 4:13, 4:14, 4:17, 4:21, 4:23, 4:25, 4:26, 4:30, 5:4, 5:28, 5:31, 5:33, 5:35, 5:40, 6:35, 6:36, 6:38 to 6:40, 6:42
 Signature, 3:17
 Submission, 3:17, 4:9, 4:25, 4:26
 Sufficiency, 6:32, 6:34 to 6:36, 6:38 to 6:40, 6:42
 Summary judgment, 4:14
 Supplemental register, 3:17
 Television, 3:18, 3:39, 4:18, 6:42
 Third parties, 3:24, 4:4, 4:6, 4:9, 4:13, 4:14, 4:21 to 4:23, 4:25, 4:26, 4:30, 5:14, 5:31, 5:33, 5:35, 5:36, 5:39 to 6:40, 6:42

INDEX

TRADEMARKS—Cont'd

Time, 3:1, 3:15, 3:17, 3:18, 3:35,
4:4, 4:8, 4:9, 4:11, 4:14, 5:4,
5:31, 5:33, 5:39, 5:40, 6:5,
6:38 to 6:40, 6:42
Titles, 4:21
Trade secrets, 3:1, 3:42, 3:46, 4:4,
4:6, 4:8, 4:13, 4:14, 4:21,
4:22, 4:25, 4:26, 4:30, 5:4,
5:7 to 5:9, 5:14, 5:28, 5:35
to 5:39, 6:2, 6:17, 6:39, 6:40,
6:42
Trespass damages, 3:17, 3:24, 3:42,
4:14
Trial, 4:11, 5:39
Types of marks, 3:17
Use, 1:11, 3:1, 3:15, 3:17 to 3:20,
3:22 to 3:27, 3:39, 3:42, 4:4,
4:6, 4:8, 4:9, 4:11, 4:13,
4:14, 4:17, 4:18, 4:21, 4:25
to 4:27, 4:30, 5:3, 5:4, 5:8,
5:9, 5:14, 5:28, 5:29, 5:31,
5:33, 5:35 to 5:40, 6:2, 6:5,
6:6, 6:11, 6:14, 6:17, 6:20,
6:30, 6:35, 6:36, 6:38 to
6:40, 6:42
Venue, 6:38, 6:40
Verification, 4:8

TRANSFER

Orders, 4:12, 4:20, 4:27, 5:24,
5:35, 6:42
Parties, 2:1, 2:3, 2:4, 2:14, 2:15,
3:13, 3:27, 3:32, 3:52, 4:4,
4:6, 4:8, 4:9, 4:12, 4:13,
4:15, 4:16, 4:20 to 4:23,
4:25, 4:26, 4:30, 5:2, 5:25,
5:28, 5:31, 5:32, 5:35, 5:40,
6:32, 6:41, 6:42

TRIAL

Disclosure, 3:9, 4:11, 5:39

UNIFORM TRADE SECRETS ACT

Damages, 3:42
Injunctive relief, 3:42
Misappropriation, 3:42

UNITED STATES

Antitrust, 3:7, 3:9
Burden of proof, 3:9
Common law, 3:17, 3:18, 3:52,
4:14, 5:28
Copyrights, 3:2, 3:7, 3:19, 3:30,
3:36 to 3:38, 3:40, 4:6, 4:22,
4:25, 4:26, 5:3, 5:24, 5:28,
5:35, 5:38, 5:39, 6:2, 6:40
Customer lists, 3:52
Damages, 3:13, 3:17, 3:24, 3:36
to 3:38, 3:45, 4:14, 4:15,
4:25, 4:26, 5:28, 6:40
Definitions, 3:52, 5:24, 5:28,
5:35, 5:38, 6:40
Discovery, 3:9, 3:37, 3:38, 4:14,
6:40
Duration, 3:2, 3:24
Federal copyright law, 3:30
Federal patent law, 3:2, 3:30
Former employee, 4:25, 4:26,
5:39
History, 3:5, 3:9, 3:13, 3:17, 4:11,
4:15
Injunctions, 3:13, 4:14, 5:35
Injury, 6:40
Jurisdiction, 3:12, 3:17, 3:52,
5:28, 5:35, 6:40
Legal basis, 3:52
Limitations, 3:5, 3:13, 3:18, 3:33,
3:38, 3:40, 3:52, 4:15
Litigation, 1:1, 3:9, 3:24, 3:36,
3:37, 4:11, 4:14, 4:15, 4:25,
4:26
Misappropriation, 3:45, 4:6, 4:14,
4:22, 4:25, 4:26, 5:28, 5:35,
5:39, 6:40
Nondisclosure agreements, 4:25,
4:26
Parties, 3:4, 3:6, 3:7, 3:9, 3:13,
3:24, 3:32, 3:37, 3:40, 3:52,
4:6, 4:14, 4:15, 4:22, 4:25,
4:26, 5:20, 5:28, 5:35, 5:39,
6:40
Patents, 3:2, 3:4 to 3:7, 3:9, 3:12,
3:13, 3:19, 3:20, 4:6, 4:11,

INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS

UNITED STATES—Cont'd

4:14, 4:22, 4:25, 4:26, 5:3,
5:24, 5:28, 5:35, 5:38, 5:39,
6:2, 6:40
Registration, 3:17 to 3:20, 3:22,
3:25, 3:26, 3:36, 3:37, 4:6,
4:22, 5:28, 5:35, 5:39
Remedies, 3:13, 3:17, 3:24, 3:37,
3:45, 3:52, 6:40
Review, 3:9, 3:52, 4:11, 4:14,
4:15, 4:25, 4:26, 6:2
Royalties, 3:13, 3:40, 4:14, 5:28
Standard of proof, 3:9
Statute of limitations, 3:38
Supplier lists, 5:35
Technology, 1:1, 3:2, 3:4, 3:5,
3:9, 3:13, 3:52, 4:15, 4:22,
4:25, 4:26, 5:28, 5:35, 5:39
Trade secrets, 3:7, 3:13, 3:45, 4:6,
4:14, 4:22, 4:25, 4:26, 5:24,
5:28, 5:35, 5:38, 5:39, 6:2,
6:40

USE

Damages, 3:13, 3:17, 3:24, 3:27,
3:36 to 3:38, 3:42, 3:44,
4:12, 4:14, 4:15, 4:20, 4:25,
4:26, 4:28, 5:9, 5:28, 6:14,
6:38 to 6:42
Evidence, 3:3, 3:9, 3:13, 3:17,
3:31, 3:36, 3:37, 3:51, 4:12,
4:16, 4:20, 4:30, 6:2, 6:38,
6:42
Patent law, 3:12, 3:13, 3:30, 3:31,
4:27
Software, 1:1, 3:1, 3:30, 3:31,
3:34, 3:40, 3:51, 4:3, 4:4,
4:8, 4:9, 4:13, 4:16, 4:17,
4:21, 4:25 to 4:28, 4:30, 5:8,
5:9, 5:14, 5:24, 5:25, 5:28,
5:35, 5:36, 5:39 to 6:42

UTAH

Evidence, 3:13
Remedies, 3:13

UTILITY

Enablement requirement, 3:5

VALIDITY

Burden of proof, 3:9
Defenses, 3:9, 3:38
Design patents, 3:9
Evidence, 3:9, 3:17, 3:36, 4:30
Intent, 3:11, 3:17, 3:38, 4:9, 4:25,
4:26, 4:30, 6:39, 6:40
Judgments, 4:4, 4:21, 4:22, 5:12,
5:35, 5:36, 6:39
Materiality, 4:14
Obviousness, 3:9, 4:11
Presumption of validity, 3:9
Prior art, 3:9, 4:11
Records, 3:11, 4:9, 5:28, 5:40
Requirements, 3:9, 3:38, 4:13,
5:40
Subject matter, 3:11, 4:4, 4:11,
4:13, 4:14, 4:30, 6:39, 6:40
Use, 3:9, 3:11, 3:17, 3:36, 3:38,
4:4, 4:6, 4:9, 4:11, 4:13,
4:14, 4:21, 4:25, 4:26, 4:30,
5:12, 5:13, 5:21, 5:28, 5:35,
5:36, 5:40, 6:39, 6:40
Utility, 4:6, 4:14
Witnesses, 4:14

VALUE

Economic Value, 3:41, 3:43
United States, 1:1, 3:4, 3:9, 3:18,
3:19, 3:26, 3:38, 3:45, 4:11,
4:14, 4:15, 5:39, 6:2

VENDORS

Evidence, 4:16, 4:20, 4:30, 6:42

VENUE

Appeal, 3:9
Infringement, 3:9, 6:40
Jurisdiction, 4:20, 6:38, 6:40
Litigation, 3:9, 4:20
Orders, 3:9, 4:20
Statutes, 4:20

VICARIOUS LIABILITY

Damages, 3:37

INDEX

VIDEO GAMES

- Copyright, **3:40**
- Exclusive rights, **3:40**
- Fair use, **3:40**
- License, **3:40**
- Ownership, **3:40**
- Reproduction, **3:40**

VIRGINIA

- Restrictive covenants, **4:9**

VISUAL ART

- Moral rights, **3:33**

WAIVER

- Forms, **6:41**
- Litigation, **3:9, 5:31**

WASHINGTON

- Remedies, **4:9**
- Restrictive covenants, **4:9**

WITNESSES

- Discovery, **3:37, 4:14**
- Enforcement, **3:37**
- Expert witnesses, **3:37**
- Invalidity, **4:14**
- Validity, **4:14**

