

Introduction to 2025 Edition

The 2025 Edition of *Intellectual Property in Commerce* explores the uncertainties of intellectual property law by analyzing intellectual property as a commercial asset, evaluating intellectual property as collateral, discussing the complexities of foreclosure and creditor realization on intellectual property, and considering bankruptcy issues and their impact on intellectual property assets.

Recent developments in this **2025 Edition** include the following:

- Added discussion on recent case law that utilized the *Flimtec* rule despite the Supreme Court's warning shots. (See § 2:24).
- Added reference to a more recent Federal Circuit decision in *Intell. Tech. LLC v. Zebra Techs. Corp.*, which corrected the earlier misapplication of Article Nine and clarified that default does not automatically vest patent rights in the secured party without foreclosure. (See § 3:4).
- Added case law updates regarding intellectual property in bankruptcy, including for property put in or kept out of escrow, non-debtor liability during settlement, and more. (See generally, chapter 4).