

Index

- abbreviated approval pathways 217, 218–19, 222–3, 225, 227
- absorption costing accounting system 110
- Accelerated Examination Program 57, 74
- accounting distortions reversal patent 125
- accounting-related patents 104–5, 121
 - arguments against issuance of 115–20
 - current 107–12
 - history of 106–7
 - intrusive 123–7
 - patentable subject matter 112–15
- ACTA *see* Anti-Counterfeiting Trade Agreement
- administrative patent levers 6, 42–4, 56–7
 - in biotechnology industry 49–53
 - in clean technology industry 54–6
 - in software industry 44–8
- agency law 132–3, 137, 142–3, 152
- AIA *see* America Invents Act
- Akamai Technologies, Inc. v. Limelight Networks, Inc.*
 - Akamai/McKesson* en banc decision 132–3, 146–51
 - lessons from 151–4
- all elements rule 136
- America Invents Act (AIA) 3, 15
 - impact on biotechnology patents 53
 - impact on clean technology-related patents 56
 - impact on software patents 48
 - and inequitable conduct defense 82, 90–99
 - and information disclosure 161–2
 - and patent priority debate 69–71, 72–3, 75
 - and patent reform 37–8, 39, 43
 - post-grant review 183, 184, 187, 193–203, 205
 - raison d'être* 63–5
 - relationship with PTO 74
 - significant changes 65–9, 72–3, 78
 - supplemental examination procedure 64, 67–8, 76–8, 95–7
- American Calcar, Inc. v. American Honda Motor Co.* 87
- American Hoist & Derrick Co. v. Sowa & Sons, Inc.* 86
- American Institute of CPAs 104
- American Inventors Protection Act 66, 183
- Amgen, Inc. v. Chugai Pharm. Co.* 99
- Anti-Counterfeiting Trade Agreement (ACTA) 15, 17, 38
 - adoption process 33–5
 - and post-DMCA content law 32–3
- anti-streaming provision 34
- anti-troll provision 192
- Apple Inc. v. Samsung Electronic Co.* 1–2
- assets and liabilities accounting systems patents 108–9, 126
- assignees of inventor 68–9
- Association for Molecular Pathology v. Myriad Genetics* 50, 163
- Association for Molecular Pathology v. U.S. Patent and Trademark Office* 163
- audit-related patents 110–111, 123, 126–7
- Australia 33, 223, 225–6
- Aventis Pharma S.A. v. Hospira, Inc.* 87
- “bad” patents litigation 185–6
 - Bayer Cropscience AG v. Dow Agrosciences, L.L.C.* 89
- Becerra, Xavier 50
- best mode provision 97–9, 161

- Betamax VCRs 31
- Bettcher v. Bunzl* 197
- Bieber, Justin 34–5
- Bilski v. Doll* 46, 47
- Bilski v. Kappos* 90, 105, 107, 114–15, 117, 120
- Biologics Price Competition and Innovation Act (BPCIA) 9, 50, 52, 211–13
 - exclusivity periods 214–16
 - future of 226–7
 - legislative history 217–18
 - underlying purpose 218–20
 - use of language 217, 223
- biopharmaceuticals 211–13
 - and BPCIA 217–20, 226–7
 - exclusivity periods 214–16
 - importance and high cost of biologics 213–14
 - optimal exclusivity periods 220–26
- biotechnology industry
 - AIA's impact 53
 - institutional pressure 49–52
 - patent concerns 49
 - PTO's administrative patent levers 52–3
- Biotechnology Industry Organization (BIO) 212
- Biotechnology Process and Patent Protection Act 49, 52
- BMC Resources, Inc. v. Paymentech, Inc.* 144–6, 149–50
- Board of Patent Appeals and Interferences (BPAI) 47, 92, 134
- Bolar* exemption 178
- books 21–2
- border enforcement 32
- Bowman v. Monsanto Co.* 176
- BPCIA *see* Biologics Price Competition and Innovation Act
- break-even analysis 220–222
- break-even charts patents 110, 120
- BRICS nations (Brazil, Russia, India, China and South Africa) 226
- Brill, Alex 221
- Bunderpatentgericht 191–2
- business enterprise patents 126
- business methods patents 43, 46–7, 106–8, 120
 - business strategy and information containment 175–9
 - but-for materiality 84, 87–90
- Canada 33, 70, 223
- Carbice Corp. of Am. v. Am. Patents Dev. Corp.* 137
- clean technology industry
 - AIA's impact 56
 - institutional pressure 54–5
 - patent concerns 54
 - PTO's administrative patent levers 55–6
- coalitions 15–16, 27–8, 35–6
- Commercial Felony Streaming Act (CFSA) 33–4
- commercial use defense 66
- common law tort 136–8
- competitive advantage 1, 63, 177, 220
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 153, 170
- computer-enabled misappropriation 29
- computerised financial services method patent 127
- Congress
 - activity in patent reform 3 and AIA 90, 98, 99, 112, 193
 - and biotechnology patents 50
 - and BPCIA 212–13, 214–20, 226
 - establishment of Federal Circuit 134
 - estoppel 205
 - exceptions for experimental uses 178–9
 - funding of PTO 69
 - on infringement 140, 150, 154
 - introduction of Acts 33–5, 36, 63–4
 - and medical profession 105, 118
 - tax strategy patents 104, 105
- consumers 20–22, 23, 25, 30
- consumption patterns 19
- Content Scramble System (CSS) 31
- contributory infringement 139–40
- contributory liability 138
- copyright interest groups 26, 28, 35
- copyright interest holders *see* Creative Content
- Court of Appeals for the Federal Circuit (CAFC) 3, 131–3

- application of traditional common law doctrines 151–2
- biotechnology patent decisions 50, 52
- concerns over role 153–5
- emergence of doctrine 144–6
- and estoppel 195, 197, 201
- inequitable conduct case 82–90, 99
- Madey v. Duke* decision 164
- Monsanto v. McFarling* 176
- narrowly defined jurisdiction 152–3
- power struggle with PTO 42, 43, 57
- software patent decisions 46, 47
- as specialized appellate court 133–5
- in *State Street* case decision 106–7, 112, 113–14
- Court of Customs and Patent Appeals (CCPA) 133–4
- Creative Content 15, 16–17, 24, 28–31, 32, 33–4, 38
- creative works 20, 22, 23–4
- criminal activity 31, 32, 77
- criminal penalties 34, 97
- criminal prosecution 77
- Crowell v. Baker Oil Tools, Inc.* 143

- Dayco Prods., Inc. v. Total Containment, Inc.* 84
- DeContent Scramble System (DeCSS) 31
- Diamond v. Chakrabarty* 50
- Diamond v. Diehr* 44, 106, 112–13
- Digital Control, Inc. v. Charles Mach. Works* 84
- Digital Millennium Copyright Act (DMCA) 15, 17, 26, 30–31
- direct patent infringement 139–52
- divided infringement 132, 154, 155
- see also joint infringement
- Dixon v. U.S.* 147
- DMCA see Digital Millennium Copyright Act
- domestic filers 73–5
- Drug Price Competition and Patent Term Restoration Act 178, 217
- DSU Medical Corp. v. JMS Co.* 140

- EarningsPower Accounting 108–9
- eBay, Inc. v. MercExchange, L.L.C.* 3, 36, 55, 90, 114

- Eckes v. Card Prices Update* 84
- efficiency benefit 73–4
- egregious misconduct exception 87, 89
- eight plus two plus one (8+2+1) rule 222
- Electronic Frontier Foundation 33
- empirical research 70–72
- Emtel, Inc. v. LipidLabs, Inc.* 146
- en banc decisions 86–7, 89, 132–3, 135, 140–41, 146–51, 152
- end-users 20–22, 23, 25, 30
- enforcement in a changing environment 7–9
- “entrepreneurial politics” 35
- environmental hazards 166–73
- Environmental Protection Agency (EPA) 167, 170, 172–3
- environmental score calculation patent 124–5
- EPO see European Patent Office
- equitable defense of unclean hands 82–3
- estate taxes patents 117, 120
- estoppel 93–4, 192, 194–7, 201–2, 205
- European Patent Office (EPO) 184, 186–7
 - cost of oppositions and national revocations 192–3
 - European patent system 187–8
 - opposition and appeal 189–90
 - relationship between oppositions and national courts 191–2
 - European Union 33, 205, 222–3
- Ex parte Gutta* 47
- ex parte* reexamination 91–2, 95
- exclusion systems, emergence of 9–10
- exclusivity periods for
 - biopharmaceuticals 52, 211–13
 - academic literature 220–222
 - under BPCIA 214–20
 - conflict with international law 224–6
 - data exclusivity periods 52, 222–4, 226–7
- executive branch
 - biotechnology industry 51–2
 - clean technology industry 55
 - software industry 46–7
- Exergen Corp. v. Wal-Mart Stores, Inc.* 89, 90

- exhaustion doctrine 165
- experimental use 164–5, 178
- failure to disclose 83–4, 97–8, 161
- Fair-Value Accounting 108
- false information, submission of 83–4
- false marking statute 67
- Faroudja Laboratories, Inc. v. Dwin Electronics* 144
- Federal Circuit *see* Court of Appeals for the Federal Circuit (CAFC)
- Federal Trade Commission (FTC) 44, 46–7, 57, 220
- filing
 - by assignee of inventor 68–9
 - foreign and domestic 73–5
- financial accounting methods patents 108–9, 126
- Financial Accounting Standards Board (FASB) 105, 108, 117–18
- financial method patents 48
- first-to-file system 3, 64–73, 78, 161, 199
- first-to-invent system 3, 37, 64–73, 78
- follow-on biologics 211–27
- follow-on discovery 162–4
- Food and Drug Administration (FDA) 50, 211–19, 222
- foreign filers 74–5
- FracFocus 170–71
- fracking *see* hydraulic fracturing
- free space concept 164
- Free Standing Stuffer, Inc. v. Holly Dev. Co.* 144
- Fromson v. Advance Offset Plate, Inc.* 144
- funding and fee-setting 69
- GATT 29
- gene patents 49–53
- Generally Accepted Accounting Principles (GAAP) 109
- genetic testing 53, 176–7
- genetically modified (GM) seeds 175–6
- Germany 191–2, 199, 203, 204
- Global Patent Holdings, L.L.C. v. Panthes, BRHC, L.L.C.* 146
- Global-Tech Appliances, Inc. v. SEB, S.A.* 141
- going-concern earning power income 109
- Google 26, 35, 38
- Gottschalk v. Benson* 106, 112–13
- Grabowski, Henry 215, 220–21, 222
- grantor retained annuity trusts (GRAT) 104, 111
- Green Technology Pilot Program 55–6
- Ground Water Protection Council (GWPC) 170
- Hatch-Waxman Act 178, 217
- Hazel-Atlas Glass Co. v. Hartford Empire Co.* 82, 88
- health hazards 166–73
- Hewlett-Packard, Co. v. Bausch & Lomb, Inc.* 139
- High Tech 15, 16–17, 35–9
- Hill v. Amazon* 143–4
- human organism patents 68
- hydraulic fracturing 159–60
 - fluid information: access and use 171–3
 - increase in patent prominence 173–4
 - information concerns 166–8
 - innovation 165–6
 - limited information for assessment 168–71
 - patents as information constraint 174–5
- In re Alappat* 107
- In re Bilski* 46
- In re Bose Corp.* 86
- In re Durden* 50
- In re Seagate Technology, L.L.C.* 90
- indirect patent infringement 139–41
- inducement
 - of infringement 140–141
 - moving joint infringement to 146–51, 152
- industrial misappropriation 16, 23–4, 28, 38
- industrial users 16, 19–20, 22, 24
- inequitable conduct 68
 - AIA (America Invents Act) 90–99
 - background to 82–3
 - effect of defense 85–6
 - elements of 83–5

- and supplemental examination 76–8
- Therasense* 86–90
- Information Age inventions 114, 120
- information blocking 162–4
- information containment
 - hydraulic fracturing case study 165–75
 - as mechanism for competitive advantage 177
 - in other industries 175–7
 - patents as information containment tools 159–60
 - policy reform for 178–9
 - and powers of exclusion 164–5
 - relationship between patents and information 160–65
- information disclosure 159, 160–162, 175
- information flow, diminution of 116–17
- institutional pressure
 - executive branch 46–7, 51–2, 55
 - judiciary 45–6, 50, 55
 - legislature 44–5, 49–50, 54–5
- Intellectual Property Committee (IPC) 27
- intellectual property (IP) policy
 - influence model 17–18
 - dynamics of IP economics 18–22
 - implications of misappropriation 22–4
 - political economy of IP protection 24–6
- intellectual property (IP) protection
 - ACTA adoption process 33–5
 - ACTA and post-DMCA content laws 32–3
 - Creative Content 28–31
 - political economy of 24–6
 - post-TRIPS patent reform and 2011 AIA 35–8
 - TRIPS coalition 27–8
- intent 84–9
- inter partes* reexamination 91–2, 94–5, 193–4, 196–7, 201
- inter partes* review
 - comparison to post grant review 92–4, 196, 200–201
 - inequitable conduct 94–5
 - introduction of 66–7
- interest groups
 - copyright 26, 28, 35
 - legislative influence 25
 - patent 27–8, 33, 35, 38
 - public 33, 171
 - united-versus-splintered hypothesis 16
- internal audit operations patent 126–7
- internal controls analysis patent 110–111
- International Intellectual Property Alliance (IIPA) 28
- Internet
 - action groups 35
 - blackout 26, 34–5
 - end-user misappropriation 16, 23–4
 - Treaties 29–31
- Interstate Oil and Gas Compact Commission (IOGCC) 170
- invalid patents 77–8, 93–4, 97–8, 184–5, 191–204
- IP *see* intellectual property
- Japan 33, 203, 223
- joint infringement 132–3, 136–7, 141–2, 154–5
 - agency law 142–3
 - based on “control or direction” 144–6
 - based on explicit cooperation or “some connection” 143–4
 - lessons from *Akamai en banc* 151–4
 - moving from direct infringement to inducement 146–51
- joint tortfeasor liability 138, 152
- journal articles 21–2
- J.P. Stevens & Co. v. Lex Tex Ltd.* 83
- judiciary
 - biotechnology industry 50
 - clean technology industry 55
 - software industry 45–6
- Kennedy, Justice 107, 114
- Keystone Driller Co. v. Gen. Excavator Co.* 82, 88
- Kingsdown Med. Consultants, Ltd. v. Hollister, Inc.* 85–6
- Klobuchar, Amy 34
- KORUS Free Trade Agreement 225

- KSR International Co. v. Teleflex Inc.* 3, 90
- Laboratory Corp. of America Holdings v. Metabolite Laboratories, Inc.* 114, 144
- Leahy-Smith America Invents Act *see* America Invents Act (AIA)
- learned profession defense 105, 117–20
- legislative influence 24–6
- “legislative laundering” 26
- legislature
- biotechnology industry 49–50
 - clean technology industry 54–5
 - software industry 44–5
- liability
- common law tort 136–8
 - contributory 138
 - patent infringement 138–41
 - strict 152–3
 - vicarious 137–8, 144–6
- Linn dissent 150, 152–3, 154
- lobbying 24–5, 29, 30
- machine-or-transformation test 46, 107, 112–15, 120
- Madey v. Duke* 8, 164
- Mallinckrodt, Inc. v. Medipart, Inc.* 176
- marking rules 67
- Marley Mouldings Ltd. v. Mikron Indus., Inc.* 144
- Material Safety Data Sheets (MSDSs) 168–9
- materiality 84–90, 93
- Mayo Collaborative Services v. Prometheus Laboratories, Inc.* 3, 115, 163
- McKesson Technologies, Inc. v. Epic Systems Corp.* *see* *Akamai Technologies, Inc. v. Limelight Networks, Inc.*
- medical profession 105, 118
- MedImmune, Inc. v. Genentech, Inc.* 90
- Mendez, Robert 54–5, 56
- Metabolite Laboratories, Inc. v. Laboratory Corp. of America Holdings* 144
- micro-entities 69, 71
- Microsoft Corp. v. AT&T Corp.* 45–6, 90
- Microsoft Corp. v. i4i Ltd. Partnership* 45–6, 90
- misappropriation 16, 20–21
- computer-enabled 29
 - creative works 23–4
 - defining 18–19
 - implications of 22–4
 - industrial 16, 23–4, 28, 38
- misrepresentation 83, 87, 89
- Mobil Oil Corp. v. W.R. Grace & Co.* 143
- Monsanto Co. v. E.I. Dupont De Nemours & Co.* 2
- Monsanto v. McFarling* 176
- Motion Picture Association of America (MPAA) 29, 31
- multinational patent systems 203–4
- Muniauction, Inc. v. Thomson Corp.* 144, 145–6, 150
- music 19–23
- National Institute for Health (NIH) 51
- national patent systems 203–4
- National Research Council (NRC) 51
- New Zealand 33, 223, 225, 226
- Newman, Judge 148, 150–151, 153, 154
- non-practicing entities (NPEs) 16, 20, 37, 38, 186, 200
- oaths 68–9
- Obama administration 225
- Obama, Barack 51–2, 55, 64, 212, 216
- obviousness standard 3, 90
- Occupational Safety and Health Administration (OSHA) 168–9
- Old Tech 35–6, 38
- On Demand Machine Corp. v. Ingram Industries, Inc.* 144
- oppositions 186–7, 199
- cost of 192–3
 - EPO, and appeal 189–90
 - in national systems 203–4
 - relationship with national courts 191–2
- Paice v. Toyota* 55
- Parker v. Flook* 113
- Patent Act of 1790 106, 138
- Patent Act of 1836 90

- Patent Act of 1952 3, 45, 63, 82, 90, 97, 132, 135–6, 138–9, 140, 142, 150
- patent amnesty 76–7, 96
- Patent and Trademark Office (PTO)
- biotechnology-related administrative patent levers industry 52–3
 - and business community 4
 - clean technology-related administrative patent levers industry 55–6
 - engagement in policymaking 42–4
 - extent of patent applications 63, 78, 173–4, 185
 - filing systems 69, 73–5
 - funding and fee-setting 69, 197–8
 - inequitable conduct 83–90
 - and information accessibility 161
 - issuance of hydraulic fracturing patents 173–4
 - micro-entity qualification 71
 - post-grant review 66, 199–200, 205
 - post-issuance review 91–2
 - preference measures 74–5
 - proposed rulemaking 88
 - Rule 56 83–4, 87, 88
 - software-related administrative patent levers 47–8
 - standards after *Bilski* 115
 - supplemental examination 67–8, 95–7
- patent application process 63–4, 78
- AIA and patent priority debate 69–72
 - impact of revisions to 6–7
 - introduction to AIA 65–9
 - patent priority and its global impact 72–5
 - potential and risk of supplemental examination 76–8
- patent concerns
- in biotechnology industry 49
 - in clean technology industry 54
 - in software industry 44
- Patent Cooperation Treaty (PCT) 72
- patent infringement liability rules 136–41
- patent interest groups 27–8, 33, 35, 38
- patent interest holders 15
- patent marking rules 67
- patent policy, influences on 5–6, 15–17, 38–9
- IP policy influence model 17–26
 - IP protection 27–38
- patent priority system 64, 69–70
- change to first-to-file system 65
 - global impact of 72–5
 - impact of first-to-file system 70–72, 78
- patent reform 35–8, 63
- Patent Reform Acts 36–7
- Patent Trial and Appeal Board (PTAB) 66, 92, 93–4, 194–5, 197, 201–3
- patentable subject matter 50, 106–7, 112–15, 152–3
- Patient Protection and Affordable Care Act 211, 212–13, 218, 226
- see also* BPCIA
- peer-to-patent project 47–8, 53
- Pfaff v. Wells Elecs., Inc.* 82
- Pharma 28, 38
- Phelps, Marshall 45
- photocopying technology 23
- Physicians' Immunity Statute 105, 118
- PIPA (Protect Intellectual Property Act) 26, 33–5, 38
- policy laundering 26, 30, 32–3
- political campaigning 24–5
- Posner, R.A. 4, 18, 19, 20, 153
- post-grant review 183–4, 204–5
- under AIA 92–4, 187, 193–5
 - costs of 197–9
 - European Patent Office 187–93
 - factors limiting effectiveness 199–203
 - modification of proceedings 66
 - in national systems 203–4
 - petitions 198–9
 - relationship with other proceedings 196–7
- post-issuance review
- background to 91–2
 - inter partes* review 94–5
 - post-grant review 92–4
 - rationale for 184–7
 - supplemental examination 95–7
- Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co.* 82–3, 84, 88
- Price Waterhouse World Firm Services BV 110–111
- prior art databases 48

- prior art patents 95
- prior art references 85, 89, 94
- prior commercial use defense 66
- Prioritizing Resources and Organization for Intellectual Property Act (PRO-IP) 32
- professions
 - characteristics 119
 - definition 118–19
 - license to experiment 119–20
- PTO *see* Patent and Trademark Office
- public interest groups 33, 171
- Public Knowledge 33
- purchase order system budgeting
 - patent 124

- quality assessment defense 178
- Quanta Computer, Inc. v. LG Electronics, Inc.* 165, 176

- Rader, R.R. 131–2, 149
- radio-frequency identification
 - technology 176–7
- recorded media 21–2
- Red Hat, Inc. 44–5
- rent-seeking 117
- Restatement (Third) of Agency 142, 147
- revocations, cost of national 192–3
- Roche Products, Inc. v. Bolar Pharmaceutical Co.* 178–9
- Ruckelshaus v. Monsanto Co.* 175

- SAP America, Inc. v. Purple Leaf, L.L.C.* 89
- Sarbanes Oxley Act 111
- Sarbanes Oxley compliance patent 126–7
- Saving High-Tech Innovators from Egregious Legal Disputes (SHIELD) Act 15, 16–17, 37–8
- Saxe v. Hammond* 139
- secured IP products 21
- shale drilling case study 165–75
- Silicon Economics, Inc. v. Financial Accounting Foundation and Financial Accounting Standards Board* 104–5, 108, 109, 117–18
- single-entity rule 149–50, 152–3
- small entities 69–72, 73, 75

- societal costs of accounting-related patents 115–16
- software industry
 - AIA's impact 48
 - institutional pressure 44–7
 - patent concerns 44
 - PTO's administrative patent levers 47–8
- Sony Corp. v. Universal Studios* 31
- South Korea 223
- specialized patent court 131–3, 154–5
 - common law tort liability 136–8
 - Federal Circuit 133–5
 - joint infringement 141–51
 - lessons from risks inherent in 151–4
 - patent infringement liability rules 138–41
 - US patent law 135–6
- start-up firms 74
- State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 46, 106–7, 112, 113–14
- Stop Online Piracy Act (SOPA) 26, 34–5, 38
- strict liability 152–3
- subsequent-entry biologics (SEBs) 223
- supplemental examination
 - inequitable conduct 95–7
 - introduction of new procedure 64, 67–8
 - potential and risk of 76–8
- supply chain execution processes
 - patent 124
- supply chain management patent 125–6
- Supreme Court
 - Association for Molecular Pathology v. Myriad Genetics* 50, 163
 - Bilski v. Doll* 46, 47
 - Bilski v. Kappos* 90, 105, 107, 114, 120
 - Bowman v. Monsanto Co.* 176
 - Diamond v. Chakrabarty* 50
 - Diamond v. Diehr* 44, 106, 113
 - Dixon v. U.S.* 147
 - eBay, Inc. v. MercExchange, L.L.C.* 3, 36, 90, 114
 - Global-Tech Appliances, Inc. v. SEB, S.A.* 141
 - Gottschalk v. Benson* 106, 113

- inequitable conduct 82–3, 84, 85, 90
- KSR International Co. v. Teleflex Inc.* 3, 90
- Mayo Collaborative Services v. Prometheus Laboratories, Inc.* 3, 115, 163
- Microsoft Corp. v. AT&T Corp.* 45–6, 90
- Microsoft Corp. v. i4i Ltd. Partnership* 45–6, 90
- patentable subject matter 106, 113–15, 120
- Patient Protection and Affordable Care Act 212–13, 226
- Quanta Computer, Inc. v. LG Electronics, Inc.* 176

- tax liability projection patent 123–4
- tax reminder and payment facilitation patent 125
- tax strategy patents 37, 68, 104–5
- theft *see* misappropriation
- Therasense, Inc. v. Becton, Dickinson & Co.* 7, 82–3, 93, 99
 - inequitable conduct analysis 83–5
 - inequitable conduct effect 85–6
 - majority opinion 87–8
 - negative impact 88–90
 - procedural history 86–7
 - PTO proposed rulemaking 88
- tort liability 136–8
- Trade-Related Aspects of Intellectual Property Agreement (TRIPS) 15–16
 - coalition 27–8, 35–6
 - computer-enabled misappropriation 29
 - data exclusivity periods 224–5, 226
 - harmonization of patent law 72
 - uniform patent rights across technologies 75
- Trans-Pacific Partnership Agreement (TPPA) 225
- TRIPS *see* Trade-Related Aspects of Intellectual Property Agreement
- trolls 20, 186, 200
 - see also* non-practicing entities (NPEs)
- TSC Indus., Inc. v. Northway, Inc.* 84
- unauthorized use *see* misappropriation
- unenforceability 87, 96, 98
- Universal v. Reimerdes* 31
- US patent law background and foundation 135–6, 151–2
- validity 92–4, 98, 183, 186, 191–7
- vicarious liability 137–8, 144–6
- volatile organic compounds (VOCs) 167, 172
- Wahl Instruments, Inc. v. Acvious, Inc.* 99
- Wasserman, Debbie 53
- Waxman, Henry 218, 225
- Wealth Transfer Group, L.L.C. v. Rowe* 104, 111
- Whittemore v. Cutter* 164
- Wikipedia 26, 35, 38
- WIPO Performances and Phonograms Treaty (WPPT) 15, 17, 29
- World Intellectual Property Organization Copyright Treaty (WCT) 15, 17, 29
- YouTube 34

