

Table of cases

United Kingdom

QBE Management Services (UK) Ltd. v. Dymoke [2012] EWHC 80 (QB).....	210
Rylands v. Fletcher 3 H. & C. 744, 159 Eng. Rep. 737, rev'd, L.R. 1 (Ex. 265), aff'd, L.R. 3 H.L. 330 (1868) (English & Irish Appeals)	38

International

China

Eli Lilly Trade Secrets case, 2013.....	206
SI Group/Sino Legend Shanghai No.2 Intermediate People's Court, June 2012.....	188–9
Siwei Industries (Shenzhen) Co. Ltd. v. Avery Dennison Corp.....	160
The Interpretation of Certain Issues Related to the Application of Law in Trials of Civil Cases Involving Unfair Competition, Supreme People's Court	205–6

France

Cour de cassation, Jul. 12, 2006, Bull. civ., No. 5-15472	240
---	-----

India

American Express Bank Ltd. v. Puri (2006) III L.L.J. (Delhi H.C.) 540 (May 24, 2006).....	210, 211
Brahmaputra Tea Co. Ltd. v. Scarth, I.L.R. 11 Cal. 545	211
Niranjan Shankar Golikari v. Century Spinning & Mfg. Co. Ltd., A.I.R. 1967SC1098.....	211
V.V. Sivaram and Ors v. Foseco India Ltd. 2006 (1) Kar. L.J. 386	211, 212

United States of America

Addison v. Huron Stevedoring Corp., 204 F.2d 88, 95 (2d Cir. 1953)	137
Agui v. T-Mobile, Inc. No. 09-2955 (E.D.N.Y. July 10, 2009)	133
Al-Site Corp. v. VSI Int'l, Inc. 174 F.3d 1308 (Fed. Cir. 1999)	26
Am. Fuel Corp. v. Utah Energy Dev. Co., 122 F.2d 130, 134 (2d Cir. 1997).....	29
Am. Med. Ass'n v. United States, 317 U.S. 519 (1943)	49
Anderson v. Mt. Clemens Pottery, 328 U.S. 680, 690-91 (1946), superseded by statute, 29 U.S.C. §§ 251–62 (2012)	128, 135
Armour & Co. v. Wantock 323 U.S. 126, 168 (1944)	128, 132
Automotriz del Golfo de California S.A. de C.V. v. Resnick, 306 P.2d 1, 3 (1957)	17

Bangkok Broadcasting & T.V. Co. Ltd. v. IPTV Corp. 742 F. Supp. 2d 1101 (C.D. Cal. 2010)	32
Beshada v. Johns-Manville Prod. Corp., 447 A.2d 539, 548 (N.J. 1982).....	39
Bessemer Trust Co. v. Branin, 16 N.Y.3d 549 (2011)	78
Bewal, Inc. v. Minnesota Mining & Mfg. Co., 292 F.2d 159, 167 (10th Cir. 1961).....	23
Board of Trade v. U.S., 246 U.S. 231, 238 (1918)	263
Bd. of Trs. of the Leland Stanford Junior Univ. v. Roche Molecular Sys., 131 S. Ct. 2188 (2011)	47, 55, 57–62, 65, 67, 68
Brock v. Norman’s Country Market, Inc., 835 F.2d 823, 828 (11th Cir.1988).....	142
Burrow-Giles Lithographic Co. v. Sarony, 111 U.S. 253(1884)	229
Carbice Corp. of Am. v. Am. Patents Dev. Corp., 283 U.S. 27, 33 (1931)	20
Community for Creative Non-Violence v. Reid, 490 US 730 (1989)	230
Crigler v. Salac, 438 So.2d 1375, 1380 (Ala. 1983)	18
Dangler v. Imperial Machine Co., 11 F.2d 945, 947 (7th Cir. 1926).....	18, 22, 23
Dean Rubber Mfg. Co. v. Killian, 106 F.2d 316, 320 (8th Cir. 1939)	22
Disney Enterprises, Inc. v. Hotfile Corp. 2013 U.S. Dist. LEXIS 172339, at *42 (S.D. Fla. Sept. 20, 2013)	35
Dole Food Co. v. Patrickson, 538 U.S. 468, 475 (2003).....	17
Donsco, Inc. v. Casper Corp., 587 F.2d 602, 606 (3d Cir. 1978).....	18
Dowagiac Mfg. Co. v. Minnesota Moline Plow Co., 235 U.S. 641, 648 (1915)	19
Dunlop v. City Electric, Inc., 527 F.2d 394, 401 (5th Cir. 1976).....	135
Duplan Corp. v. Deering Milliken Inc., 444 F.Supp. 648 (D.S.C. 1977)	264
Educ. Testing Serv. v. Simon, 95 F. Supp. 2d 1081, 1087 (C.D. Cal. 1999)	30
EEOC v. Arabian Am. Oil. Co., 499 U.S. 244, 248 (1991)	174
E.I. DuPont De Nemours and Co. v. Kolon Indus., Inc., 286 F.R.D. 288 (E.D. Va. Oct. 5, 2012)	200
Emi Mills Music, Inc. v. Empress Hotel, Inc., 470 F. Supp. 2 67, 74 (D. P.R. 2006).....	33, 35
Fahmy v. Jay-Z, 788 F.Supp. 2d 1072 (C.D. Cal. 2011)	250
Famous Music Corp. v. Bay State Harness Horse Racing & Breeding Assoc., Inc. 423 F. Supp. 341 (D. Mass. 1976), aff’d, 554 F.2d 1213 (1st Cir. 1977).....	33, 34, 35, 36, 40, 41
Fish v. East, 114 F.2d 177, 191 (10th Cir. 1940).....	16
FMC Finance Corp. v. Murphree, 632 F.2d 413, 421 (5th Cir. 1980)	16
Fonovisa Inc. v. Cherry Auction, Inc., 76 F.3d 259, 261–62 (9th Cir. 1996).....	30
Gershwin Publ’g Corp. v. Columbia Artists Mgmt., Inc., 443 F.2d 1159, 1162 (2d Cir. 1971).....	30
Glenn L. Martin Nebraska Co. v. Culklin, 197 F. 2d 981, 98 (8th Cir. 1952)	137
Global-Tech Appliances, Inc. v. SEB S.A., 131 S. Ct. 2060 (2011).....	20, 41
Greenman v. Yuba Power Prods., Inc., 377 P.2d 897, 901 (Cal. 1963).....	39
Grocela v. Gen. Hosp. Corp., No. 120459, 2012 Mass. Super. LEXIS 206, at *5, (Mass. Super. July 12, 2012)	45, 62, 63, 64, 65, 67
Hall v. Bed Bath & Beyond, Inc. 705 F.3d 1357 (Fed. Cir. 2013)	28
Hesseltine v. Goodyear Tire & Rubber Co., 391 F. Supp.2d 509, 519 (E.D. Tex. 2005)	137
Hiner v. Penn-Harris-Madison School Corp., 256 F. Supp.2d 854, 861 (N.D. Ind. 2003)	139

Hoover Group, Inc. v. Custom Metalcraft, Inc., 84 F.3d 1408 (Fed. Cir. 1996)	25, 26, 28
IBP, Inc. v. Alvarez, 546 U.S. 21, 25 (2005).....	127
Itar-tass Russian News Agency v. Russian Kurier, Inc., 153 F.3d 82 (2d Cir. 1998)	250, 251
Jurgens v. CBK, Ltd., 80 F.3d 1566, 1570 n.2 (Fed. Cir. 1996)	20
Krivo Indus. Supply Co. v. Nat'l Distillers & Chem. Corp., 483 F.2d 1098, 1102 (5th Cir. 1973), modified per curiam, 490 F.2d 916 (5th Cir. 1974)	16
Kai-Fu Lee (Microsoft/Google case)	84
Lahiri v. Universal Music and Video Distribution, Inc., 513 F. Supp. 2d 1172, 1176 (C.D. Cal. 2007)	250
Limelight Networks, Inc. v. Akamai Techs., Inc., 134 S. Ct. 2111, 2117 (2014)	20
Lindow v. United States, 738 F.2d 1057 (9th Cir. 1984).....	136
Manville Sales Corp. v. Paramount Systems, Inc. 917 F.2d 544 (Fed. Cir. 1990)	25, 26, 28
Marvin Music Co. v. BHC Ltd. Partnership, 830 F. Supp. 651, 655 (D. Mass. 1993).....	33, 34
Morrison v. Nat'l Austl. Bank Ltd., 130 S. Ct. 2869 (2010)	174
Murphy Tugboat Co. v. Shipowners & Merchants Towboat Co., 467 F. Supp. 841, 852 (N.D. Cal. 1979), aff'd, 658 F.2d 1256 (9th Cir. 1981)	18
National Dev. Co. v. Gray, 316 Mass. 240, 247 (1944)	63
Orthokinetics, Inc. v. Safety Travel Chairs, Inc. 806 F.2d 1565 (Fed. Cir. 1986)	23, 24, 25, 26, 28, 37
Owens v. Local No. 169, 971 F.3d 347, 350 (9th Cir. 1992)	131
Perez v. Mountaire Farms, Inc., 650 F.3d 350, 363 (4th Cir. 2011)	127
Poppenhusen v. New York Gutta Percha Comb Co., 19 F. Cas. 1059, 1063 (C.C.S.D. N.Y. 1858)	19
Revere Transducers, Inc. v. Deere & Co., 595 N.W.2d 751 (Iowa 1999)	78
Roy Export Co. Establishment v. Trs. of Columbia Univ., 344 F. Supp. 1350, 1352 (S.D.N.Y. 1972)	31
Rulli v. CB Richard Ellis, Inc No. 2009cv00289 (E.D. Wis. March 13, 2009)	134
Rutti v. Lojack Corp., Inc., 596 F.3d 1046 (9th Cir. 2010)	134–5, 136
Santa Fe Pomeroy Inc. v. P&Z Corp, 569 F.2d 1084 (9th Cir. 1978).....	260, 264
Saregama India Ltd. v. Mosley, 687 F. Supp. 2d 1325, 1334 (S.D. Fla. 2009), aff'd, 635 F. 3d 1284, 1290 (11th Cir. 2011).....	251
Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935)	102
Screen Gems-Columbia Music, Inc. v. Mark-Fi Records, Inc., 256 F. Supp. 399, 403 (S.D.N.Y. 1966).....	32
Seoul Broadcasting v. Young Min Ro, 784 F. Supp. 2d 611, 614–15 (E.D. Va., 2011)	251
Shapiro, Bernstein & Co. v. H.L. Green Co., 316 F.2d 304 (1963)	31, 36, 41
Sony Corp. of Am. v. Universal City Studios, Inc., 464 U.S. 417, 439 (1984)	30
Southwestern Tool Co. v. Hughes Tool Co., 98 F.2d 42, 46 (10th Cir. 1938)	22, 23
Stanford v. Roche (see Bd. of Trs. of the Leland Stanford Junior Univ. v. Roche Molecular Sys.)	14, 57–68
Strang v. Hollowell, 387 S.E.2d 664, 666 (N.C. Ct. App. 1990).....	18
Ted Browne Music Co. v. Fowler, 290 F. 751, 754 (2d Cir. 1923)	29
Telling v. Bellows-Claude Neon Co., 77 F.2d 584, 586 (6th Cir. 1935).....	23

Tennessee Coal, Iron & Ry. Co. v. Muscoda Local No. 13, 321 U.S. 590 (1944), superseded on other grounds by statute, 29 U.S.C § 254 (2012)	128, 129
TianRui Group Co. Ltd. v. Int’l Trade Comm., 661 F.3d 1322 (2011)	151, 155, 158, 159, 160, 161, 162, 168, 173–6, 196, 197, 213, 261
Transparent Wrap Machine Corp. v. Stokes & Smith Co., 329 U.S. 637 (1947) ...	264
Twin-Star International, Inc. and TS Investment Holding Corp. v. Whalen Furniture Manufacturing, Inc., 3:2011cv1984 (S.D. Cal. 2011)	164
Twin-Star International, Inc. and TS Investment Holding Corp. v. Yue Qui Sheng, Elements International LLC and Elements International Group LLC, 1:2011cv00919 (D. Del. 2011)	164
United States v. Aleynikov, 676 F.3d 71 (2d. Cir. 2012)	194, 195
United States v. Kolon Indus., Inc., 926 F. Supp. 2d 794 (E.D. Va. Feb. 22, 2013)	200
United States v. Pangang Group Co. et al., 879 F. Supp. 2d 1052 (N.D. Cal., Jul.23, 2012).....	200
United States v. Sinovel Wind Group Co., Ltd., No. 13 CR 84 BBC (W.D. Wis. filed June 27, 2013)	189, 190
Viscofan, S.A. v. U.S. Int’l Trade Comm’n, 787 F.2d 544, 546 (Fed. Cir. 1986).....	157, 169
Walker v. Anderson, 232 S.W.3d 899, 918 (Tex. App. 2007)	16
Weller Mfg. Co. v. Wen Prods. Inc., 231 F.2d 795, 801 (7th Cir 1956)	23
Wechsler v. Macke Int’l Trade, Inc., 486 F.3d 1286 (Fed. Cir. 2007), appeal withdrawn, 274 Fed. Appx 870 (Fed. Cir. 2008)	26–7
West v. Verizon Services Corp., 2011 WL 208314 (M.D. Fla.).....	130, 131, 132, 133, 141
West Coast Hotel v. Parrish, 300 U.S. 379 (1937).....	102
White v. Mar-Bel, Inc., 509 F.2d 287, 292-93 (5th Cir. 1975)	23
White v. Marshall 693 F. Supp. 2d 873 (E.D. Wis. 2009)	36
Windsurfing Intl., Inc. v. AMF, Inc., 782 F.2d 995, 1001 (Fed. Cir. 1986).....	263
Word Music, LLC v. Lynns Corp. of Am., 2010 U.S. Dist. LEXIS 95559 (M.D. Tenn. Sept. 13, 2010)	36–7
Wordtech Systems, Inc. v. Integrated Networks Solutions, Inc., 609 F.3d 1308 (Fed. Cir. 2010)	27, 28
Zajicek v. Koolvent Metal Awning Corp. of America, 283 F.2d 127 (9th Cir. 1960)	257
Zivali v. AT&T Mobility Inc. 784 F. Supp.2d 456 (E.D.N.Y. 2013)	142

Administrative Proceeding Materials

Certain Apparatus for the Continuous Production of Copper Rod (Copper Rod), Inv. No. 337-TA-52, USITC Pub. 1017 (Nov. 23, 1979)	155, 156, 157, 158
Certain Processes for the Manufacture of Skinless Sausage Casings and Resulting Product, Inv. (Sausage Casings), No. 337-TA-148 and 337-TA-169, USITC Pub. 1624 (July 31, 1984).....	156, 157, 158, 159, 162, 168, 169, 196
Garment Hangers, Inv. No. 337-TA-255, Initial Determination (June 17, 1987)	157, 158, 162

In the matter of Certain Cast Steel Railway Wheels, Certain Processes for Manufacturing the Same and Certain Products Containing Same, ITC Initial Determination, 2009 WL 4261206 158, 159

In the Matter of Certain Crawler Cranes and Components Thereof, Complaint, Inv. No. 337-TA-887 (June 12, 2013)..... 171

In the Matter of Certain Crawler Cranes and Components Thereof, Notice (July 11, 2013)..... 172

In the Matter of Certain Crawler Cranes and Components Thereof, Notice of Commission Determination to Review in Part Determination Granting Summary Determination (Mar. 19, 2014) 172

In the Matter of Certain Crawler Cranes and Components Thereof, Order No. 21 (Feb. 20, 2014)..... 172

In the Matter of Certain DC-DC Controllers and Products Containing Same, Inv. No. 337-TA-698, Enforcement Initial Determination (June 8, 2012) 161–3

In the Matter of Certain Electric Fireplaces, Inv. Nos. 337-TA-826/791 ... 163–6, 197

In the Matter of Certain Electric Fireplaces, Commission Opinion, Inv. No. 337-TA- 791/826 (May 29, 2013)..... 164

In the Matter of Certain Electric Fireplaces, Complaint, 337-TA-791 (June 17, 2011) 163–6

In the Matter of Certain Electric Fireplaces, Limited Exclusion Order, Inv. No. 337-TA-791/826 (May 2013)..... 165

In the Matter of Certain Electric Fireplaces, Notice of Commission Decision to Review-in-Part an Initial Determination (Sept. 14, 2012) 165

In the Matter of Certain Paper Shredders, Certain Processes for Manufacturing or Relating to Same, Complaint, Inv. No. 337-TA-863 (Dec. 2012) 169–70

In the Matter of Certain Paper Shredders, Certain Processes for Manufacturing or Relating to Same, Inv. No. 337-TA-863 170, 197

In the Matter of Certain Robotic Toys and Components Thereof, Complaint, Inv. No. 337-869 (Jan. 4, 2013)..... 170–71, 197

In the Matter of Certain Robotic Toys and Components Thereof, Order No. 6 (Apr. 10, 2013)..... 171

In the Matter of Certain Robotic Toys and Components Thereof, Notice of Institution of Investigation, Inv. No. 337-869 (Feb. 5, 2013) 171

In the Matter of Certain Rubber Resins and Processes for Manufacturing Same, Complaint, Inv. No. 337-TA-849 (May 21, 2012) 166–9, 197

In the Matter of Certain Rubber Resins and Processes for Manufacturing Same, Commission Opinion, Inv. No. 337-TA-849 (Feb. 26, 2014)..... 168, 169

In the Matter of Certain Rubber Resins and Processes for Manufacturing Same, Initial Determination, Inv. No. 337-TA-849 (June 17, 2013)..... 168