

This is your new edition

Intellectual Property Law Answer Book 2019 Edition

Cravath, Swaine & Moore LLP

Experts from Cravath answer hundreds of questions about the basics of patent, trademark, and copyright law in the 2019 edition of the *Intellectual Property Law Answer Book*. Like previous editions, this book addresses the fundamentals of all three areas of intellectual property. Emphasizing clarity and succinctness, the authors provide essential definitions, set out basic policies and principles, describe relevant procedures of the U.S. Patent and Trademark Office and the U.S. Copyright Office, explain the elements of infringement actions, comment on practical aspects of litigation, and much more.

Supplementing the handy question-and-answer format are useful case studies, sample documents, charts and tables, and practical tips for practitioners.

Patent law updates in this edition include a Federal Circuit ruling upholding method-of-treatment claims as patentable, the first such determination since the Supreme Court's *Mayo* case (Q 1.10.1); the Supreme Court's ruling, in *Oil States Energy Services, Inc. v. Greene's Energy Group, LLC*, that inter partes review does not violate either Article III or the Seventh Amendment of the Constitution (Q 6.5.1); limits on appeals to the Federal Circuit from final decisions of the PTAB (new Q 6.5.7); the effect of sovereign immunity on the institution of inter partes review by the PTAB (new Q 6.5.9); the Supreme Court's *WesternGeco LLC, v. ION Geophysical Corp.*, holding that damages awards for lost foreign profits due to exportation of components from the United States are appropriate under 35 U.S.C. § 284 (new Q 9.1.2); and the impact of *TC Heartland* on venue practice in the lower courts (Q 10.8).

Trademark law updates cover the treatment of "scandalous" or "immoral" trademarks (new Q 16.12); the scope of trademark protection for

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consumer goods, with reference to the yellow used on Cheerios packages and the green and yellow used on John Deere farm equipment (new Q 16.15.3); the Fifth Circuit's ruling that use of THE KRUSTY KRAB for a restaurant would create a likelihood of confusion as to its source and affiliation with plaintiff's trademark of the name of a fictional restaurant in its TV show *SpongeBob SquarePants* (Q 18.6.10); and the PTO's latest views on awards of attorneys' fees (Q 20.11).

Copyright law updates focus on the concept of "thin" copyright (new Q 25.2.2); the merger doctrine (new Q 25.2.3); the treatment of a website's "in-line" or embedded links to third-party copyrighted material (new Q 25.7); the applicability of the first sale doctrine in the era of digital media (Q 26.8.1); the protection of industrial design (new Q 26.25); whether the statutory termination right supersedes agreements to the contrary (new Q 27.7.1); whether registration with the Copyright Office is necessary to recover statutory damages for an infringement (new Q 29.11.3); and criminal offenses under the Artists' Rights and Theft Prevention Act (Q 29.14).

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