CONTENTS

Preface xxiii  
Acknowledgments xxv

CHAPTER 1
Introduction 1
A. Intellectual Property Regimes 2
   1. Patent Law 2  
      Matt Richtel, Edison . . . Wasn't He the Guy  
      Who Invented Everything? 3
   2. Copyright Law 5  
      Tom Zeller, Link by Link; the Imps of File Sharing  
      May Lose in Court, but They  
      Are Winning in the Marketplace 6
   3. Trademark Law 7  
      Michael Wilson, Chinatown Stores  
      Raided in Counterfeit-Goods Sweep 8
      Omega, S.A. v. S & N Jewelry Inc. 9
   4. Copyright and Patent Law's Common Foundation 12
   5. Trade Secret Law 15
B. The Structure of This Book 16

CHAPTER 2
Acquiring Patent Rights 19
Introduction 19
A. Claiming and Disclosing the Invention 28
   1. Claim Interpretation 28  
      Phillips v. AWH Corp. 29
      Comments 42
   2. Enablement 46  
      O'Reilly v. Morse 46
      Comments 50
      Policy Perspective: Optimal Claim Scope  
      and Patent Law's Delicate Balance 54
      Automotive Technologies International,  
      Inc. v. BMW of North America, Inc. 55
3. Written Description 66
  Ariad Pharmaceuticals, Inc. v. Eli Lilly & Co. 66
  Comments 73

4. Definiteness 77
  Nautilus, Inc. v. Biosig Instruments, Inc. 77
  Comments 84

B. Statutory Subject Matter and Utility 86
  1. Statutory Subject Matter 86
     Comparative Perspective: Subject Matter Eligibility Under the European Patent Convention 87
     Diamond v. Chakrabarty 88
     Comments 96
     Mayo Collaborative Services v. Prometheus Laboratories, Inc. 97
     Comments 107
     Association for Molecular Pathology v. Myriad Genetics, Inc. 111
     Comments 118
     Comparative Perspective: Patenable Subject Matter, Morality, and Biotechnology in Europe 123
     Alice Corporation Pty. v. CLS Bank International 124
     Comments 132
     Comparative Perspective: Software and Business Method Patents in Europe 142
  2. Utility 143
     Brenner v. Manson 143
     Comments 148

C. Novelty and Priority 149
  1. Proving Date of Invention 150
     Problem 152
  2. “Known or Used” 152
     Rosaire v. Baroid Sales Div. 152
     Comments 155
     Patent Reform Perspective: Novelty Under the AIA 158
     Comparative Perspective: Defining Prior Art and Geographical Limitations 163
  3. Priority 163
     Griffith v. Kanamaru 164
     Fujikawa v. Wattanasin 169
     Comments 176

D. Nonobviousness 178
  1. The Graham Test 180
     Graham v. John Deere Co. 180
     Comments 186
Comparative Perspective: Section 103's European Counterpart—“Inventive Step” 189

2. Determining Obviousness (or Not) 190
   KSR International Co. v. Teleflex, Inc. 191
   Comments 203

E. Statutory Bars 214
   1. On-Sale Bar 216
      Space Sys./Loral, Inc. v. Lockheed Martin Corp. 216
      Comments 218
   2. Public-Use Bar 223
      Egbert v. Lippmann 223
      Comments 226
      Problem 229
      Patent Reform Perspective: Statutory Bars and Exceptions Under the AIA 230
      Comparative Perspective: Third-Party Activity in Europe and Japan 233
   3. Experimental Use 233
      Lough v. Brunswick Corp. 233
      Comments 238
      Problem 239
   4. “Printed Publication” 240
      In re Klopfenstein 240
      Comments 245

CHAPTER 3
Enforcing Patent Rights 249

Introduction 249
A. Literal Infringement 253
   Larami Corp. v. Amron 253
   Comments 256
B. Doctrine of Equivalents 258
   Graver Tank & Manufacturing Co. v. Linde Air Prods. Co. 259
   Comparative Perspective: Non-Literal Infringement in Europe 263
   Warner-Jenkinson Co. v. Hilton Davis Chem., Inc. 263
   Comments 270
C. Limitations on the Doctrine of Equivalents and Claim Scope 275
   1. Prosecution History Estoppel 275
      Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co. 275
      Comments 282
   2. Disclosure-Dedication Rule 287
      Johnson & Johnston Assoc., Inc. v. R.E. Serv. Co., Inc. 287
      Comments 293
   3. All-Limitations Rule 294
D. Indirect Infringement 296
   Lucent Technologies, Inc. v. Gateway, Inc. 297
CHAPTER 4
Defenses to Patent Infringement

Introduction
A. The Scope of Patent Exhaustion and the Repair-Reconstruction Doctrine
   Comments
B. The Use (and Misuse) of Contracts in Patent Law
   1. Patent Misuse
      Morton Salt Co. v. G.S. Suppiger Co.
      Comments
   2. Field-of-Use Restrictions
      Mallinckrodt v. Medipart
      Quanta Computer, Inc. v. LG Electronics, Inc.
      Lexmark International, Inc. v. Impression Products, Inc.
      Comments
C. Antitrust
   Nobelpharma AB v. Implant Innovations, Inc.
   Comments
   Comments
D. Inequitable Conduct
   Therasense, Inc. v. Becton, Dickinson & Co.
   Comments

CHAPTER 5
Remedies for Patent Infringement

Introduction
A. Money Damages
   1. Lost Profits
      Micro Chemical, Inc. v. Lextron, Inc.
      Comments
   2. Reasonable Royalty
      Lucent Technologies, Inc. v. Gateway, Inc.
      Comments
B. Equitable Relief
   Amazon.com, Inc. v. Barnesandnoble.com, Inc.
   Celsis In Vitro, Inc. v. Cellzdirect, Inc.
   Comments
   eBay Inc. v. MercExchange, L.L.C.
   Comments
CHAPTER 6  
Acquiring Copyrights  

Introduction  

Policy Perspective: The Theories and Policies of Copyright Law  

A. Requirements for Copyright Protection  

1. Originality and Authorship  

   Bleistein v. Donaldson Lithographing Co.  
   Comments  
   Problem  

   Feist Publications, Inc. v. Rural Telephone Service Co.  
   Comments  
   Problem  

   Comparative Perspective: Database Protection  
   Meshwerks, Inc. v. Toyota Motor Sales U.S.A., Inc.  
   Comments  

2. Fixation  

   Historical Perspective: The Origins of Modern Copyright Law  
   Williams Electronics, Inc. v. Artic International, Inc.  
   Comments  
   García v. Google, Inc.  
   Comments  

3. Expression  

   Baker v. Selden  
   Comments  
   Nash v. CBS, Inc.  
   Comments  
   Bikram’s Yoga College of India, L.P. v. Evolation Yoga, LLC  
   Problem  

B. Limitations on Copyrightability  

   CCC Information Services, Inc. v. Maclean Hunter Market Reports, Inc.  
   Comments  
   Problem  

C. Classifying Copyrightable Works  

1. Distinguishing the Work of Authorship from the Copy  

2. The Statutory Categories  

   a. Pictorial, Graphic, and Sculptural Works  
      Varsity Brands, Inc. v. Star Athletica, LLC  
      Comments  
      Problem  

   b. Derivative Works
Schrock v. Learning Curve International, Inc. 543
Comments 549

c. Characters 551
Klinger v. Conan Doyle Estate, Ltd. 551
Comments 557

D. Formalities 558
Comparative Perspective: The Development of International Copyright Law 560
1. Notice 561
2. Registration and Deposit 563
3. Publication 564
Estate of Martin Luther King, Jr. v. CBS, Inc. 564
Comments 568
Problem 569

E. Ownership 570
1. Collaboration and Joint Works 571
Aalmuhammed v. Lee 571
Comments 577
Problem 579
2. Works Made for Hire 580
Community for Creative Non-Violence v. Reid 580
Comments 588
3. Duration, Renewal, Transfers, and Termination 590
Comparative Perspective: The Duration of Copyright 593

CHAPTER 7
Enforcing Copyrights 595
A. Direct Infringement 596
1. Copying or Independent Creation? 597
Three Boys Music Corp. v. Bolton 597
Comments 603
Policy Perspective: The Reproduction Right Under Section 106(1) and Copies in Computer Memory 605
2. Infringing Copying — Misappropriation 607
Tufenkian Import/Export Ventures, Inc. v. Einstein Moomjy, Inc. 607
Comments 614
Funky Films, Inc. v. Time Warner Entertainment Co. 616
L.A. Printex Industries, Inc. v. Aeropostale, Inc. 623
VMG Salsoul, LLC v. Ciccone 630
Comments 637
Problems 640
3. The Right to Prepare Derivative Works 642
Micro Star v. FormGen, Inc. 643
Comments 647
Problem 650

4. The Right to Distribute Copies of the Work
   *London-Sire Records, Inc. v. Doe 1*
   Comments
   Problem

5. The Public Display and Public Performance Rights
   *Columbia Pictures Industries v. Redd Horne, Inc.*
   Comments
   Comments
   Comparative Perspective: Patent Infringement and Trademark Infringement Compared

B. Secondary Liability
   *Fonovisa, Inc. v. Cherry Auction, Inc.*
   *Flava Works, Inc. v. Gunter*
   Comments
   Note on *Sony Corp. of America v. Universal City Studios, Inc.*
   Problem

C. The Digital Millennium Copyright Act
   1. Anti-Circumvention and Technological Protection Measures
      *RealNetworks, Inc. v. Streambox, Inc.*
      Comments
   2. Protection for Copyright Management Information

D. Moral Rights
   *Cheffins v. Stewart*
   Comments
   Note on *Gilliam v. American Broadcasting Companies, Inc.*

![Contents](http://example.com/contents.png)

**CHAPTER 8**

Defenses to Copyright Infringement

A. Copyright Licensing
   1. Express Licenses
      *Random House v. Rosetta Books*
      Comments
      Policy Perspective: New Use Problems
   2. Implied Licenses
      *Asset Marketing Systems, Inc. v. Gagnon*
      Comments
      Problem

B. Fair Use
Historical Perspective: The Curious and Limited Life of Personal Use as Fair Use 772

Campbell v. Acuff-Rose Music, Inc. 775

Comments 785

Counseling Perspective: Fair Use and Copyright Counseling 788

Bill Graham Archives v. Dorling Kindersley Ltd. 789

Comments 796

The Authors Guild v. Google, Inc. 799

Comments 819

Problems 821

Comparative Perspective: Fair Use and Fair Dealing 822

C. First Sale 822

Lee v. A.R.T. Co. 824

Comments 826

Problem 828

Kirtsaeng v. John Wiley & Sons, Inc. 829

Comments 839

D. Safe Harbors For ISPs Under the Digital Millennium Copyright Act 841

Viacom International, Inc. v. Youtube, Inc. 842

Comments 855

Lenz v. Universal Music Corp. 857

Comments 865

E. Compulsory Licenses and Regulatory Copyright 866

1. Compulsory Licenses 867

a. Mechanical Licensing 867

Policy Perspective: Cover Recordings 868

Note on the Digital Performance Right in Sound Recordings Act 869

Note on Collective Rights Organizations 870

b. Cable and Satellite Systems 871

2. Special Exemptions for Libraries, Not-for-Profit Organizations, and Intermediaries 872

Note on U.S. Compliance with TRIPs and the Berne Convention 873

CHAPTER 9

Remedies for Copyright Infringement 875

A. Injunctive Relief 876

Salinger v. Colting 876

Comments 884

Universal City Studios, Inc. v. Reimerdes 885

Comments 890

Note on Suntrust Bank v. Houghton Mifflin Co. 892

Problem 893
CHAPTER 10
Acquiring Trademark Rights

A. The Concept of Distinctiveness

1. Classification of Word Marks
   *Abercrombie & Fitch Co. v. Hunting World, Inc.*
   Comments
2. Descriptiveness
   *Zatarain’s, Inc. v. Oak Grove Smokehouse, Inc.*
   Comments
3. Genericness
   *Horizon Mills Corp. v. QVC, Inc.*
   Comments
   Problems
   Theoretical Perspective: Justifications for Varying Degrees of Protection of Marks

2. Non-Word Marks and Trade Dress
   1. Distinctiveness of Non-Word Marks
      *Amazing Spaces, Inc. v. Metro Mini Storage*
      Comments
   2. Trade Dress Distinctiveness
      *Two Pesos, Inc. v. Taco Cabana, Inc.*
### Contents

**Qualitex Co. v. Jacobson Products Co.** 1001

Comments 1008

**Wal-Mart Stores, Inc. v. Samara Bros., Inc.** 1009

Comments 1013

International Perspective: International Protection of Nontraditional Marks 1014

---

**B. The Functionality Doctrine** 1015

**Qualitex Co. v. Jacobson Products Co.** 1016

**TrafFix Devices, Inc. v. Marketing Displays, Inc.** 1017

Comments 1020

1. **Mechanical Functionality After TrafFix** 1022

**Valu Engineering, Inc. v. Rexnord Corp.** 1022

**Apple Inc. v. Samsung Electronics Co., Ltd.** 1029

Comments 1035

2. **Aesthetic Functionality** 1036

**Au-Tomotive Gold, Inc. v. Volkswagen of America, Inc.** 1036

**Christian Louboutin S.A. v. Yves Saint Laurent America Holding, Inc.** 1046

Comments 1056

3. **Putting Functionality Together** 1057

**Jay Franco & Sons, Inc. v. Franek** 1057

Comments 1062

Problems 1063

Theoretical Perspective: Availability of Alternatives and Promoting Competition 1064

---

**C. Acquisition, Use, and Priority** 1065

1. **Acquisition of Common Law Rights by Use in Commerce** 1065

**Blue Bell, Inc. v. Farah Manufacturing Co.** 1065

Comments 1071

**Hana Financial, Inc. v. Hana Bank** 1072

2. **Use-Based Registration and Priority** 1075

**Allard Enterprises, Inc. v. Advanced Programming Resources, Inc.** 1076

Comments 1081

3. **Intent to Use** 1081

**WarnerVision Entertainment Inc. v. Empire of Carolina, Inc.** 1082

Comments 1085

Problem 1086

---

**D. Geographic Scope of Rights** 1086

**United Drug Co. v. Theodore Rectanus Co.** 1087

Comments 1092

**National Association for Healthcare Communications, Inc. v. Central Arkansas Area Agency on Aging, Inc.** 1093

Comments 1097
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem</td>
<td>1098</td>
</tr>
<tr>
<td>E. Federal Registration</td>
<td>1099</td>
</tr>
<tr>
<td>1. The Registration Process</td>
<td>1099</td>
</tr>
<tr>
<td>International Perspective: Trademark Registration in Foreign Countries</td>
<td>1102</td>
</tr>
<tr>
<td>2. Substantive Grounds for Refusing Registration</td>
<td>1103</td>
</tr>
<tr>
<td>a. Actual Use in Interstate Commerce</td>
<td>1103</td>
</tr>
<tr>
<td>b. Deceptive, Misdescriptive, and Deceptively Misdescriptive Marks</td>
<td>1104</td>
</tr>
<tr>
<td>c. Geographic Marks</td>
<td>1105</td>
</tr>
<tr>
<td>In re California Innovations, Inc.</td>
<td>1105</td>
</tr>
<tr>
<td>Comments</td>
<td>1108</td>
</tr>
<tr>
<td>Problems</td>
<td>1110</td>
</tr>
<tr>
<td>International Perspective: Geographic Marks for Wines and Spirits</td>
<td>1111</td>
</tr>
<tr>
<td>d. Scandalous, Immoral, and Disparaging Marks</td>
<td>1111</td>
</tr>
<tr>
<td>In re Simon Shiao Tam</td>
<td>1113</td>
</tr>
<tr>
<td>3. Opposition and Cancellation</td>
<td>1142</td>
</tr>
<tr>
<td>Park 'N Fly, Inc. v. Dollar Park and Fly, Inc.</td>
<td>1143</td>
</tr>
<tr>
<td>Comments</td>
<td>1147</td>
</tr>
<tr>
<td>F. Loss of Rights</td>
<td>1148</td>
</tr>
<tr>
<td>1. Abandonment Through Non-Use</td>
<td>1148</td>
</tr>
<tr>
<td>Emergency One, Inc. v. American FireEagle, Ltd.</td>
<td>1149</td>
</tr>
<tr>
<td>Comments</td>
<td>1155</td>
</tr>
<tr>
<td>2. Naked Licensing and Assignment in Gross</td>
<td>1156</td>
</tr>
<tr>
<td>Stanfield v. Osborne Industries, Inc.</td>
<td>1157</td>
</tr>
</tbody>
</table>

## Chapter 11

### Rights of Trademark Owners

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Trademark Infringement</td>
<td>1163</td>
</tr>
<tr>
<td>1. The Likelihood of Confusion Standard</td>
<td>1164</td>
</tr>
<tr>
<td>Virgin Enterprises Ltd. v. Nawab</td>
<td>1164</td>
</tr>
<tr>
<td>Comments</td>
<td>1173</td>
</tr>
<tr>
<td>Problems</td>
<td>1181</td>
</tr>
<tr>
<td>2. Amount of Confusion</td>
<td>1182</td>
</tr>
<tr>
<td>3. Confusion as to What?</td>
<td>1183</td>
</tr>
<tr>
<td>a. Sponsorship or Affiliation</td>
<td>1184</td>
</tr>
<tr>
<td>Warner Bros., Inc. v. Gay Toys, Inc.</td>
<td>1184</td>
</tr>
<tr>
<td>Comments</td>
<td>1186</td>
</tr>
<tr>
<td>b. Reverse Confusion</td>
<td>1187</td>
</tr>
<tr>
<td>A&amp;H Sportswear, Inc. v. Victoria’s Secret Stores, Inc.</td>
<td>1188</td>
</tr>
<tr>
<td>Comments</td>
<td>1195</td>
</tr>
<tr>
<td>Problem</td>
<td>1195</td>
</tr>
<tr>
<td>4. Confusion Away from the Point of Sale</td>
<td>1196</td>
</tr>
</tbody>
</table>
a. Initial Interest Confusion 1196
   1-800 Contacts, Inc. v. Lens.com 1196
   Multi Time Machine, Inc. v. Amazon.com, Inc. 1209
   Comments 1221
   Problem 1222
   Policy Perspective: Trademark Rights,
   Search Costs, and Competition 1223
b. Post-Sale Confusion 1224
   General Motors Corp. v. Keystone
   Automotive Industries 1224
   Comments 1228
   Secondary Liability 1229
   Tiffany (NJ), Inc. v. eBay, Inc. 1229
   Comments 1241
   Problem 1243
B. Trademark Dilution 1243
   Moseley v. V Secret Catalogue, Inc. 1244
   1. Dilution by Blurring 1246
   Starbucks Corp. v. Wolfe’s Borough Coffee, Inc. 1246
   Visa International Service Association v. JSL Corp. 1253
   Comments 1257
   2. Dilution by Tarnishment 1259
   V Secret Catalogue, Inc. v. Moseley 1259
   Comments 1267
   Policy Perspective: Trademark Infringement
   and Dilution 1268
   International Perspective: Comparative
   Treatment of Dilution 1269
C. Cybersquatting 1269
D. Unfair Competition/Passing Off 1271
   1. Passing Off 1271
   Coca-Cola Co. v. Ed E. Dorris 1272
   Comments 1274
   2. Reverse Passing Off 1274
   Smith v. Montoro 1275
   Comments 1277
   Problem 1278
   3. Limits on the Scope of Unfair Competition Law 1279
   Dastar Corp. v. Twentieth Century Fox Film Corp. 1281
   Comments 1287
E. Section 43(a) and the State Right of Publicity 1288
   Waits v. Frito-Lay, Inc. 1289
   Comments 1301
   Theory Perspective: Right of Publicity and
   First Amendment Concerns 1302
**CHAPTER 12**

**Trademark Defenses**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Trademark Use</td>
<td>1303</td>
</tr>
<tr>
<td></td>
<td>Rescuecom Corp. v. Google Inc.</td>
<td>1304</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1320</td>
</tr>
<tr>
<td></td>
<td>Problem</td>
<td>1321</td>
</tr>
<tr>
<td>B.</td>
<td>The First Sale Doctrine</td>
<td>1321</td>
</tr>
<tr>
<td></td>
<td>Nitro Leisure Products, L.L.C. v. Acushnet Co.</td>
<td>1321</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1332</td>
</tr>
<tr>
<td>C.</td>
<td>Descriptive Fair Use</td>
<td>1333</td>
</tr>
<tr>
<td></td>
<td>KP Permanent Make-Up, Inc. v. Lasting Impression I, Inc.</td>
<td>1334</td>
</tr>
<tr>
<td></td>
<td>Comment</td>
<td>1340</td>
</tr>
<tr>
<td></td>
<td>Sunmark, Inc. v. Ocean Spray Cranberries, Inc.</td>
<td>1340</td>
</tr>
<tr>
<td></td>
<td>Comment</td>
<td>1343</td>
</tr>
<tr>
<td></td>
<td>Problem</td>
<td>1344</td>
</tr>
<tr>
<td></td>
<td>Theoretical Perspective: Balancing Tests and Classic Fair Use</td>
<td>1344</td>
</tr>
<tr>
<td>D.</td>
<td>Comparative Advertising and Nominative Fair Use</td>
<td>1345</td>
</tr>
<tr>
<td></td>
<td>August Storck K.G. v. Nabisco, Inc.</td>
<td>1345</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1347</td>
</tr>
<tr>
<td></td>
<td>Century 21 Real Estate Corp. v. LendingTree, Inc.</td>
<td>1348</td>
</tr>
<tr>
<td></td>
<td>Toyota Motor Sales U.S.A., Inc. v. Tabari</td>
<td>1366</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1375</td>
</tr>
<tr>
<td></td>
<td>Problems</td>
<td>1376</td>
</tr>
<tr>
<td>E.</td>
<td>First Amendment/Speech Concerns</td>
<td>1376</td>
</tr>
<tr>
<td></td>
<td>Brown v. Electronic Arts, Inc.</td>
<td>1376</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1385</td>
</tr>
<tr>
<td></td>
<td>In re NCAA Student-Athlete Name &amp; Likeness Litigation (Keller v. Electronic Arts Inc.)</td>
<td>1387</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1403</td>
</tr>
</tbody>
</table>

**CHAPTER 13**

**Trademark Remedies**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Availability of Injunctive Relief</td>
<td>1405</td>
</tr>
<tr>
<td></td>
<td>Herb Reed Enterprises, LLC v. Florida Entertainment Management, Inc.</td>
<td>1405</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1411</td>
</tr>
<tr>
<td>B.</td>
<td>Scope of Injunctive Relief</td>
<td>1412</td>
</tr>
<tr>
<td></td>
<td>King-Seeley Thermos Co. v. Aladdin Industries, Inc.</td>
<td>1412</td>
</tr>
<tr>
<td></td>
<td>Charles Jacquin et Cie, Inc. v. Destileria Serralles, Inc.</td>
<td>1415</td>
</tr>
<tr>
<td></td>
<td>Comments</td>
<td>1420</td>
</tr>
<tr>
<td>C.</td>
<td>Monetary Relief</td>
<td>1421</td>
</tr>
</tbody>
</table>
**CHAPTER 14**

**Trade Secrets** 1439

Introduction 1439

A. Defining a Trade Secret 1440
   - *Bondpro Corp. v. Siemens Power Generation, Inc.* 1452
   Comments 1456
   Problem 1457

B. Reasonable Steps to Preserve Secrecy 1457
   - *Incase, Inc. v. Timex Corp.* 1457
   Comments 1460

C. Misappropriation of Trade Secrets: “Improper Means” 1461
   - *E.I. DuPont de Nemours & Co. v. Christopher* 1462
   Comments 1465

D. The Employer-Employee Relationship 1466
   - *Procter & Gamble Co. v. Stoneham* 1466
   - *RLM Communications, Inc. v. Tuschen* 1471
   - *PepsiCo, Inc. v. Redmond* 1478
   Comments 1485

Table of Cases 1489

Index 1519