

BERKELEY TECHNOLOGY LAW JOURNAL

VOLUME 24

NUMBER 4

FALL 2009

TABLE OF CONTENTS

ARTICLES

- HIGH TECHNOLOGY ENTREPRENEURS AND THE PATENT SYSTEM:
RESULTS OF THE 2008 BERKELEY PATENT SURVEY 1255
Stuart J.H. Graham, Robert P. Merges, Pam Samuelson, & Ted Sichelman
- CONTROLLING THE “PLAGUE”: REFORMING THE DOCTRINE OF
INEQUITABLE CONDUCT 1329
Christian E. Mammen
- THE EMPEROR HAS NO COPYRIGHT: REGISTRATION, CULTURAL
HIERARCHY, AND THE MYTH OF AMERICAN COPYRIGHT MILITANCY 1399
John Tebranian
- THE *PAS DE DEUX* OF PHARMACEUTICAL REGULATION AND
INNOVATION: WHO’S LEADING WHOM? 1461
*Ron A. Bouchard, Jamil Sawani, Chris McLelland, Monika Sawicka, & Richard W.
Hawkins*
- E-HEALTH HAZARDS: PROVIDER LIABILITY AND ELECTRONIC HEALTH
RECORD SYSTEMS 1523
Sharona Hoffman & Andy Podgurski
- THE TROUBLE WITH TROLLS: INNOVATION, RENT-SEEKING, AND
PATENT LAW REFORM..... 1583
Robert P. Merges

NOTES & COMMENTS COMPETITION WINNER

- REFORMING THE REPRODUCTION RIGHT: THE CASE FOR PERSONAL USE
COPIES 1615
Ashley M. Pavel

MEMO TO CONGRESS

- A DISTRICT JUDGE’S PROPOSAL FOR PATENT REFORM: REVISITING THE
CLEAR AND CONVINCING STANDARD AND CALIBRATING DEFERENCE
TO THE STRENGTH OF THE EXAMINATION 1647
William Alsup

SUBSCRIBER INFORMATION

The *Berkeley Technology Law Journal* (ISSN 1086-3818), a continuation of the *High Technology Law Journal* effective Volume 11, is edited by the students of the University of California School of Law, Berkeley (Boalt Hall), and published four times each year (March, June, September, January) by the Regents of the University of California, Berkeley, Journal Publications, School of Law, 2850 Telegraph Avenue, Suite 561 #7220 Berkeley, CA 94705-7220. Periodicals Postage Rate Paid at Berkeley, CA 94704-9998, and at additional mailing offices. POSTMASTER: Send address changes to Journal Publications, 311 U.C. Berkeley School of Law, University of California, Berkeley, CA 94720-7200.

Correspondence. Address all correspondence regarding subscriptions, address changes, claims for non-receipt, single copies, advertising, and permission to reprint to Journal Publications, 2850 Telegraph Avenue, Suite 561 #7220 Berkeley, CA 94705-7220; (510) 643-6600; JournalPublications@law.berkeley.edu. Authors: see section entitled Information for Authors.

Subscriptions. Annual subscriptions are \$65.00 for individuals, and \$85.00 for organizations. Single issues are \$27.00. Please allow two months for receipt of the first issue. Payment may be made by check, international money order, or credit card (MasterCard/Visa). Domestic claims for non-receipt of issues should be made within 90 days of the month of publication; overseas claims should be made within 180 days. Thereafter, the regular back issue rate (\$27.00) will be charged for replacement. Overseas delivery is not guaranteed.

Form. The text and citations in the *Journal* conform generally to the THE CHICAGO MANUAL OF STYLE (15th ed. 2003) and to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 18th ed. 2005). Please cite this issue of the *Berkeley Technology Law Journal* as 24 BERKELEY TECH. L.J. ____ (2009).

BTLJ ONLINE

The full text and abstracts of many previously published *Berkeley Technology Law Journal* articles can be found at <http://www.btlj.org>. Our site also contains a cumulative index, general information about the *Journal*, selected materials related to technology law, and links to other related pages.