

## CONTENTS

### I. INTELLECTUAL PROPERTY

#### A. Copyright

1. Preemption
  - a) *Misappropriation*
    - National Basketball Association v. Motorola, Inc. .... 3
    - Washington Post v. Total News, Inc. .... 21
  - b) *Contract Enforceability*
    - ProCD, Inc. v. Zeidenberg ..... 35
  - c) *Habeas Corpus Jurisdiction*
    - Corcoran v. Sullivan ..... 55
2. Acquisition and Ownership
  - a) *Authorship*
    - Urantia Foundation v. Maaherra ..... 69
  - b) *Subject Matter*
    - Matthew Bender v. West Publishing ..... 83
3. Infringement
  - a) *Contributory and Vicarious Liability*
    - Sega Enterprises v. MAPHIA ..... 101
4. Fair Use
  - a) *Satire*
    - Dr. Seuss Enterprises v. Penguin Books ..... 119

#### B. Patent

1. Patentability
  - a) *Claim Interpretation*
    - Genentech, Inc. v. Chiron Corp. .... 137
  - b) *Enablement*
    - Genentech, Inc. v. Novo Nordisk & University of California v. Eli Lilly and Co. .... 149
  - c) *Term Extension*
    - Hoechst-Roussel Pharmaceuticals, Inc. v. Lehman.. 163
2. Infringement
  - a) *Modification*
    - Hewlett-Packard Co. v. Repeat-O-Type Stencil Manufacturing Corp. .... 175

**BERKELEY TECHNOLOGY LAW JOURNAL  
ANNUAL REVIEW OF LAW AND TECHNOLOGY**

b) <i>Doctrine of Equivalentents</i>	
• Warner-Jenkinson Company, Inc. v. Hilton Davis Chemical Co.....	199
3. Defenses	
a) <i>Doctrine of Laches</i>	
• Ford Motor Co. v. Lemelson.....	219
<b>C. Trademark</b>	
1. Domain Name	
a) <i>International</i>	
• Memorandum of Understanding on the Generic Top-Level Domain Name Space of the Internet Domain Name System .....	235
b) <i>Dilution</i>	
• Panavision International, L.P. v. Toeppen.....	249
2. Personal Jurisdiction	
a) <i>Minimum Contacts</i>	
• Personal Jurisdiction and the Internet: An Introduction.....	265
• Bensusan v. King .....	271
• Zippo Manufacturing Co. v. Zippo Dot Com, Inc. ...	289
<b>D. Trade Secret</b>	
a) <i>Federal Legislation</i>	
• The Economic Espionage Act of 1996 .....	305
<b>E. Publicity Rights</b>	
a) <i>Deceased Personalities</i>	
• Astaire v. Best Film & Video Corp. ....	319
<b>II. ANTITRUST</b>	
a) <i>Sherman Act Violations</i>	
• Image Technical Services, Inc. v. Eastman Kodak Co.....	339
b) <i>Consent Decree Standard of Review</i>	
• United States v. Microsoft Corporation .....	355
<b>III. FIRST AMENDMENT</b>	
a) <i>Indecency</i>	
• Reno v. ACLU .....	371

**BERKELEY TECHNOLOGY LAW JOURNAL  
ANNUAL REVIEW OF LAW AND TECHNOLOGY**

- b) *Obscenity and Other Unprotected Speech*
  - Free Speech Coalition v. Reno..... 389
- c) *Computer Programming Language*
  - Bernstein v. United States Department of State..... 405
- d) *State Actor*
  - Cyber Promotions, Inc. v. America Online, Inc. .... 417

**IV. TELECOMMUNICATIONS LAW**

- a) *FCC Preemption Power*
  - Iowa Utilities Board v. FCC ..... 435
- b) *Must-Carry Provision*
  - Turner Broadcasting v. FCC ..... 447

**V. BIOTECHNOLOGY AND MEDICAL DEVICES**

- a) *State Legislation*
  - 1997 California Legislative Service 688 (West)—  
Human Cloning..... 465

**VI. BUSINESS LAW**

- a) *Employee Benefits*
  - Vizcaino v. Microsoft ..... 483

**VII. FOREIGN AND INTERNATIONAL LAW**

- a) *Foreign Law*
  - Ley Federal del Derecho de Autor..... 503
  - 1997 Canadian Copyright Act Revisions..... 517
- b) *International Law and Treaties*
  - The WIPO Copyright Treaty ..... 535
  - The European Union Database Directive ..... 551



**BERKELEY TECHNOLOGY LAW JOURNAL  
ANNUAL REVIEW OF LAW AND TECHNOLOGY**

**INTELLECTUAL PROPERTY**

