Limiting Exposure With a Limitation of Liability Clause

News

Where sophisticated parties have bargained for a limitation of liability clause in an arms-length transaction, courts are likely going to enforce that clause to limit the damages that may be recovered.

Outsourcing Contracts in the USA

Insight

Kilpatrick Townsend & Stockton has compiled a structured guide to outsourcing contracts in the United States.

Overbroad Geographic Restriction Dooms Covenant Not to Compete

Insight

The reach of the geographic restriction in the convenant should extend only as far as the employee’s geographic

activities extend.

Google Fails to Get IP Suit Transferred Out of Plaintiff-Friendly East Texas

News

Google said the case should be transferred because the presence of its servers in the district doesn’t amount to a regular and established place of business under the patent venue statute.

Notice of Terms via Buried Link within a Post-Sale Email Unenforceable

Insight

The Second Circuit affirmed a ruling that denied a web service’s motion to compel arbitration, finding that the user did not have reasonable notice of the arbitration provision contained in the terms and conditions that were communicated via a hyperlink in a post-sale email.

IBM Watson in Quiet Talks With Law Firms to Expand AI Offerings

News

The company until now has mostly focused its legal business marketing of Watson to legal departments within large corporations, Bloomberg Law reports.

Texas Court Addresses Bad Acts in an Oil-Patch Lease Play

Insight

Was a partnership formed by a letter agreement, a participation agreement and the actions of the parties?

Trade Secrets Take Center

Stage, and Contracts Play a Lead Role

Insight

Breach-of-contract claims frequently have appeared alongside trade secret claims in lawsuits over the years and often materially impacted the results, according to Skadden Arps.

Knowledge Qualifiers in IP Representations and Warranties

Insight

Counsel must carefully craft the definition of knowledge and decide which types of intellectual property such knowledge qualifier should apply, advises Morgan, Lewis & Bockius.

Bionpharma Fails to Get Rival’s GC Disqualified in Supply Spat

News

Bloomberg Law reports that Generic drug distributor P&L Development LLC’s general counsel and an outside firm may

continue to represent P&L in its breach-of-contract and fraud suit against Bionpharma Inc., a federal court in North Carolina ruled.

Lawyer Sues Apple, Says FaceTime Bug Allowed Secret Recording of Deposition, Caused Emotional Trauma

News

The Houston lawyer, Larry D. Williams II, seeks punitive damages against Apple and unknown parties for claims of product liability, negligence, warranty and fraudulent misrepresentation.

Evaluating Current Contracts for Use In the New Year

Insight

Snell & Wilmer offers some advice for businesses that may need to take a look at their existing contract templates to evaluate a refresh or, in certain circumstances, a major overhaul.

Three Recent Cases Consider the Interpretation and Enforceability of Arbitration Agreements

Insight

A post on the website of McGuireWoods LLP discusses three recent cases before the Supreme Court and the Third Circuit relating to the interpretation and enforceability of arbitration agreements.

No Fees for You: Non-Class Counsel Get Stiffed in VW Diesel Litigation

News

Numerous attorneys who worked on VW suits before the appointment of class counsel won’t get paid, reports Bloomberg Law.

Another Reason Not to Use Fixed Price Buy-Sell Agreements

Insight

Fixed price buy-sell agreements in theory offer two main advantages over pricing mechanisms that utilize formulas or appraisals at the time of the trigger event.

Brexit Vote Prompts New Questions for UK, US Businesses

News

The historically large rejection of Prime Minister Theresa May’s Brexit proposal is creating new uncertainty for companies doing business in the United Kingdom.

A Top 10 Verdict in Texas

News

A team of lawyers with Boyd Powers & Williamson alleging deceptive business practices against BBVA Compass Bank won a $98 million verdict for their client, a real estate developer who was working to build three luxury subdivisions in Tarrant

County, Texas.

Supreme Court Hands Rare Win for Workers in Arbitration Case

News

Under the nearly 100-year-old Federal Arbitration Act, which is generally presumed to favor employers, thousands of truck drivers who are employed as independent contractors cannot be forced into private arbitration.

Autonomous Vehicle Survey Shows Desire for Consistent Regulation to Dispel Safety Concerns

Insight

The survey, conducted in partnership with the Association for Unmanned Vehicle Systems International, finds that tech and auto leaders and regulators believe a comprehensive, coherent regulatory regime is needed for consumers to feel secure buying and using driverless cars.

Texas Case Offers Three Lessons for Contract Drafters

Insight

The Texas Supreme Court recently heard oral argument on the interpretation of a farmout agreement providing that an assignment could not be made “without the express written consent,” according to a post on the website of Porter Hedges.