Louisiana Operator’s Bad Faith Does Not Preclude Recovery

News

Charles Sartain summarizes the background of *Apache Deepwater, LLC v. W&T Offshore, Inc.*, a conflict between parties to a joint operating agreement for operations on offshore deepwater wells.

NDAs Do NOT Work for China But NNN Agreements Do

Insight

The China Law Blog has published part one of an expected series of posts setting out exactly what foreign companies should do (and not do) to protect their intellectual property in China.

Court Enforces Arbitration Clause in Clickwrap Agreement

News

The defendant’s terms of service, which were hyperlinked in the sign-up box, contained a clause providing for arbitration

of disputes with a class-action waiver.

Special Order Your Forum Selection Clause

News

Author Glenn D. West takes a look at a recent Delaware ruling on an anti-suit injunction attempting to prevent a suit being prosecuted in Texas.

On-Demand: The Role of In-House and External Counsel in Managing Open Source

On-Demand

What is your role as legal counsel? How can you lead the charge to set license compliance policies, manage and remediate security vulnerabilities, and protect company IP?

‘Patent Death Squad’ Judges Can Be Fired, U.S. Appeals Court Says

News

Patent Trial and Appeal Board judges had so much authority they should have been appointed by the president and confirmed by the Senate, the court ruled.

Thompson & Knight Advises Oilfield Water Logistics on Sale to InstarAGF Asset Management

News

Thompson & Knight LLP advised Oilfield Water Logistics, LLC (OWL) in connection with the sale of its midstream water infrastructure and services business.

Federal Government Contract

Modifications: Pay Attention

Insight

Any release document (including releases with parties other than the government) should be narrowly drawn and clearly articulate those claims that are being released.

When is a Contract Provision a Liquidated Damages Clause?

News

A liquidated damages clause is a provision in a contract specifying a dollar amount to be paid by a party if the party breaches the contract.

Don’t Get Caught Overlooking Boilerplate Clauses in Commercial Contracts

Insight

Neglecting those contract boilerplate provisions can lead to unintended legal consequences, warns Thompson Coburn LLP.

Court Compels Arbitration Based on Clause Incorporated Into Guaranty Agreement

News

The case involved a leasing agreement that contained an arbitration provision, but the personal guaranty did not.

Five Suggestions for Drafting (and Defending) Pre-Dispute Contractual Jury Waivers

Insight

Jury waivers memorialize an agreement between contracting parties that fact-finding in disputes arising between them will be decided by judges.

Top Five Construction

Contract Modifications to Comply with Texas Law

Insight

To avoid unanticipated liability on construction projects, the parties should modify contracts consistent with Texas law—or at least be aware of the limitations that are in place due to certain Texas statutes.

About 40 State Attorneys General Plan to Take Part in Facebook Antitrust Probe

News

The effort reflects a broadening belief among the country's top Democrats and Republicans that the tech giant may be undermining its social-networking rivals.

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3 Types of Contracts and Agreements Your Company Should Be Using

Insight

Regina Campbell offers an overview of the three types of

contracts and agreements that companies should consider using.

The Negligent Breach of Contract Problem In Liability Insurance

Insight

Even if an errors and omissions policy contains a breach of contract exclusion, coverage may be available in a breach claim, depending on the circumstances and applicable law, writes Charles P. Edwards for Barnes & Thornburg.

Distribution Damage: 5 Common Distribution Agreement Mistakes

Insight

By having a distribution agreement, businesses save time and money by avoiding misunderstandings that affects the profitability of each party and preventing future litigation over disputes.

Venture Firm Says It Has Been Under Assault By Its Former General Counsel

News

The former general counsel of Mithril Capital Management has staged a multi-pronged campaign to disparage the company, according to a new legal petition.

Hyundai Secures Win in $40 Million Product Liability Suit

News

The jury found in favor of the Hyundai defendants on both the Strict Product Liability Consumer Expectation Test and Strict Product Liability Risk-Benefit Test.

Tracking Obligations in Supply Chain Contracts

Insight

A post on the website of Bryan Cave Leighton Paisner discusses a key component of obligation management – increasing

obligation tracking and traceability.