Service Contract Sold Separately (Batteries Not Included)

Insight

Companies should use a conservative approach when offering protection plans for products, advises Weil, Gotshal & Manges LLP in its Product Liability Monitor.

Service Contracts and the Magnuson-Moss Warranty Act

Insight

Although service contracts mirror many of the features of traditional insurance products, most states expressly exclude them from the statutory definition of insurance, according to an article by two Locke Lord lawyers.

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.

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.

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?

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.

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.

CVS-Aetna Closes Deal; Not So Fast, Judge Says

News

Reuters is reporting that a federal judge on Thursday raised the prospect of not approving CVS Health Corp's deal to buy insurer Aetna Inc, which closed earlier this week, during a routine portion of the legal process.

Court Reconsiders and Reverses Earlier Ruling Finding That Contractual Consent Cannot Be Revoked

News

TCPAland reports on a reversal of fortune: The Northern District of Alabama has officially been reconsidered and reversed itself on a contractual consent decision.

New York State Takes the Lead to Settle International

Contract Disputes

Insight

New York State has taken steps to smooth the often rough road for resolving international contract disputes, and parties are finding the new procedures comparatively easy to follow, according to post on the website of Daniel Kron.

Trends in M&A Provisions: Indemnity Caps

Insight

M&A purchase agreements generally include indemnification provisions, pursuant to which any given party agrees to defend, hold harmless, and indemnify the other party or parties from specified claims or damages, according to a post on the Goulston & Storrs website.

Spotlight on No-Poach Agreements Continues, Expands to New Industries

Insight

Companies that engage in no-poach agreements should be prepared for governmental scrutiny as well as private

litigation from former employees, warns Skadden, Arps, Slate, Meagher & Flom.

Ten Key Issues in Addressed Lease Agreements for Companies

Insight

An understanding of the unique features of equipment lease contracts should help a company work with its bank to structure and document a mutually acceptable lease agreement, according to a Steptoe & Johnson post.

New Decision Highlights (Again) the Importance of Defining 'Commercially Reasonable Efforts'

Insight

If your client is going to contractually commit to using commercially reasonable efforts to do something – and if your client expects that obligation to require something less than "all reasonable efforts" – then you'll want to make that expectation clear in the contract itself, advises D.C. Toedt

III in the On Contracts Blog.

Duty of Good Faith, Tortious Interference, and Statutes of Limitation

Insight

A ContractsProf Blog post shows just how nasty contractual parties may act towards each other in violation of the duty of good faith and fair dealing.

Where Can I Sue You? Forum Selection vs. Choice of Law

News

A post on the website of Meislik & Meislik discusses the differences between two contract provisions that sometimes are confused: forum selection and choice of law.

Time to Reconsider No Poaching Agreements? Yes, Emphatically.

Insight

Franchisors need to review their franchise agreements and take immediate action in response to the recent onslaught of legal action over “naked no-poaching” provisions in franchise agreements, according to a post in Franchise Law Update on the website of Fox Rothschild.

Check Those ‘Choice of Law’ Provisions

Insight

Choice of law” clauses in contracts are often overlooked in their potential importance, as the parties and counsel concentrate on the more immediate matter of the explicit commercial terms, according to Nexsen Pruet.

Judge Guts FTC’s $4-Billion Lawsuit Against DirecTV

News

The judge said there remain a number of problems with the

FTC’s theories for relief and that the FTC “has an uphill climb.”

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10 Contract Issues to Consider When Implementing an ERP System

Insight

Morgan Lewis offers 10 framework issues to consider when in-house lawyers start thinking about how to support a business client that is looking to implement a new or replacement enterprise resource platform.