LRC Research Training

For Professor Lobel’s Entrepreneurship and IP Law Seminar
Fall 2019

LRC Reference Desk:
(619) 260-4612
lrcrefer@sandiego.edu
What we will cover

- Picking a paper topic
- Literature review
  - Evaluating sources
  - Books & articles
  - Law and other disciplines
  - USD and other libraries
- Web tools
- Ensuring academic integrity
PICKING A PAPER TOPIC
News & blogs

news.google.com

--

Lexis & Factiva have thorough news archives
Reliable sources

- Evaluate sources for:
  - **Authority** – author is identified, reputable, credentialed
  - **Objectivity** – fairness, lack of bias
  - **Accuracy** – provides references to sources, verifiable
  - **Scope** – relevant to your topic and argument
  - **Currency** – may vary by topic, but make sure you know the current state of thinking in your field (even if it’s rooted in older writings)
Current Awareness Tools

Current news by practice area

- **Bloomberg Law**: practice centers for IP, tech, employment
- **Westlaw/PLC**: IP & Technology Practice Area
- **Lexis**: several IP-related practice centers

Circuit splits

- **Bloomberg Law** > Law School Success > Law Reviews & Journals
Results for Patents & Trade Secrets

Found 395 results

Content type | Bloomberg Law News

Filters

Topic

- patent infringement (63)
- trade secret misappropriation (59)
- patent applications (44)
- patent holding companies (42)
- software patents (38)

Select More...

1. **Ex-Uber Engineer Levandowski Charged by U.S. in Waymo Case (3) (08/27/2019)**

   In that case, which was eventually dropped, the firm accused Kalanick of failing to disclose his personal involvement in acquiring the startup that -- according to a confidential Uber-commissioned report -- "harbored trade secrets stolen from a competitor." The legal action against Levandowski dredges up memories that Uber's current leadership would prefer fade into the past. Kalanick, Uber's co-founder, remains on the company's board of directors.

2. **Inside a Legal Tech Startup's Pitch to Orrick at ILTACON (08/26/2019)**

   Inside a Legal Tech Startup's Pitch to Orrick at ILTACON

   Inside a Legal Tech Startup's Pitch to Orrick at ILTACON

   Roy Strom Chicago Reporter Jessie Kokrda Kamens Washington Team Leader Rebekah Mintzer

   Show more extracts
Lexis Advance®

Search for

Enter a source name, a citation, terms or shep: [citation] to Shepardize®.

starting in

All Categories

within

All Jurisdictions/courts

MORE OPTIONS

Explore Content

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Enter a source name, a citation, terms or shep: [citation] to Shepardize®.

Search all sources on this page  Select sources to search

Intellectual Property

All Trademark Registrations

Cases

All Trademark Law Cases

Statutes and Legislation

All Trademark Law Statutes and Legislation

All Trademark Law Codes & Court Rules

Administrative Codes and Regulations

All Trademark Law Administrative Codes and Regulations

Related Resources

Trademark

Entertainment & Sports

Practical Guidance

Lexis Practice Advisor*

Access practical guidance including practice notes, forms, checklists, and articles
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Top Sources
- Cases, Statutes and Regulations
- Administrative Sources
- Secondary Materials and Forms

Law360
- Law360 Intellectual Property
- Law360 Technology

Government Shuts Down After Band-Aid Funding Falls Off
Sat, 20 Jan 2018 00:24:52

Lab’s Peptide IP Suit May Run Aground On Safe Harbor
Fri, 19 Jan 2018 23:05:06

NCAA Scores Default Victory In Basketball Tourney TM Suit
Fri, 19 Jan 2018 22:30:53

Record Cos. Sue Music App Over ‘Massive’ Infringement
Fri, 19 Jan 2018 21:43:02

DOJ Antitrust, FTC Chiefs Signal Continued Focus On IP
Fri, 19 Jan 2018 20:51:17

Practical Guidance

Lexis Practice Advisor®
Access practical guidance including practice notes, forms, and templates.
Legal News (10,000+)

1. Ex-Amazon Trademark Law Guru Launches IP Boutique
   New York Law Journal | Aug 26, 2019 | 404 words | Kristen Rasmussen

2. THURSTON MANUFACTURING: $7.6M Sale of IP & Related Assets Approved
   Troubled Company Reporter | Aug 28, 2019 | 229 words

3. Protecting Internet Inventions: Four Different Paths
   The Legal Intelligencer | Aug 27, 2019 | 1844 words | JONATHAN D. BICK New Jersey Law Journal

4. DRESS BARN: Offers for Intellectual Property Assets Due September
   Troubled Company Reporter | Aug 27, 2019 | 554 words

5. Mealey’s IP/Tech - Polymerase Chain Reaction Thermal Cycling Patent Defended By Owner
   Mealey’s Daily News Update - IP/Tech | Aug 27, 2019 | 553 words
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# Startups & Small Businesses

Search all Startups & Small Businesses above or navigate to specific content below.

## Topics

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<td>Dissolution &amp; Winding Up</td>
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## STATE Q&A

Review and compare state law across multiple practice areas. Examples include:

- Corporation Law State Q&A
- Non-Compete Laws State Q&A
Intellectual Property (1,111)

Practice note: overview

1. Assignment of Employee Inventions State Laws Chart: Overview
   Practice note: overview  Law stated as of 29-Mar-2019
   California, Delaware... Show all Jurisdictions

2. California Privacy and Data Security Law: Overview
   Practice note: overview  Maintained  California

3. Copyright: Case Tracker
   Practice note: overview  Maintained  National/Federal

4. Copyright: Overview
   Practice note: overview  Maintained  National/Federal

5. Fashion Law: Overview
   Practice note: overview  Maintained  National/Federal

6. Hatch-Waxman Act: Overview
   Practice note: overview  Maintained  National/Federal
Law School Home

Law School Success

Law School Resources
- Live Training Webinars
- On-Demand Certification Courses
- Career Resources
- Law Review Resources
- Videos & Reference Guides
- Librarian Resources
- Practice Tools
- Litigation Analytics
- Transactional Practical Guidance
- State Law Chart Builders

Research Tools
- Court Opinions
- Points of Law
- Dockets
- Transactional Precedents
- State Resources
- Barron's Law Dictionary
- Secondary Sources
- Books & Treatises
- BNA Law Reports
- Latest News

TRAINING & EVENTS
There are no Training & Events Currently Scheduled

NEED HELP? Visit the Help Center for Updates, Research Tips, and More!

Special Feature
- In Focus: The Trump Administration
- Special Feature Archive
Law Reviews and Journals

Use Bloomberg Law to Find A Topic, Dig Deeper, Keep Current, and Stay Organized. Use the resources below to assist with your note topic and writing assignments.

VIDEO: Law Review Success with Bloomberg Law

Find a Topic

A note or comment is a scholarly paper that discusses a relevant legal issue and is generally 20 to 30 pages long. Your goal in writing a note or comment is to provide a unique perspective on an issue of law, take a position on an emerging legal issue, or offer a new interpretation of an existing rule of law. Use the resources below to find a timely and interesting note or comment topic.

HOT LEGAL TOPICS
- BNA Law Reports
- Law Firm Research

NEWS
- Latest News
- Search News

CIRCUIT SPLITS
- Circuit Splits Chart
- Circuit Splits Court Opinion Search
- Supreme Court Today Tracker

Webinars

Law Review Series

RECORDED SESSIONS
- Targeting Compelling Topics
- Beyond the Court Opinion
- Finding Controversial Cases
- Identify Patterns and Developments

Law Review Series Recordings (Fall 2017)
Literature Review

- A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory
- Helps you formulate your thesis and locate your arguments within the larger field of study
Search Catalog

Search LRC

Databases A-Z

By Subject

search for: corporate innovation

Library Account | Classic Catalog | Find Legal Journals

UPCOMING EVENTS

JAN

Have questions? We’re here.

Pardee Legal Research Center, Main Computer Lab, room 122.

Week hours
January 21st - 27th

Library
Today’s hours 8 a.m. - 12 a.m.
+ View more hours
Searching the catalogs

**USD’s online catalog** find items located in the LRC and also in the Copley Library collection.

- Remember that the catalog can be used to find not just materials in our print collection, but it also provides direct access to materials in our subscription databases, and it also links to websites!

- You can search [USD’s online catalog](#) from LRC’s homepage
Searching the catalogs

Circuit Catalog:

• USD is a member of a library consortium, the Circuit
• borrow materials from SDSU, UCSD, Cal State San Marcos, & the San Diego County & City Libraries.
• greatly increases the universe of materials that are accessible to you!
• delivered to LRC in 24–48 hrs.—pickup at Circulation desk

Access: You can link to the Circuit catalog through Sally (click on the hyperlinked Circuit logo) or go to: http://circuit.sdsu.edu
Circuit

Keyword Search Results

724 results found. Sorted by relevance | date | title.

Result Page 1 2 3 4 5 6 7 8 9 10 11 ... 15 Next

SEARCH HISTORY

(SEARCH HISTORY)

Search

Search Tips

Basic Search Tips

Keyword
Title
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Subject

Advanced Search

Advanced Keyword

Other Searches

Biomedical Subject (Medical Subject Headings)
Children's books by subject
Genre

Number Searches

LC Call No.
Dewey Call No.
Government Document No.
OCLC No.

Search Help

Search Help

Keywords (1-50 of 724)

Most relevant titles entries 1-8

1 Silicon Valley Start-ups and Corporate Innovation: Approaches to Resolve the Innovator's Dilemma
   Gold, Bernhard, author
   Wiesbaden, Germany: Springer Nature, 2017
   1 online resource

2 How does hedge fund activism reshape corporate innovation?
   Brav, Alon, author
   1 online resource (69 pages): illustrations

3 Establishing corporate innovation communities: a social capital perspective
   Dumbach, Martin, author
   Wiesbaden: Springer Gabler, 2014
   1 online resource (xix, 275 pages): illustrations

4 Technological change and the evolution of corporate innovation: the structure of patenting, 1890-19
   Andersen, Birgitte, 1967-
   Cheltenham, UK; Northampton, MA: Edward Elgar, [2001], ©2001
   88 pages: illustrations;
Searching the catalogs

Interlibrary Loan (ILL):
• If you can’t find an item at USD or through the Circuit, we may be able to get it through interlibrary-loaned from another library
• Check [http://www.worldcat.org](http://www.worldcat.org) or come ask a reference librarian
• Delivered to LRC anywhere from 3 days to 3 weeks—make your request early!

[http://www.sandiego.edu/law/library/find-resources/ill/](http://www.sandiego.edu/law/library/find-resources/ill/)
Law articles

- Lexis
- Westlaw
- Google Scholar

Unpublished or forthcoming
- SSRN
- Bepress
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Results for: ("intellectual property" or patent or trademark or "trade secret" or copyright) and length 15 and startup

Secondary Materials (2,547)

1. ARTICLE: WHY DO STARTUPS USE TRADE SECRETS?
   Notre Dame Law Review | Dec 01, 2018 | 94 Notre Dame L. Rev. 753 | 27291 words | David S. Levine* & Ted Sichelman**

2. INNOVATION IN WISCONSIN: KICK-STARTING INNOVATION ARTICLE: INTELLECTUAL PROPERTY ISSUES FOR STARTUPS PARTICIPATING IN ENTREPRENEURSHIP SUPPORT PROGRAMS IN WISCONSIN

3. ARTICLE: PATENTING ELASTICITIES
   Southern California Law Review | Nov 01, 2017 | 91 S. Cal. L. Rev. 1 | 30060 words | Clark D. Asay

4. ARTICLE: THE USES OF IP MISUSE
   Emory Law Journal | Jan 01, 2019 | 68 Emory L.J. 739 | 65413 words | Deepa Varadarajan*
Favorite Publications

Secondary Sources

See specific publication for coverage information. Search all Secondary Sources content above or navigate to specific content below.

By Type
- American Law Reports
- CLE & Seminar Materials
- Jurisprudence & Encyclopedias
- Jury Instructions
- KeyRules
- Law Reviews & Journals
- Legal Newspapers & Newsletters
- Restatements & Principles of the Law
- Texts & Treatises
- 50 State Surveys
- Wolters Kluwer (CCH)

By State
- Alabama
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- Arizona
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- Colorado
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- District of Columbia
- Florida
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- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

Tools & Resources
- Full Secondary Sources Library
- Black’s Law Dictionary
- Current Index to Legal Periodicals
- International Materials
- Law Reviews & Journals Index
- Legal Resource Index
- Rise of American Law
- Secondary Sources Index
- Westlaw Bulletins & Topical Highlights
- Words & Phrases
- World Journals
- More Secondary Sources Resources
Secondary Sources (4,333)
M Wu, D Walker, R Marsh - Digital Health Entrepreneurship, 2020 - Springer
... The term 'intellectual property' often brings to mind a patent. While patents can and should form a part of a digital health startup's IP strategy, other forms of protection, including copyright, trademarks and servicemarks, trade secrets, and contracts, also exist and must be...
Advanced Search
Author, title, abstract, keywords
Browse by Network & Subject Area
Browse by JEL code

Search Term(s):
corporate innovation

○ Title Only
○ Title, Abstract & Keywords
○ Title, Abstract, Keywords & Full Text

Author(s):

Date: All Dates

Networks: Current Selection: All SSRN Networks
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To date:
Last 12 months:
Last 30 days:

CiteReader
Total References:
Total Citations:
1. **Intellectual Property in the New Technological Age: 2019 - Chapters 1 and 2**

   Number of pages: 176  
   Posted: 08 Jul 2019  
   Last Revised: 18 Aug 2019

   Peter S. Menell, Mark A. Lemley and Robert P. Merges

   University of California, Berkeley - School of Law, Stanford Law School and University of California, Berkeley - School of Law

   Keywords: Intellectual Property, Trade Secret, Patent, Copyright, Trademark, Misappropriation, Right of

   Rapid advances in digital and life sciences technology continue to spur the evolution of intellectual property law. As professors and practitioners in this field know all too well, Congress and the courts continue to develop intellectual property law and jurisprudence at a rapid pace. For that reason, we have significantly augmented and revised Intellectual Property in the New Technological Age.

   The 2019 Edition reflects the following principal developments:

   Trade Secrets: Congress passed the ...

2. **Experimentation and Appropriability in Early-Stage Ventures: Evidence from the US Software Industry**

   Number of pages: 45  
   Posted: 10 Dec 2018  
   Last Revised: 25 Jun 2019

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   Keywords: Experimentation, Learning, Appropriability, Entrepreneurship, Software

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Read the footnotes!

6. Jonathan Rubens, Early-Stage IP Protection: A Primer and Overview for Working with the Startup, BUS. L. TODAY, July 2016, at 1, 3, https://www.americanbar.org/content/dam/aba/publications/blt/2015/07/ip-protection-201607.authcheckdam.pdf; see also Michael Risch, Hidden In Plain Sight, 31 BERKELEY TECH. L.J. 1635, 1637-38 (2016) (contending that where patents are unavailable, software companies even use trade secrecy to protect otherwise “visible program aspects” of their products); Patents or Trade Secrets?, WORLD INTELL. PROP. ORG., http://www.wipo.int/sme/en/ip_business/trade_secrets/patent_trade.htm (last visited Aug. 16, 2017) ("[T]rade secrets may concern inventions or manufacturing processes that do not meet the patentability criteria and therefore can only be protected as trade secrets."); Tim Sewart, Five Common Legal Mistakes Startups Can Avoid, TECHWORLD (June 8, 2017), http://www.techworld.com/startups/five-legal-terms-all-startups-need-know-about-3655899/ ("Experience tells us that the latter approach (secret; bid for market share) is normally wiser than the former (patents; disclosure) but that businesses’ preoccupation with the former can often leave them mired in delay and cost. Of course, much will depend on the nature of the business or product.").


9. See discussion infra Part III.

10. See discussion infra Part II.

11. For instance, Hall and her coauthors specifically suggest that more research is warranted and that data from different settings could be helpful for testing “the assumption that patents and secrecy are mutually exclusive and to consider a more complex and realistic scenario in which companies employ different mechanisms to protect the same invention.” Hall et al., The Choice Between, supra note 8, at 419.
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1. POLICY LEVERS IN PATENT LAW


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...Calls to modify patent law are a natural response to the different effects patent law has on different industries....

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Texas Law Review - April 1997 - 75 Tex. L. Rev. 989
POLICY LEVERS IN PATENT LAW

89 Va. L. Rev. 1575
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Link rot

Ohh... You have requested the page that is no longer there.
In Supreme Court Opinions, Web Links to Nowhere

By Adam Liptak

Sept. 23, 2013

WASHINGTON — Supreme Court opinions have come down with a bad case of link rot. According to a new study, 49 percent of the hyperlinks in Supreme Court decisions no longer work.

This can sometimes be amusing. A link in a 2011 Supreme Court opinion about violent video games by Justice Samuel A. Alito Jr. now leads to a mischievous error message.

“Aren’t you glad you didn’t cite to this Web page?” it asks. “If you had, like Justice Alito did, the original content would have long since disappeared and someone else might have come along and purchased the domain in order to make a comment about the transience of linked information in the Internet age.”

Avoiding link rot

The Wayback Machine

Perma.cc

Websites change.
Perma Links don’t.
Up your Google game

The super secret Google Advanced Search page

- Limit your results
  - region
  - specific website, or portion of a website
  - domain type
  - file type
  - exclude terms
NOTE-TAKING TOOLS & TECHNIQUES
Why good note-taking is important

- Bolster your argument
- Avoid inadvertent plagiarism
- Save yourself time and trouble when creating citations
What to look for

• Reference manager
• Citation support for Bluebook style
• Organize and annotate PDFs and other digital content
• Fits your research style--something you will use!!
Document AND citation management

Typical features include:

- Free or premium upgrade
- Web, client, mobile apps
- PDF storage & annotation
- Cloud & local storage
- Web content capture
- Citation style ("bibliographic utility")
Note-taking tips

If you cut & paste text from another source to look at later, \textbf{immediately} mark it as copied text & include citation info.
Summarizing & Paraphrasing

- Try to do it without looking at the source material
- Not enough to change a few words around, or substitute synonyms
- You literally have to rewrite the material using your own words

"If you can't explain it simply, you don't understand it well enough."

Albert Einstein
Citing the best source

• Don’t rely on Source A to tell you what Source B says – go back to the original
  • Don’t cite Scholar A to tell your reader what Scholar B argued
  • Don’t cite a book or an article to tell your reader what a case held
  • Don’t cite a case to tell your reader what the statute says
Research log

- Keep a log of where you’ve searched and what search terms you used (not just what you found)
- This will save you time later
Comparing reference managers:

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