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Exceptional content
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We believe that when you put information and technology into the right hands, you give people the power to shape the world.

LexisNexis® is a leading global provider of content-enabled workflow solutions designed specifically for professionals in the legal, risk management, corporate, government, law enforcement, accounting, and academic markets. LexisNexis originally pioneered online information with its Lexis® and Nexis® services. A member of Reed Elsevier, LexisNexis serves customers in more than 100 countries with more than 15,000 employees worldwide.

LexisNexis Culture

Corporate Responsibility

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We're looking for

◆ Lexis Nexis 公司隸屬 Reed Elsevier 集團，是全球最大線上服務系統之一，專門提供專業法學、新聞資訊、學術期刊以及公司企業商情等全文檢索及相關資訊。

◆ Lexis Nexis 服務的國家地區超過100個以上，使用者可以透過60,000種以上的資料來源檢索到數以億計的檔案資料。



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at Lexis Advance®

Get just the facts with the comprehensive LexisNexis® case-law collection. Expert attorney-editors read, analyze and summarize cases, faithfully following the lead and holdings of the courts.... [more](#)

綜合法學



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CourtLink® docket and document research tools help you conduct thorough due diligence, monitor litigation affecting your legal practice and identify new business opportunities. Search across the full text of more than 168 million federal and state court dockets and documents in a single ... [more](#)

訟訴新訊



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智財專利

◎特色：

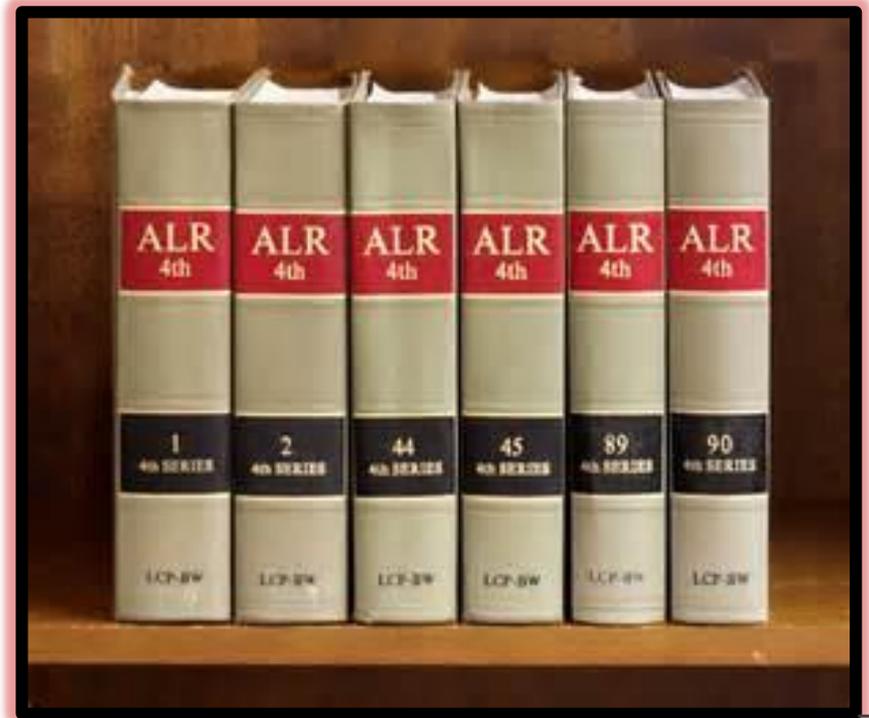
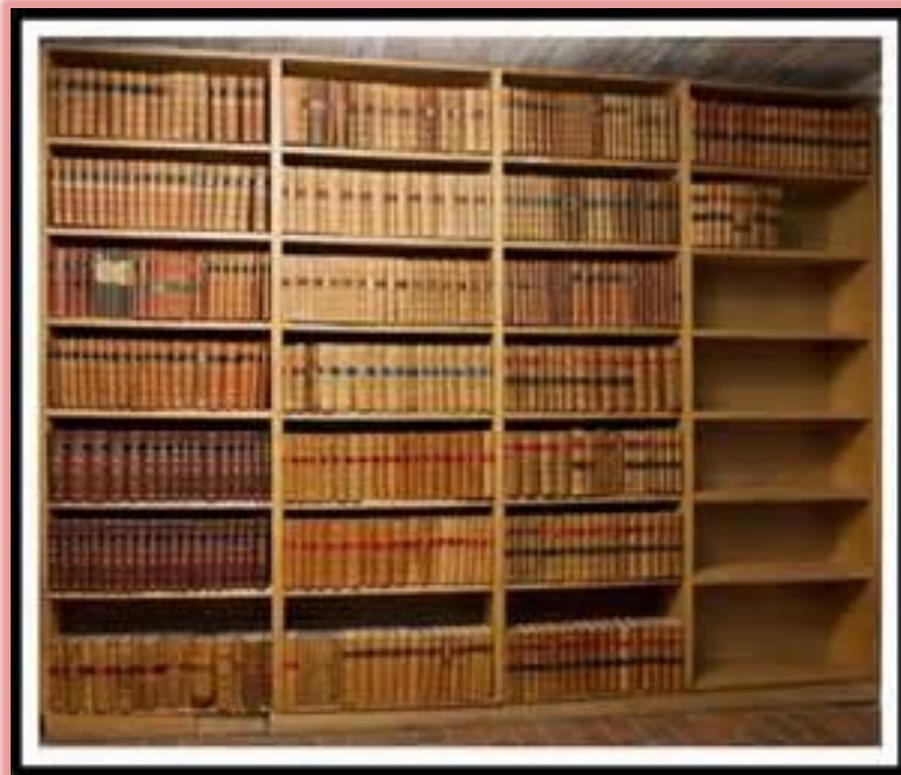
Lexis Advance® 已進化成一個快速簡便的法律檢索工具，使用者除了可以在最快的時間內查詢到核心資料外，同時還可獲取由該核心資料所延伸出來各式各樣的參考資源。

- 操作介面簡化的檢索框
- 檢索時無須選擇資料來源，全方位呈現多元資料（同時提供選擇鍵，使用者可依來源、種類、權限或主題限制檢索結果。）
- 使用者可根據資料屬性或使用目的建立文件夾來組織檢索結果。
- Shepard 's® 判決引文援引查詢服務。
- Legal Issue Trail™ 特定法律問題或法律觀點的援引查詢服務。
- Lexis Nexis®和Web內容檢索。
- 增加多種附加功能，如訴訟資料歸檔，判決和結算分析，詞彙練習參考等等。

收錄資料	Lexis.com所收錄之各區域、各類型資料來源如判決合輯、法規合輯、法案合輯以及專書期刊合輯等等，約有45,000多種，Lexis Advance收錄超過60,000種以上，其中就美國本土的部分，其收錄範圍及資料量也較Lexis.com更加詳細與完善。
操作介面	<ul style="list-style-type: none"> ✓ 搜尋介面跳脫原有『先選再查』的框架，仿效Google搜尋引擎介面，操作上更為簡易。 ✓ 使用者在Keyin關鍵字同時，系統會自動列出與關鍵字相關聯之建議字詞，提供使用者參考，提升檢索效率。 ✓ 檢索策略除保留原有 Lexis.com以文字列表搜尋結果外，更新增圖表呈現方式與連結程式，使用者可直接在該圖表中點選查找與該主選項有相關聯性之搜索結果。
資料建立	使用者可將不同類型的檢索結果存入專屬的Folder資料夾，建立多元化體系性的法律資訊，除方便使用者瀏覽引用外，亦可大幅節省操作上的時間成本。
搜索結果	<ul style="list-style-type: none"> ✓ Lexis Advance會把所有檢索資料依其資料來源屬性（如管轄法院、期刊）分門別類列表，使用者可清楚看到資料的分佈範圍與數量，提升檢索效率，擴大研究方向。 ✓ Timeline filter：搜索後可輕鬆運用 Timeline filter再次縮放檢索範圍。 ✓ Unlimited pre-search filters：可以透過pre-search filters縮小特定檢索範圍及領域。 ✓ Legal Issue Trail：可快速查找主案件中的各種連結關係，幫助使用者有效了解與分析該議題的演變與發展。 ✓ 強化檢索援用先例Shepards的操作介面與圖表功能，原先Lexis.com中的Shepards為單獨操作的檢索功能鍵，使用者必須另外點選查詢結果中的Shepardize才能顯示出援用的檢索結果；在Lexis Advance中則將Shepardize所查詢到的各項結果同步顯示在主檢索結果旁，同時用圖表呈現該判決理由的援用歷史狀態及各管轄法院的案件數量。

學習目的

針對英美法學課程之學習與研究，有效運用資料庫檢索功能及
加值服務，迅速獲取多元化專業法學資料。



一、介面介紹

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Research

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Client: -None- ▾

History ▾

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Enter terms, sources, a citation, or shep: to Shepardize[®]

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Content Type	Federal	State	Practice Area or Industry	International	
Cases <i>i</i>		Secondary Materials <i>i</i>	News <i>i</i>		Directories <i>i</i>
Statutes & Legislation <i>i</i>		Forms <i>i</i>	Legal News <i>i</i>		Intellectual Property <i>i</i>
Administrative Codes & Regs <i>i</i>		Briefs, Pleadings & Motions <i>i</i>	Dockets <i>i</i>		Practical Guidance
Administrative & Agency Materials <i>i</i>		Jury Verdicts & Settlements <i>i</i>	Scientific <i>i</i>		Public Records
Jury Instructions <i>i</i>		Expert Witness Analysis <i>i</i>	Company & Financial <i>i</i>		

History

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- TEST
- Patent
- American Law Reports
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View all folders

Favorites [Tips](#)

- All Content Types; All Jurisdictions; All Practice Areas & Topics
- Cases
- Secondary Materials

Alerts

You have not created any alerts.
See [Help](#) to find out how to create an alert.

Notifications

You have no notifications.

Archives

Search a collection of archived codes, including statutory codes, constitutions, administrative codes, municipal codes, and court rules.

[Archived Code Search](#)

二、資料瀏覽：（一）Sources-檢索方式



二、資料瀏覽：（一）Sources-檢索結果

- ◆ 除了按照上述4種型態分類外，進入結果頁面後還提供首字母分類，方便使用者快速查閱資料。

▼ Search Within Sources

Narrow By

Administrative Materials

Clear

▼ Category

Administrative Codes	75
Administrative Materials	2,779
Bill Text	1
Cases	84
Codes	72

⌵ More

Select multiple

▼ Jurisdiction

U.S. Federal	2,052
International	10
Alabama	11
Alaska	10
Arizona	11

⌵ More

Select multiple

▼ Practice Areas & Topics

Administrative Law	3
Admiralty & Maritime Law	9
Antitrust & Trade Law	10
Banking Law	248
Bankruptcy Law	4

All | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z | #

Add All These as Search Filters 🔍

AAA Consumer Arbitration Awards	▼	<i>i</i>
AAA Employment Arbitration Awards	▼	<i>i</i>
AAA Employment Arbitration Rules and Mediation Procedures	▼	<i>i</i>
Table of Contents - AAA Employment Arbitration Rules and Mediation Procedures		
AAA Labor Arbitration Awards	▼	<i>i</i>
ABA Constitution, Bylaws & Rules of Procedure	▼	<i>i</i>
ABA Formal Ethics Opinions	▼	<i>i</i>
ABA Informal Ethics Opinions	▼	<i>i</i>
ABA Model Rules of Professional Conduct and Code of Judicial Conduct	▼	<i>i</i>
Agriculture Decisions	▼	<i>i</i>
AK - Alaska Administrative Journal - Insurance	▼	<i>i</i>
AK - Alaska Insurance Bulletins & Notices	▼	<i>i</i>

(二) Topics

The screenshot shows a 'Browse' window with a dark header and a light background. On the left, there is a sidebar with 'Sources', 'Topics', 'Search for a topic', and 'Practice Centers'. The 'Topics' section is highlighted with a red box and contains a search input field and two radio buttons: 'All Topics' (selected) and 'Within Banking Law'. The main content area is a grid of topic categories. 'Banking Law' is highlighted in blue. Under 'Banking Law', 'Federal Acts' is highlighted in blue. Under 'Federal Acts', 'Depository Institutions Deregulation & Monetary Control Act' is highlighted in blue. At the bottom, there are navigation buttons: a double left arrow, a single left arrow, a single right arrow, and a double right arrow.

(三) Practice Centers

The screenshot shows a 'Browse' window with a dark header and a light background. On the left, there is a sidebar with 'Sources', 'Topics', and 'Practice Centers'. The 'Practice Centers' section is highlighted with a red box. The main content area is a grid of practice center categories. 'By Jurisdiction' is selected, and 'Antitrust' is highlighted in red. Other visible categories include 'By Practice Area or Industry', 'Banking and Financial Services', 'Bankruptcy', and 'Communications'. At the bottom, there are navigation buttons: a double left arrow, a single left arrow, a single right arrow, and a double right arrow.

◆ 研究中心提供與該議題相關的各項資料，點選後可快速查閱資料。

▾	 Top Sources	
▾	Affordable Care Act	
	ACA Caselaw	▾ 
	Patient Protection and Affordable Care Act	▾ 
	ACA Federal Laws	▾ 
	ACA Federal Regulations	▾ 
	ACA State Laws	▾ 
	ACA State Regulations	▾ 
	ACA Federal Register Documents	▾ 
	Health Care Reform: Law and Practice	▾ 
	Table of Contents - Health Care Reform: Law and Practice	
	ACA News	▾ 
▶	Primary Sources	
▶	Administrative Materials	
▶	Healthcare Compliance	
▶	Analysis and Guidance from Matthew Bender®	
▶	Forms from Matthew Bender®	

三、檢索方式：（一）全部檢索

Advanced Search | Tips

str		Search: Everything ▾ 
Add Source as Filter	<ul style="list-style-type: none">Structuring and Drafting Commercial Loan Agreements The Wall Street JournalACI Structural JournalAdvanced Practice Strategies Medical Illustrations Allied Academies International Conference. Academy of Strategic Management. ProceedingsAnatomy of a Merger: Strategies and Techniques for Negotiating Corporate Acquisitions Arthropod Structure & Development	
Documents	<ul style="list-style-type: none">strickland v. washington, 466 u.s. 668strickler v. greene, 527 u.s. 263wood v. strickland, 420 u.s. 308strawbridge v. curtiss, 7 u.s. 267strauder v. w. va., 100 u.s. 303stringer v. black, 503 u.s. 222martin v. struthers, 319 u.s. 141	cial
Legal Phrases	<ul style="list-style-type: none">strict liabilitymotion to strikestrict compliancestrictly construedstrict constructionstrict scrutiny	Tips ctice Areas & Topics

◆ 預設不限定檢索範圍，直接在檢索框任意輸入各種檢索條件（關鍵字），如專有名詞、引證號、人名等進行檢索。

※ Tips
系統會根據輸入的文字模組，自動列出可能的資料來源並分組以供選取。

Select Category
Cases 10,000+

Filters

Search Within Results

Enter search terms

Court

Federal	17,126
1st Circuit	661
2nd Circuit	1,989
3rd Circuit	1,387
4th Circuit	858
5th Circuit	1,191

More

Select multiple

State	31,825
Alabama	652
Alaska	84
Arizona	290
Arkansas	509
California	1,903

More

Select multiple

Tribal	1
Ho-Chunk Nation Trial Ct.	1

◆ 確認輸入的關鍵字並點選檢索鍵，即可查找到符合條件的全部資料來源，左欄顯示各類型資料數量、在結果中檢索欄及依法院類型、州別、時間等條件來限縮到您所需要的資料。

Cases (10,000+)

first sale



1. Lexmark Int'l, Inc. v. Impression Prods.

United States Court of Appeals for the Federal Circuit | Feb 12, 2016 | 816 F.3d 721

Overview: In this patent infringement action, the district court's judgment of infringement as to the cartridges first sold abroad was affirmed because a foreign sale of a U.S.-patented article, when made by or with the approval of the U.S. patentee, did not exhaust the patentee's U.S. patent rights in the article sold.

Headnotes

Opinions

Terms: Opinion

... well as end users or the binding nature of the Lexmark-reseller agreements. J.A. 2562-64. When Lexmark sells its cartridges to end users, that sale is the first sale; when it sells to resellers, that sale is the first sale. When a reseller subsequently sells to end users, that sale is not the first sale. B Lexmark sued Impression, among other companies, for infringement under ...

[View this passage in full document](#)

2. Simard v. White

Court of Appeals of Maryland | Oct 07, 2004 | 383 Md. 257

Overview: Purported Maryland common law rule allowing a defaulting purchaser at a foreclosure sale to receive any excess proceeds

◆ 右上可切換以圖像、完整及標題方式顯示，預設圖像化顯示的頁面中可直接跳轉至色塊代表的關鍵詞所在的文章段落。

◆ 次級法源 (如期刊文章、條約等等)

Select Category	Results for: st
Cases 10,000+▼	
Cases	10,000+
Statutes and Legislation	10,000+
Secondary Materials	10,000+
Administrative Materials	7,083
Briefs, Pleadings and Motions	10,000+
Administrative Codes and Regulations	1,725
Forms	896
News	Get
Legal News	10,000+
Dockets	Get
Jury Verdicts and Settlements	0
Jury Instructions	2,997
Expert Witness Materials	618
Company and Financial	Get
Directories	1,798
Scientific	152
Intellectual Property	32
Web	Get
Snapshot	



▼ Category

Law Reviews and Journals	26,086
Treatises	12,636
Jurisprudence	5,342
Reference Indices	2,308
Practice Guides	1,388
CLE Course of Study Materials	1,345
Expert Analysis	514
Restatements	275
Dictionaries	76
Legal Topic Summaries	62
Practice Insights	7
50 State Surveys	2

三、 檢索方式：（二）指定檢索

Advanced Search | Tips

Enter terms, sources, a citation, or shep: to Shepardize®

Search: Everything ▾



◆ 直接選取首頁中的各種資料來源，進行檢索。

▼ Explore Content

Content Type	Federal	State	Practice Area
Cases			Secondary Materials
Statutes and Legislation			Briefs, Pleadings and Motions
Administrative Codes and Regulations			Jury Verdicts and Settlements
Administrative and Agency Materials			Expert Witness Analysis
Jury Instructions			Dockets
Forms			Scientific
			News
			Legal News
			Company and Financial
			Directories
			Public Records

▼ **Explore Content**

Content Type	Federal	State	Practice Area	
Cases			Secondary Materials	News



Content Type

Treatises, Practice Guides & Jurisprudence	50 State Surveys	Dictionaries
Expert Analysis	Law Reviews & Journals	CLE Course of Study Materials
Practice Insights	Restatements	Legal Topic Summaries

Federal

Federal	American Law Reports (ALR) <i>i</i>	American Jurisprudence 2d (AMJUR) <i>i</i>
---------	---------------------------------------	--

State

Alabama	Illinois	Montana	Puerto Rico
Alaska	Indiana	Nebraska	Rhode Island
Arizona	Iowa	Nevada	South Carolina
Arkansas	Kansas	New Hampshire	South Dakota

Practice Area

Administrative Law	Constitutional Law	Healthcare Law	Public Contracts Law
Admiralty & Maritime Law	Contracts Law	Immigration Law	Public Health & Welfare Law
Antitrust & Trade Law	Copyright Law	Insurance Law	Real Property Law
Banking Law	Criminal Law & Procedure	International Law	Securities Law
Bankruptcy Law	Education Law	International Trade Law	Tax Law

三、 檢索方式：（三）限縮檢索

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◆ 點選 Search 選擇鍵，選擇限縮項目。

Narrow By:

Clear | ☆ X

Jurisdiction

Category

Practice Areas & Topics

Recent & Favorites

U.S. Federal

By Court

United States

Federal Circuit

Federal District

Bankruptcy

Military Court

Other Federal

Tax Court

各級管轄法院

資源來源類型

執業範圍&主題

使用記錄與喜好

Territories

All | None

Louisiana

Maine

Maryland

Massachusetts

Michigan

Minnesota

Mississippi

Include related Federal content

Oklahoma

Oregon

Pennsylvania

Puerto Rico

Rhode Island

South Carolina

South Dakota

1、各級管轄法院

Enter terms, sources, a citation, or shep: to Shepardize®

AL; Fed. Cts. of App.; U.S. Sup.Ct.;



Narrow By: Alabama X Federal Courts of Appeals X United States Sup. Ct. X

- 1、勾選欲查詢的管轄法院、州或區域。
- 2、在檢索框輸入關鍵字，點選檢索鍵。

Jurisdiction

U.S. Federal All | None

Category

Practice Areas & Topics

Recent & Favorites

By Court

- United States Supreme Court
- Federal Courts of Appeals
- Federal District Courts
- Bankruptcy Courts
- Military Courts
- Other Federal Courts
- Tax Court
- Tribal

By Circuit

- 1st Circuit
- 2nd Circuit
- 3rd Circuit
- 4th Circuit
- 5th Circuit
- 6th Circuit
- 7th Circuit
- 8th Circuit
- 9th Circuit

States & Territories All | None

Alabama

- Alaska
- Arizona
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- Dist. of Columbia
- Florida
- Georgia
- Guam
- Hawaii
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Northern Marianas

Include related Federal content

- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virgin Islands
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

2、資源來源類型

Enter terms, sources, a citation, or shep: to Shepardize®

Secondary
Materials; Cases; ▼



Narrow By: Secondary Materials X Cases X Statutes and Legislation X

Jurisdiction

Category

Practice Areas &
Topics

Recent &
Favorites

- Cases** ▶
- Statutes and Legislation**
- Administrative Codes and Regulations
- Administrative Materials
- Secondary Materials**
- Forms
- Briefs, Pleadings and Motions
- Jury Instructions
- Jury Verdicts and Settlements
- Expert Witness Analysis
- Dockets
- Directories
- News
- Legal News
- Scientific
- Company and Financial

▶ You have selected to initially view your results in Cases. You can change this in Settings.

- 1、勾選欲查詢的資料來源類型。
- 2、在檢索框輸入關鍵字，點選檢索鍵。

3、執業範圍&主題

Enter terms, sources, a citation, or shep: to Shepardize®

Labor & Employment Law; ▾



Narrow By:

Labor & Employment Law X

Immigration Law X

Constitutional Law X

- 1、勾選欲查詢的執業範圍&主題。
- 2、在檢索框輸入關鍵字，點選檢索鍵。

Jurisdiction

Category

Practice Areas & Topics

Recent & Favorites

- Administrative Law
- Admiralty & Maritime Law
- Antitrust & Trade Law
- Banking Law
- Bankruptcy Law
- Business & Corporate Law
- Civil Procedure
- Civil Rights Law**
- Commercial Law (UCC)
- Communications Law
- Computer & Internet Law
- Constitutional Law**
- Contracts Law
- Copyright Law
- Criminal Law & Procedure
- Education Law
- Energy & Utilities Law
- Environmental Law
- Estate, Gift & Trust Law
- Evidence
- Healthcare Law
- Immigration Law**
- Insurance Law
- International Law
- International Trade Law
- Labor & Employment Law**
- Legal Ethics
- Mergers & Acquisitions Law
- Military & Veterans Law
- Patent Law
- Pensions & Benefits Law
- Public Contracts Law
- Public Health & Welfare Law
- Real Property Law
- Securities Law
- Tax Law
- Torts
- Trade Secrets Law
- Trademark Law
- Transportation Law

4、使用記錄與喜好

Enter terms, sources, a citation, or shep: to Shepardize®

Forms
and ▾



- 1、點選最近的查找記錄。
- 2、在檢索框輸入關鍵字，點選檢索鍵。

Narrow By: Forms and Analysis X

Jurisdiction

All Content Types; All Jurisdictions; All Practice Areas & Topics



Category

Cases



Practice Areas &
Topics

Forms



Federal Taxation of Intellectual Property Transfers

[View Table of Contents for Federal Taxation of Intellectual Property Transfers](#)



Recent &
Favorites

Forms and Analysis

[View Table of Contents for Forms and Analysis](#)



CA; Patent Law; Forms, CA; Patent Law; Forms, CA; Patent Law; Forms



Secondary Materials



Indiana, United States Supreme Court



Table of Contents for Delaware Code Annotated



三、 檢索方式：（四）進階檢索

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Enter terms, sources, a citation, or shep: to Shepardize®

U.S. Sup.Ct.; Administrative
Codes and Regulations



Lexis Advance®
Research

Browse

Client: TEST

History

More

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[Home](#) / [Advanced Search](#)

Enter terms, sources, a citation, or shep: to Shepardize®

Search: Everything



Search Everything | [Select a specific content type](#)

Terms

All of these terms

Enter just keywords to run as Natural Language. To run as Terms & Connectors, choose a co

Add ↑

Any of these terms

Enter just keywords to run as Natural Language. To run as Terms & Connectors, choose a co

Add ↑

This exact phrase

Enter just keywords to run as Natural Language. To run as Terms & Connectors, choose a co

Add ↑

Exclude these terms

Enter just keywords to run as Natural Language. To run as Terms & Connectors, choose a co

Add ↑

Use Connectors

- " " Exact phrase
- and 2 or more words anywhere in the document (alternative: &)
- or Include one or more words
- and not Exclude documents containing the word or phrase; should be the last connector, or may produce unexpected results
- /n First word within "n" words of the second (alternative: w/n or near/n)
- ! Word variations using this as the root word (alternative: *)

[View all connectors and commands](#)

liability

Search: Everything



Search Everything

Select a specific content type ▼

- 1、在上方檢索框中輸入主要查詢的關鍵字。
- 2、在下方的檢索框輸入次要關鍵字，加入檢索。

▼ Terms

All of these terms

damage

Add ↑

Any of these terms

absolute

Add ↑

This exact phrase

strict

Add ↑

Exclude these terms

fault

Add ↑

"" Exact phrase

and 2 or more words anywhere in the document (alternative: &)

or Include one or more words

and not Exclude documents containing the word or phrase; should be the last connector, or may produce unexpected results

/n First word within "n" words of the second (alternative: w/n or near/n)

! Word variations using this as the root word (alternative: *)

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absolute or liability and damage and "strict" and not fault

Search: Everything



四、全方位的呈現多元檢索結果

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Results for: strict liability  | [Actions](#)▼

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1st Circuit	1,393
2nd Circuit	3,915
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Alabama	354
Alaska	237
Arizona	512
Arkansas	287
California	4,125

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Cases (10,000+)

strict liability



Sort by: [Relevance](#) ▼

- 1.  [Greenman v. Yuba Power Products, Inc.](#)
Supreme Court of California | Jan 24, 1963 | 59 Cal. 2d 57

Overview: The doctrine of strict liability was imposed on a manufacturer because a plaintiff proved that he was injured while using a product in a way it that was intended and as a result of a defect of which he was unaware and which made the tool unsafe.



Terms: Headnotes

... Theories of **Liability**. Breach of Warranty Theories of **Liability**, **Strict Liability** HN6 Although **strict liability** has usually been based on the theory of an express or implied warranty running from the manufacturer to the plaintiff, the abandonment of the requirement ...

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- 2.  [Vandermark v. Ford Motor Co.](#)

Clear | 



1、檢索結果在各類資料來源的分布狀態，以及二次檢索功能鍵。

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Cases	10,000+
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Legal News	10,000+
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1808 2015

Jan 01, 1808

Dec 31, 2015

◆ Timeline 可任意調動，限縮查閱特定期間的資料。

▶ Publication Status

▼ Sources

3rd Circuit - US District Court Cases	3,503
9th Circuit - US District Court Cases	3,112
5th Circuit - US District Court Cases	2,786
7th Circuit - US District Court Cases	2,773
2nd Circuit - US District Court Cases	2,767

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▶ Attorney

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▶ Most Cited

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▶ Judge

2、檢索結果呈現方式-圖像

Cases (10,000+)



Graphical View

Sort by: Relevance ▾

strict liability



1. Greenman v. Yuba Power Products, Inc.

Supreme Court of California | Jan 24, 1963 | 59 Cal. 2d 57

Overview: The doctrine of strict liability was imposed on a manufacturer because a plaintiff proved that he was injured while using a product in a way it that was intended and as a result of a defect of which he was unaware and which made the tool unsafe.

Headnotes

Opinions

Terms: Headnotes

... Theories of **Liability**, Breach of Warranty Theories of **Liability**, **Strict Liability** HN6 Although **strict liability** has usually been based on the theory of an express or implied warranty running from the manufacturer to the plaintiff, the abandonment of the requirement ...

[View this passage in full document](#)

2、檢索結果呈現方式-詳細

Cases (10,000+)



Sort by Relevance ▾

Full View

1. **Q** [Greenman v. Yuba Power Products, Inc.](#)

Supreme Court of California | Jan 24, 1963 | 59 Cal. 2d 57

Overview: The doctrine of strict liability was imposed on a manufacturer because a plaintiff proved that he was injured while using a product in a way it that was intended and as a result of a defect of which he was unaware and which made the tool unsafe.

... --A manufacturer is **strictly liable** in tort when an article he places on the market, ...
... being. (7) Id. Care by Manufacturers. --Although **strict liability** of a manufacturer has usually been based on the theory ...
... requirement of a contract between them, the recognition that the **liability** is not assumed by agreement but imposed by law, and ...
... its own responsibility for defective products make clear that the **liability** is not one governed by the law of contract warranties but by
the law of **strict liability** in tort. (8) Id. Care by Manufacturers. ...
... of commercial transactions cannot properly be invoked to govern manufacturers' **liability** to those injured by their defective products
unless those rules also serve the purposes for which such **liability** is imposed....
... Theories of **Liability**, Breach of Warranty Theories of **Liability**, **Strict Liability** HN6 Although **strict liability** has usually been based
on the theory of an express ...
... requirement of a contract between them, the recognition that the **liability** is not assumed by agreement but imposed by law, and ...

2. **Q** [Vandermark v. Ford Motor Co.](#)

Supreme Court of California | Apr 21, 1964 | 61 Cal. 2d 256

Overview: The doctrine of strict liability in tort was extended beyond an automobile manufacturer to an automobile dealer, to which the manufacturer delegated final inspections and adjustments in its process, after a defective car caused injuries to users.

... The doctrine of **strict liability** in tort was extended beyond an automobile manufacturer to an ...
... that it was error to grant nonsuit on issues of **strict liability** and negligence against the manufacturer and to direct a verdict ...
... the dealer. The court held that the manufacturer could be **strictly liable** in tort and could not delegate its duty to deliver ...



2、檢索結果呈現方式-標題

Cases (10,000+)



Title View

- 1.  [Greenman v. Yuba Power Products, Inc.](#)
Supreme Court of California | Jan 24, 1963 | 59 Cal. 2d 57

- 2.  [Vandermark v. Ford Motor Co.](#)
Supreme Court of California | Apr 21, 1964 | 61 Cal. 2d 256

- 3.  [Barker v. Lull Engineering Co.](#)
Supreme Court of California | Jan 16, 1978 | 20 Cal. 3d 413

- 4.  [Tincher v. Omega Flex](#)
Supreme Court of Pennsylvania | Nov 19, 2014 | 628 Pa. 296

- 5.  [Carlin v. Superior Court](#)
Supreme Court of California | Aug 30, 1996 | 13 Cal. 4th 1104

2、檢索結果呈現方式-互動圖表

Sort by: Court ▾



1. Greenman v. Yuba Power Products, Inc.

Supreme Court of California | Jan 24, 1963 | 59 Cal. 2d 57

Overview: The doctrine of strict liability was imposed on a manufacturer because a plaintiff proved that he was injured while using a product in a way it that was intended and as a result of a defect of which he was unaware and which made the tool unsafe.

... --A manufacturer is **strictly liable** in tort when an article he places on the market, ...

... being. (7) Id. Care by Manufacturers. --Although **strict liability** of a manufacturer has usually been based on the theory ...

... requirement of a contract between them, the recognition that the **liability** is not assumed by agreement but imposed by law, and ...

... its own responsibility for defective products make clear that the **liability** is not one governed by the law of contract warranties but by the law of **strict liability** in tort. (8) Id. Care by Manufacturers. ...

... of commercial transactions cannot properly be invoked to govern manufacturers' **liability** to those injured by their defective products unless those rules also serve the purposes for which such **liability** is imposed....

... Theories of **Liability**, Breach of Warranty Theories of **Liability**, **Strict Liability** HN6 Although **strict liability** has usually been based on the theory of an express ...

... requirement of a contract between them, the recognition that the **liability** is not assumed by agreement but imposed by law, and ...

Ravel View將各案例以圓圈來表示，可了解各案例之間的引用狀況



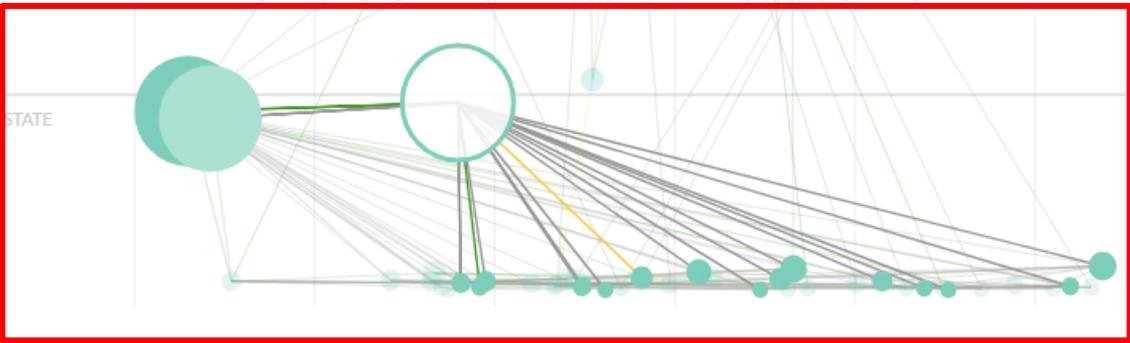
1. 垂直軸代表法院層級，由上而下分別為Supreme、Circuit、District、State。也可點選上方Sort by切換為Relevance。
2. 橫軸顯示各案例的確切時間，從最舊到最新。
3. 圓圈越大，代表被引用案例越多。
4. 各區塊中，圓圈越上面代表此案例與檢索內容越相關；如以Relevance排序，則最上方即為關聯程度最大。
5. 右側呈現各筆檢索結果資料。

SUPREME

右側自動跳轉為所點擊圓圈之案例

CIRCUIT

單擊圓圈可查看此案例與其他案例之引用狀況，
連結圓圈之間的線條顏色代表引用之正反面態度
(EX: 綠色為正面，紅色為反面)



STATE



3. **Barker v. Lull Engineering Co.**
 Supreme Court of California | Jan 16, 1978 | 20 Cal. 3d 413

Overview: Under the strict product liability doctrine, whether a product was unreasonably dangerous should not have been incorporated into appellant's burden of proof in his product liability action against respondents.

Strict Liability in Tort Instructions Design Defect Unreasonably Dangerous Product. —In a **strict liability** action against the manufacturer of a high-lift loader by a ...

... trial court committed prejudicial error in instructing the jury that "**strict liability** for a defect in design ... is based ...

... or consumer represents an undue restriction on the application of **strict liability** principles, whether the defect in question is a manufacturing defect ...

... the product's "reasonably foreseeable use." (2a) (2b) Products **Liability** § 49...

... erroneous formulation represented an undue restriction on the application of **strict liability** principles in both instances. The court further held that a ...

... Under the **strict product liability** doctrine, whether a product was unreasonably dangerous should not have ...

... been incorporated into appellant's burden of proof in his product **liability** action against respondents. Appellant was injured while he was operating ...

4. **Tincher v. Omega Flex**
 Supreme Court of Pennsylvania | Nov 19, 2014 | 628 Pa. 296

3、檢索結果排序方式

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Cases 10,000+▼

Results for: strict liability  Actions▼

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California	4,125
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Cases (10,000+)



Sort by: Relevance ▼

1.  [Greenman v. Yuba Power Products, Inc.](#)

Supreme Court of California | Jan 24, 1963 | 59 Cal. 2d 57

Overview: The doctrine of strict liability was imposed on a manufacturer because a plaintiff product in a way it that was intended and as a result of a defect of which he was unaware a

... --A manufacturer is **strictly liable** in tort when an article he places on the market, ...
... being. (7) Id. Care by Manufacturers. --Although **strict liability** of a manufacturer has usual
... requirement of a contract between them, the recognition that the **liability** is not assumed b
... its own responsibility for defective products make clear that the **liability** is not one governe
... the law of **strict liability** in tort. (8) Id. Care by Manufacturers. ...
... of commercial transactions cannot properly be invoked to govern manufacturers' **liability** to
... unless those rules also serve the purposes for which such **liability** is imposed....
... Theories of **Liability**. Breach of Warranty Theories of **Liability**, **Strict Liability** HN6 Althou
... on the theory of an express ...
... requirement of a contract between them, the recognition that the **liability** is not assumed b

2.  [Vandermark v. Ford Motor Co.](#)

Supreme Court of California | Apr 21, 1964 | 61 Cal. 2d 256

Overview: The doctrine of strict liability in tort was extended beyond an automobile manufacturer to an automobile dealer, to which the manufacturer delegated final inspections and adjustments in its process, after a defective car caused injuries to users.

- Relevance
- Document Title (A-Z)
- Document Title (Z-A)
- Jurisdiction (A-Z)
- Jurisdiction (Z-A)
- Court (highest) by date (newest)
- Court (highest - lowest)
- Court (lowest - highest)
- Date (newest - oldest)
- Date (oldest - newest)

4、閱讀記號：點閱該篇文章後，系統會出現特殊記號，以資辨識。

點閱前

2. Simard v. White

Court of Appeals of Maryland | Oct 07, 2004 | 383 Md. 257

Overview: Purported Maryland common law rule allowing a defaulting purchaser at a foreclosure sale to receive any excess proceeds from a resale was not and never had been the law in that state.

... to the original mortgage debt, a defaulting purchaser at the **first sale** is not entitled to claim any of the excess funds ...
... at the resale. If the sum bid at the second **sale** is both higher than the bid at the **first sale** and more than sufficient to pay off the mortgage debt, the defaulting purchaser at the **first sale**, absent fraud or extraordinary circumstances, still is not entitled to ...
... to the original mortgage debt, a defaulting purchaser at the **first sale** is not entitled to claim any of the excess funds ...
... we hold that if the sum bid at the second **sale** is both higher than the bid at the **first sale** and is more than sufficient to pay off the mortgage debt, the defaulting purchaser at the **first sale**, absent fraud or extraordinary circumstances, still is not entitled to ...
... to the original mortgage debt, a defaulting purchaser at the **first sale** is not entitled to claim any of the excess funds ...

點閱後

2. Simard v. White

Court of Appeals of Maryland | Recently viewed: Jul 17, 2018 | 383 Md. 257

Overview: Purported Maryland common law rule allowing a defaulting purchaser at a foreclosure sale to receive any excess proceeds from a resale was not and never had been the law in that state.

... to the original mortgage debt, a defaulting purchaser at the **first sale** is not entitled to claim any of the excess funds ...
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... to the original mortgage debt, a defaulting purchaser at the **first sale** is not entitled to claim any of the excess funds ...
... we hold that if the sum bid at the second **sale** is both higher than the bid at the **first sale** and is more than sufficient to pay off the mortgage debt, the defaulting purchaser at the **first sale**, absent fraud or extraordinary circumstances, still is not entitled to ...
... to the original mortgage debt, a defaulting purchaser at the **first sale** is not entitled to claim any of the excess funds ...

五、全記錄頁面-介面功能

Document: *Kirtsaeng v. John Wiley & Sons, Inc.*, 568 U.S. 519 | Actions

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Opinion

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Supreme Court of the United States

October 29, 2012, Argued; March 19, 2013, Decided

No. 11-697

Reporter

568 U.S. 519 * | 133 S. Ct. 1351 ** | 185 L. Ed. 2d 392 *** | 2013 U.S. LEXIS 2371 **** | 106 U.S.P.Q.2D (BNA) 1001 | 81 U.S.L.W. 4167 | Copy. L. Rep. (CCH) P30,396 | 75 A.L.R. Fed. 2d 767 | 35 Int'l Trade Rep. (BNA) 1049 | 41 Media L. Rep. 1441 | 24 Fla. L. Weekly Fed. S 87 | 2013 WL 1104736

SUPAP KIRTSAENG, dba BLUECHRISTINE99, Petitioner v. JOHN WILEY & SONS, INC.

Subsequent History: As Amended April 4, 2013.

Prior History: [****1] ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

[John Wiley & Sons, Inc. v. Kirtsaeng](#), 654 F.3d 210, 2011 U.S. App. LEXIS 16830 (2d Cir. N.Y., 2011)

Disposition: [654 F.3d 210](#), reversed and remanded.

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U.S. Supreme Court Cases, Lawyers' Edition

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五、全記錄頁面-引證號

▲ **Kirtsaeng v. John Wiley & Sons, Inc., 568 U.S. 519**

Copy Citation

Supreme Court of the United States

October 29, 2012, Argued; March 19, 2013, Decided

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Reporter

568 U.S. 519 * | [133 S. Ct. 1351](#) ** | [185 L. Ed. 2d 392](#) *** | [2013 U.S. LEXIS 2371](#) **** | [106 U.S.P.Q.2D \(BNA\) 1001](#) | 81 U.S.L.W. 4167
| Copy. L. Rep. (CCH) P30,396 | 75 A.L.R. Fed. 2d 767 | 35 Int'l Trade Rep. (BNA) 1049 | 41 Media L. Rep. 1441 | 24 Fla. L. Weekly Fed. S 87

案卷上的代碼是本案的**引證號**，分別隸屬於**不同單位所出版的判決彙編**。

◆ **U.S.** 代表《**United States Reports --美國最高法院判決彙編**》，唯一官方版本，權威。
(始於1790年，1817年開始由美國政府出版。)

----568 U.S. 519 表該判決文出現於本判決彙編第568卷，始於該卷第519頁。

◆ **S. Ct.** 代表《**The Supreme Court Reporter --最高法院判決彙編**》，西方出版公司出版。

----133 S.Ct. 1351 表該判決文出現於本判決彙編第133卷，始於該卷第1351頁。

◆ **L. Ed. 2d** 代表《**U.S. Supreme Court Reports --美國最高法院判決彙編**》，律師合作出版公司出版。

----185 L. Ed. 2d 392 表該判決文出現於本判決彙編第185卷，始於該卷第392頁。

Syllabus

[\[1002\]](#) [\[***396\]](#) [\[**1352\]](#) [\[*519\]](#) The “exclusive rights” that a copyright owner has “to distribute copies . . . of [a] copyrighted work,” [17 U.S.C. §106\(3\)](#), are qualified by the application of several limitations set out in [§§107 through 122](#), including the “first sale” doctrine, which provides that “the owner of a particular copy or phonorecord lawfully made under this title . . . is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord,” [§109\(a\)](#). Importing a copy made abroad without the copyright owner’s permission is an infringement of [§106\(3\)](#).

Syllabus

[\[1002\]](#) [\[***396\]](#) [\[**1352\]](#) [\[*519\]](#) The “exclusive rights” that a copyright owner has “to distribute copies . . . of [a] copyrighted work,” [17 U.S.C. §106\(3\)](#), are qualified by the application of several limitations set out in [§§107 through 122](#), including the “first sale” doctrine, which provides that “the owner of a particular copy or phonorecord lawfully made under this title . . . is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord,” [§109\(a\)](#). Importing a copy made abroad without the copyright owner’s permission is an infringement of [§106\(3\)](#).

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五、全記錄頁面-Core Terms

Core Terms

copies, importation, lawfully, manufactured, copyright owner, abroad, first sale doctrine, Revision, geographical, Print, phonorecords, exhaustion, permission, publisher, words, authorization, foreign-made, display, unauthorized, distribute, says, exclusive right, infringement, museums, first sale, copyright infringement, distribution rights, markets, holder, consumers

由系統針對案件全文中**最常提及的字詞**挑選出來的**關鍵字**

五、全記錄頁面-Case Summary

Case Summary

Procedural Posture **Procedural Posture** 案件描述—簡要介紹案件在該法院審理之前的歷史。

Respondent publisher sued petitioner student/importer claiming unauthorized importation and resale of its books in violation of [17 U.S.C.S. §§ 106\(3\), 602](#). The district court held [17 U.S.C.S. § 109\(a\)](#)'s first sale doctrine did not apply to copies of American copyrighted works manufactured abroad, and a jury found willful infringement. The U.S. Court of Appeals for the Second Circuit affirmed. The importer's petition for certiorari was granted.

Overview **Overview**—提供該法院對案件中所提及的法律爭點所持的態度。

The copies were, as authorized, manufactured abroad. When the importer moved from Thailand to the U.S. to study, he asked friends and family to buy foreign edition English-language textbooks in Thai book shops, where they sold at low prices, and mail them to him in the U.S. He then sold the books, reimbursed his family and friends, and kept the profit. The language of [§ 109\(a\)](#) read literally favored a nongeographical interpretation, that "lawfully made under this title" meant made "in accordance with" or "in compliance with" the Copyright Act. [Section 109\(a\)](#) said nothing about geography. [17 U.S.C.S. § 104](#) said that works "subject to protection under this title" included unpublished works "without regard to the nationality or domicile of the author," and works "first published" in any nation that had signed a copyright treaty with the U.S. Copyright-related consequences, along with language, context, and interpretive canons argued strongly against a geographical interpretation of [§ 109\(a\)](#). History reiterated the importance of the "first sale" doctrine. The "first sale" doctrine applied to copies of a copyrighted work lawfully made abroad.

Outcome **Outcome**—提供法院對該案例所裁定之決定。

The Second Circuit's judgment finding that the first sale doctrine did not apply was reversed, and the case was remanded for further proceedings. 6-3 Decision; 1 opinion; 1 concurrence; 1 dissent.

五、全記錄頁面-內文反白右鍵功能

HN14 Courts, Judicial Precedent

The United States Supreme Court is not necessarily bound by its prior dicta should more complete argument demonstrate that the dicta is not correct.

[Shepardize - Narrow by this Headnote \(3\)](#)

Constitutional Law > [Congressional Duties](#)

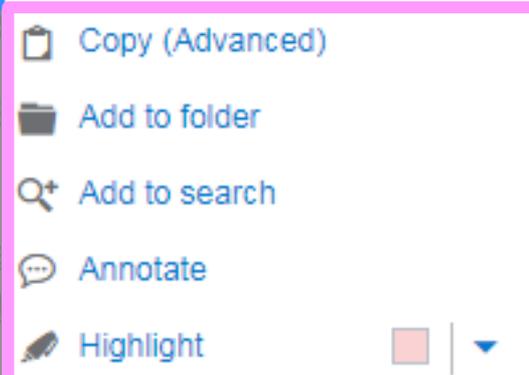
Copyright Law > [Constitutional Copyright](#)

HN15 Congressional Duties & Power

The United States Constitution describes the power to secure to authors for limited time

[More like this Headnote](#)

[Shepardize - Narrow by this Headnote \(9\)](#)



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Annotate 批註

Highlight 突出加亮

五、全記錄頁面 - Shepardize® this document - 判決引文援引查詢

Doctrine of Stare Decisis 遵循先例原則

◆ 定義：

英美法最重要的法律原則之一，意即遵循之前所做過的決定。當法院第一次作出相關的判決或決定時，意謂著它建立了一個法律先例，之後其他法院在審議類似案件時，須遵循這個先例所作出的判決理由。

◆ 例外：

不同層級法院在審理同一案件時，上級法院的判決對下級法院具有其約束力，因此上級法院可以推翻下級法院的判決。另外，在援用的過程中，有些案件會因為事實的發生或適用的法律有所不同而導致援用上變得不可合理，法院可以改變甚至推翻這個先例。

◆ 援引範圍：

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- 來自全部50州及D.C.和波多黎各的判例
- 美國法典以及來自於全部50州的法典
- 規章，包含聯邦行政法典
- 美國和州的憲法條文
- 法院規則，包括聯邦證據規則和聯邦民事訴訟規則

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2nd Circuit	1,989
3rd Circuit	1,387
4th Circuit	858
5th Circuit	1,191

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State	31,825
Alabama	652
Alaska	84
Arizona	290
Arkansas	509
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◆ 案例前面會出現特定符號，提供援引時的參考。

1 Lexmark Int'l, Inc. v. Impression Prods. 60
United States Court of Appeals for the Federal Circuit | Feb 12, 2016 | 816 F.3d 721

Overview: In this patent infringement action, the district court's judgment of infringement as to the cartridges first sold abroad was affirmed because a foreign sale of a U.S.-patented article, when made by or with the approval of the U.S. patentee, did not exhaust the patentee's U.S. patent rights in the article sold.

Lexmark sells its cartridges to end users, that sale is the first sale; when it sells to resellers, that sale is the first sale. When a reseller subsequently sells to end users, that sale is not the first sale. B Lexmark sued Impression, among other companies, ... its patent rights in those cartridges, upon the manufacturing licensee's sale (the first sale), if a buyer with knowledge of the restrictions sold or ... same communicated restriction, rather than having left the manufacture and sale to others under license. ... And the patentee's authorization to the licensee to make (the first) sales was not subject to any conditions, much less conditions to be embodied in those sales. ... question is about patentees' ability to do for their own sales what they already can do by contracting out their manufacturing and ...

2 Stuard v. White 60
Court of Appeals of Maryland | Oct 07, 2004 | 383 Md. 257

Overview: Purported Maryland common law rule allowing a defaulting purchaser at a foreclosure sale to receive any excess proceeds from a resale was not and never had been the law in that state.

... to the original mortgage debt, a defaulting purchaser at the first sale is not entitled to claim any of the excess funds ... at the resale. If the sum bid at the second sale is both higher than the bid at the first sale and more than sufficient to pay off the mortgage debt, the defaulting purchaser at the first sale, absent fraud or extraordinary circumstances, still is not entitled to ... to the original mortgage debt, a defaulting purchaser at the first sale is not entitled to claim any of the excess funds ... we hold that if the sum bid at the second sale is both higher than the bid at the first sale and is more than sufficient to pay off the

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存在引證文獻：雖然有文獻引用，但在隨後無任何判決有相關評價或歷史沿革，如被法律期刊引用。

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▲ **Kirtsaeng v. John Wiley & Sons, Inc., 133 S. Ct. 1351**

Copy Citation

Supreme Court of the United States

October 29, 2012, Argued; March 19, 2013, Decided

No. 11-697

Reporter

133 S. Ct. 1351 | [185 L. Ed. 2d 392](#) | [2013 U.S. LEXIS 2371](#) | 81 U.S.L.W. 4167 | 106 U.S.P.Q.2D (BNA) 1001 | Copy. L. Rep. (CCH) P30,396 | 35 Int'l Trade Rep. (BNA) 1049 | 75 A.L.R. Fed. 2d 767 | 41 Media L. Rep. 1441 | 24 Fla. L. Weekly Fed. S 87 | 2013 WL 1104736

SUPAP KIRTSANG, dba BLUECHRISTINE99, Petitioner v. JOHN WILEY & SONS, INC., Respondent

Notice: The LEXIS pagination of this document is subject to change from the published version.

Subsequent History: As Amended April 4, 2013.

Prior History: ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[John Wiley & Sons, Inc. v. Kirtsaeng, 654 F.3d 210, 2011 U.S. App. L. Rep. 1441](#)

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Citing Decisions (43)

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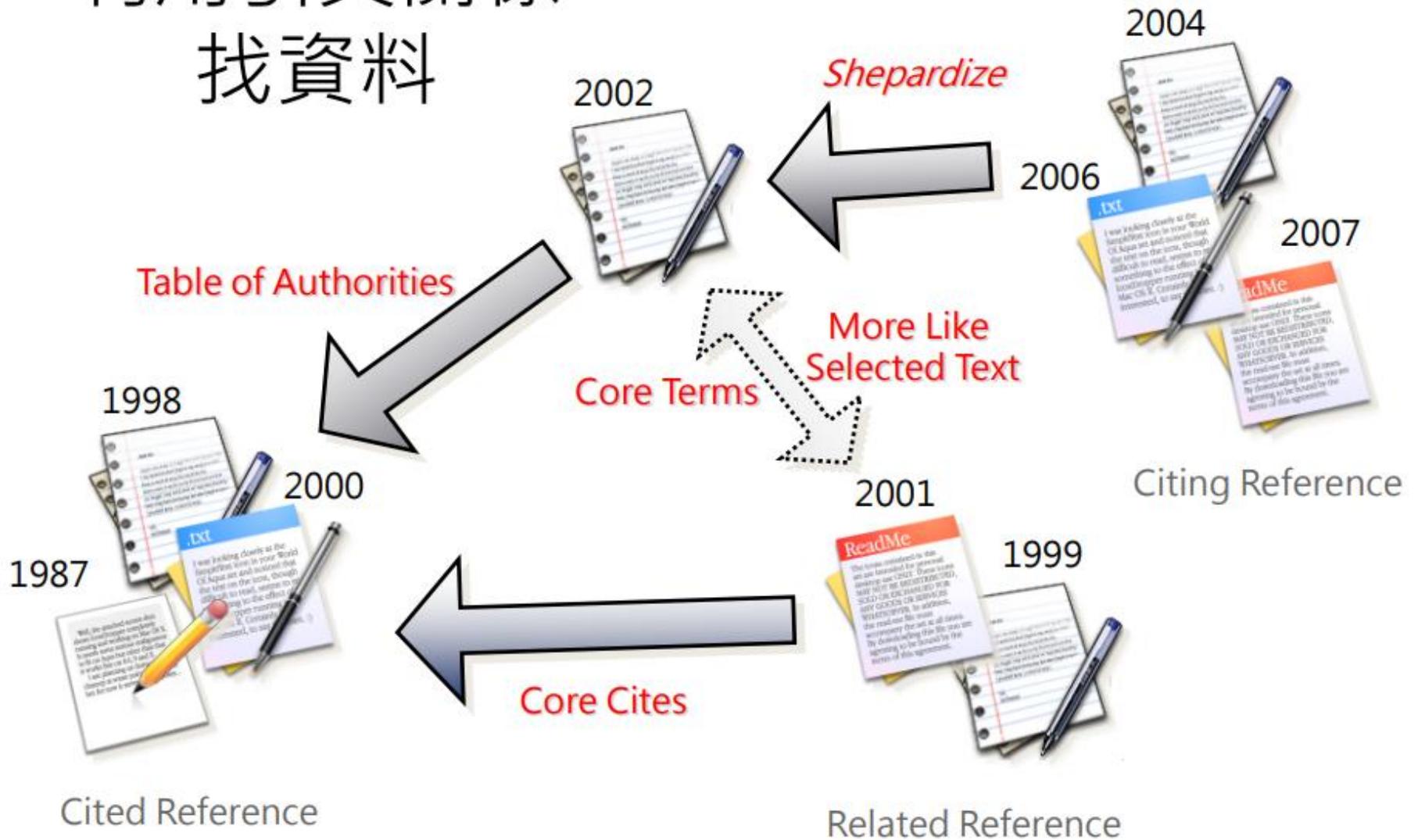
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1、Appellate History：本案訴訟歷程

Shepard's®: [Kirtsaeng v. John Wiley & Sons, Inc., 568 U.S. 519](#)

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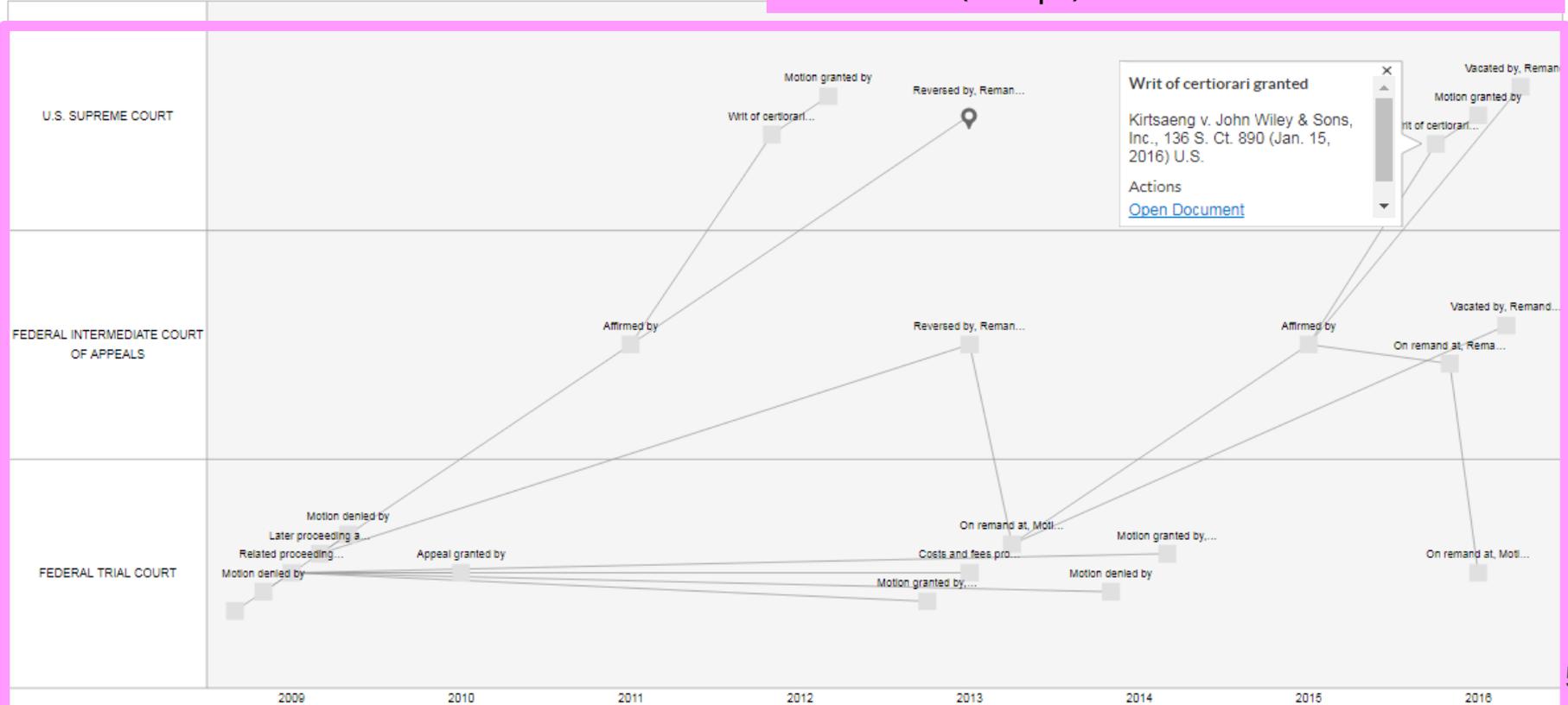
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Shepard's®: ● Apple Inc. v. Samsung Elecs. Co., 801 F.3d 1352 (Fed. Cir., Sept. 17, 2015) | Actions ▾

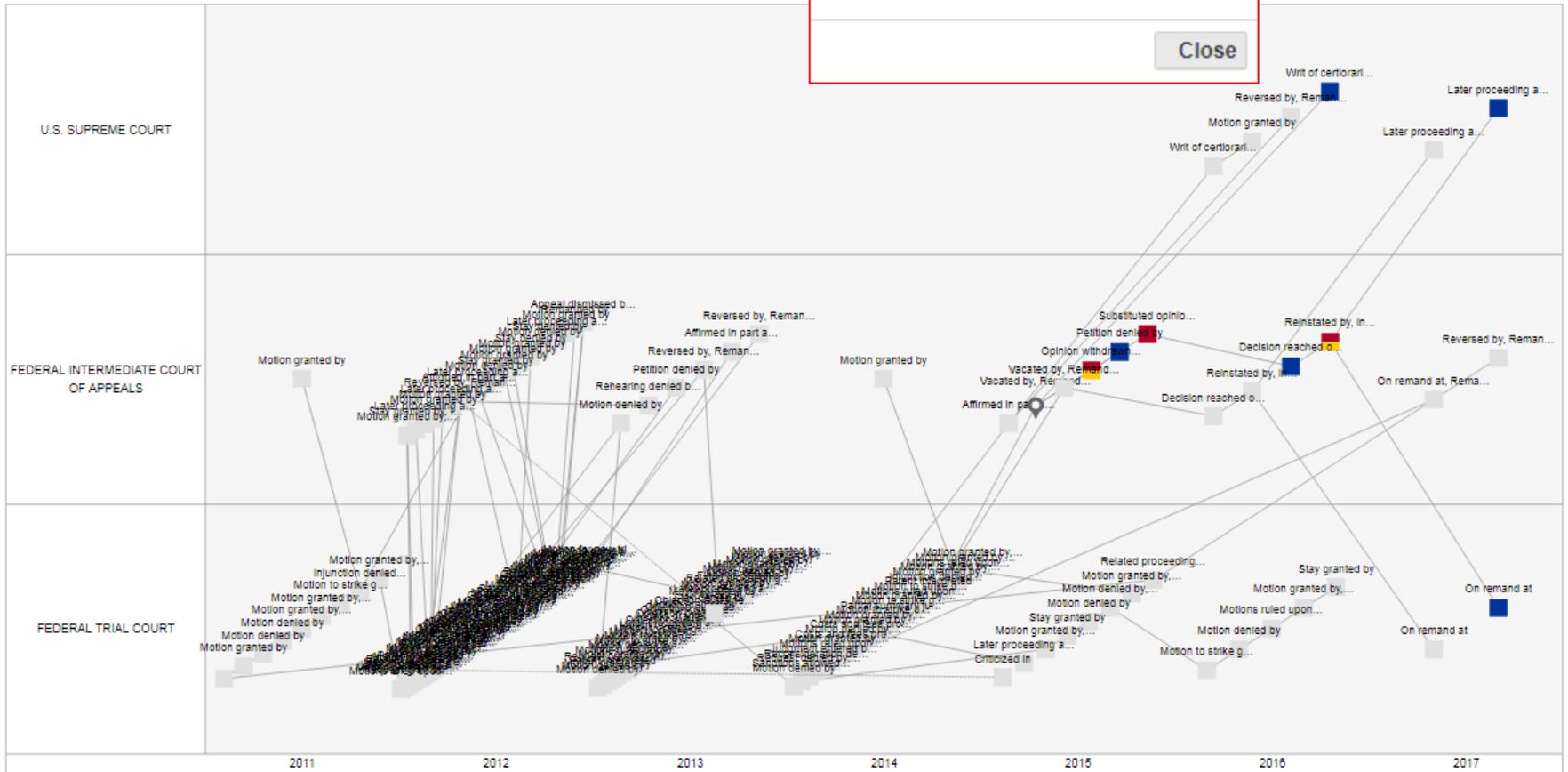
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Subsequent appellate history contains negative analysis.
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U.S. Supreme Court

- 1. [Henson v. Santander Consumer USA Inc.](#), 137 S. Ct. 1718, 198 L. Ed. 2d 177, 2017 U.S. LEXIS 3722, 85 U.S.L.W. 4346, 26 Fla. L. Weekly Fed. S 638 ▲

■ **Cited by:** 137 S. Ct. 1718 p.1723 198 L. Ed. 2d 177 p.183

... can (and often does) refer to taking possession of a piece of property without also taking ownership—so, for example, you might obtain a rental car or a hotel room or an apartment. See, e.g., 10 Oxford English Dictionary 669 (2d ed. 1989) (defining "obtain" to mean, among other things, "[t]o come into the possession or enjoyment of (something) by one's own effort or by request"); [Kirtsaeng v. John Wiley & Sons, Inc.](#), 568 U.S. 519, 532-533, 133 S. Ct. 1351, 185 L. Ed. 2d 392(2013) ...

Discussion

Court U.S.

Date June 12, 2017

- 2. [Impression Prods. v. Lexmark Int'l, Inc.](#), 137 S. Ct. 1523, 198 L. Ed. 2d 1, 2017 U.S. LEXIS 3397, 85 U.S.L.W. 4279, 26 Fla. L. Weekly Fed. S 599, 122 U.S.P.Q.2d (BNA) 1605 A

Discussion

Court U.S.

Date May 30, 2017

Headnotes

◆ Discussion :

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Shepard's®: [Kirtsaeng v. John Wiley & Sons, Inc., 133 S. Ct. 1351](#) Parallel Citations Actions

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- Caution 1
 - Distinguishing 1
- Positive 3
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- Neutral 19
 - Dissenting opinion citing 19
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No subsequent appellate history. **Prior history** available.

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- Quality King Distribs. v. L'anza Research Int'l**
 - 523 U.S. 135, 118 S. Ct. 1125, 140 L. Ed. 2d 254, 1998 U.S. LEXIS 1606, 66 U.S.L.W. 4188, 11 Fla. L. Weekly Fed. S 383, 98 Cal. Daily Op. Service 1651, 1998 Colo. J. C.A.R. 1216, 98 D.A.R. 2291, Copy. L. Rep. (CCH) P27750, 19 Intl Trade Rep. (BNA) 2281, 26 Media L. Rep. (BNA) 1385, 45 U.S.P.Q.2d (BNA) 1961
 - Overruling in part
 - Distinguishing
 - Concurring opinion explaining
 - Concurring opinion citing
 - Dissenting opinion citing
 - First Ref: 133 S. Ct. 1351 at p.1355
- Kucana v. Holder**
 - 558 U.S. 233, 130 S. Ct. 827, 175 L. Ed. 2d 694, 2010 U.S. LEXIS 764, 78 U.S.L.W. 4056, 22 Fla. L. Weekly Fed. S 68, 53 A.L.R. Fed. 2d 589
 - Citing
 - First Ref: 133 S. Ct. 1351 at p.1359
- Ardestani v. INS**
 - 502 U.S. 129, 112 S. Ct. 515, 116 L. Ed. 2d 496, 1991 U.S. LEXIS 7173, 60 U.S.L.W. 4035, 91 D.A.R. 15063, 9 Immigr. Law & Proc. Rep. A1-1
 - Dissenting opinion citing
 - First Ref: 133 S. Ct. 1351 at p.1359
- Department of Revenue v. ACF Indus.**
 - 510 U.S. 332, 114 S. Ct. 843, 127 L. Ed. 2d 165, 1994 U.S. LEXIS 1141, 62 U.S.L.W. 4097, 7 Fla. L. Weekly Fed. S 729, 94 Cal. Daily Op. Service 467, 94 D.A.R. 847, 73 A.F.T.R.2d (RIA) 460, 94 TNT 16-1
 - Citing
 - First Ref: 133 S. Ct. 1351 at p.1362

Discussion Court U.S. Date

六、 Legal Issue Trail™ --- 特定法律問題或觀點的援引查詢

Document: Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 119963 | Actions ▾



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▲ Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 119963

Copy Citation

United States District Court for the Northern District of California, San Jose Division

August 27, 2014, Decided; August 27, 2014, Filed

Case No.: 12-CV-00630-LHK

Reporter

2014 U.S. Dist. LEXIS 119963 | [112 U.S.P.Q.2D \(BNA\) 1872](#)

APPLE, INC., a California corporation, Plaintiff, v. SAMSUNG ELECTRONICS CO., LTD, A Korean corporation; SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, a Delaware limited liability company, Defendants.

Subsequent History: Motion granted by, in part, Motion denied by, in part, Request granted [Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 127972 \(N.D. Cal., Sept. 8, 2014\)](#)

Prior History: [Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 43908 \(N.D. Cal., Mar. 28, 2014\)](#)

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▲ Subsequent appellate history contains possible negative analysis.

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❖ **Apple's** current motion follows multiple rulings regarding preliminary and permanent injunctions in the two patent lawsuits between **Apple** and Samsung in this Court, including three opinions from the Federal Circuit. In its March 6, 2014 order denying **Apple's** request for a permanent injunction in the first lawsuit, this Court summarized the relevant proceedings in both litigations, the appeals to the Federal Circuit regarding injunctions, and the Federal Circuit's guidance regarding the proper analysis for assessing injunctive relief in patent cases. See Order Denying **Apple's** Renewed Mot. for Permanent Injunction at 5-14, [Apple, Inc. v. Samsung Elecs. Co., No. 11-CV-01846-LHK, 2014 U.S. Dist. LEXIS 29721 \(N.D. Cal. Mar. 6, 2014\) \[87\]](#) (ECF No. 3015, "1846 Injunction Order").

❖ Of particular relevance are the Federal Circuit's opinions in "**Apple I**" ([678 F.3d 1314 \(Fed. Cir. 2012\)](#)), "**Apple II**" ([695 F.3d 1370 \(Fed. Cir. 2012\)](#)), and "**Apple III**" ([735 F.3d 1352 \(Fed. Cir. 2013\)](#)). 

Apple's current motion follows multiple rulings regarding preliminary and permanent injunctions in the two patent lawsuits between **Apple** and Samsung in this Court, including three opinions from the Federal Circuit. In its March 6, 2014 order denying **Apple's** request for a permanent injunction in the first lawsuit, this Court summarized the relevant proceedings in both litigations, the appeals to the Federal Circuit regarding injunctions, and the Federal Circuit's guidance regarding the proper analysis for assessing injunctive relief in patent cases. See Order Denying **Apple's** Renewed Mot. for Permanent Injunction at 5-14, [Apple, Inc. v. Samsung Elecs. Co., No. 11-CV-01846-LHK, 2014 U.S. Dist. LEXIS 29721 \(N.D. Cal. Mar. 6, 2014\) \[87\]](#) (ECF No. 3015, "1846 Injunction Order"). Of particular relevance are the Federal Circuit's opinions in "**Apple I**" ([678 F.3d 1314 \(Fed. Cir. 2012\)](#)), "**Apple II**" ([695 F.3d 1370 \(Fed. Cir. 2012\)](#)), and "**Apple III**" ([735 F.3d 1352 \(Fed. Cir. 2013\)](#)). 

❖ **Selected Passage:** Of particular relevance are the Federal Circuit's opinions in "Apple I" ([678 F.3d 1314 \(Fed. Cir. 2012\)](#)), "Apple II" ([695 F.3d 1370 \(Fed. Cir. 2012\)](#)), and "Apple III" ([735 F.3d 1352 \(Fed. Cir. 2013\)](#)). [1](#) ▲
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Citations (3)



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Apple, Inc. v. Samsung Elecs. Co., 2014 U.S. Dist. LEXIS 119963 cited the following cases for this issue

1. ● [Apple Inc. v. Samsung Elecs. Co., 695 F.3d 1370](#)

It is well established that as the party seeking emergency relief, Apple "must make a clear showing that it is at risk of irreparable harm, which entails showing a likelihood of substantial and immediate irreparable injury." *Apple, Inc. v. Samsung Electronics Co.*, 678 F.3d 1314, 1325 (Fed. Cir. 2012) (hereinafter *Apple I*) (citing *Winter*, 555 U.S. at 22; *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311, 102 S. Ct. 1798, 72 L. Ed. 2d 91 (1982); *O'Shea v. Littleton*, 414 U.S. 488, 502, 94 S. Ct. 669, 38 L. Ed. 2d 674 (1974)); see also *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 506-507, 79 S. Ct. 948, 3 L. Ed. 2d 988 (1959) ("The basis of injunctive relief in the federal courts has always been irreparable harm and inadequacy of legal remedies."). But in cases such as this—where the accused product includes many features of which only one (or a small minority) infringe—a finding that the patentee will be at risk of irreparable harm does not alone justify injunctive relief. Rather, the patentee must also establish that the harm is sufficiently related to the infringement.

Jurisdiction
U.S. Federal
Court
Federal
Circuit Court
of Appeals
Date
Oct 11, 2012

2. ▲ [Apple Inc. v. Samsung Elecs. Co., 735 F.3d 1352](#)

This court has previously issued two opinions in appeals involving these particular parties and the issue of injunctive relief. In *Apple Inc. v. Samsung Electronics Co.*, 678 F.3d 1314 (Fed. Cir. 2012), referred to here as *Apple I*, we resolved an appeal in this case arising from the district court's denial of a preliminary injunction with respect to four Apple patents, including three patents that are at issue in the current appeal. We affirmed the district court's denial of injunctive relief with respect to those three patents but vacated the denial of injunctive relief with respect to the fourth patent on the ground that the patent was likely not invalid. See *id.* at 1333.

Jurisdiction
U.S. Federal
Court
Federal
Circuit Court
of Appeals
Date
Nov 18, 2013

3. ● [Apple, Inc. v. Samsung Elecs. Co., 678 F.3d 1314](#)

Because the district court has not yet weighed the balance of hardships to the parties and the public interest factors, we do not have a sufficient basis for concluding that the failure to enter an injunction was an abuse of discretion. It is normally not appropriate for this court

Jurisdiction
U.S. Federal
Court

小 試 身 手

一、法律主題或研究領域

- 『Fruit of the poisonous tree』 毒樹果理論
- 『Miranda Warning』 米蘭達警告 (384 U.S. 436)
- 『Strict Liability』 無過失責任
- 『Gestational Surrogacy』 代理孕母
- 『Employment Discrimination』 就業歧視

二、已知檢索條件之案例、法規、期刊

- 「毒樹果」案例 --Brown v. Illinois > [66 Ill. 344, *](#) ; [1872 Ill. LEXIS 536, **](#)
- 美國法典『專利』 --TITLE 35. PATENTS PART II CHAPTER 11 § 116. Inventors
> [35 USCS § 116](#)
- 法學評論所刊載的文章--Civil Mediation in Taiwan: Legal Culture and the Process of Legal Modernization
> [6 E. Asia L. Rev. 191](#)

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Lull Engineering Co., 20 Cal. 3d 413

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Supreme Court of California

January 16, 1978

S.F. No. 23519

Reporter

20 Cal. 3d 413 | [573 P.2d 443](#) | [143 Cal. Rptr. 225](#) | [1978 Cal. LEXIS 176](#) | 96 A.L.R.3d 1

RAY P. BARKER, Plaintiff and Appellant, v. LULL ENGINEERING COMPANY, INC., et al., Defendants and Respondents; EMPLOYERS INSURANCE OF WAUSAU, Intervener and Respondent

Prior History: Superior Court of the City and County of San Francisco, No. 627755, [Leland J. Lazarus](#) ▾, Judge.

Disposition: The judgment in favor of defendants is reversed.

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猴子自拍

2011年，史雷特(David Slater)在印尼蘇拉威西島國家公園拍攝瀕臨絕種的黑冠獼猴，結果猴子(Naruto)搶走他的相機，還開始研究摸索，進而瘋狂自拍！等到史雷特搶回相機後，發現裡面有上百張自拍照，照片有的很模糊，但快門按多了總有佳作，例如幾張露齒微笑的照片，猴子把自己拍得帥到爆。David宣稱擁有照片版權(copyright)，有意提告使用照片的《維基百科》。美國「善待動物組織」(PETA)2015年代表黑冠猴Naruto向美國法院提告David Slater，指控David Slater侵犯納魯托的著作權，要求賠償……

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Case No. 15-cv-04324-WHO

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NARUTO, et al., Plaintiffs, v. DAVID JOHN SLATER, et al., Defendants.

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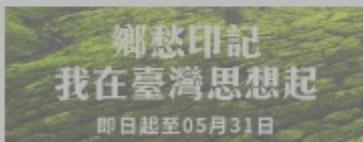


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