



# Case Law Analysis: Intellectual Property

Attempt 1 *Evaluated*

Attempt 2 *Available*

## Overview

Write a 2–page executive briefing of a selected U.S. federal or U.S. state court case pertaining to the topic of intellectual property.

By successfully completing this assessment, you will demonstrate your proficiency in the following course competencies and assessment criteria:

- Competency 1: Articulate the importance, context, purpose, and relevance of law in a business environment.
  - Summarize the facts and ruling of a legal case.
- Competency 3: Evaluate key judicial concepts that influence the decisions related to business.
  - Analyze how a legal case could impact businesses.
  - Explain how a legal case could impact a specific organization.
- Competency 5: Develop information literacy skills as applied to business law.
  - Exhibit information literacy skills as applied to business law.

### Competency Map

Use this online tool to track your performance and progress through your course.

CHECK YOUR  
PROGRESS



SHOW LESS ^

## Context

### Why Intellectual Property Matters

Intellectual property rights issues are a growing concern in the global marketplace. Differing cultural interpretations of the concept of intellectual property have caused conflict between organizations in different nations. There is an increase in international litigation concerning intellectual property rights infringement. Primarily, lawsuits are being brought by multinational corporations based in the United States and Western European nations against organizations in developing nations such as China, India, and Vietnam. Indeed, violations of intellectual property rights have become a critical and debilitating sticking point between Washington and Beijing. In the U.S., intellectual property rights protect the economic and intellectual investment that entrepreneurs make in a product or service, and without these protections the marketplace would grind to a halt.

The copying of Microsoft software in China is the most egregious example of infringement upon intellectual property rights, but the problem goes far beyond that. From those who copy the latest hit CDs to manufacturers producing fake Louis Vuitton handbags, and even the nearly identical creation of automobiles copied from

General Motors cars in China, one thing is certain: each example inextricably leads to an important conversation about what rights are important, how they should be protected in an international context.  Bryan Nickerson 

governments should have to enforce intellectual property rights.

The focus of this assessment is necessarily upon the United States, where intellectual property is considered a cornerstone of the business environment. The federal government and state and federal courts have crafted a vast array of resources and protections for entrepreneurs regarding their ideas, products, and services. The proliferation of small businesses and the dominance of Silicon Valley in the high-tech field are all testament to the protections that have been afforded businesspeople who are seeking to create new ideas or to further innovative technologies. It is also important to consider the ramifications for businesses that seek to do business overseas, where intellectual property rights may not be as strong or as stringently enforced as they are in more developed nations.

Read the Assessment 3 Context document for important information related to the following additional topics:

- Employment-at-Will in the United States.
- Combating Employment Discrimination.

SHOW LESS ^

## Questions to Consider

To deepen your understanding, you are encouraged to consider the questions below and discuss them with a fellow learner, a work associate, an interested friend, or a member of the business community.

- Should the law allow debtors to avoid payment of their debts if those debts cause the debtors to lose their homes or suffer other extreme hardships?
- Should a business be able to erase its obligations to workers if those obligations would cause the business to be unable to pay dividends to its shareholders?
- Should a student ever be able to obtain forgiveness of her obligation to pay tuition?
- Should a parent ever be able to obtain forgiveness of his obligation to pay child support?

## Resources

### Suggested Resources

The following optional resources are provided to support you in completing the assessment or to provide a helpful context. For additional resources, refer to the Research Resources and Supplemental Resources in the left navigation menu of your courseroom.

#### Capella Resources

Click the links provided to view the following resources:

- Assessment 3 Context.

#### Capella Multimedia

Click the links provided below to view the following multimedia pieces:

- Analyzing a Case Law | Transcript.
  - Throughout this course, you will be required to submit case law analysis papers. This multimedia presentation points out key areas of a case law. Use this presentation to help you complete your case analyses. Refer to this media as often as you need to.

- Business Law Foundational Concepts | Transcript.
  - This media piece offers interactive flashcards that you can use to learn (or relearn) terms and concepts in business law. Refer to this study aid often and as needed.
- Labor Law Timeline.

### Library Resources

The following e-books, articles, and videos from the Capella University Library are linked directly in this course:

- DuBoff, L. D. (2004). *The law (in plain English) for small business*. Naperville, IL: Sphinx Publishing.
- Grimsley, K. S., & Riewerts, P. K. (2010, July). Does your business have intellectual property to protect? *CPA Practice Management Forum*, 6(7), 12–15.
- Your Business on MSNBC. (2011, January 1). What happens when someone steals your business idea? [News report]. NBC Universal Media, LLC.
- NBC Nightly News. (2011, March 7). States tangle with teacher tenure [News report]. NBC Universal Media, LLC.
- NBC Nightly News. (2012, January 11). Supreme Court rejects job bias suit against church [News report]. NBC Universal Media, LLC.
- NBC Nightly News. (2011, June 20). Supreme Court rules for Wal-Mart in class-action bias case [News report]. NBC Universal Media, LLC.

### Course Library Guide

A Capella University library guide has been created specifically for your use in this course. You are encouraged to refer to the resources in the BUS-FP3021– Fundamentals of Business Law Library Guide to help direct your research. Pay particular attention to the Capella University Library Legal Research Library Guide linked within.

### Internet Resources

Access the following resources by clicking the links provided. Please note that URLs change frequently. Permissions for the following links have been either granted or deemed appropriate for educational use at the time of course publication.

- Nolo. (2013). *Nolo law for all*. Retrieved from <http://www.nolo.com>
  - This resource provides helpful background on a range of legal issues. You may find the Free Legal Information section of the site particularly helpful.

Your assessments throughout this course will be case law analysis papers based on real-world court decisions you will choose and research independently. The following suggested resources provide helpful methods of locating relevant cases:

- FindLaw. (2013). *US Supreme Court opinions*. Retrieved from [www.findlaw.com/cascode/supreme.html](http://www.findlaw.com/cascode/supreme.html)
  - FindLaw.com is one of the best resources for case law in the topic area of intellectual property.
- Cornell University Law School – Legal Information Institute (LII). (n.d.). *Supreme Court: Most recent decisions*. Retrieved from [www.law.cornell.edu/supct/](http://www.law.cornell.edu/supct/)
- Nolo. (2011). *US Supreme Court center*. Retrieved from <http://supreme.nolo.com>
- Oyez, Inc. (2011). *U.S. Supreme Court media – Cases*. Retrieved from <http://www.oyez.org/cases>

The following government agencies are a good place to search for up-to-date information about employment law:

- U.S. Government Accountability Office. (n.d.). *GAO*. Retrieved from <http://www.gao.gov>
  - You may find useful reports about the state of creditor-debtor issues on this Web site.
- U.S. Department of Labor. (n.d.). *Occupational Safety and Health Administration (OSHA)*. Retrieved from <http://www.osha.gov>
  - This Web site is highly recommended and has critical information about workplace health and safety.
- U.S. Department of Labor. (n.d.). *Bureau of Labor Statistics*. Retrieved from <http://www.bls.gov>
  - This Web site provides relevant and up-to-date employee data in the United States.

- U.S. Department of Labor. (n.d.). *United States Department of Labor*. Retrieved from <https://www.dol.gov>
  - This Web site should be considered an essential resource for this course.

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### Bookstore Resources

The resources listed below are relevant to the topics and assessments in this course and are not required. Unless noted otherwise, these materials are available for purchase from the Capella University Bookstore. When searching the bookstore, be sure to look for the Course ID with the specific –FP (FlexPath) course designation.

- Miller, R. L., & Cross, F. B. (2018). *The legal environment of business: Text and cases* (10th ed.). Boston, MA: Cengage.

## Assessment Instructions

For this assessment, you will first select an actual business-related U.S. legal case, pertaining to the topic of *intellectual property*, based on briefly conducting associated research. Based on that, you will then select an organization that you believe would be impacted by that legal case. Having completed both of these tasks, you should assume you're a senior manager in the organization you selected, and that you were asked to perform an analysis of the legal case and to write an executive briefing for the executive team of that same organization. Your executive briefing should include a summary of the case, as well as an evaluation of how the case impacts the organization.

The purpose of this format is two-fold:

1. To give you the opportunity to research and investigate a real court decision.
2. To challenge you to think about the business implications of the case, and specifically how the case will impact an actual organization.

In your case law analysis you must be able to navigate the court's decision, and summarize and evaluate it. You may choose any business-related court case, either state or federal, as the basis for your case law executive briefing, as long as the case is applicable to the assessment topic. You are expected to conduct your own independent research to locate and evaluate the applicability of cases. A few appropriate case law websites are recommended for you in the Resources, but you are not limited to using cases from these sites.

For this assessment, use credible legal research databases and online resources, research federal and state court cases, and select any business-related case that has been decided by a state court, a federal court, or the United States Supreme Court. Then select an organization (potentially the organization for which you work) that you believe the selected case might impact. Write an executive briefing that addresses the following:

Research federal and state court cases pertaining to the topic of *intellectual property*. Select one court case and write an analysis that addresses the following:

1. Articulate the context and relevance of law in a business environment:
  - Identify the parties who are before the court.
  - Provide a brief background and context associated with the case. Summarize the facts in no more than 2–3 paragraphs.
  - Identify the specific disagreement between the parties.
  - Explain the ruling of the court and its business relevance in no more than 1–2 paragraphs. Was there a dissenting opinion? If so, explain why some of the judges or justices disagreed with the majority in the decision.

## 2. Evaluate the business impact of the case:

- Summarize your analysis of how the case will impact businesses in general positive and negative impacts.
- Indicate the organization you selected as potentially impacted by the case and why you selected that organization.
- Explain how the case will impact the specific organization you selected, such that the executive team will understand the implications of the legal decision.

Based on your executive audience, your executive briefing should be no more than two pages, and should be well organized and written in clear, succinct language. Follow APA rules for attributing sources that support your analysis and conclusions.

### Academic Integrity and APA Formatting

As a reminder related to using APA rules to ensure academic honesty:

1. When using a direct quote (using exact or nearly exact wording), you must enclose the quoted wording in quotation marks, immediately followed by an in-text citation. The source must then be listed in your references page.
2. When paraphrasing (using your own words to describe a non-original idea), the paraphrased idea must be immediately followed by an in-text citation and the source must be listed in your references page.

#### Case Law Analysis: Intellectual Property Scoring Guide

Use the scoring guide to enhance your learning.

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GUIDE](#)

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This button will take you to the next available assessment attempt tab, where you will be able to submit your assessment.