

Brian Paul Gearing, PhD
Box 738
gearing@alum.mit.edu

**PATHFINDER:
Moseley v. V Secret Catalogue, Inc.**

LAW JOURNAL AND OTHER PERIODIC MATERIALS

1. Mark A. Lemley, *The Modern Lanham Act and the Death of Common Sense*, 108 Yale L.J. 1687 (1999).
2. Jeffrey Enright, *Slow Death of a Salesman: The Watering Down of Dilution Viability by Demanding Proof of Actual Economic Loss*, 77 Chi.-Kent L. Rev. 937 (2002).
3. Sue Ann Mota, *Victor's Little Secret Prevails (For Now) Over Victoria's Secret: The Supreme Court Requires Proof of Actual Dilution Under the FTDA*, 19 Santa Clara Computer & High Tech. L.J. 541 (2003).
4. Stacey L. Dogan, *An Exclusive Right to Evoke*, 44 B.C. L. Rev. 291 (2003).
5. Courtland L. Reichman & M. Melissa Cannaday, *The U.S. Supreme Court Dilutes the Federal Dilution Statute*, Franchise L.J., Summer 2003, at 24.
6. Leonard D. DuBoff, *What's In a Name?*, Or. St. B. Bull., July 2003, at 39.
7. Sandra Edelman, *Preface*, Trademark Rep., Mar.-Apr. 2003, at i.
8. Matthew S. Voss, *Ringling Bros.-Barnum & Bailey Combined Shows, Inc. v. Utah Division of Travel Development & Nabisco, Inc. v. PF Brands, Inc.*, 15 Berkeley Tech. L.J. 265 (2000).
9. Ughetta Manzone, *Panavision International, L.P. v. Toeppen*, 13 Berkeley Tech. L.J. 249 (1998).
10. Simone A. Rose, *Will Atlas Shrug? Dilution Protection for "Famous" Trademarks: Anti-Competitive "Monopoly" or Earned "Property" Right?*, 47 Fla. L. Rev. 653 (1995).
11. Kristine M. Boylan, *The Corporate Right of Publicity in Federal Dilution Legislation Part II*, 82 J. Pat. & Trademark Off. Soc'y 5 (2000).
12. William N. Eskridge & Philip P. Frickey, *Statutory Interpretation as Practical Reasoning*, 42 Stan. L. Rev. 321 (1990).
13. Howard J. Shire, *Varying Standards for Assessing Dilution Under the Federal Trademark Dilution Act*, Computer & Internet Law., Sept. 2002, at 21.
14. Shannon M. Sidie, *The Federal Trademark Dilution Act – Infringing on Infringement Law?*, 36 Suffolk U. L. Rev. 451 (2003).
15. P. Wayne Hale, *The Anticybersquatting Consumer Protection Act & Sporty's Farm L.L.C. v. Sportsman's Market, Inc.*, 16 Berkeley Tech. L.J. 205 (2001).
16. David J. Kera & Theodore H. Davis, *A. United States the Fifty-Fifth Year of Administration of the Lanham Trademark Act of 1946*, Trademark Rep., Mar.-Apr. 2003, at 197.
17. Adam Omar Shanti, *Measuring Fame: The Use of Empirical Evidence in Dilution Actions*, 5 Marq. Intell. Prop. L. Rev. 177 (2001).
18. Patrick M. Bible, *Defining and Quantifying Dilution Under the Federal Trademark Dilution Act of 1995: Using Survey Evidence to Show Actual Dilution*, 70 U. Colo. L. Rev. 295 (1999).
19. Robert N. Klieger, *Trademark Dilution: The Whittling Away of the Rational Basis for Trademark Protection*, 58 U. Pitt. L. Rev. 789 (1997).

20. Paul Edward Kim, *Preventing Dilution of the Federal Trademark Dilution Act: Why the FTDA Requires Actual Economic Harm*, 150 U. Pa. L. Rev. 719 (2001).
21. Sara Stadler Nelson, *The Wages of Ubiquity in Trademark Law*, 88 Iowa L. Rev. 731 (2003).
22. Kenneth L. Port, *The "Unnatural" Expansion of Trademark Rights: Is a Federal Dilution Statute Necessary?*, 18 Seton Hall Legis. J. 433 (1994).
23. Karen S. Frank & Gail I. Nevius, *Dilution: The Conflict in the Circuits*, Practising L. Inst., PLI Order No. G0-0124, Sept. 2002, at 513.

BOOKS AND OTHER NONPERIODIC MATERIALS

1. 4 J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 24:67 *et seq.* (West 2003).
2. ROBERT P. MERGES ET AL., INTELLECTUAL PROPERTY IN THE NEW TECHNOLOGICAL AGE (2d ed. 2000).
3. DAVID S. WELKOWITZ, TRADEMARK DILUTION (2002).
4. RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 25 (West 2003).
5. H.R. REP. NO. 104-374 (1995), *reprinted in* 1996 U.S.C.C.A.N. 1029.
6. Brief for the United States as Amicus Curiae supporting Petitioners in part, 2002 WL 1378840 (June 24, 2002).
7. International Trademark Association, Oversight Hearing on the Federal Trademark Dilution Act (Feb. 14, 2002) (testimony of Kathryn Barrett Park, Executive Vice President, International Trademark Association), *available at* http://www.inta.org/policy/test_barrettpark1.html (last viewed Sept. 8, 2003).
8. Jurist, A Trademark Victory for the Little Guy: Victoria's Secret and the Redefinition of Dilution (Mar. 6, 2003) (opinion of Eugene Quinn, Professor, Temple Law School), *available at* <http://jurist.law.pitt.edu/forum/forumnew100.php> (last viewed Sept. 8, 2003).

CASES

1. *Moseley v. V Secret Catalogue, Inc.*, 537 U.S. 418, 123 S.Ct. 1115 (2003).
2. *Ringling Bros.-Barnum & Bailey Combined Shows v. Utah Div. of Travel Dev.*, 170 F.3d 449 (4th Cir. 1999).
3. *Nabisco, Inc. v. PF Brands, Inc.*, 191 F.3d 208 (2d Cir. 1999).
4. *Mead Data Cent., Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1026 (2d Cir. 1989).
5. *Playboy Enters., Inc. v. Welles*, 279 F.3d 796 (9th Cir. 2002).
6. *Times Mirror Magazines, Inc. v. Las Vegas Sports News, L.L.C.*, 212 F.3d 157 (3d Cir. 2000).
7. *Toro Co. v. ToroHead, Inc.*, U.S.P.Q.2d 1164 (T.T.A.B. 2001).
8. *Enter. Rent-A-Car Co. v. Advantage Rent-A-Car, Inc.*, 330 F.3d 1333 (Fed. Cir. 2003).
9. *Golden W. Fin. v. WMA Mortgage Servs.*, 2003 WL 1343019 (N.D. Cal. 2003).
10. *Reed Elsevier, Inc. v. TheLaw.net Corp.*, 269 F. Supp. 2d 942 (S.D. Ohio 2003).
11. *Nitro Leisure Prods. v. Acushnet Co.*, 2003 WL 22012615 (Fed. Cir. 2003).
12. *Kellogg Co. v. Toucan Golf, Inc.*, 337 F.3d 616 (6th Cir. 2003).
13. *ETW Corp. v. Jireh Publ'g*, 332 F.3d 915 (6th Cir. 2003).
14. *Four Seasons Hotels & Resorts B.V. v. Consorcio Barr*, 267 F. Supp. 2d (S.D. Fla. 2003).

15. Best Cellars, Inc. v. Wine Made Simple, Inc., 2003 WL 1212815 (S.D.N.Y. 2003).
16. Avery Dennison Corp. v. Sumpton, 189 F.3d 868 (9th Cir. 1999).

STATUTES

1. 15 U.S.C.A. §§ 1125, 1127 (West 2003).
2. Anti-Cybersquatting Consumer Protection Act (ACPA) of 1999.