# The University of Chicago Law Review



#### SYMPOSIUM: THE LICENSING OF INTELLECTUAL PROPERTY

Damages for Unlicensed Use

Omri Ben-Shahar

The Creativity Effect

Christopher Buccafusco & Christopher Jon Sprigman

Patent Costs and Unlicensed Use of Patented Inventions Rebecca S. Eisenberg

Questioning the Frequency and Wisdom of Compulsory Licensing for Pharmaceutical Patents

Richard A. Epstein & F. Scott Kieff

Defending Disclosure in Software Licensing Robert A. Hillman & Maureen O'Rourke

Practicing in the Patent Marketplace

Anne Kelley

Who Chooses Open-Source Software?

Mark A. Lemley & Ziv Shafir

who Chooses Open-Source Software?

Floring Monday Wooden

Will Increased Disclosure Help?
Evaluating the Recommendations of the ALI's "Principles of the Law of Software Contracts"

Florencia Marotta-Wurgler

Patent Liability Rules as Search Rules

The Tory Anarchism of F/OSS Licensing

Jonathan S. Masur David McGowan

The Razors-and-Blades Myth(s)

Randal C. Picker

Contracting around Copyright: The Uneasy Case for Unbundling of Rights in Creative Works Guy A. Rub

#### ARTICLE

Tradition as Justification: The Case of Opposite-Sex Marriage Kim Forde-Mazrui

#### COMMENT

CAFA and Parens Patriae Actions

Dwight R. Carswell

#### REVIEW

Executive Power and the Discipline of History

Julian Davis Mortenson

Crisis and Command: The History of Executive Power from George Washington to George W. Bush

War by Other Means: An Insider's Account of the War on Terror

The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11

John Yoo

Volume 78 Winter 2011 Number 1

## The University of Chicago Law Review

volume /8	Winter 2011_ Numb	oer 1
2011 by The University of Chicago		
SYMPOSIUM: THE LIG	CENSING OF INTELLECTUAL PROPERTY	
IntroductionRichard A. Ep	ostein, Omri Ben-Shahar, & Jonathan S. Masur	1
Damages for Unlicensed Use	Omri Ben-Shahar	7
The Creativity Effect Christo	pher Buccafusco & Christopher Jon Sprigman	31
Patent Costs and Unlicensed Use Patented Inventions	of Rebecca S. Eisenberg	53
Questioning the Frequency and V of Compulsory Licensing for Pharmaceutical Patents	Nisdom Richard A. Epstein & F. Scott Kieff	71
Defending Disclosure in Software Licensing	Robert A. Hillman & Maureen O'Rourke	95
Practicing in the Patent Marketpl	aceAnne Kelley	115
Who Chooses Open-Source Softw	ware?Mark A. Lemley & Ziv Shafir	139
Will Increased Disclosure Help? Evaluating the Recommendat "Principles of the Law of Soft	ions of the ALI's ware Contracts"Florencia Marotta-Wurgler	165
Patent Liability Rules as Search I	RulesJonathan S. Masur	187
The Tory Anarchism of F/OSS Li	icensing David McGowan	207
The Razors-and-Blades Myth(s).	Randal C. Picker	225
Contracting around Copyright: T		267

### ARTICLE

Tradition as Justification: The Case of Opposite-Sex Marriage	
COMMENT	
CAFA and Parens Patriae Actions	345
Review	
Executive Power and the Discipline of History	
Crisis and Command: The History of Executive Power from George Washington to George W. Bush	
War by Other Means: An Insider's Account of the War on Terror	
The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11	
John YooJulian Davis Mortenson	377