

Selected Publications

D. C. Toedt III

Books

Editor and principal author, *THE LAW & BUSINESS OF COMPUTER SOFTWARE* (“LBCS”), published in 1990 by Clark Boardman Callaghan (now Thomson West), with annual updates through 2002 (another author took over subsequent updates).

Editor and principal author, *1987 LICENSING LAW HANDBOOK* (Clark Boardman) (a precursor to the LBCS book).

Scholarly articles

Reengineering the Patent Examination Process: Two Suggestions, 81 J. PAT. & TRADEMARK OFF. SOC'Y 462 (1999) [[PDF](#)].

Software as ‘Machine DNA’: Arguments for Patenting Useful Computer Disks Per Se, 77 J. PAT. & TRADEMARK OFF. SOC'Y 275 (1995) [[PDF](#)].

The Model Software License Provisions: Precursor to a Gap-Filling Uniform License Statute, 18 RUTGERS COMPUTER & TECH. L.J. 521 (1992) [[PDF](#)].

Why Are We Re-Inventing the Wheel? Arguments Against Copyright Protection for Command-Driven Software Interfaces, 5 SOFTWARE L.J. 385 (1992).

Bonito Boats Follow-Up: Free Competition Public Interests vs. The Substantial Similarity Test—Does the Legislative History Actually Support Nonliteral Copyright Protection?, COMPUTER LAW., Jul. 1989, at 14.

Bonito Boats and the Primacy of the Patent System-Are There Implications for Software Copyrights?, COMPUTER LAW., Apr. 1987, at 12.

Defining “Package” in the Carriage of Goods by Sea Act, 60 TEXAS L. REV. 961 (1982) (student note) [[PDF](#)].

State Checks and Balances as Essentials of Sovereignty in Clean Air Act Rulemaking, 59 TEXAS L. REV. 581 (1981) (student note) [[PDF](#)].

Practitioner-oriented articles and presentations

Commercially Reasonable Efforts: A recent Delaware Supreme Court holding might motivate contract drafters to define the term for themselves, 81 TEX. BAR J. 338 (2018); also published in the Nov. 2017 issue of the BUSINESS LAW NEWS of the Business Law Section of the California Lawyers’ Association (a statutory spin-off from the State Bar of California).

350-Plus Things I’m Glad I Knew – or Wish I’d Known – My First Year as General Counsel, ACC DOCKET, May 2005, at 81 (with Robert R. Robinson) (an editor-commissioned update of the 2001 article) [[PDF](#)];

250 Things (and Counting) That I'm Glad I Knew—or Wish I'd Known—During My First Year as General Counsel, ACCA DOCKET, Oct. 2001 (with Robert R. Robinson).

Reengineering the Inventor Interview, 78 J. PAT. & TRADEMARK OFF. SOC'Y 19 (1996) [[PDF](#)].

Encryption: An Inexpensive Alternative to Escrow?, COMPUTER LAW., Nov. 1994, at 19.

Analyzing the New Dangers of Potential Patent Controversies: A General Guide, 41 BUS. LAW. 727 (1986) (with Willem G. Schuurman) [[PDF](#)].

Ensuring Ownership of Custom-Developed Computer Software: Guidelines for Contracting Companies, 49 TEX. BAR J. 124 (1986) (with Michael O. Sutton)

Shipboard Information Handling Tools, U.S. NAVAL INSTITUTE PROCEEDINGS, Jan. 1981, at 104 [[PDF](#)].

Committee projects

Lead author (and committee chair) of *Model Case Management Orders for Patent Cases* (annotated) (1998) [[PDF](#)], by a special committee of the ABA Section of Intellectual Property Law.

Lead author (and committee chair) of *Model Software License Provisions* (annotated) (1992), by the Computer Software Committee of the ABA Section of Intellectual Property Law.

Blog postings

I've written the blog *On Contracts* (its current title) since 2003, posting commentary, case notes, a general-counsel [notebook](#), and the beginnings of a collection of practitioner [cheat sheets](#). Here are a few representative postings from 2009-2011:

- Patent Drafting, Accelerated: Diagram, then catalog, your invention's resource flows [[link](#)]
- Choice-of-law cheat sheet for contract negotiators [[link](#)]
- Tips for drafting and negotiating contracts [[link](#)]
- Drafting for disputes: Keep individuals' personal interests in mind [[link](#)]
- Sneak some demonstrative aids into the jury room – by making them contract exhibits [[link](#)]
- Here's a three-step way to identify contingencies that might need to be covered in a technology contract [[link](#)]

Selected Speeches & Other Presentations

D. C. Toedt III

TITLE	ORGANIZATION / EVENT	ROLE	WHEN
Patent licensing: Opportunities and threats	Licensing Executives Society Dallas chapter CLE	Speaker	Oct. 2013 (upcoming)
Showing your value as a young lawyer	Association of Corporate Counsel telephone CLE	Speaker	Sept. 2013 (upcoming)
Legally Lean: Basic legal tips for lean startups	Houston Lean Startup Circle monthly meeting	Speaker	Dec. 2012
Security interests: Practical tips for creating and perfecting them	State Bar of California telephone CLE	Panelist, moderator	Nov. 2012
The Uniform Commercial Code and the Mortgage Crisis	State Bar of California annual meeting	Panelist, moderator	Oct. 2012
Privacy law	International Association for Contract and Commercial Management annual meeting	Speaker	Oct. 2012
Startup law basics	Rice University Graduate School of Business – entrepreneurship course	Guest speaker	Sept. 2013 (upcoming) Sept. 2012 Sept. 2011
Licensing pitfalls: What do you do when?	Licensing Executive Society, Houston chapter monthly meeting	Panelist	July 2012
Last-chance agreements, settlement agreements, and other labor- and employment-related agreements	Labor & Employment Relations Association / National Academy of Arbitrators regional education conference	Moderator	Mar. 2012
Intellectual property law basics: What the contract professional needs to know	International Association for Contract and Commercial Management telephone CLE	Speaker	Feb. 2012
Boot camp for new in-house attorneys	Association of Corporate Counsel Houston chapter CLE	Panelist, moderator, planning committee	Feb. 2012
Basics of contract drafting & negotiation	State Bar of California Business Law Section telephone CLE	Panelist, moderator, planning committee	Nov. 2011
	University of Houston Corporate Counsel CLE conference	Speaker	Oct. 2007
	State Bar of Texas Corporate Counsel Section CLE	Panelist, moderator, planning committee	Aug. 2006
	Association of Corporate Counsel Houston chapter meeting	Panelist, moderator, planning committee	Feb. 2006

TITLE	ORGANIZATION / EVENT	ROLE	WHEN
Before you sign a business contract - a final pre-flight checklist	International Association for Contract and Commercial Management telephone CLE	Speaker	April 2011
The UCC and intellectual property: What newbies need to know	State Bar of California Business Law Section telephone CLE	Speaker	Jan. 2011
Reseller agreements	International Association for Contract and Commercial Management telephone CLE	Speaker & panel chair	Oct. 2009
Web 2.0 / IP blogging	Houston Intellectual Property Law Association - annual Galveston CLE	Speaker & panel chair	Oct. 2009
Sales-contract negotiations	Asian-American Bar Association corporate counsel dinner	Keynote speaker	Oct. 2007
Top ten things I wish I'd known my first year as general counsel	Association of Corporation Counsel annual meeting	Speaker & panel chair	Oct. 2005 Oct. 2003 Oct. 2001
Software licensing	National Contract Management Association annual meeting	Speaker	April 2005
Three things IP attorneys must know about the Sarbanes-Oxley Act	Houston Intellectual Property Law Association - annual Galveston CLE	Speaker & planning committee	Oct. 2005
Software licensing	State Bar of Texas CLE	Speaker	Mar. 2003