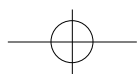
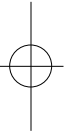
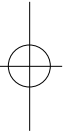
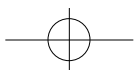
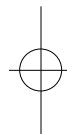
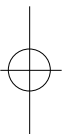
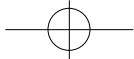
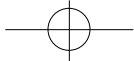


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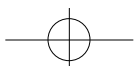
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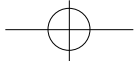
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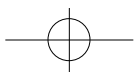


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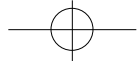
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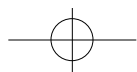
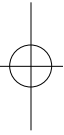
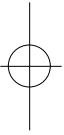
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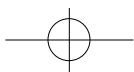
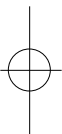
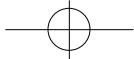


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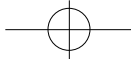
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Preface

What a charming life that was, that dear old life in the Navy when I kept grocery on a gunboat. I knew all the regulations and the rest of them didn't. I had all of my rights and most of theirs.

Thomas B. Reed*

Understanding administrative process (or law) requires consideration of leading cases from many agencies, and this book must span the alphabet soup of federal bureaucracies. Yet, because substance and process are often intertwined, it tries to foster better process understanding by minimizing substantive diversity.

Here, agencies that regulate technology or oversee intellectual property receive above-average attention. Some address complex technical issues; others, e.g., the Copyright Office, do not. For that and other reasons, procedure varies widely. Yet, the Administrative Procedure Act governs all. Even when that Act may not apply, basic vocabulary and process issues vary little. This book aims to help would-be lawyers identify and understand key issues fundamental to all agencies — regardless of the nature of their tasks and regardless of whether they be municipal on one end of the spectrum or international on the other.

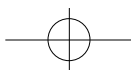
One agency that receives close attention, the Patent and Trademark Office, has been traditionally ignored in administrative law. Yet, it offers rich opportunities for exploring traditional topics, e.g., judicial and political oversight of agency action (or inaction). It also sparks consideration of less traditional topics: One of particular student interest is agencies' capacity to regulate practitioners. Perhaps most significantly, matters within the PTO's jurisdiction are of expanding global importance.

Editing

The text of included cases is faithful to originals, but this book is designed for teaching, not research. Thus, while the text of downloaded cases and that of printed reports occasionally diverged, the investment required for correction was unwarranted.

Once agencies, e.g., the Federal Trade Commission or National Labor Relations Board, have been encountered, regardless of use in original text, they are apt to be referred to as "Commission" or "Board," more likely as "FTC" or "NLRB."

* Mr. Reed, a Republican from Maine, was Speaker of the House of Representatives from 1890–92 and 1895–99. Quoted in *Administrative Conference of the U.S., Federal Administrative Procedure Sourcebook*, xiii (2d Ed. 1992).





Most footnotes are dropped, but original numbering is kept. All parallel citations, and many others, are omitted without indication.

All reported concurrences and dissents are, however, at least indicated.

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Students in several early seminars identified many cases included here. Later, Zachary Miles, Lori Klucsarits, Janelle Laylagian and Stefan Oglevee provided important research and helpful suggestions. I am also grateful to colleagues at several law schools who have provided important leads and insights via an administrative law professors' email list. Finally, Linda Chroniak and Tim Colton warrant special thanks for proofreading and help in assembling the table of cases.

Access to cases via WestLaw and Lexis, as well as top-notch software and hardware were also key.

