

Law 1 - CHAPTER 11 Case problem - Wrench vs. Taco Bell
 "implied in fact contract"

Wrench, LLC



"psycho Chihuahua"
 "feisty + edgy"

NYC trade show
 1996

Rudy VP
 Ed. creative
 TACO BELL

Federal Copyright Act

§106

pre-empt's state Law claims.

protection "use of the work"



"Art Boards"
 "Tshirts"
 "hats"
 "stickers"
 idea "Live dog"
 computer graphics
 Discussed "cost"
 using dog

hired agency
 Chiat / Day
 ad June 1997
 1998 marketing
 Chihuahua

Breach Implied in fact contract

defense
 Taco Bell

- ideas not novel
- no "stealing" of idea

Wrench

- promise to pay
- value to Buyer (consideration)

"extra element" not covered by §106