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April 13, 1992

Ms. Sheddy Murphy
Dayton Law Review
Your fax no: 513-229-2469

Re: Paper for CD-ROM Symposium

Dear Sheddy:

As you know, I am revising the piece primarily by combining it with my oral remarks. Thus I am sending you the original version of the article as you sent it to me, with corrections inked in, and I am also sending several separate typed pages (adapted from the oral remarks), with indications where they fit into the piece. The new pages have several footnotes, but in most cases the footnotes refer to sources cited in the earlier version. I can also send you photocopies of any material cited, if you wish. I hope this is not too burdensome. The article taken as a whole is still short.

Here are some corrections or additions for the footnotes-- most are in response to your staff's specific questions about citations:

--(fn #1) the pinpoint page cite to Calabresi is pages 26-28 (defining primary, secondary, and tertiary costs).

→ did you want this in cite?

--(fn #2) the full cite for Schelling should be Thomas Schelling, MICROMOTIVES AND MACROBEHAVIOR 110-15, 216-17, 231 (1978). The full cite for the Davis book is: Morton D. Davis, GAME THEORY: A NONTECHNICAL INTRODUCTION 93-103, 109-114, 127-131 (1970). The pinpoints in the Goetz book are pages 12-17. Also, please add to the citations in this footnote, the following: Ken Binmore & Partha Dasgupta, *Game Theory: A Survey*, in ECONOMIC ORGANIZATIONS AS GAMES 1 at 24-26 (Ken Binmore & Partha Dasgupta, ed.) (1986 & 1989); James W. Friedman, GAME THEORY WITH APPLICATIONS TO ECONOMICS 66, 68-70 (1986). (Sheddy, I realized I was originally using very old cites in footnote 2 -- it's important to add some more up-to-date discussions of the topic, so I added these latter cites. They are also a bit more sophisticated, and I reference them in the insert.)

Wendy Gordon to Sheddy Murphy
April 13, 1992 (printed 4/13/92 at 11:50 PM)

--(fn#3) the article cited here has now been published, with a slightly different title. The proper cite to go here is thus: Wendy J. Gordon, *On Owning Information: Intellectual Property and the Restitutionary Impulse*, 78 Va. L. Rev. 149 at 222-23 & 230-38 (1992).

--(fn #6) Hanna Fenichel Pitkin, *Obligation and Consent- I*, 59 Am. Pol. Sci. Rev. 990 (1965), and Hanna Fenichel Pitkin, *Obligation and Consent- II*, 60 Am. Pol. Sci. Rev. 39 (1966). (Keep the same parenthetical as in the original)

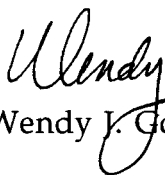
--(fn #12) the pinpoint is 78 Va. L. Rev. 266-73 & n. 446.
(Note to Sheddy: this is the place in the Virginia article where I discuss prisoner's dilemma.)

--(fn #21) for the reference to "The New Era cases", you could substitute this: See *New Era Publications Int'l v. Henry Holt & Co.*, 695 F.Supp. 1493 (S.D.N.Y 1988); *aff'd on other grounds*, 873 F. 2d 576 (2d Cir. 1989). But since I've deleted the footnote completely, this is of academic interest only (in the teeniest sense of "academic").

I would very much like to proofread the prepublication versions of the article and of the transcript of my oral presentation -- if that is possible, I would appreciate it greatly. Given the large number of corrections involved here, there is an good possibility of miscommunication arising where neither of us expected it, so I hope you'll agree a proofread by me would be wise.

You have been great. I am sorry (talking about miscommunication!) that I mistakenly thought the time pressure was off. I hope all goes well from now on.

Sincerely,


Wendy J. Gordon

P.S. I think these revisions
improve the original article
by 300%. Hope you like
the result.