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The First Circuit's Lessons on the Implied Warranty of Merchantability, Foreseeability, and the Critical Differences Between Contract and Tort Claims

Keith Bensten authored a case note, "[The First Circuit's Lessons on the Implied Warranty of Merchantability, Foreseeability, and the Critical Differences Between Contract and Tort Claims](#)," published in the Fall 2019 issue of the Federal Bar Association Massachusetts Chapter newsletter. The piece examines the case, *AcBel Polytech, Inc. v. Fairchild Semiconductor International, Inc.*, 928 F.3d 110 (2019), which addressed the key differences between contract-based and tort-based claims for breach of the implied warranty of merchantability.

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