KILPATRICK TOWNSEND

KEY TAKEAWAYS

Annual Review of U.S. Federal Case Law and TTAB Developments

Kilpatrick Townsend's Ted Davis recently presented his "Annual Review of U.S. Federal Case Law and TTAB Developments" at the International Trademark Association (INTA) annual meeting. Mr. Davis provided a concise analysis of key decisions and developments in United States case law over the trailing twelve months.

His key takeaways from the past year include:

1. Possible liberalization of the test for fraud on the USPTO;
2. Ratification of the initial-interest confusion doctrine;
3. Judicial disapproval of transparently opportunistic claims of priority;
4. Clarification of the law governing allegations of infringement arising from the resale of altered or diverted goods;
5. An unsuccessful constitutional challenge to the process for installing of administrative law judges on the Trademark Trial and Appeal Board; and
6. A successful constitutional challenge to Section 2(c) of the Lanham Act.

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Related People



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