



Insights: Publications

6 Key Takeaways | Annual Update on Recent Trademark Case Law

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Kilpatrick partner **Ted Davis** recently presented his “**Annual Update on Recent Trademark Case Law**” at the firm's **2025 Advanced Trademark Law Seminar** in San Francisco.

Below, Mr. Davis highlights key takeaways from his presentation which included:

1. the Supreme Court's adoption in *Vidal v. Elster*, 602 U.S. 286 (2024), of a history-and-tradition model for evaluating the constitutionality of some—but perhaps not all—content-discriminatory prohibitions on registrations;
2. the applications on remand and otherwise of the Court's decisions in *Jack Daniel's Props., Inc. v. VIP Prods. LLC*, 599 U.S. 140 (2023) and *Abitron Austria GmbH v. Hetronic Int'l, Inc.*, 600 U.S. 412 (2023);
3. yet another accounting-of-profits dispute before the Court, namely, *Dewberry Eng'rs Inc. v. Dewberry Grp.*, 77 F.4th 265 (4th Cir. 2023), *cert. granted*, 144 S. Ct. 2681 (2024);
4. the strange goings-on in *Pennsylvania State Univ. v. Vintage Brand, LLC*, 715 F. Supp. 3d 602 (M.D. Pa. 2024);
5. the USPTO's new fee schedule; and
6. the phaseout of *United States Patents Quarterly* by the USPTO's trademark operations.

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