Insights: Publications

New Developments in U.S. Trademark and Unfair Competition Law

OCTOBER 5, 2026 Written by Theodore H. Davis Jr.

Kilpatrick partner Ted Davis spoke recently on new developments in U.S. trademark and unfair competition law at the San Francisco Intellectual Property Law Association's annual seminar.

That presentation addressed, among other things, the following topics:

1. The mass extinction of precedential opinions from the Trademark Trial and Appeal Board;
2. Supreme Court review in *RiseandShine Corp. v. PepsiCo, Inc.*, 41 F.4th 112 (2d Cir. 2022), cert. granted, 146 S. Ct. 2779 (2026);
3. The continued viability of the *Rogers v. Grimaldi* test for liability in cases not presenting trademark uses by defendants;
4. The Ninth Circuit's latest end run around the text of Section 43(c) in *VIP Products, LLC v. United States*; and
5. The continued split among federal courts on the evidentiary value of federal registrations.

Related People



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