

**In this issue:**

Please click on any headline for more information or to view the article in its entirety.

[IP Legal News and Updates](#)

[Announcements and Reminders](#)

[Events and Speaking Engagements](#)

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IP LEGAL NEWS AND UPDATES**[Fourth Circuit Revives Rosetta Stone's Claims Against Google Over its AdWords Program](#)**

[Jacqueline Levasseur Patt](#)

In a closely-watched battle, the Fourth Circuit brought life back into Rosetta Stone's trademark infringement and dilution claims against Google stemming from its AdWords program. Google's AdWords program allows advertisers to purchase "keywords" that launch the advertiser's ads when the keyword is entered as a search term in Google.

[Decision-Making Is Not Patentable: The *SmartGene* Case](#)

[Peter Curtin](#)

Recently, a district court for the District of Columbia invalidated a patent claiming a system and method to guide the selection of therapeutic treatments using a computer program.

[IP: Trademark Disputes as an Unintended Consequence of Distribution Agreements](#)

[Brett A. Garner and Melissa C. McLaughlin](#)

Manufacturers can lose their own trademark rights to distributors if contracts are vague. Some jurisdictions are more willing than others to use these factors in determining which party has rights to a trademark. The Seventh Circuit and Third Circuit will not use the factors to divest a party of ownership of the trademark, once initial ownership has been established. On the other hand, the Northern District of California has emphasized that an exclusive distributor can acquire trademark rights superior to those of the manufacturer.

Click [here](#) to view this article in *Inside Counsel*.

[Court Denies Class Action in Continuity Product Case](#)

[Gregory J. Sater](#)

On March 6, the U.S. Court of Appeals for the Third Circuit ruled in favor of Synapse Group Inc. and against the class action plaintiffs by affirming a lower court's denial of class certification. Most cases are so expensive to litigate after class certification that they must be settled if the putative class gets certified. For that reason, denial of certification is a big deal for a marketer-defendant.

Click [here](#) to view the full text of this article from *DRMA Voice, Response Magazine*.

[IP: What's in a Name?](#)

[Brett A. Garner and Deborah A. Feinblum](#)

A successful trademark is a mark that immediately conveys to the relevant public the source of the goods and services, the brand. Since trademark law is intended to protect the consumer, it is only fitting that generic marks are not protectable. A generic mark is generally thought of as being devoid of any source indicating significance and simply the common name for a good or service.

Click [here](#) to view this article in *Inside Counsel*.

[Venable Attorneys Author Chapter on U.S. Anti-Counterfeiting](#)

[Justin E. Pierce and Marcella Ballard](#)

Justin E. Pierce and Marcella Ballard authored the U.S. chapter in the "Anti-Counterfeiting 2012 – A Global Guide," published by *World Trademark Review Magazine*, part of The IP Media Group.

Click [here](#) to view the publication in full.

ANNOUNCEMENTS AND REMINDERS

[Venable's Trademark Group and Attorneys Recognized in WTR 1000](#)

Venable's trademark practice was recognized in the second edition of *World Trademark Review 1000 – The World's Leading Trademark Professionals*. The group is listed among the top groups in the United States – DC Metro area. This is Venable's first inclusion in the *WTR 1000*.

[Bobby Turnage, Veteran Internet Commerce Attorney and Former General Counsel of Network Solutions, Joins Venable as Partner](#)

[Bobby N. Turnage, Jr.](#), former senior vice president and general counsel of online services provider, Network Solutions LLC, has joined the firm in its Washington, DC and Tysons Corner, VA offices.

[Joshua Kaufman and Sarah M. Johnson Quoted in Tax Notes Today on Art Valuation](#)

Venable partner [Joshua J. Kaufman](#) and of counsel [Sarah M. Johnson](#) were quoted in an April 9, 2012 *Tax Notes Today* article on the valuation of works of art by the IRS for purposes of determining the value of a decedent's estate.

EVENTS AND SPEAKING ENGAGEMENTS

[Jacqueline Levasseur Patt to present at the International Trademark Association \(INTA\) 2012 Annual Meeting](#)

May 6, 2012

[Jacqueline Levasseur Patt](#) will present "What Every Trademark Lawyer Should Know About Advertising Review" at the INTA 2012 Annual Meeting in Washington, DC – the premier trademark event for networking, continuing legal education, and committee and client meetings.

Please click [here](#) for additional information.

[Clifton E. McCann to moderate a panel at the Water Infrastructure Summit](#)

May 18, 2012

[Clifton E. McCann](#) will moderate the panel "Smart Water Systems" at the Water Innovations Alliance's Water Infrastructure Summit - Building a 21st Century Smart Water Infrastructure in Washington, D.C.

Please click [here](#) for additional information.

[Joshua J. Kaufman to present at Surtex 2012](#)

May 21, 2012

[Joshua J. Kaufman](#) will present "New Legal Strategies - Royalties, Terms, and More" at the Surtex Conference 2012. He will discuss the latest creative approaches in royalty structures, alternative ideas for compensation, new protective language for royalty contracts, escape clauses, performance guarantees and other key elements that could impact the future of art licensing.

Please click [here](#) for additional information.

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