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**Honors and Awards****IP LEGAL NEWS AND UPDATES****USPTO Issues Rules Implementing America Invents Act**

Toni-Junell Herbert, Jeffri A. Kaminski, Robert Kinberg, Michael A. Sartori, Ph.D., Fabian M. Koenigbauer, and Christopher B. Tokarczyk

On August 14, 2012, the U.S. Patent and Trademark Office issued rules implementing various provisions of the Leahy-Smith America Invents Act (AIA). Venable has prepared articles outlining the finalized and proposed rules and how the changes will affect your organization. Please click [here](#) to read complete articles on the respective topics.

**The \$60 Million iPad Trademark Lesson Applies to All Brands**

Justin E. Pierce and Andrew D. Price

Business people, from both start-ups and major multinational corporations, often question the value or reasoning behind the trademark advice they receive from their lawyers. For instance, business people often ask “do we really need to do this?” after being told that extensive trademark searching must be done to find a potential brand name that is legally available. Oftentimes the cost of careful trademark work seems to outweigh its benefits and seems too speculative – too far in the future to really worry about today. Apple’s recent experience with the “iPad” mark in China teaches otherwise.

**Patent Insurance – It’s Not Just for Defendants Anymore**

Christopher T. La Testa

When purchasing insurance, an insurance-buyer generally seeks to protect him or herself against potential liabilities or risks of loss. For example, many companies will purchase patent liability insurance to offset the costs of defending against an infringement claim. While such “defensive” patent liability insurance is fairly common, a lesser known type of “offensive” insurance is available to patent owners to help offset the costs of enforcing a patent against an alleged infringer.

**Lights! Action! Deduct!**

Joshua J. Kaufman

There may be a documentary film to be made about the documentary filmmaker who stood up to the IRS and won. A recent tax court case could be an extremely important precedent for independent filmmakers and documentarians. The issue in the case was the ability of the filmmaker to take deductions for expenses incurred in creating a documentary film given the fact that many documentary films do not make a profit.

**Determining Subject Matter Eligibility: How *CLS Bank v. Alice Corp.* Makes a Difficult Question Even More Difficult**

Christopher B. Tokarczyk

In *CLS Bank v. Alice Corp.*, the Federal Circuit addressed the question of subject matter eligibility for the first time since the Supreme Court issued its decision in *Mayo Collaborative Services v. Prometheus Laboratories* earlier this year. Many hoped that the Federal Circuit would provide clear guidance on how it would apply *Prometheus* when determining whether claims are ineligible under 35 U.S.C. § 101 for encompassing abstract ideas. However, the majority and dissenting opinions take vastly different approaches that seem to only further muddy the waters.

**Protecting Your Intellectual Property – Monitoring Licensees’ Use of Your Trademarks in Advertising Claims**

Amy Ralph Mudge and Randal M. Shaheen published "Protecting Your Intellectual Property – Monitoring Licensees' Use of Your Trademarks in Advertising Claims" in *ACC QuickCounsel* on August 6, 2012.

Click [here](#) to view this article on ACC's website.

### **Best Practices in Anti-Counterfeiting in the Toy and Game Industry**

Justin E. Pierce and Meaghan Hemmings Kent published "Best Practices in Anti-Counterfeiting in the Toy and Game Industry" in the Toy Industry Association weekly newsletter.

Click [here](#) to view the full text of this article on TIA's website.

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## **ANNOUNCEMENTS AND REMINDERS**

### **Venable Attorneys Speaking at 2012 Electronic Retailing Association D2C Convention**

September 11, 2012  
Las Vegas, NV

Jeffrey D. Knowles will present "Driving Change in Electronic Retailing: Enforcement, Self-Regulation and Legislation" on Tuesday, September 11 at 10:30 a.m. PDT.

Gregory J. Sater will moderate a panel entitled "Riding the Social Media Roller Coaster" on Tuesday, September 11 at 1:30 p.m. PDT.

Click [here](#) for additional information.

### **9th Anti- Counterfeiting & Brand Protection Summit- East Coast**

September 20, 2012 - September 21, 2012  
New York, NY

Marcella Ballard will present a panel entitled: "Creative Inspiration or Counterfeit: The Importance of IP Protection in the Fashion Industry" on September 20 at noon.

Justin E. Pierce, along with other industry professionals, will speak on a panel entitled: "Developing and Implementing a Cost-Effective Brand Protection Strategy" on September 21 at 1:45 p.m. EDT

Click [here](#) for additional information.

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