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202.344.4530**Honors and Awards****IP LEGAL NEWS AND UPDATES****A Major Change in Patent Term Adjustment Calculus: How “A Valuable Tool in the Patent Prosecution Process” (RCEs) May Now Be Even More Valuable**

Ryan M. Flandro, Fabian M. Koenigbauer, and Michael A. Sartori, Ph.D.

A recent U.S. District Court ruling will likely have far-reaching implications for determining Patent Term Adjustment (PTA). On November 1, 2012, the U.S. District Court for the Eastern District of Virginia issued a decision in the case of *Exelixis, Inc. v. Kappos* (Case No. 1:12-cv-00096), ruling that a Request for Continued Examination (RCE) filed in a patent application more than three years **after** the effective filing date of the application has no impact on PTA as determined under 35 U.S.C. § 154(b) (“the PTA statute”). Usually, an RCE reduces the PTA, but the district court ruled that if initiated more than three years after the effective filing date, an RCE would not reduce the PTA at all. This will potentially extend the term of some recently issued patents and numerous to-be-issued patents. Some commentators have estimated that this ruling could impact approximately 10% of recently issued patents. Depending on the patent, the effects of the decision could amount to additional PTA of days, weeks, or in some cases, even years

**Finding a Home for Orphan Works: Copyright Office Seeks Public Comment for Report to Congress**

Matthew R. Farley

The United States Copyright Office recently issued a broad notice of inquiry in the Federal Register, seeking comments from the public “regarding the current state of play for orphan works.” An orphan work is an original work of authorship, such as a photograph, for which a copyright owner cannot be located. The issue of orphan works has been a top priority of the Copyright Office for several years, and the Copyright Office plans to advise Congress on legislation to address orphan works in the near future.

**@Twitter Revises Copyright and DCMA Takedown Policy #Transparency**

Marcella Ballard and Victoria R. Danta

Earlier this month, Twitter announced an important change to its copyright and Digital Millennium Copyright Act (“DMCA”) takedown policy, completely altering its process for responding to and resolving copyright infringement claims. Twitter states that the change is designed to promote transparency in the resolution process and encourage just and expedient resolutions of valid copyright infringement complaints.

**Rosetta Stone and Google Settle Trademark Case Over Sponsored Ads**

Matthew R. Farley

Rosetta Stone and Google have agreed to dismiss a three-year-old trademark infringement lawsuit in the Eastern District of Virginia and “to meaningfully collaborate to combat online ads for counterfeit goods and prevent the misuse and abuse of trademarks on the Internet,” the companies announced in a joint statement on October 31, 2012.

**ANNOUNCEMENTS AND REMINDERS****Venable’s Trademark Group improves top 10 ranking in IP Today**

*Intellectual Property Today* ranked Venable’s Trademark Group number 8 on its list of 142 national firms according to the number of U.S. trademark registrations issued in 2011. This is the group’s second consecutive appearance in the top 10 and an improvement of two spots over last year.

## Venable Welcomes Associates Calvin R. Nelson and Krista S. Coons

Calvin R. Nelson rejoins Venable as an associate in the Intellectual Property Litigation group. Mr. Nelson was a patent litigation associate with Venable for three years and returns to the firm after a clerkship with the Honorable Judge Robert Wilkins of the U.S. District Court for the District of Columbia.

Krista S. Coons joins Venable as an associate in the Corporate group in New York. Ms. Coons brings extensive experience in intellectual property and technology law. Most recently, Krista was Content Protection Counsel for the Motion Picture Association of America (MPAA).

### Advanced Anticounterfeiting Strategies

December 3-4, 2012

Istanbul, Turkey

Justin E. Pierce will moderate "Managing Resources and Planning for Global Anticounterfeiting and Brand Protection Programs" at the Advanced Anticounterfeiting Strategies in Istanbul, Turkey.

For information and registration, please click [here](#).

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