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Honors and Awards**IP LEGAL NEWS AND UPDATES****Fashion and IP Roundup – Recent Cases Provide Tips That Can "Make or Break" the Winning Strategy**

Marcella Ballard

Three recent skirmishes involving fashion brand owners and their non-traditional marks provide strategy tips for those looking to defend their brands against alleged copycats. This past year, the "red sole" trademark owned by designer Christian Louboutin, the trade dress of the "Clyde" bag by designer Monica Botkier, and the Adidas "four stripe" design on sneakers were all favorably enforced against perceived infringers.

USPTO Increases Fees, More Fee Adjustments to Come

Michael A. Sartori, Ph.D.

On October 5, 2012, the USPTO implemented a modest fee increase. The USPTO is also contemplating a more comprehensive fee adjustment based on the AIA, which would increase the large entity fees for a utility patent application by approximately 27%, decrease the large entity issue fee by approximately 46% and increase the three maintenance fees are increasing by approximately 43%. These further fee adjustments are expected to be implemented before the first-to-file crossover date of March 16, 2013.

Legislative Update – What's Next for Protection of Fashion Design in the United States?

Marcella Ballard

Recent legislation introduced in both houses of Congress propose amendments to the Copyright Act that would provide protections for original elements and arrangements of fashion designs.

Changing Induced Infringement: The Federal Circuit's *Akamai/McKesson* Decision

Michael A. Sartori, Ph.D.

In the combined decision of *Akamai Technologies, Inc. v. Limelight Networks, Inc.* and *McKesson Technologies, Inc. v. Epic Systems Corporation*, 2012 WL 3764695 (Fed. Cir. 2012), the Federal Circuit *en banc* changed the law on induced infringement. The court overruled its prior decision in *BMC Resources, Inc. v. Paymentech, L.P.*, 498 F.3d 1373 (Fed. Cir. 2007), and held that to prove direct infringement as a prong of induced infringement, a single party (or those under its direction or control) no longer needs to practice all of the steps in a method claim. Instead, for induced infringement, the direct infringement element may be satisfied by multiple parties practicing all of the steps in a method claim.

Chain Reaction

Jacqueline Levasseur Patt, Justin E. Pierce and Elissa Brockbank Reese published "Chain Reaction" in the October 2012 edition of *Intellectual Property Magazine*.

Please click [here](#) to view the full text of this article.

Marketing to Teens: Not All Fun and Games

Gregory J. Sater and Amy Ralph Mudge published "Marketing to Teens: Not All Fun and Games" in the October 2012 edition of *electronicRETAILER*.

Click [here](#) to view this article.

ANNOUNCEMENTS AND REMINDERS

Gregory J. Sater elected by the Electronic Retailing Association (ERA) membership and appointed to the Board of Directors of the ERA for a two year term

Representing a more-than \$300-billion market, the Electronic Retailing Association (ERA) is the only trade association that represents the global leaders of the direct-to-consumer marketplace—companies which use the power of direct response to sell goods and services on television, online and on radio.

Steve J. Schwarz selected as Chair-Elect for the Patent, Copyright, and Trademark Section of the Bar Association of the District of Columbia

Steven J. Schwarz has been selected as Chair-Elect for the Patent, Copyright, and Trademark Section of the Bar Association of the District of Columbia (BADC). The BADC was founded in 1871 and is the third oldest bar association in the nation (following the Boston City and New York City Bar Associations).

Venable Welcomes Matthew R. Farley, Carly S. Levin, and Thomas A. Negley to the Intellectual Property Division

Matthew R. Farley and Carly S. Levin join Venable as associates in the Intellectual Property Litigation group.

Mr. Farley joins Venable after graduating *summa cum laude* from the University of Richmond School of Law in 2010 and serving as a judicial law clerk to United States District Judge Thomas E. Johnston in the Southern District of West Virginia, Charleston Division.

Ms. Levin joins Venable after serving as a summer associate in 2011 and graduating from Harvard Law School earlier this year. Ms. Levin is admitted to practice before the U.S. Patent and Trademark Office as a Registered Patent Agent.

Thomas A. Negley joins Venable as an associate in the Patent Prosecution and Counseling group. Prior to joining the firm, Mr. Negley practiced patent law at a patent prosecution boutique. While there, he prepared and prosecuted patent applications, and prepared patentability, freedom-to-operate, and validity opinions in a variety of areas, including electrical and mechanical devices, consumer software, data storage, and manufacturing. Mr. Negley is a graduate of Georgetown University Law Center.

"The Best Deal in Patents: Design Patents and the Role They Play in Protecting Toys and Games," TIA Webinar

October 25, 2012

Steven J. Schwarz will present "The Best Deal in Patents: Design Patents and the Role They Play in Protecting Toys and Games" on behalf of the Toy Industry Association on Thursday, October 25, 2012.

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

The 34th Annual PMA Promotion Marketing Law Conference

November 12-14, 2012
Chicago, IL

Roger A. Colaizzi, Melissa Landau Steinman, and Leonard L. Gordon will present at the Annual PMA Promotion Marketing Law Conference.

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

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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