



Mark It to Market™ - July 2016

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The July 2016 issue of Sterne Kessler's [Mark It to Market™](#) newsletter discusses an upcoming SCOTUS design patent case, [In One Nation Enterprises](#) and stylization of a descriptive term, and currently open gTLD Sunrise Periods.

Sterne Kessler's [Trademark, Advertising, and Anti-Counterfeiting practice](#) is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact [Monica Riva Talley](#) or [Tracy-Gene G. Durkin](#).



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The Design Patent Case of the Century

By [Tracy-Gene G. Durkin](#)

On October 11, the United States Supreme Court will hear oral arguments in *Apple v. Samsung*, the first case before the court in more than 125 years involving a claim for design patent infringement. In 2014, a California jury found, among other things, that Samsung infringed three design patents owned by Apple (and obtained by Sterne Kessler). After numerous appeals and cross-appeals below, the sole issue before the court is whether Apple should have been awarded Samsung's total profit from the sales of the products found to infringe the Apple patents.

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The Distinctiveness Threshold for Stylization of Descriptive Marks

By [Shana L. Olson](#)

In a recent TTAB case, the Board considered whether a stylization of a descriptive term supports registration on the Principal Register. The short answer? It depends.

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gTLD Sunrise Periods Now Open

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please contact us or see our [December 2013 newsletter](#) for information as to what the Sunrise Period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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