

Intellectual Property Law Blog

Don't Fall For It! Trademark Scams and Misleading Notices

August 25th, 2017

Once you submit your application to register a trademark with the U.S. Patent & Trademark Office (USPTO), the application becomes part of a public record. That means your name and contact information can be accessed by anyone searching the records of the USPTO.

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Recognizing Inventor Howard Head

July 7th, 2017

Try as he might, tall and lanky Howard Head never could claim to be truly proficient at the sports he loved. But he could say that he changed them forever. As he explained it when I first met him, he was a frustrated weekend athlete, and he thought that his frustration was linked to the equipment available.

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SCOTUS Rules Trademark Disparagement Clause Unconstitutional

June 22nd, 2017

The U.S. Supreme Court recently ruled that the U.S. Trademark Office's refusal to register "The Slants" as a trademark for an Oregon-based rock band was unconstitutional. This is a case the trademark attorneys at Panitch Schwarze have been watching closely, as this landmark decision could reshape U.S. trademark law significantly.

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UPC Update: Surprise UK Elections Likely to Delay Start of Unitary Patent System

June 7th, 2017

As we have discussed previously, European Union member countries are completing the final steps to implement an intergovernmental system that will streamline the process for securing and enforcing patent rights across Europe. Having a simpler, centralized system in place will open up a new patent portfolio management strategy for small and medium-sized IP-driven companies.

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U.S. Supreme Court Upsets 30 Years of Precedent, Changing Where Companies Can Be Sued for Patent Infringement

May 22nd, 2017

The U.S. Supreme Court on Monday, May 22, 2017, changed the playing field regarding where patent owners can file infringement lawsuits against accused infringers.

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Chinese Companies Awarded More U.S. Patents in 2016

January 31st, 2017

U.S. patent data recently released by the U.S. Patent and Trademark Office confirms that IBM was again awarded the most U.S. patents in 2016 – a whopping 8088! Other U.S. companies in the top 10 were Qualcomm, Google, Intel, and Microsoft, with Apple coming in at number 11.

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Top IP Cases to Watch in 2017

January 10th, 2017

As 2017 gets underway, here are the top intellectual property lawsuits and legal disputes that we are watching.

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USPTO Closer to Recognizing Patent Agent Privilege?

December 9th, 2016

A key element of our justice system, the attorney-client privilege, was put in place to ensure that every citizen can obtain sound legal advice. Confidences discussed with an attorney in order to obtain legal advice are privileged from discovery in litigation. When it comes to the protection of intellectual property rights, patent attorneys, like all other lawyers, enjoy this privilege with their clients.

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Trademarks Update: Supreme Court to Decide Constitutionality of Disparagement Provision

October 20th, 2016

The U.S. Supreme Court is poised to answer a question that has plagued federal trademark law for decades: Does the government have the right to refuse to register trademarks which it has deemed “disparaging?” And, given that the First Amendment prohibits our government from restricting speech, does it make sense to have the U.S. Trademark Office approve or deny trademark registrations on grounds that may limit speech?

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NO PATENT FOR YOU! Can a software-related claim that recites only generic computer elements be statutory under 35 USC 101?

July 21st, 2016

Unlike the infamous Seinfeld “Soup Nazi” episode – in which you could get your soup if you just kept your head down, did not engage in small talk with the owner, or ask for free bread – software inventors are finding it difficult, and sometimes impossible, to obtain patents or enforce their existing patents no matter how novel their inventions are, and no matter how narrow they are willing to claim their invention.

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