

**In this issue:**

Click on any headline for more information or to view the article in its entirety.

IP Legal News and Updates**IP Protection and Tips****Announcements and Reminders****Editors:**

Meaghan Hemmings Kent
mhkent@Venable.com
202.344.4481

Clifton E. McCann
cemccann@Venable.com
202.344.8162

Elissa Brockbank Reese
ebreese@Venable.com
202.344.4530

IP LEGAL NEWS AND UPDATES**Senate Passes Patent Reform**

On Thursday, September 8, the United States Senate passed the America Invents Act (H.R. 1249) in a bipartisan 89–9 vote.

Louboutin Gets the Boot: S.D.N.Y. Judge Denies Motion for Preliminary Injunction in Trademark Dispute Over Signature Red Soles

Marcella Ballard and Victoria Danta

Christian Louboutin is denied preliminary injunction in court battle over rival brands' right to use red soles.

CyberSource Decision Raises the Patent-Eligibility Bar for Software

Yao Wang

On August 16, 2011, the Court of Appeals for the Federal Circuit (CAFC) issued its decision in *CyberSource Corp. v. Retail Decisions, Inc.*, affirming patent-ineligibility of a reexamined software patent.

New Apple Lawsuit Combats Counterfeit Products at Home and Abroad

Marcella Ballard and Victoria Danta

A lawsuit recently filed by Apple Inc. in New York took aim at two stores in Flushing, New York, that allegedly profited from selling counterfeit Apple accessories to New York City residents.

Dressing for Success: Congress's Latest Fashion Bill

Elissa Brockbank Reese

On July 13, 2011, the so-called Fashion Bill was reintroduced into Congress, carrying the same name as its previous iterations, the "Innovative Design Protection and Piracy Prevention Act," H.R. 2511 ("IDPPPA").

The Federal Circuit's Evolving Obviousness Analysis

Keith G. Haddaway, Ph.D.

The Federal Circuit continues to take some of the bite out of the Supreme Court's KSR decision (*KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)) that broadened the basis for determining that patent claims are obvious by, among other things, avoiding overly rigorous application of the TSM (teaching, suggestion, motivation) test.

IP PROTECTION AND TIPS**The "Bet the Company" Moment: Think Trademarks**

Andrew Price and Justin Pierce

A brand that can succeed or fail is based largely on its ability to be protected under trademark law.

Brand Owners Must Decide How to React to .xxx Before October 28, 2011

In the latest domain-name headache for brand owners, .xxx has been approved by ICANN as a new generic top-level domain, on the same plane as .com, .net, .org, .mobi, .info, etc., but this one is for adult content. The sunrise period for owners of registered trademarks to register or block registration of .xxx domain names that use their trademarks opened on September 7, 2011 and closes October 28, 2011.

ANNOUNCEMENTS AND REMINDERS**Anti-Counterfeiting & Brand Protection - East Coast**

September 26-28, 2011

Justin Pierce and Marcella Ballard will serve as panelists on two different sessions at the 7th Anti-Counterfeiting & Brand Protection Conference - East Coast in New York City.

"Effective Use of Patents to Raise Capital and Protect R&D" at the 3rd Annual International Water Conference

September 28, 2011

Clifton McCann, Charles Morton and Lars Genieser will present "Effective use of patents to raise capital and protect R&D" at the 3rd Annual Water Innovations Alliance Conference in Boston, MA.

NAD Annual Conference 2011 - New York City

October 3-4, 2011

Thomas Cohn will speak on social media issues including burgeoning issues such as publicity rights, blogs, branded entertainment, endorsements and testimonials as well as providing guidance on understanding regulatory developments and best practices.

Getting Your Fair Share: How To Prevent Royalty Underpayments (Video Webinar)

October 26, 2011

Join **Joshua Kaufman**, Chair of Venable's Copyright and Licensing group, **Debora Stewart**, CPA/CFF, Managing Director of Invotex and auditor **Anthony Curtis Elliott**, CPA as they discuss the causes of royalty underpayment; what you can do to prevent it from happening and how to use royalty audits to uncover missing royalties. Registration information is coming soon. In the meantime, if you would like to be added to the mailing list for this webinar, please contact Isaiah Burns at iburns@Venable.com.

American Conference Institute's ("ACI") Law conference

Roger Colaizzi will be speaking at American Conference Institute's ("ACI") Law Conference, taking place October 26 – 27, 2011 in New York City. Roger will speak on a session entitled "Protecting Your Brand: Policing Your Intellectual Property in an Ever-Evolving Virtual Space."

Venable ranked among the top 20 trademark filers by World Trademark Review

Venable LLP was recently listed among the top 20 trademark filers in the United States by *World Trademark Review (WTR)* magazine in association with Corporation Service Company (CSC).

Venable Welcomes Devesh Srivastava to the Technology Division

Devesh Srivastava, former research scientist and registered patent attorney, recently joined the firm as an associate in the [Patent Prosecution Group](#).

To keep abreast of changes in the IP world effecting your business, subscribe to our new RSS feed. To subscribe, please click www.Venable.com/RSS.

If you have friends or colleagues who would find this newsletter useful, please invite them to subscribe at www.Venable.com/subscriptioncenter.

CALIFORNIA MARYLAND NEW YORK VIRGINIA WASHINGTON, DC

1.888.VENABLE | www.Venable.com

© 2011 Venable LLP. This newsletter is published by the law firm Venable LLP. It is not intended to provide legal advice or opinion. Such advice may only be given when related to specific fact situations that Venable has accepted an engagement as counsel to address. Further, each newsletter article has been prepared by the named author or authors, and does not represent the views of Venable LLP or unnamed Venable attorneys. This newsletter may be reproduced without the express permission of Venable LLP as long as it is reproduced in its entirety, including the Venable name and logo.