

KEY TAKEAWAYS

Annual Review of U.S. Federal Case Law and TTAB Developments

Kilpatrick Townsend's [Ted Davis](#) recently presented his "Annual Review of U.S. Federal Case Law and TTAB Developments" at the [International Trademark Association \(INTA\)](#) annual meeting. Mr. Davis provided a concise analysis of key decisions and developments in United States case law over the trailing twelve months.

His key takeaways from the past year include:

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Possible liberalization of the test for fraud on the USPTO;

Ratification of the initial-interest confusion doctrine;

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Judicial disapproval of transparently opportunistic claims of priority;

Clarification of the law governing allegations of infringement arising from the resale of altered or diverted goods;

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An unsuccessful constitutional challenge to the process for installing of administrative law judges on the Trademark Trial and Appeal Board; and

A successful constitutional challenge to Section 2(c) of the Lanham Act.

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