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IP Insights**Announcements and Reminders****Editors:**

Clifton E. McCann
cemccann@Venable.com
202.344.8162

Meaghan Hemmings Kent
mhkent@Venable.com
202.344.4481

Elissa Brockbank Reese
ebreese@Venable.com
202.344.4530

**Venable's Trademark Practice Recognized by U.S. News - Best Lawyers®**

On November 1, Venable's Trademark Group received the Tier 1 national and Washington, DC ranking from *U.S. News and Best Lawyers*®. Recognition is given after exhaustive research, collection of client and lawyer evaluations, attorney peer review, and analysis of additional information provided by law firms during the submission process. Click [here](#) to view other Venable *U.S. News / Best Lawyers*® rankings.

IP INSIGHTS**Monetizing Intellectual Property to Improve Financial Performance**

Michael A. Gollin

Companies can improve their financial performance by monetizing patents and other intellectual property (IP). The goal is to increase the assets and revenues that derive from technology and innovation, while decreasing liabilities and expenses.

The Legal Perils, Pitfalls and Puffery of Advertising Body Shaping Benefits

Gregory J. Sater

Marketers who advertise a product that promises body transforming benefits such as body shaping, weight loss or toning are popular targets for litigation and regulatory enforcement. Venable Partner Greg Sater examines two recent cases involving body transformation claims and the lessons marketers can draw from them in the November issue of *Electronic Retailer*.

Royalties: Are You Getting Your Fair Share?

Joshua J. Kaufman

According to one recent survey 88% of all royalties are underpaid, which is a really staggering statistic. According to the study conducted by Invotex Group, there are a wide variety of reasons for underpayment. The largest single reason for underpayment was erroneous contract interpretation. In second place was disallowed deductions being taken from the royalties. Third runner-up was unreported sales. Rounding out the other reasons were royalty rate errors, math errors, unreported sublicenses, unreported benchmarks and milestones and transfer prices. *Article begins on Page 30*

Indian Affidavits of Use: A Tool for Effective Trademark Prosecution and Enforcement

Andrew D. Price and Rebecca Liebowitz

In trademark prosecution, the threat of infringement of the mark and a potential need to obtain an injunction usually are not at the forefront of the applicant's mind. In India, however, use claims contained in (or omitted from) the application can have a significant effect on the outcome of a later dispute. It is important that both the applicant and its counsel give sufficient consideration to submitting use information to the Indian Trademark Office, in order to better position the trademark owner to initiate and defend challenges. *Permission to reprint article from INTA.*

ANNOUNCEMENTS AND REMINDERS**PMA's 33rd Annual Marketing Law Conference**

November 15, 2011 - November 16, 2011

The Promotion Marketing Law Conference celebrates 100 years with a state of the art conference covering the things you need to know to comply with the fast changing world of promotion and advertising laws, regulations and government enforcement policies. Venable partners [Thomas A. Cohn](#), [Claudia A. Lewis](#), [Roger A. Colaizzi](#) and [Melissa Landau Steinman](#) are presenting sessions at the conference.

International Water Conference on November 16

November 16, 2011

The America Invents Act became law on September 16, 2011. [Clif McCann](#) and [Lars Genieser](#) will present on the impact of the new law on patent prosecution and patent litigation at the International Water Conference in Orlando on Tuesday, November 16, 2011.

"Protecting Your Idea: Trademarks, Copyrights and Patents" at the Toy & Game Inventor Conference

November 17, 2011

Venable partner [Dr. Michael Sartori](#) will speak on the panel "Protecting Your Idea: Trademarks, Copyrights and Patents" on Thursday, November 17. T&GCon was created in 2006 by the Chicago Toy & Game Group as a forum for toy and game industry experts, independent inventors, designers, manufacturers, retailers, consultants and related professional services firms to share knowledge, pool resources and generate business opportunities. T&GCon has gained the respect of the toy industry by advocating, educating, and connecting leaders throughout the toy and game inventing community.

"Why Do I Need to Know About the New U.S. Patent Law?" Webinar

December 8, 2011 1:00 PM EST

After six years of starts and stops and extensive debate, Congress enacted the Leahy-Smith America Invents Act ("AIA") on September 16, 2011. The final Senate vote was an impressive 89 to 9 vote in favor of passage. The Act represents the most dramatic changes to U.S. patent law since 1952, including fundamental changes to the law governing the right to obtain patents and the ability to challenge patent rights. As an introduction to the new law, [Clifton E. McCann](#) and [Lars H. Genieser](#) will answer the question "Why do I need to know about the AIA?"

Registration instructions will follow.

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