







TWITTER ROUNDUP: Here's a sampling of our Tweets. Find us @LeasonEllis to see more!

-  **@LeasonEllis** 2 Jun
Create and instantly genericize a new word in New Yorker contest: nyr.kr/L3mM0k. #trademarks.
Expand
-  **@LeasonEllis** 24 May
Leason Ellis client @adafruit named to "100 Brilliant Companies 2012" by @EntMagazine: bit.ly/KBr1Yw.
Expand
-  **@LeasonEllis** 1 May
At the intersection between great #marketing and savvy #branding lies bigassfans.com.
Expand
-  **@LeasonEllis** 10 Apr
The #Trademark Act is a relatively taut model of simplicity. The #Copyright Act, not so much.
Expand

ROUGHLY 200 WORD PATENT UPDATE:

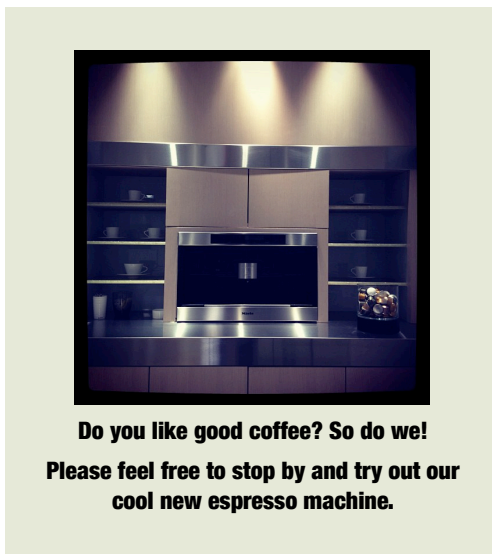
New Buttinsky Rule: Starting on September 16, 2012, the U.S. Patent Office will accept third party submissions of patents and other publications for consideration by the Examiner handling a pending patent application that is not your own. The new statutory provision, 35 U.S.C. 122(e), has modest requirements. A written submission will be considered if it includes a concise description of the asserted relevance of the attachments, a fee, and a statement of compliance. The submission must be made before a notice of allowance or before the later of (a) six months after publication of the application or (b) the date of first rejection of any claim by the examiner. To implement the new law, a new 37 CFR § 1.290, entitled "Submissions by third parties in applications," has been created that abrogates the existing 37 CFR § 1.99 entitled "Third-party submission in published application." Also abrogated is 37 CFR § 1.292, entitled "Public use proceedings" since allegations of prior public use may now be raised in post-grant review proceedings and will continue to be permitted in protest proceedings under 37 CFR § 1.291.

Practice Tip: This rule applies retroactively, so there may be opportunities to wreak some havoc before a competitor's published application becomes a granted patent.

NEWS AND UPDATES:

USA TRADEMARK: We are proud to announce that we have officially put USA Trademark out of business. USA Trademark was a company that sent registrants mailings telling them that for "only \$968" they would list your mark in a "catalogue." Too many unsuspecting trademark holders fell victim to this ploy, so Leason Ellis decided to take action. We have donated \$10,000 obtained pursuant to a consent decree to the United States Patent and Trademark Office. Our hope is that the USPTO uses the funds to help stop other unsuspecting trademark registrants from falling victim to scam companies. If you would like to know more, feel free to [contact](#) us.

MEDICINE ECONOMICS IN CHINA: Our own Susie Cheng has started to publish a monthly column in the Medicine Economics Newspaper, the major biotech newspaper in China. Her first column on *Mayo v. Prometheus*, as written in Chinese, can be found [here](#). An English version is [here](#).



ADVERTISING LAW IN THE UNITED STATES: Peter Sloane and Yijun Ge have co-written an article about advertising law in the United States for Practical Law Publishing. The survey of American advertising law encompasses multiple issues, including regulation, controls on advertising methods, industry specific regulation, and endorsements. Read more [here](#).

KEYWORDS AND TRADEMARKS:

Yuval H. Marcus and Andie M. Schwartz published an article this Summer about the juxtaposition between trademarks and online keywords. Find out how the Circuits are coming down on the issue and what you can do to be prepared. The article can be found [here](#).

WE'RE (STILL) GROWING: In June, Leason Ellis welcomed senior patent attorney [Joel Felber](#) to the firm's Patent Practice Group. Joel joins us from Ostrolenk Faber LLP in New York City.

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