

The IP Beacon, August 2018

By Stephanie Sivinski | August 15, 2018

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Squarely Decided: The Fifth Circuit Sides with Spongebob

On May 22, 2018, in [Viacom Int'l, Inc. v. IJR Capital Invs., LLC, 242 F. Supp.3d 563 \(2017\)](#), the Fifth Circuit Court of Appeals upheld summary judgment in favor of Viacom International Inc. (Viacom) on its trademark infringement and unfair competition claims against IJR Capital Investments, LLC (IJR). In a case of first impression, the court held that “specific elements from within a television show—as opposed to the title of the show itself—[can] receive trademark protection.”

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The Printed Matter Doctrine – *Praxair Distrib., Inc. v. Mallinckrodt Hosp. Prods. IP Ltd.*

In [Praxair Distrib., Inc. v. Mallinckrodt Hosp. Prods. IP Ltd., 2016-2616, -2656 \(Fed. Cir. May 16, 2018\)](#), a decision authored by Judge Lourie, the Court of Appeals for the Federal Circuit held that the printed matter doctrine is properly applied during claim construction and can include not just printed matter, but also mental steps.

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Vanda v. West-Ward: This Time, Dosage Adjustment Claims are Patent Eligible Subject Matter

The Federal Circuit’s decision in [Vanda Pharmaceuticals Inc. v. West-Ward Pharmaceuticals](#), No. 2016-2707, addresses the complicated topic of patent eligibility in the pharmaceutical space. The decision upheld the district court’s decision finding of Vanda’s personalized medical treatment claims as patent eligible under § 101. The case also confirms that amending an Abbreviated New Drug Application (ANDA) to address a patent issued after the original ANDA’s filing can infringe the later-issued patent.

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Haynes Boone Helps Colorado Client Obtain ITC Orders Against Patent Infringers

A Haynes Boone team led by Denver Partner Robert Ziemian helped a firm client, Nite Ize, Inc., (Nite Ize) secure a General Exclusion Order (GEO) from the International Trade Commission (ITC) excluding from importation all products covered by certain Nite Ize patents related to their Steelie ecosystem of hands-free mobile device mounts. Additionally, the ITC issued 16 specific exclusion orders against primarily Chinese companies, preventing them from importing knockoff mobile device holders into the United States.

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