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Jeff Ratinoff Explores Recent Intellectual Property Verdicts for Law360

Spencer Fane attorney Jeff Ratinoff authored two articles recently published as part of *Law360*'s Expert Analysis series.

Both articles originated as firm blog posts and explore recent U.S. Court of Appeals rulings that affect the litigation climate for claims made under the Lanham Act, the nation's primary trademark statute. The October piece, 2nd Circ. Provides NY Pathway For Fighting Foreign Infringers, examines the roadmap *American Girl LLC v. Zembrka* has created for trademark owners to obtain personal jurisdiction in infringement cases involving foreign companies. Jeff's November article, Patent Marking Steps After Fed. Circ. Opens Lanham Act Door, analyzes the Federal Circuit's precedential opinion in *Crocs Inc . v. Effervescent*.

The October 3 verdict, Jeff shares, signals "private actors may bring claims under the Lanham Act relating to false patent marking beyond what is currently allowed under the America Invents Act." Potentially, anyone "standing under the Lanham Act [could] bring a claim for false advertising under Section 43(a) where a seller falsely claims that its products are patented or use patented materials or methods in a manner that misleads actual and potential customers."

At Spencer Fane, Jeff serves as an intellectual property litigator for the firm's San Jose office. He harnesses 25 years of experience to represent clients in technology-driven litigation in state, federal, and appellate courts and in front of the International Trade Commission. Jeff's patent litigation practice spans a wide variety of sectors, including computer design and manufacturing, data storage device manufacturing, software, smartphones and tablets, network security providers, semiconductor and memory chip fabricators, electro-optical device manufacturers, and the defense

and firearms industries.

Read Jeff's full *Law360* articles here and here. Please note, a subscription may be required.