

Theodore H. Davis Jr.

Partner

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Services

Brand Licensing & Related
Transactions
Clearance & Portfolio Management
Trademark, Copyright &
Advertising
Anti-Counterfeiting & Gray Markets
Trademark Litigation

Industries

Media & Entertainment
Technology
Retail & Consumer Goods

Ted Davis divides his practice between domestic and international litigation and client counselling in the fields of trademark, copyright, false advertising, and unfair competition law and has particular experience in trade dress and gray market disputes, litigation before the Trademark Trial and Appeal Board, and with large-scale trademark clearance and registration projects. He is a past chair of the American Bar Association Section of Intellectual Property Law, on behalf of which he has testified before Congress on trademark and Internet issues, and he also has served on the Executive Committee of the Board of Directors of the International Trademark Association. He is a frequent lead author of amicus briefs to the Supreme Court of the United States and other federal courts, as well as an expert witness in federal district court litigation and in prosecution matters before the U.S. Patent and Trademark Office.

Mr. Davis has been recognized as one of Atlanta's "Legal Elite" (*Georgia Trend Magazine*), a Georgia "Super Lawyer" for intellectual property (*Super Lawyers* magazine), the 2014 "Atlanta Lawyer of the Year" in trademark law (*The Best Lawyers in America®*), an "IP Icon" (IP Law360), and an "IP Star" (*Managing Intellectual Property* magazine). *World Trademark Review 1000 – The World's Leading Trademark Professionals* regularly lists him as among the top ten United States attorneys in the categories of enforcement, prosecution, and strategy, and Legal Media Group has identified him as among the top 25 practitioners for Trademark Law in the



country. *Chambers USA: America's Leading Lawyers for Business* also has listed him for intellectual property since 2013. He is a frequent author on intellectual property topics, and his articles have received the Ladas Memorial Award from the International Trademark Association and the Burton Award for excellence in legal writing. He is AV® rated by Martindale-Hubbell.*

Experience

Represents Fender Musical Instruments Corporation in litigation in federal court and before the Trademark Trial and Appeal Board. *Fender Musical Instruments Corp. v. Swade*, 772 F. App'x 282 (6th Cir. 2019).

Represents Scientific Games, a leader in the lottery ticket and video gaming industries, in trademark litigation before federal trial and appellate courts and the Trademark Trial and Appeal Board. *WMS Gaming Inc. v. WPC Prods. Ltd.*, 542 F.3d 601 (7th Cir. 2008).

Successfully represented Compex International Co., a major manufacturer of outdoor patio furniture, in a bench trial against claims by a competitor of trade dress infringement, unfair competition and deceptive trade practices. *Meadowcraft Inc. v. Compex Int'l Co.*, 47 U.S.P.Q.2d 1665 (N.D. Ga. 1998).

Represents Flowers Foods Inc., a leading producer of baked goods, and its subsidiaries in various trademark, unfair competition, false advertising, and copyright matters, including litigation before federal district courts and the Trademark Trial and Appeal Board, as well as trademark clearance and registration projects.

Represents Huddle House Inc. In trademark, false advertising and unfair competition matters, including litigation before federal district courts and trademark clearance and registration programs.

Represents Newman's Own, Inc. in trademark clearance, registration, and enforcement matters.

Education

University of Virginia School of Law J.D. (1990)

Davidson College B.A. (1987) *cum laude*

Admissions

District of Columbia (1992)

Georgia (1990)

New York (2011)

Court Admissions

District of Columbia Court of Appeals



Georgia Court of Appeals

New York Supreme Court, Appellate Division

Supreme Court of Georgia

U.S. Courts of Appeals for the Second, Fourth, Fifth, Sixth, Seventh, Ninth, Eleventh, and Federal Circuits

U.S. District Court for the District of Columbia

U.S. District Court for the Eastern District of New York

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Southern District of New York

U.S. Supreme Court

Professional & Community Activities

Past Chair, American Bar Association Section of Intellectual Property Law

Fellow, American Bar Foundation

Past Board Member, International Trademark Association

American Intellectual Property Law Association

Intellectual Property Owners Association

Canadian Bar Association

Adjunct Professor, Emory University School of Law

Past Adjunct Professor, University of Georgia School of Law

Past Editor-in-Chief, *Georgia Bar Journal*

Past Notes Editor, *Virginia Law Review*

Insights

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4 Key Takeaways | Trademark Modernization Act of 2020

March 25, 2021

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6 Key Takeaways | Annual Review of Key Trademark & Unfair Competition Opinions

March 25, 2021



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Trademarks 2021

March 11, 2021

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United States Annual Review | The Seventy-Third Year of Administration of the Lanham Act of 1946

March 5, 2021

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Kilpatrick Townsend Earns Top Ranking from 2021 World Trademark Review

February 17, 2021

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Trademark Modernization Act Becomes Law: Establishes New Procedures to Remove Deadwood Registrations, Restores Presumption of Irreparable Harm, and Protects the Independence of the Trademark Trial and Appeal Board

December 28, 2020

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5 Key Takeaways | Review of U.S. Federal Case Law and TTAB Developments

December 2, 2020

[In The News](#)

Generic.com Brands Fear Uphill Battle Despite USPTO Guidance

November 13, 2020

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Kilpatrick Townsend Attorneys Achieve 41 Individual Rankings on the 2019–2020 *International Who's Who of Business Lawyers*

November 12, 2020

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Kilpatrick Townsend's Trademark Practice Receives Widespread National Acclaim

November 5, 2020

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A Legal Strategist's Guide to Trademark Trial and Appeal Board Practice, Fourth Edition
September 14, 2020

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How To Book Your 'Generic.com' At The USPTO
September 14, 2020

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021
August 20, 2020

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Strategies for Cultivating Protectable Rights in, and Registering, Generic.com Marks After *United States Patent and Trademark Office v. Booking.Com B.V.*
July 22, 2020

[In The News](#)

Booking.com SCOTUS Victory Raises Survey Status
July 2, 2020

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Kilpatrick Townsend Attorneys Named 2020 Managing Intellectual Property IP Stars
June 1, 2020

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Do Two Generics Make a Trademark?
May 4, 2020

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Using Trademark Law to Fight Price Gouging: Beware the Exhaustion Doctrine
April 29, 2020

[In The News](#)

SCOTUS Trademark Case Could Strengthen Plaintiffs in Settlement Negotiations
April 28, 2020



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Kilpatrick Townsend Achieves Top-Tier Recognition from *Chambers USA 2020*

April 24, 2020

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The Supreme Court Abrogates Willfulness as a Bright-Line Prerequisite for Accountings of Profits Under the Lanham Act

April 23, 2020

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False Filings Bill Gets Mixed Reception From Lawyers

March 26, 2020

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Kilpatrick Townsend Attorneys Named 2020 Georgia Super Lawyers

March 6, 2020

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Kilpatrick Townsend's Trademark Team Earns Top Ranking From World Trademark Review

February 20, 2020

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Lexology Getting The Deal Through: Trademarks 2020

December 3, 2019

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Thirty-nine Kilpatrick Townsend Attorneys Named to 2018-2019 *International Who's Who of Business Lawyers*

October 22, 2019

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5 Key Takeaways | Annual Review of Key Trademark & Unfair Competition Opinions

October 15, 2019

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Trademarks 2020

September 1, 2019



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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

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U.S. Patent and Trademark Office Announces New Rule Requiring Foreign Trademark Claimants to Obtain U.S. Counsel

July 15, 2019

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Supreme Court to Address Long-Standing Circuit Split Regarding Accountings of Defendants' Profits Under the Lanham Act

July 1, 2019

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Kilpatrick Townsend Attorneys Named 2019 Managing Intellectual Property IP Stars

June 17, 2019

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Kilpatrick Townsend at the 2019 INTA Annual Meeting

May 14, 2019

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Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019

May 2, 2019

[In The News](#)

Say What?: Trademark Case Tests 'Scandalous,' 'Immoral' Standards

April 23, 2019

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SCOTUS Likely to Overturn 'Scandalous' TM Ban: Lawyers

April 23, 2019

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KTIPS Takeaways | Trademark Prosecution & Case Law Updates



April 15, 2019

[Webinars](#)

Recent Trademark Cases Relevant to the Retail and Consumer Goods (RCG) Industry: Review and Implications for RCG Companies and In-House Counsel

March 28, 2019

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Kilpatrick Townsend Achieves Recognition for 2019 Georgia Super Lawyers

February 28, 2019

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Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition

February 5, 2019

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Immoral and Scandalous Trademarks: If They Can Be Registered, What Does It Mean For Other Prohibitions on Registration?

January 10, 2019

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Back to the US ITC for Converse All Star Trade Marks

January 3, 2019

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Update on Trademark Law

October 25, 2018

[In The News](#)

Kilpatrick Townsend Ranked Among Top-Three in the World for Trademark by 2018 Who's Who Legal

October 8, 2018

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A Year in Review: Trademark Case Law and Practice Update

September 24, 2018



[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

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USPTO Tipped to Take Scandalous Trade Mark Case to Supreme Court

August 13, 2018

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Kilpatrick Townsend Attorneys Named 2018 Managing Intellectual Property IP Stars

June 19, 2018

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

May 23, 2018

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Trademark / Trade Dress of Coffee

May 16, 2018

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018

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2018 Intellectual Property Forum

May 11, 2018

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Current State of the Dilution Doctrine: Tam Impact

April 20, 2018

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Forty-Four Kilpatrick Townsend Attorneys Named to 2017 - 2018 International Who's Who of Business Lawyers

March 19, 2018



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Kilpatrick Townsend Once Again Achieves Recognition for 2018 Georgia Super Lawyers

February 28, 2018

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Kilpatrick Townsend's Ted Davis quoted by World Trademark Review re: "A Steep Uphill Battle: Experts Pessimistic Over USPTO Bid for U-Turn on Scandalous Marks"

February 14, 2018

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Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition in the 2018 World Trademark Review 1000

January 25, 2018

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Kilpatrick Townsend's Ted Davis Named 2017 INTA President's Award Recipient

November 9, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

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Matal v. Tam and Viewpoint-Discriminatory Prohibitions Against Federal Registration

August 1, 2017

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Kilpatrick Townsend Attorneys Named 2017 Managing Intellectual Property IP Stars

June 27, 2017

[In The News](#)

Ted Davis quoted by Managing Intellectual Property re: "Disparagement Clause Offends First Amendment, Says SCOTUS in Tam."

June 20, 2017

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Ted Davis quoted by World Trademark Review re: “‘Simple and correct’ or ‘tremendous damage to minorities’? Opinion split on *Matal v Tam* decision.”

June 20, 2017

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Supreme Court Holds a Portion of Section 2(a) of the Lanham Act Unconstitutional

June 20, 2017

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Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

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United States Annual Review

May 24, 2017

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Trademarks in the USA

May 1, 2017

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Kilpatrick Townsend Once Again Achieves Recognition for 2017 Georgia Super Lawyers

February 28, 2017

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Kilpatrick Townsend's Trademark Practice Receives Gold Level Recognition in the 2017 World Trademark Review 1000

February 9, 2017

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United States Annual Review: The Sixty-Ninth Year of Administration of the Lanham Act of 1946

January 3, 2017

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Key Takeaways from the Advanced Trademark Law Seminar

October 21, 2016



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Top Takeaways from the 2016 Advanced Trademark Law Seminar
October 10, 2016

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Kilpatrick Townsend's Media Report September 30 - October 6, 2016
October 7, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017
August 16, 2016

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2016
May 31, 2016

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Kilpatrick Townsend's Media Report May 20-26, 2016
May 27, 2016

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Thirty-Two Kilpatrick Townsend Attorneys Named 2016 Managing Intellectual Property IP Stars
May 26, 2016

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Kilpatrick Townsend's Media Report March 18-24, 2016
March 25, 2016

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Recent Developments in Trademark and Unfair Competition Law
March 15, 2016

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Trademark Law Update
March 14, 2016



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Kilpatrick Townsend's Media Report March 4-10, 2016

March 11, 2016

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Icon Of IP: Kilpatrick Townsend's Theodore Davis

March 7, 2016

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United States Annual Review, The Sixty-Eighth Year of Administration of the Lanham Act of 1946

February 1, 2016

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Kilpatrick Townsend's Media Report January 22-28, 2016

January 29, 2016

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Kilpatrick Townsend's Ted Davis Named Icon of IP by Law360

January 28, 2016

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Kilpatrick Townsend's Media Report January 15-21, 2016

January 22, 2016

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Kilpatrick Townsend Receives Top Recognition in 2016 World Trademark Review 1000

January 21, 2016

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Trade Marks in Sport: From Business to Law

October 30, 2015

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Kilpatrick Townsend's Media Report October 2-8, 2015

October 9, 2015



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Kilpatrick Townsend's Media Report September 25 - October 1, 2015

October 2, 2015

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First Amendment Concerns and How They Impact Your IP Department

September 28, 2015

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Update on Trademark Law

September 18, 2015

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Kilpatrick Townsend's Media Report September 4-10, 2015

September 11, 2015

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015

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Ten Kilpatrick Townsend Attorneys Named to 2015 International Who's Who of Trademark Lawyers

August 13, 2015

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Kilpatrick Townsend's Media Report June 19-25, 2015

June 26, 2015

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Trademark Rights and the Legacy of Magna Carta

June 12, 2015

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Kilpatrick Townsend Once Again Achieves Recognition From Chambers USA 2015

May 22, 2015



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Kilpatrick Townsend's Media Report May 1-7, 2015

May 8, 2015

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Annual Review of U.S. Federal Case Law at International Trademark Association

May 6, 2015

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Twenty-Nine Kilpatrick Townsend Attorneys Named 2015 Managing Intellectual Property IP Stars

May 6, 2015

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Kilpatrick Townsend Attorneys Ted Davis and Jaclyn Shanks Selected as 2015 Burton Award Winners

April 23, 2015

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Understanding B & B Hardware and Strategic Responses to the Opinion

March 31, 2015

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Intellectual Property Law Scholarship Symposium: Trademarks

March 25, 2015

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Recent Developments in Intellectual Property Law Every Business Lawyer Needs to Know

February 27, 2015

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Kilpatrick Townsend Once Again Achieves Recognition for 2015 Georgia Super Lawyers

February 26, 2015

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Kilpatrick Townsend Once Again Receives Top Recognition in 2015 World Trademark Review 1000

February 5, 2015



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The Sixty-Seventh Year of Administration of the Lanham Act of 1946

January 31, 2015

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Kilpatrick Townsend's Media Report January 23-29, 2015

January 30, 2015

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Fraud in Trademark Applications and Registrations: Proving or Defeating Allegations

January 13, 2015