2007 TRADEMARK LAW DECISIONS OF THE FEDERAL CIRCUIT

SUSAN M. KAYSER*

DAVID JAQUETTE**

TABLE OF CONTENTS

Introduction 1040
I. Substantive Trademark Issues 1041
A. Genericness 1041
1. *In re Reed Elsevier Properties Inc.* 1041
B. Mere Descriptiveness 1043
1. *In re Bayer Aktiengesellschaft* 1043
2. *In re Finisar Corp.* 1046
C. Likelihood of Confusion 1047
1. *Stichting Lodestar v. Austin, Nichols & Co.* 1048
2. *National Rural Electric Cooperative Association v. Suzlon Wind Energy Corp.* 1051
3. *China Healthways Institute, Inc. v. Wang* 1053
D. Definition of Goods 1055
1. *In re Omega SA* 1055
E. Use v. Use in Commerce 1058
1. *First Niagara Insurance Brokers, Inc. v. First Niagara Financial Group, Inc.* 1058
F. No "Excusable Neglect" 1060
1. *FirstHealth of Carolinas, Inc. v. Carefirst of Maryland, Inc.* 1060
2. *Fischer v. Anderson* and *Fischer v. Quad International Inc.* 1063
G. Notice of Appeal/Writ of Mandamus 1065
1. *In re Rockwell Medical Technologies, Inc.* 1065

* Susan M. Kayser is a partner in the Intellectual Property Practice of Howrey LLP.

** David Jaquette is an associate in the Intellectual Property Practice of Howrey LLP.