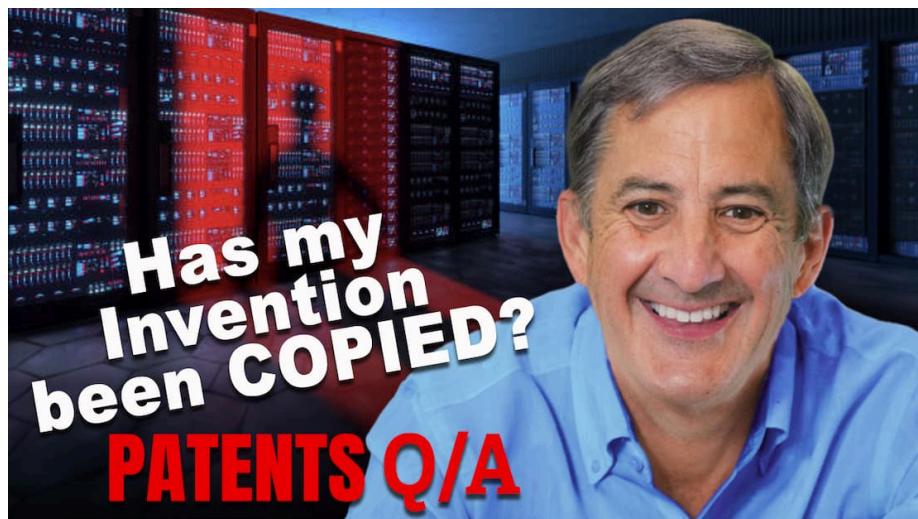


## September 2025 Edition

From the Desk of John Ferrell



### Is it Too Late to File a Provisional Patent Application?

Timing can make or break your patent strategy. In this video, John Ferrell explains when a provisional still makes sense, when you've waited too long, and how a delayed filing can impact your rights. Simple, practical advice for inventors navigating the clock.

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### In the News

#### **The Trump–Lutnick Patent Tax: What It Means for Innovators**

A proposed “patent tax” backed by President Trump and financier Howard Lutnick is sparking debate across the IP community. Advocates say it could streamline revenue collection, while critics warn it may discourage small inventors.

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#### **USPTO Tightens Rules for Inter Partes Review Petitions**

The Patent Office has introduced stricter standards for challenging existing patents through IPR petitions. The goal is to reduce frivolous challenges, but inventors and litigators alike are watching closely to see how access to review is impacted.

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## Portland Pickles Settle Trademark Fight with Disney

The Portland Pickles baseball team has resolved its dispute with Disney over Disney character branding that looked “too close” to the real life team. The case highlights how even playful branding can run afoul of trademark law when it leans too heavily on existing IP.

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## Claim Interpretation: Why It Matters More Than You Think

A new analysis underscores how critical claim interpretation is in patent disputes. Courts are increasingly focused on precise wording, reminding inventors that the details in drafting can determine the strength or weakness of their patent.

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## The Growing Threat of Domain Impersonation

Cybercriminals are exploiting domain lookalikes to mislead consumers and impersonate brands. This rising trend poses risks not just for e-commerce but also for IP owners whose trademarks are being hijacked in the digital space.

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## Kizik Sues Skechers Over Shoe Tech Patents

Footwear brand Kizik has filed suit against Skechers, claiming infringement of its hands-free shoe design patents. The company says it's defending innovators and protecting independent inventors from being overshadowed by larger players.

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## NFTs: Goods or Art?

Courts are being asked to decide whether NFTs should be treated as consumer goods or works of art. The outcome could affect how copyright, sales, and resale rights are applied in the digital economy.

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## Your Legal Questions Answered

### How Do I Know When I Can Sue for Patent Infringement?

*Just because someone copied your idea doesn't mean you can sue.*

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### Patent Claim vs. Invention Embodiment: What's the Difference?

*Inventors often confuse the technical claims with the physical version of the invention.*

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### What Makes an Invention Too Obvious to Patent?

*Sometimes an idea is rejected for being “obvious,” but what does that mean?*

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Do you have a question that needs answering?

[Send us your query](#) and we will include the answer in a future newsletter.

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