

Law360 Features Michael Justus in Three Year-End Articles on IP and AI Trends

January 3, 2024

Intellectual Property Partner Michael Justus was quoted in a *Law360* year-end article that examined the biggest trademark rulings of 2023 and an article that looked ahead to the biggest copyright cases to watch in 2024. Additionally, his guest article on key takeaways from the bellwether artificial intelligence (AI) copyright case, *Thomson Reuters v. ROSS*, was included in a roundup of top guest articles on the topic of AI in intellectual property (IP) law from last year.

In the article that reflected on major 2023 trademark rulings, Michael commented on the case of *Spireon Inc. v. Flex Ltd.*, in which the US Court of Appeals for the Federal Circuit (The Federal Circuit) clarified the burden for proving the use of identical third-party marks to attack the commercial strength of an opposer's mark in trademark opposition proceedings. "The way it used to work at the [Trademark Trial and Appeal Board] in these types of cases was if the [applicant] came forward with evidence of third-party trademark applications or trademark registrations, it would be the [applicant] who had the burden to prove that they're actually used in the marketplace and the extent that they're used in the marketplace to show consumer recognition of those marks," Michael said. However, The Federal Circuit "flipped that the other way" in this case and determined it was on the opposer to prove that identical third-party marks are not in use, he added.

Looking ahead to 2024 and the biggest copyright cases to pay attention to, Michael pointed to *Thomson Reuters v. ROSS*, which he also wrote about in his guest article that appeared in the *Law360* collection of top 2023 guest articles on AI in IP law. If the case goes to trial, currently scheduled for August, it will likely be the first of the AI copyright cases to do so. "The findings will begin to answer some of the questions at the heart of AI litigation," Michael said.

["The Biggest Trademark Rulings of 2023,"](#) **Law360*, December 15, 2023

["AI In IP Law: The Top Guest Articles Of 2023,"](#) **Law360*, December 22, 2023

["Copyright Cases To Watch In 2024,"](#) **Law360*, January 1, 2024

**Subscription may be required for article access.*

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Michael R. Justus

+1.202.625.3575

michael.justus@katten.com