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Thank you for reading the February 2023 issue of Sterne Kessler's Markt to Market® newsletter. This month, we discuss Section 2(c) of the Lanham Act in relation to the Supreme Court's pending review of the TRUMP TOO SMALL trademark case, and a new scam alert issued by the USPTO.

Our [Trademark & Brand Protection practice](#) here at Sterne Kessler is devoted to guiding companies of all sizes in developing and maintaining strong brands around the world. There is always something new and exciting happening in our unique IP niche, and we bring you updates each month to help you keep on top of it all. Thanks for your readership. If there is something you would like us to cover, please don't hesitate to reach out to us and let us know!

Kind Regards,

**Monica Riva Talley**  
Editor

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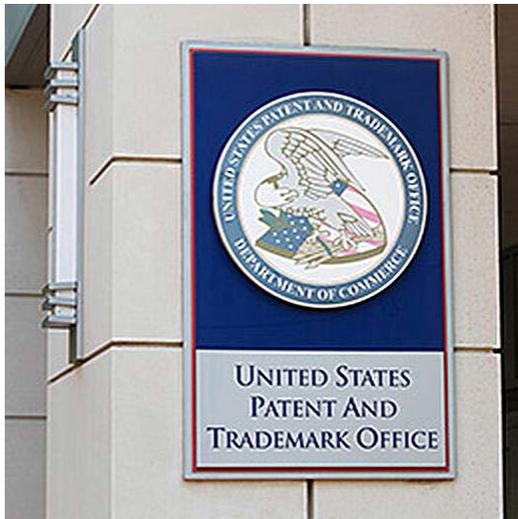
## **2(c) or Not 2(c)?**

By: [Lauriel F. Dalier](#)

Late last week, the USPTO issued [Examination Guide 1-23](#) which establishes guidelines for USPTO Examining Attorney compliance with Section 2(c) of the Lanham Act. The Guide

provides a framework for examining certain types of marks pending the Supreme Court's review of the Federal Circuit's [decision](#) in the TRUMP TOO SMALL case, which found Section 2(c) of the Lanham Act, as applied by the USPTO, to be unconstitutional.

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## Another New Fraud Alert From the USPTO

By: [Monica Riva Talley](#)

No sooner had we gone to press on our [January article](#) on the latest and greatest in trademark scams than the United States Patent and Trademark Office (USPTO) issued a new alert raising awareness of yet another type of scam.

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