

Looks Matter...
Legally.®

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**Design Patents:
All is Not Quiet on the Federal
Circuit Front**

17th Annual Advanced Patent Law Institute
The University of Texas School of Law
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Perry Saidman

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All is Not Quiet on the Federal Circuit Front

1. *In re Surgisil*

- a. Anticipation – Relevant Prior Art
- b. Infringement – “Comparison” Prior Art
- c. Article of Manufacture

2. *Campbell Soup v. Gamon*

103 – Secondary Considerations + Nexus

3. Revisiting Overall Appearance in Infringement Determinations

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Curver v. Home Expressions

(Fed. Cir. 2019)



FIG. 1

TITLE/CLAIM: Pattern for a Chair



Accused Design: Basket

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Curver v. Home Expressions

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FIG. 1

TITLE/CLAIM: Pattern for a Chair



Accused Design: Basket

Fed. Cir. A basket is not a chair. No infringement.
In other words, **THE TITLE/CLAIM MATTERS.**

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