

# *Looks Matter...*

# *Legally. ®*

1

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

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Perry Saidman

2

## 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)

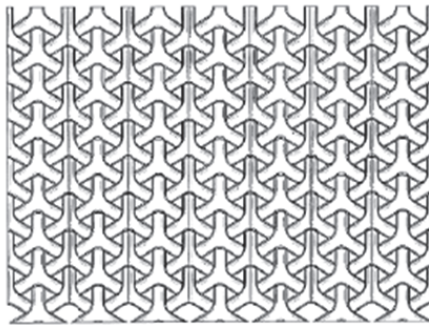


FIG. 1

TITLE/CLAIM: Pattern for a Chair



Accused Design: Basket

5

# Curver v. Home Expressions

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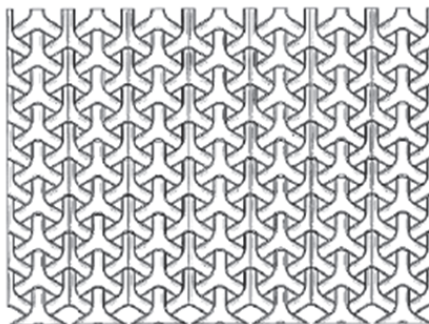


FIG. 1

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.**

6

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17<sup>th</sup> Annual Advanced Patent Law Institute session

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