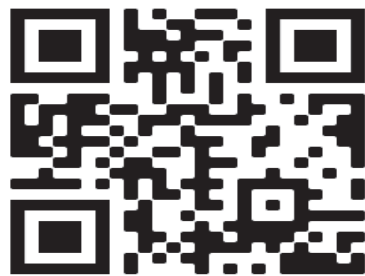


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# University of Texas School of Law

## 18<sup>th</sup> Annual Advanced Patent Law Institute

### Hot Topics in Design Patents

Perry Saidman

March 24, 2023

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### HOT TOPICS IN DESIGN PATENTS

1. Obviousness – KSR and Rosen – *LKQ v. GM* (1/20/23, Fed. Cir.)
2. Infringement – Comparison Prior Art & Logo – *Columbia v. Serious* (Fed. Cir., pending)
3. Total Profit Damages – *Columbia v. Serious*
4. Tips to Maximize Total Profit Damages

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## *LKQ v. GM* (Fed. Cir., 1/20/23)

### MAIN ISSUE:

Does KSR decision from the Supreme Court (2007), that involved obviousness analysis for utility patents, apply to design patents?

If so, this would result in overruling *In re Rosen*.

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