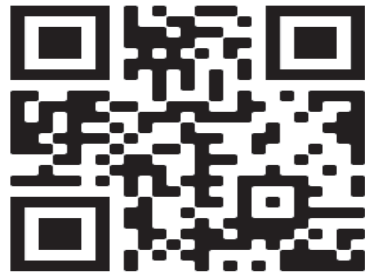


Looks Matter...
Legally.®

1



www.perrysaidman.com

2

University of Texas School of Law

18th Annual Advanced Patent Law Institute

Hot Topics in Design Patents

Perry Saidman
March 24, 2023

3

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

4

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

5

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*.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Very Hot Topics in Design Patents

Also available as part of the eCourse

[2023 Advanced Patent Law \(USPTO\) eConference](#)

First appeared as part of the conference materials for the
18th Annual Advanced Patent Law Institute session

"Very Hot Topics in Design Patents"