

Recent Developments in Design Patents

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MIND + MUSCLE



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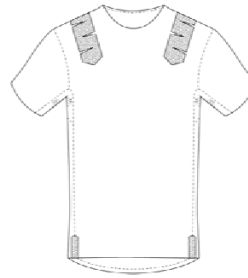
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Agenda

- Best practices for filing and prosecuting design patent applications before the USPTO
- Using design patents to protect software and virtual designs
- Filing for International design rights using the Hague Protocol
- *Apple v. Samsung* – What's next and why does it matter?

What is a Design Patent?

- Protects the ornamental appearance of an article of manufacture, including:
 - The article
 - Surface ornamentation on an article; or
 - Both



D751,271

Best Practices For Filing a US Design Patent Application

- **Figures**
 - Must be clear
 - No required amount of figures or views
 - May be line drawings or digital images
 - Shading in line drawings is not required, but can be helpful to show contour or transparency/translucency

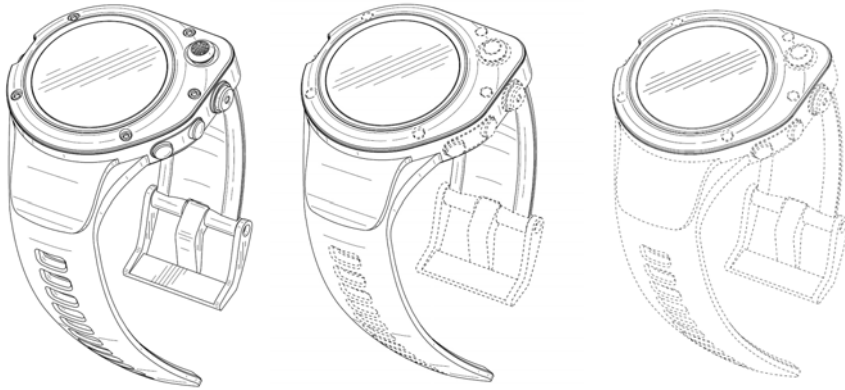


D759,725



D728,624

Multiple Embodiments



May patent multiple embodiments together if they are not “patentably distinct” but beware of Restriction Requirements

Best Practices Continued

- **Paris Convention Priority**
 - May be claimed in the US to an application filed in a home country within in **6 months** from the home country filing date
 - Best practice is to file the exact same priority application in the US and make any desired drawing changes by preliminary amendment after filing to avoid loss of priority claim
 - Priority application must be prepared to satisfy later desired countries requirements

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