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POTPOURRI OF HOT DESIGN PATENT ISSUES & PRACTICAL IMPLICATIONS

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POTPOURRI OF HOT DESIGN PATENT ISSUES & PRACTICAL IMPLICATIONS

1. Maximizing Total Profit Damages
2. Using Single-View Drawings
3. Choosing an Effective Title/Claim
4. Protecting Fashion with Design Patents
AND Copyrights
5. Kicking the Can Down the Road After
Campbell v. Gamon

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35 U.S.C. 289

Whoever ... sells ... any article of manufacture to which the patented design ... has been applied shall be liable to the owner to the extent of his total profit ...

Samsung v. Apple (SCOTUS 2016)

The Supreme Court (SCOTUS):

The “article of manufacture” upon which total profit is based can be the end product sold by the infringer, or a component of that product.

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