



THE GILES S. RICH AMERICAN INN OF COURT

February 28, 2013
Via Electronic Transmission

February 2013 Meeting Recap

The fifth meeting of the 2012-2013 Giles S. Rich American Inn of Court was held on Wednesday, February 15, 2013, at the U.S. Court of Appeals for the Federal Circuit. Professor Lateef Mtima began the meeting by inviting the membership to the Howard University School of Law Institute of Intellectual Property and Social Justice annual IP conference on March 21-22, 2013. All Inn members are encouraged to attend. In addition, Inn President Judge Theodore Essex informed the membership of its annual community service event where Inn members serve as judges in the DC STEM Science Fair. The science fair will be held on March 23, 2013 (middle and high school) and on May 18, 2013 (grades 3-5). The deadline to sign up is March 1, 2013, and members should have received instructions for registering.

Pupilage Group No. 5 led an informative presentation on design patents titled, “Why Looks Matter: The new significance of design patents and industrial designs after *Apple v. Samsung* and the Hague Agreement,” which featured guest speakers David R. Gerk at the PTO’s Office of Policy and External Affairs and Christopher V. Carani at McAndrews, Held & Malloy and member of the Richard Linn American Inn of Court in Chicago.

The evening’s presentation began with Mr. Gerk describing the background of the Hague Agreement for the International Registration of Industrial Designs, which allows the owner of an industrial design a means of obtaining protection in several countries by simply filing one application with the International Bureau of WIPO. Mr. Gerk then explained the significant procedural aspects of filing design patent applications at WIPO, including how applications are examined for formalities, substantively examined by contracting office, published, and issued.



Our second speaker for the evening, Mr. Carani, explained the significant developments in design patent case law over the last 150 years, including the tests for design patent infringement and how design patent claims are “construed.” Mr. Carani then shared his informative analysis of the *Apple v. Samsung* case and the importance of the design patents in that case. Mr. Carani concluded by explaining several design patent prosecution strategies with the membership.



Audience members then posed several questions to the panelists and proceeded to a reception at the Tayloe House. We thank our terrific guest speakers and Pupilage Group No. 5 setting up an informative presentation.



Elizabeth Dougherty, Terrence Brown, Judge Susan Braden, Christopher Carani, Michelle Leveque, and David Gerk (l-r)

We look forward to seeing you at the next meeting of the Giles S. Rich American Inn of Court, to be held at the U.S. Court of Appeals for the Federal Circuit in Washington, D.C. on **Thursday, March 14, 2013.**

All photographs courtesy of Associate Historian/Reporter Charles Rones.