



JAN 27
12-1 PM



STEELYARD

DESIGNERS LOUNGE C580

Protecting Your Intellectual Property

What Every
Creative Should
Know



AT IFDA, WE'RE BUILDING A
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 INTERNATIONAL SOCIETY
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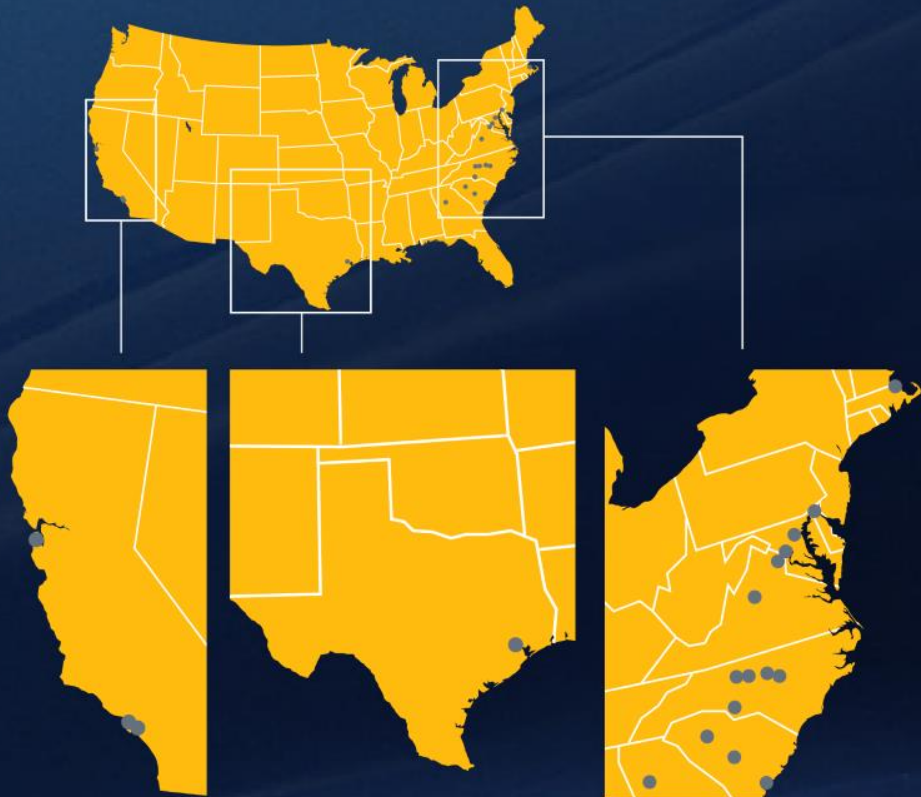
The transatlantic law firm close to home

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With teams located across the US and the UK we bring an **international perspective** and **extended jurisdictional reach** to a wide range of client needs



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Houston
Silicon Valley
Los Angeles
Irvine

UK

Aberdeen
Edinburgh
Newcastle
Leeds
London
Southampton
Bristol
Plymouth



My Goals

- Make sense out of chaos
- Able to predict outcomes
- Seem basically fair

Topics

- What are your creations?
- How to protect my creations?
- Inspiration v Infringement?

For interior design:

Creating an impelling vision...

- Gail Doby, ASID CVO & Co-Founder

For product design:

"I need innovative, one-of-a-kind pieces that no one else has."

– Libby Langdon, interior designer, author, and television personality



Hottest Topics?

- Social Media Rights?
- Houzz Terms of Services?
- Designer mobility?
- Protection with Initial Proposals?
- Moving from designs spaces to designing furniture and furnishings?

Thanks to Michael D'Imperio, Steelyard

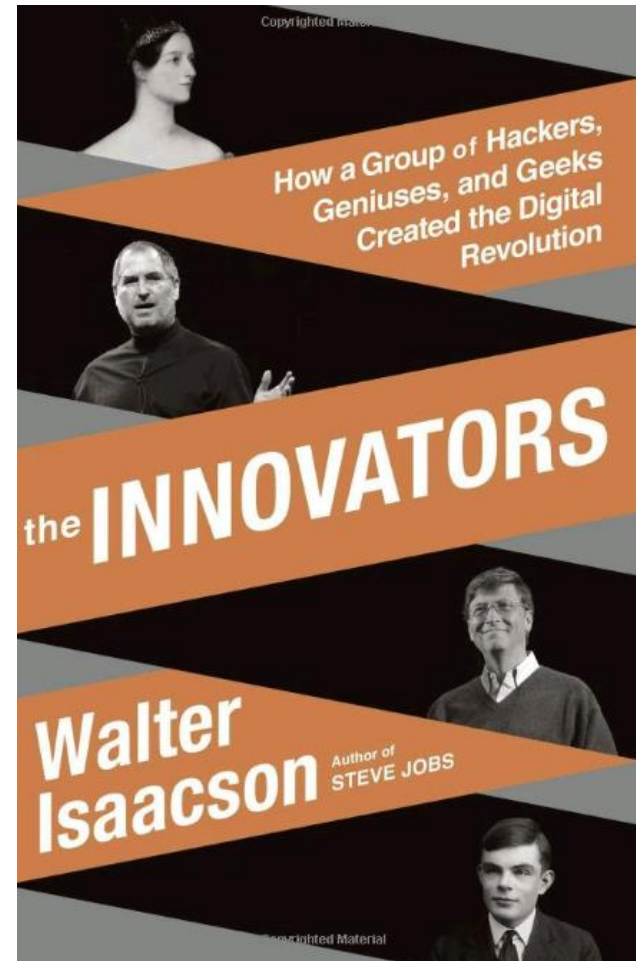
Topics

- *What are*
~~How to~~ protect my creations?
and can I
- Inspiration v Infringement?
- Questions



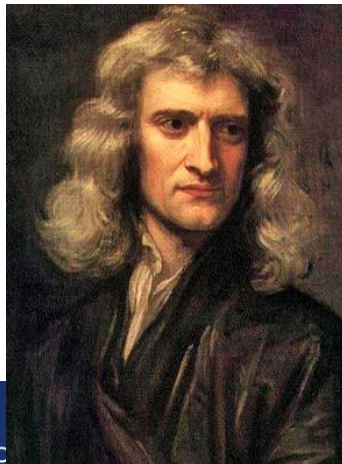
“Creativity comes from drawing on many sources.”

Walter Isaacson, p. 85 (2017)



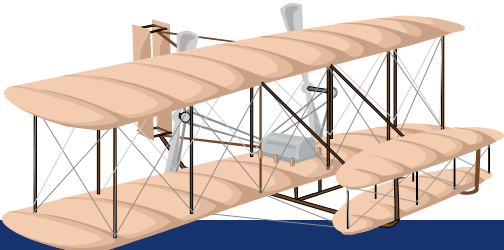
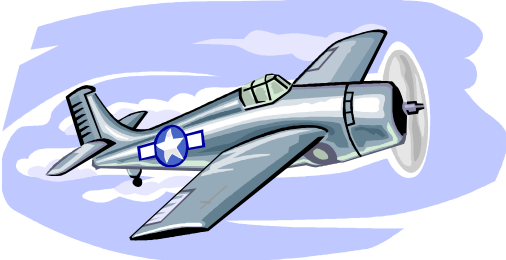
“I would not have seen so far had I not stood on the shoulders of giants.”

Sir Isaac Newton (1676)



Bernard of Chartres (12th century)

**How much to add to
create a protectable
creation?**



**But why should
we protect
creations at all?**





Dome of Santa Maria
del Fiore cathedral ...
il Duomo





“Considering that the admirable Filippo Brunelleschi, a man of the most insightful intellect, industry and invention, a citizen of Florence, has invented some machine or kind of ship, by means of which he thinks he can easily bring in merchandise on the river Arno for less money than usual, and that he refuses to make such machine available to the public...”





“ in order that the fruit of his genius and skill may not be reaped by another without his will and consent...

.... so that he may be animated more fervently to even higher pursuits and stimulated to more subtle investigations...”

U.S. Constitution

Article I §8, cl. 8

Congress shall have power

**TO PROMOTE THE
PROGRESS OF SCIENCE
AND THE USEFUL ARTS, BY
SECURING FOR INVENTORS,
THE EXCLUSIVE RIGHT TO
THEIR DISCOVERIES.**



- ✓ Allows sharing of inventions
- ✓ Encourages continued innovation
- ✓ Society moves forward!

U.S. Constitution

Article I §8, cl. 8

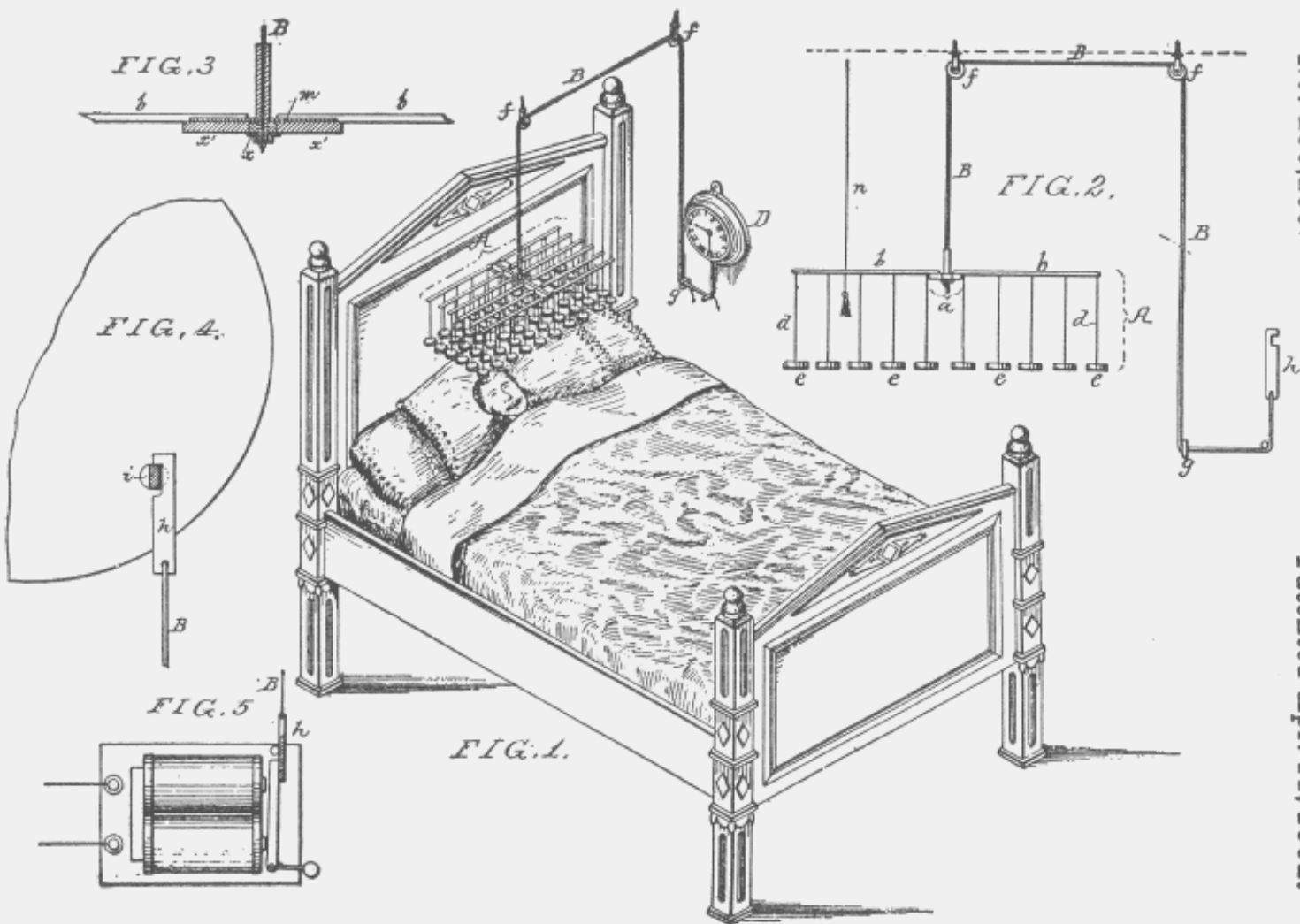
Congress shall have power

To Promote the Progress of Science and the useful Arts, by securing for limited Times, to Authors and Inventors, the exclusive Right to their respective Writings and Discoveries.



(No Model.)

DEVICE FOR WAKING PERSONS FROM SLEEP.
No. 256,265.
Patented Apr. 11, 1882.



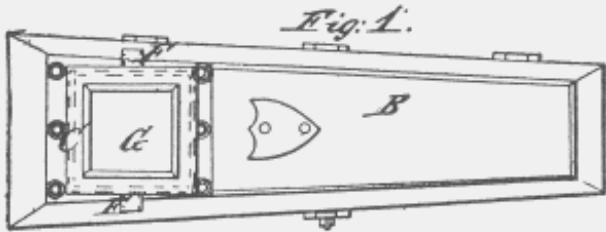


Fig. 1.

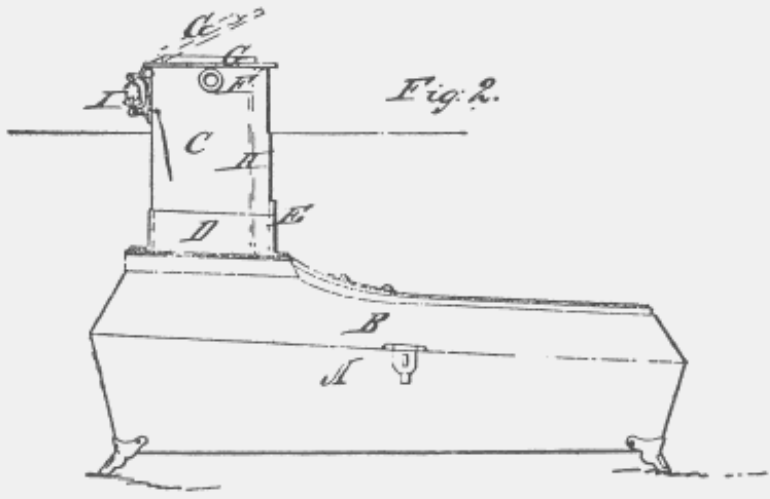


Fig. 2.

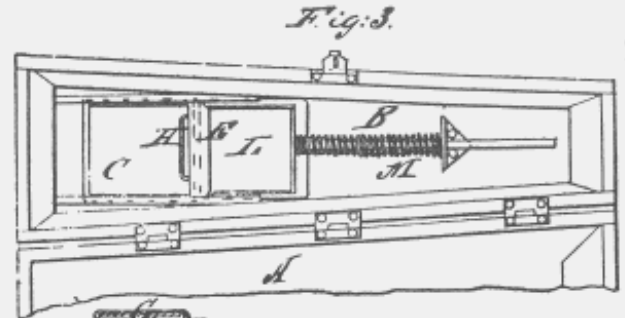


Fig. 3.

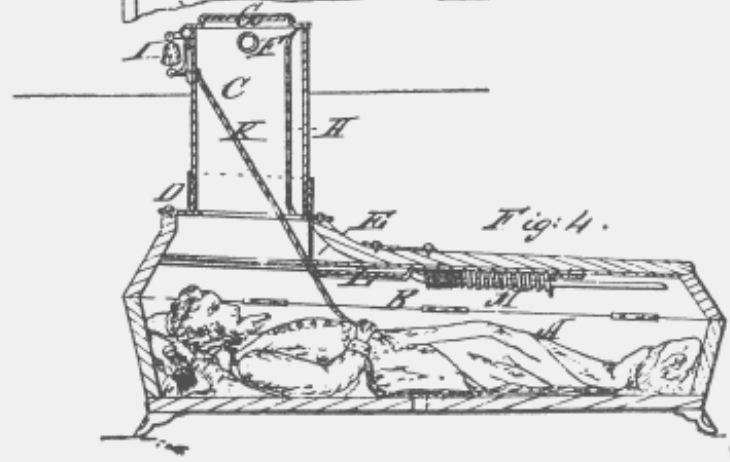
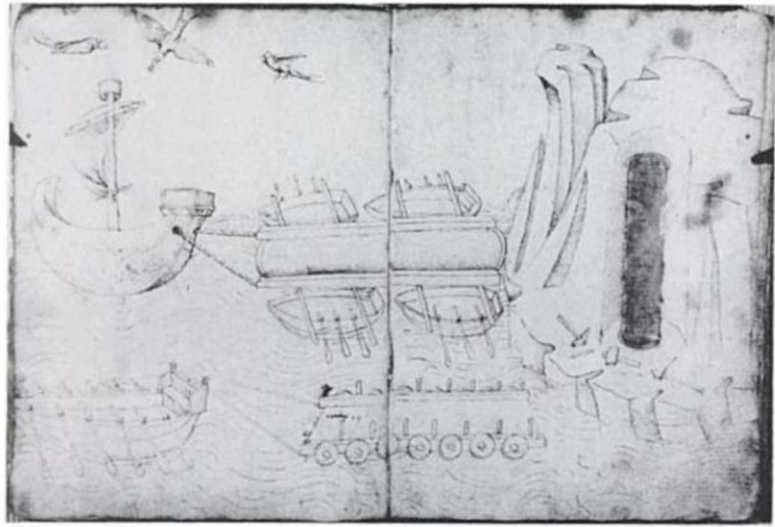


Fig. 4.

No. 81,437. Coffin. Patented Aug. 25, 1868.



Basic Concept

Brunelleschi's Lesson

**PATENT NO
MAKA CRAP
GOOD.**



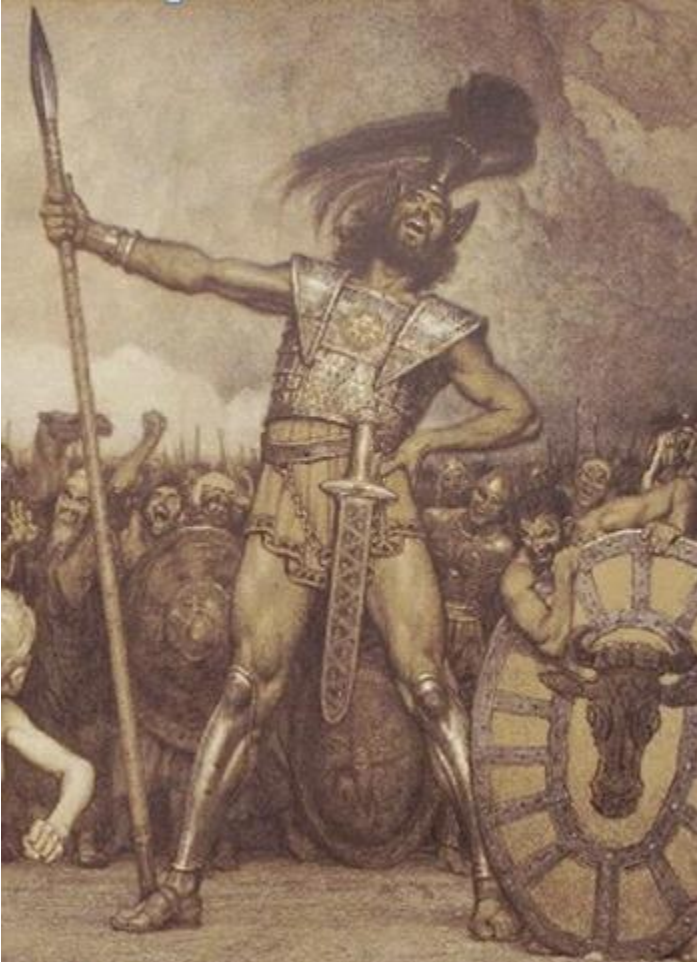
**But, why is
some
inspiration ...**

ILLEGAL?!

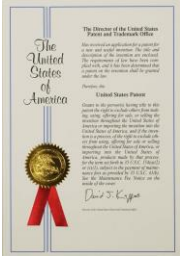


Depends upon the Giant you are standing on!

Public
Domain
Giant



Giant
with a
Patent!





McNeil



**How can I take
advantage of
our laws and
obtain
protection
myself?**



What rules have we created that can protect home furnishings?

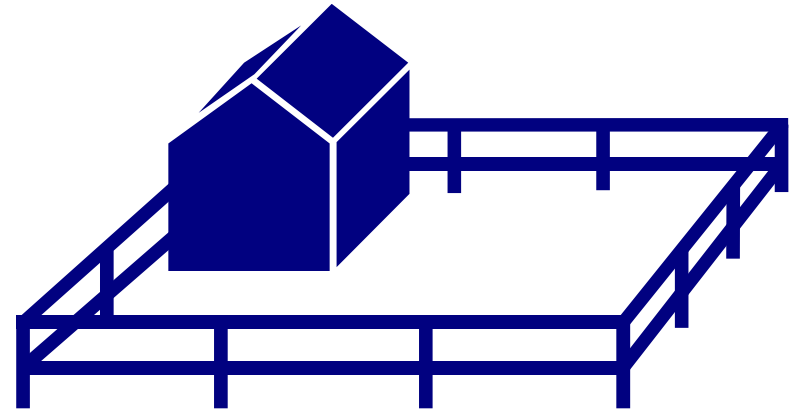
Different aspects of furniture may be protected by different legal “fences”



What fences can be used to protect furniture?

IP

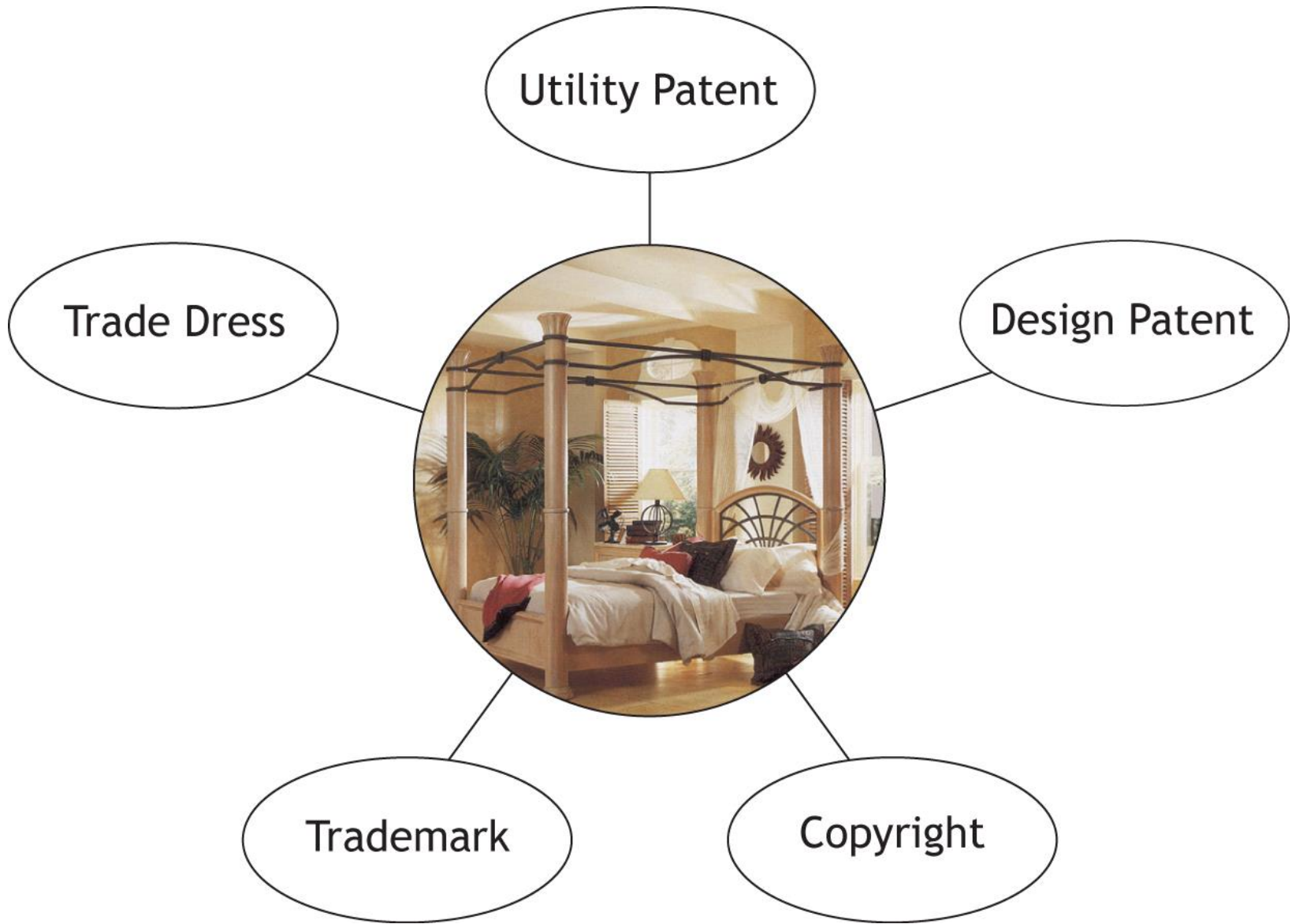
Copyright
Trademark
Trade Dress
Utility Patent
Design Patent

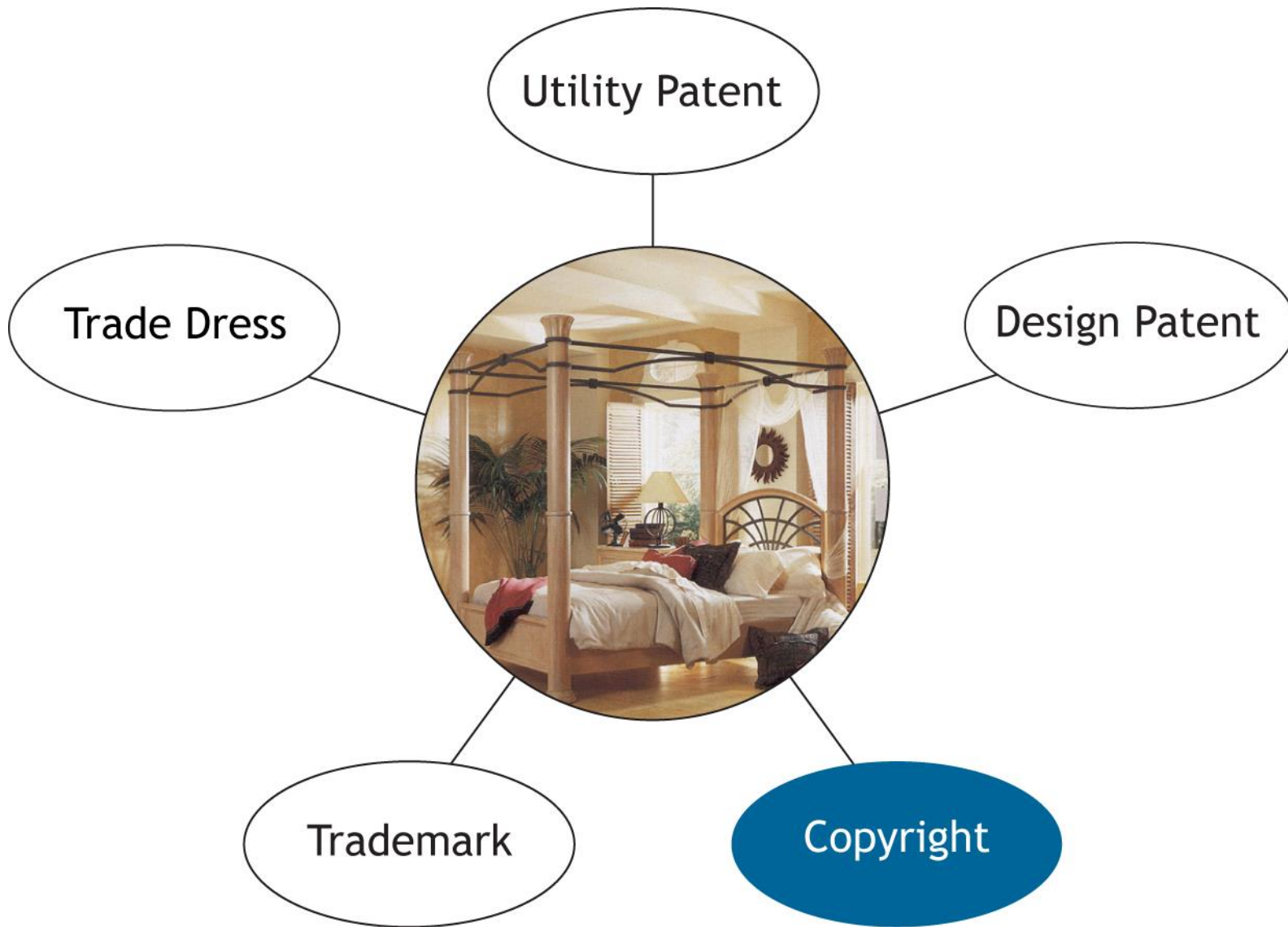


Other

- Contract
- Moral Card





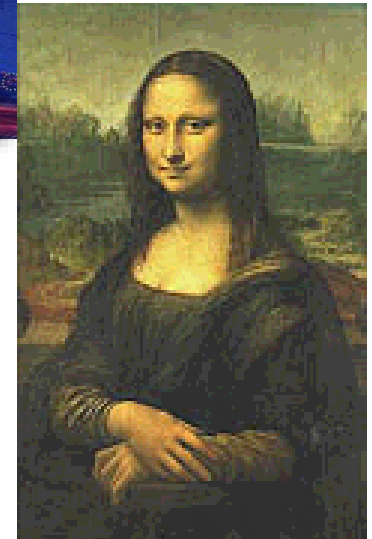
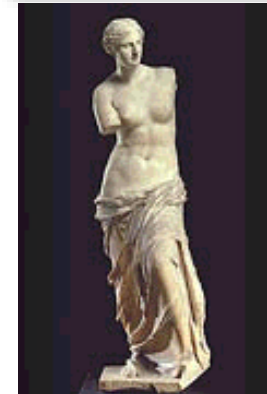
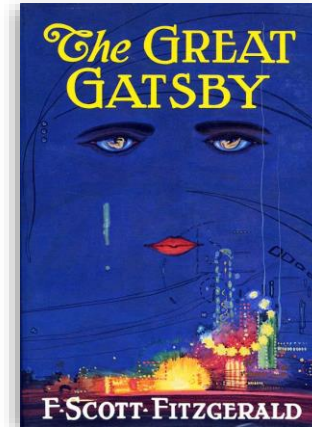


Copyright: Federal right owned by every author of an expressive work

Right to exclude others from copying, adapting, distributing, displaying or performing copyrighted work

What is Copyrightable?

- **Literary Works**
- **Photographic Works**
- **Musical Works**
- **Works of Visual Art**
- **3-D Works of Art**
- **Audio-Visual Works**



Copyrightable Subject Matter: 2-D Works of Art



© ?
(if original)

Copyrightable Subject Matter: 2-D Works of Art



← © ?

Copyrightable Subject Matter: 2-D Works of Art



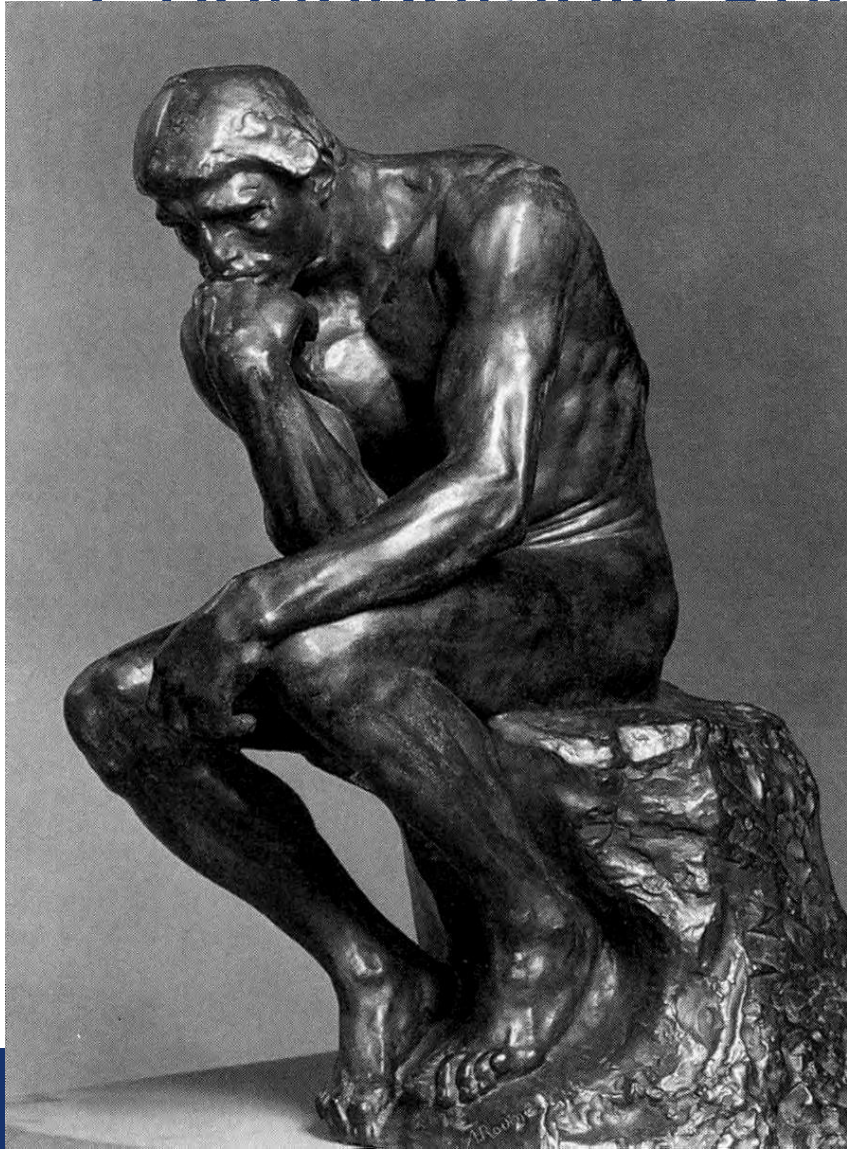
French Baroque
Scene Circa 1600s

Copyrightable Subject Matter: 3-D Works of Art



Thomasville Hemingway Console;
Kennedy Hardware Online

Copyrightable Subject Matter:



© ?

Yes, but
expired

© Copyright Infringement?

**1. Ownership of an original expression;
and**

**2. Copying of elements of the
copyrighted work that are original.**



Copyright Infringement?

Subject Design A	Infringing Garment A
	

TEXTILES

Novelty Textile Wins Major Case Over Fabric Design Copyright

By [Deborah Belgum](#) | Wednesday, November 26, 2014



Subject Design A

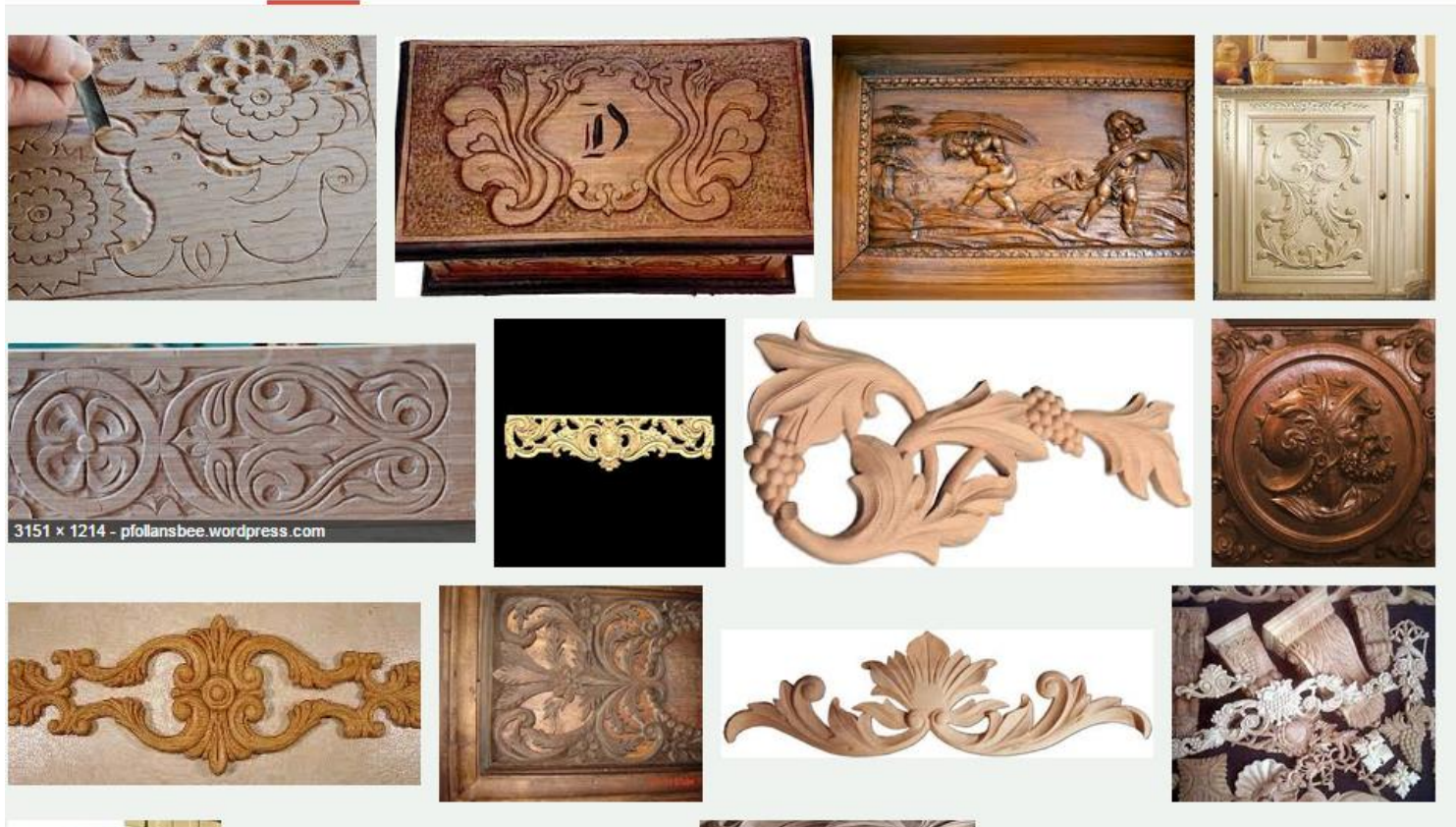


Infringing Garment A





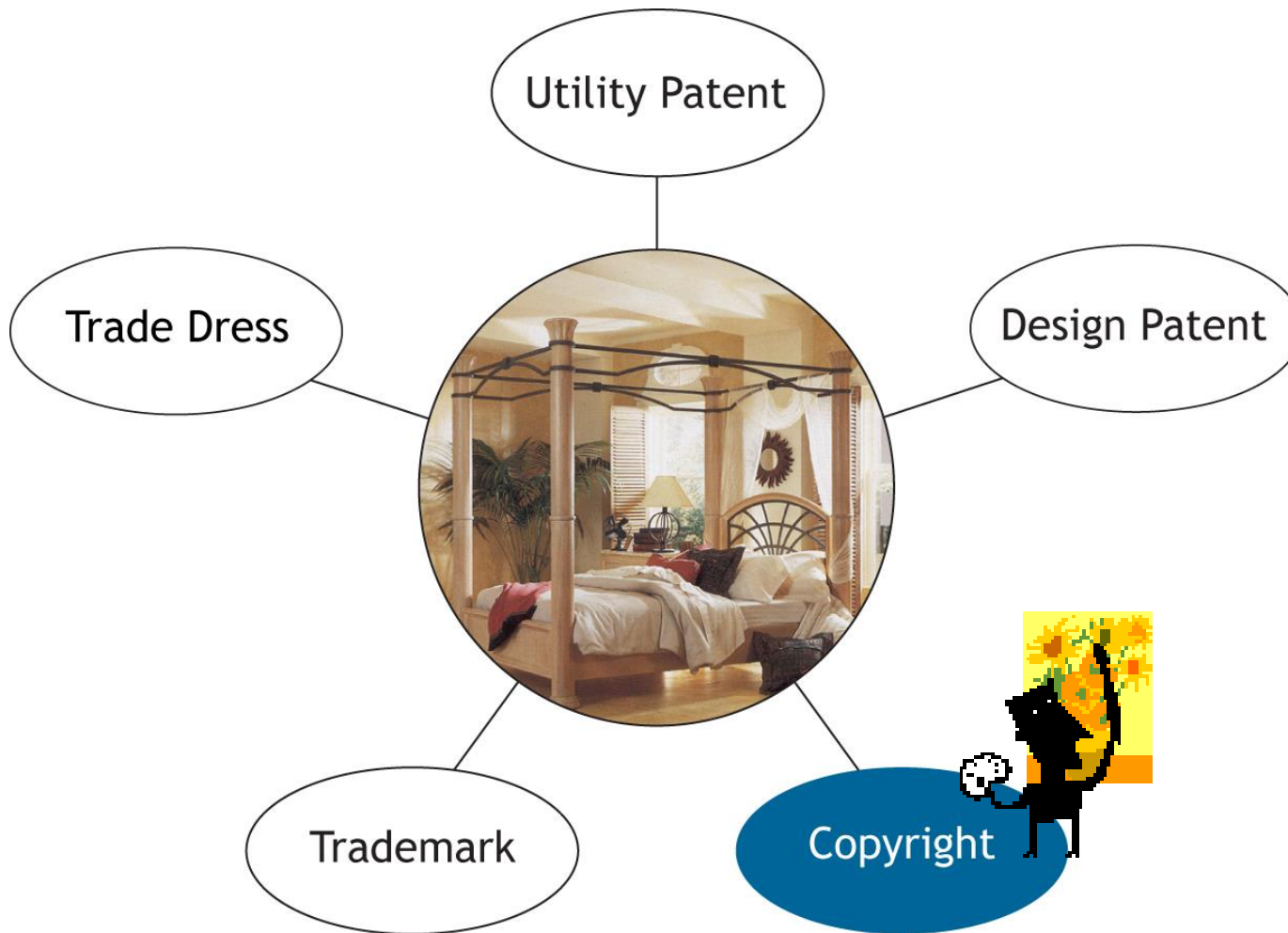
Copyrightable? Original?

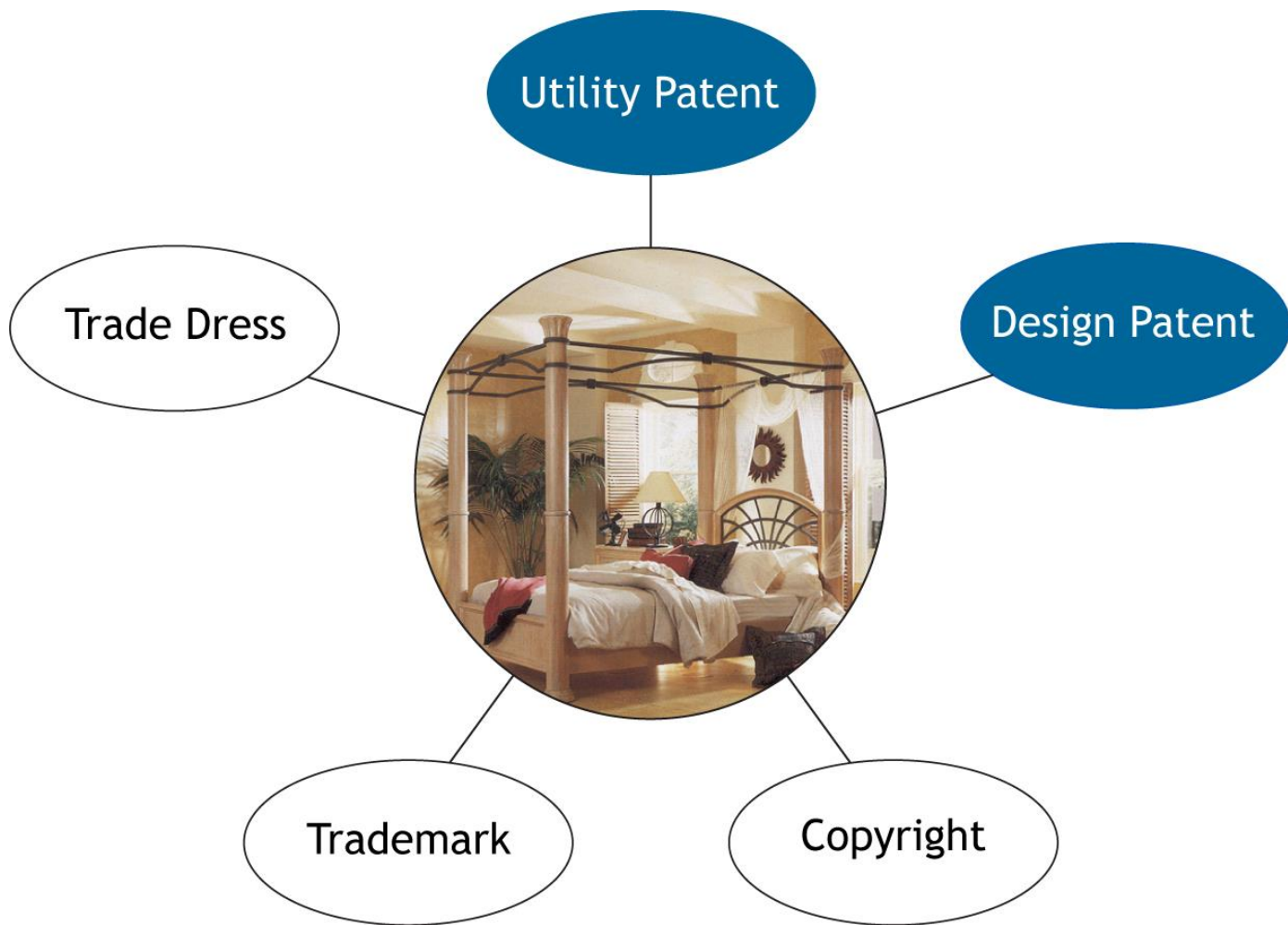


Thin Copyrights in Traditional Furniture

What about final products from Interior Designers?

- When the materials in the compilation are selected, coordinated, or arranged creatively such that a new work is produced
- Copyright does not exist when content is compiled without creativity, such as in the production of a telephone directory
- No protection in the underlying material, but only in the selection, coordination, or arrangement of that material



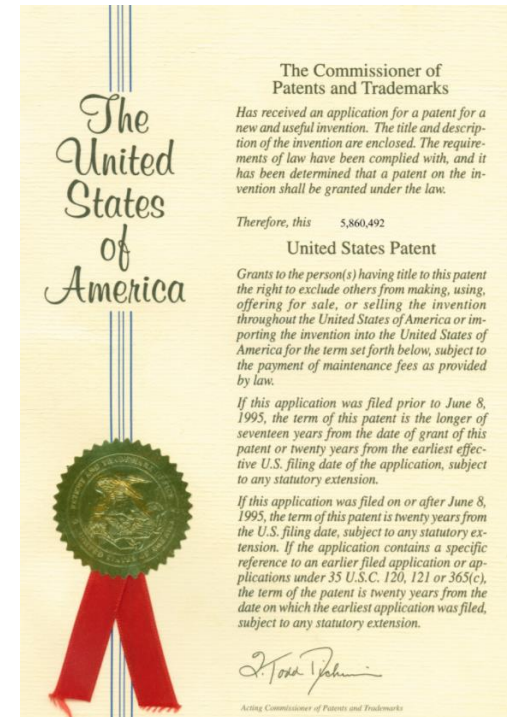


What is a Patent?

Protection for a Solution to a Problem

Right to *exclude* others from making, using and selling

- Patent must *disclose* how to make and use the invention



Types of Patents

Utility Patent

*Functional
aspects*

Design Patent

*Ornamental
appearance*



Utility Patent

A new, non-obvious and useful process, product or composition of matter, or any new and useful improvement thereof. 35 U.S.C. §§ 101, 103.

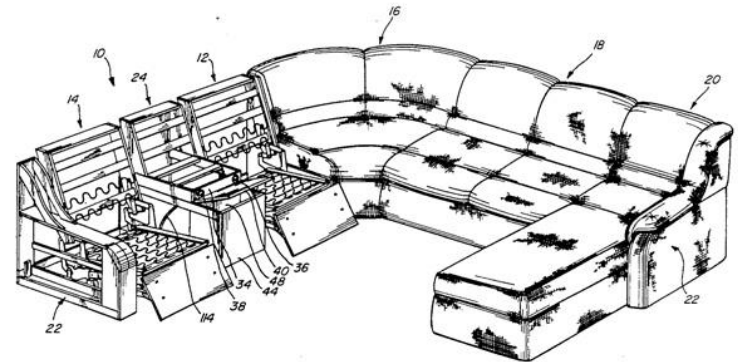
Gentry Dual Recliner Sofa Patent

United States Patent [19]		[11] Patent Number:	5,064,244
Sproule		[45] Date of Patent:	Nov. 12, 1991
[54] RECLINING SOFA		2,859,803 11/1958 McCallister	297/194 X
[75] Inventor:	James Sproule, Grand Rapids, Mich.	3,588,170 6/1971 Kurbusch et al.	297/83 X
[73] Assignee:	The Gentry Gallery, Inc., Ripley, Miss.	3,748,012 7/1973 Abelman	297/248 X
[21] Appl. No.:	637,313	4,078,842 3/1978 Zur	297/DIG. 3 X
[22] Filed:	Jan. 3, 1991	4,625,345 12/1986 Wood	5/13
[51] Int. Cl.:	A47C 1/02	4,668,011 5/1987 Fister, Jr.	297/248 X
[52] U.S. Cl.:	297/68; 297/83; 297/85; 297/194; 297/257; 297/411; 297/DIG. 7	4,696,612 9/1987 Burnett et al.	297/84 X
[58] Field of Search	297/83-85, 297/88, 89, 68, DIG. 7, 194, 232, 257, 411	4,740,031 4/1988 Rogers, Jr.	297/85
[56] References Cited			
	U.S. PATENT DOCUMENTS		
	797,826 8/1905 Sherman, Jr.		297/232 X
	2,264,491 12/1941 Ward		297/249 X
	2,505,687 4/1950 Murphy et al.		297/232 X

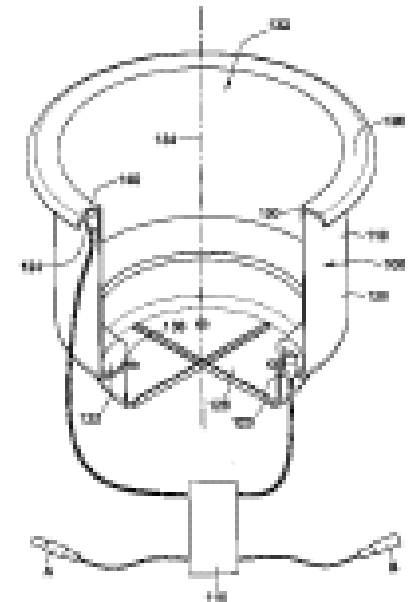
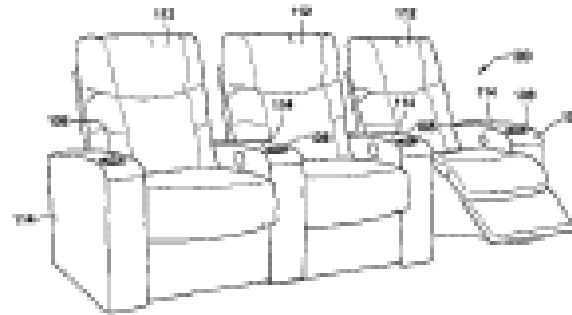
Primary Examiner—Laurie K. Cranmer
Assistant Examiner—Milton Nelson, Jr.
Attorney, Agent, or Firm—Wolf, Greenfield, & Sacks

[57] **ABSTRACT**
 A sectional sofa having one sofa section that includes a pair of reclining seats that are separated by a console on which push button controls are mounted that separately control the movement of the reclining seats from the upright to the reclined positions.

21 Claims, 6 Drawing Sheets



Utility Patent



Design Patent

Donghia Design Patent
Mar. 30, 1999
D407,486
Table Lamp



US00D407486S

United States Patent [19]
Hutton

[11] **Patent Number: Des. 407,486**
[45] **Date of Patent: **Mar. 30, 1999**

[54] **TABLE LAMP**

[75] Inventor: **John Hutton**, New York, N.Y.
[73] Assignee: **Donghia Furniture Company, Ltd.**
[**] Term: **14 Years**

[21] Appl. No.: **54,641**
[22] Filed: **May 17, 1996**

[51] **LOC (6) CL** **26-05**
[52] **U.S. CL** **D26/110**
[58] **Field of Search** D26:93, 102-112;
362/410-414

[56] **References Cited**

U.S. PATENT DOCUMENTS

D. 77,406 1/1929 Greene D26:93

OTHER PUBLICATIONS

Home Lighting & Accessories, Aug. 1994, p. 72, Lori Johnson Floor Lamp, left hand side.
Royal Haeger Lamp Co. Lamp Catalog, 1977-1978, p. 40, Table Lamp #7756N29.

Primary Examiner—Susan J. Lucas
Attorney, Agent, or Firm—Kenyon & Kenyon

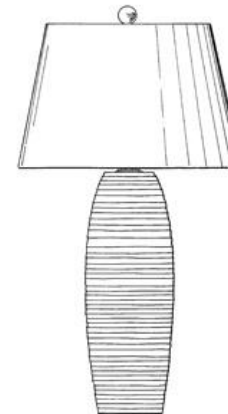
[57] **CLAIM**

The ornamental design for the table lamp, as shown and described.

DESCRIPTION

FIG. 1 is a front elevational view of a table lamp showing my new design, the right, left and rear views being mirror images thereof; and,
FIG. 2 is a top plan view thereof.

1 Claim, 2 Drawing Sheets



Design Patent

United States Patent [19]
Natuzzi et al.



[11] **Patent Number:** Des. 430,749
 [45] **Date of Patent:** Mar. 12, 2000

[54] **SEAT**
 [75] Inventors: **Pasquale Natuzzi, Bari, Arcangelo Scarati, Taranto, both of Italy**
 [73] Assignee: **Industrie Natuzzi, SpA, Bari, Italy**
 [**] Term: **14 Years**
 [21] Appl. No.: **29/110,564**
 [22] Filed: **Sep. 9, 1999**
 [51] **LOC (7) CL** **06-01**
 [52] **U.S. CL** **D6/381; D6/334**
 [58] **Field of Search** **D6/334, 335, 364, D6/371, 373, 381, 500, 501, 502, 512.1; 297/232**

[56] **References Cited**
U.S. PATENT DOCUMENTS
 D. 366,371 1/1996 Natuzzi et al. D6/381
 D. 382,131 8/1997 Natuzzi et al. D6/381
 D. 390,373 2/1998 Natuzzi et al. D6/381
 D. 419,328 1/2000 Natuzzi et al. D6/381
 D. 420,525 2/2000 Watson D6/381

OTHER PUBLICATIONS
 Natuzzi Model 102, Oct. 1987, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 174, at least as early as 1987, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 196, Oct. 1987, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 464, Oct. 1988, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 492, Apr. 1989, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 499, Apr. 1989, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 760, Apr. 1990, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 763, Apr. 1990, at International Home Furnishings Market in High Point, North Carolina.

Natuzzi Model 787, Oct. 1990, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 792, Oct. 1990, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 829, Apr. 1991, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 837, Apr. 1991, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 876, Oct. 1991, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 942, Oct. 1992, at International Home Furnishings Market in High Point, North Carolina.
 Natuzzi Model 1015, Apr. 1993, at International Home Furnishings Market in High Point, North Carolina.

(List continued on next page.)

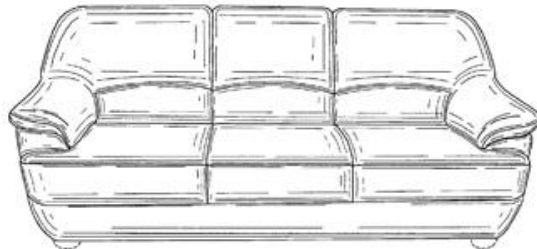
Primary Examiner—Gary D. Watson
Attorney, Agent, or Firm—Alston & Bird LLP

[57] **CLAIM**
 The ornamental design for a seat, as shown and described.

DESCRIPTION

FIG. 1 is a front perspective view of a seat showing our new design in the form of a sofa;
 FIG. 2 is a front elevational view thereof;
 FIG. 3 is a top plan view thereof;
 FIG. 4 is a right side elevational view, the left side being a mirror image thereof;
 FIG. 5 is a rear perspective view thereof;
 FIG. 6 is a front elevational view of a seat showing our new design in the form of a loveseat; and,
 FIG. 7 is a front elevational view of a seat showing our new design in the form of a chair.
 The broken lines shown herein are for illustrative purposes only and form no part of the claimed design.
 The rear views of FIGS. 6 and 7 are like FIG. 5, the difference being a matter of length.
 The end views of FIGS. 6 and 7 are like FIG. 4.
 FIGS. 2 through 4 and 6 through 7 have been shown on a smaller scale with respect to FIG. 1 and FIG. 5 has been shown on an even smaller scale.

1 Claim, 3 Drawing Sheets



United States Patent [19]
Keller

[11] **Patent Number:** Des. 378,256
 [45] **Date of Patent:** Mar. 4, 1997

[54] **CARVED TABLE LEG**
 [75] Inventor: **Il. Thomas Keller, High Point, N.C.**
 [73] Assignee: **Bernhardt Furniture Company, Lenoir, N.C.**
 [**] Term: **14 Years**

[21] Appl. No.: **28,377**
 [22] Filed: **Sep. 13, 1994**
 [52] **U.S. CL** **D6/497; D6/495**
 [58] **Field of Search** **D6/480-489, 495-499; 108/150, 153, 156, 161; 248/188.8**

References Cited
U.S. PATENT DOCUMENTS
 D. 24,881 11/1895 Nichols D6/495
 D. 230,861 10/1978 Adkins D6/480 X
 3,240,650 3/1966 Petersen 248/188.8

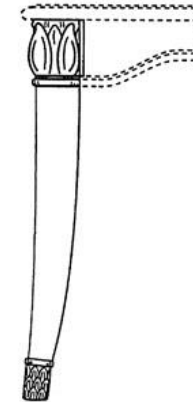
Primary Examiner—Janice E. Seeger
Attorney, Agent, or Firm—Rhodes Coats & Bennett, L.L.P.

[57] **CLAIM**
 The ornamental design for carved table leg, as shown and described.

DESCRIPTION

FIG. 1 is a cross-sectional view of the embodiment of FIG. 3;
 FIG. 2 is a cross-sectional view of the embodiment of FIG. 6;
 FIG. 3 is a left-front elevational view of a carved leg on tables showing a first embodiment of my new design;
 FIG. 4 is a left-side elevational view of the first embodiment; the opposite side elevational view being a mirror image;
 FIG. 5 is a front elevational view of a carved leg on tables showing a second embodiment of my new design;
 FIG. 6 is a left-side elevational view of the second embodiment; the opposite side elevation being a mirror image;
 FIG. 7 is a left-front elevational view of carved leg on table showing a third embodiment of my design; and
 FIG. 8 is a left-side elevation of the third embodiment; the opposite side elevation being a mirror image; and,
 FIG. 9 is a cross-sectional view of the embodiment of FIG. 8.

1 Claim, 2 Drawing Sheets





US0003903905

United States Patent [19]

Walters, III et al.

[11] Patent Number: Des. 390,390

[45] Date of Patent: **Feb. 10, 1998

[54] HEADBOARD

[75] Inventors: Guy A. Walters, III; Charles C. Cain, both of High Point, N.C.

[73] Assignee: Thomasville Furniture Industries, Inc., Thomasville, N.C.

[**] Term: 14 Years

[21] Appl. No.: 61,189

[22] Filed: Oct. 17, 1996

[51] LOC (6) CL. _____ 06-06

[52] U.S. CL. _____ D6/507; D6/508

[58] Field of Search _____ D6/382, 383, 388, D6/389, 392-395, 505-508; 5/53.1, 279.1, 280, 281, 907

[56] References Cited

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D. 24,302 5/1895 Wiesner
 D. 29,284 8/1898 Peters
 D. 29,552 10/1898 Kimball
 D. 30,017 1/1899 Wiesner
 D. 46,064 1/1932 Squires
 D. 225,491 12/1972 Keller _____ D6/1
 D. 340,147 10/1993 Black _____ D6/393
 D. 343,314 1/1994 Yeh _____ D6/508
 D. 355,543 2/1995 Schroeder _____ D6/393
 D. 361,231 8/1995 Yeh _____ D6/508
 D. 368,601 4/1996 Cain _____ D6/389
 D. 372,600 8/1996 Paus _____ D6/393

OTHER PUBLICATIONS

Woodward and Lathrop Directions, Spring 1994, p. 14, #C bed at bottom.

Waterbed Magazine, Oct./ 1984, back cover, bed.

Thomasville Furniture Terrace Garden brochure, p. 6, Canopy Bed, No. 25415-505, Oct. 1993.

Thomasville Furniture Stone Terrace brochure, p. 4, Canopy Bed, No. 26515, believed to be prior art. Furniture Today, Apr. 18, 1994.

Primary Examiner—Janice E. Seeger
 Attorney, Agent, or Firm—Rhodes, Coats & Bennett, L.L.P.

[57] CLAIM

The ornamental design for headboard, as shown and described.

DESCRIPTION

FIG. 1 is a left front perspective view of a headboard showing my new design;

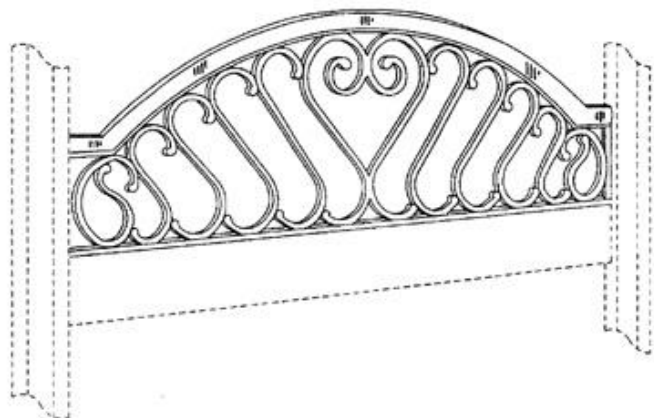
FIG. 2 is a front elevational view thereof; and

FIG. 3 is a top view thereof; and

FIG. 4 is a side view, the opposite side being a mirror image of the side shown.

The bottom and rear views are not shown and form no part of the claimed design. The dotted lines represent environmental elements only and form no part of the claimed design.

1 Claim, 2 Drawing Sheets



US000411394S

United States Patent [19]

Cain

[11] Patent Number: Des. 411,394

[45] Date of Patent: ** Jun. 22, 1999

[54] FURNITURE LEG

[75] Inventor: Charles C. Cain, High Point, N.C.

[73] Assignee: Thomasville Furniture Industries, Inc., Thomasville, N.C.

[**] Term: 14 Years

[21] Appl. No.: 29,096,111

[22] Filed: Nov. 5, 1998

[51] LOC (6) CL. _____ 06-06

[52] U.S. CL. _____ D6/495

[58] Field of Search _____ D6/480-489, 495-499, D6/511, 436, 477; 108/153.1, 155, 156, 157.1, 158.11, 161; 248/188, 188.1, 188.8

[56] References Cited

U.S. PATENT DOCUMENTS

D. 79,045 10/1929 Ekall _____ D6/495
 D. 81,749 8/1930 Kaskid _____ D6/480
 D. 386,021 11/1997 Pratt _____ D6/480

OTHER PUBLICATIONS

Dictionary of Furniture, by Charles Boyce, c1985, feet at right.
 "American Furniture from the Kaufman Collection," J. Michael Flanigan, believed to be prior art.

Primary Examiner—Janice E. Seeger

Attorney, Agent, or Firm—Rhodes, Coats & Bennett, L.L.P.

[57] CLAIM

The ornamental design for a furniture leg, as shown and described.

DESCRIPTION

FIG. 1 is a front elevational view of a furniture leg showing my new design;

FIG. 2 is a right perspective view thereof;

FIG. 3 is a left perspective view thereof;

FIG. 4 is a right side elevational view, the opposite side being a mirror image thereof;

FIG. 5 is an enlarged partial perspective view thereof;

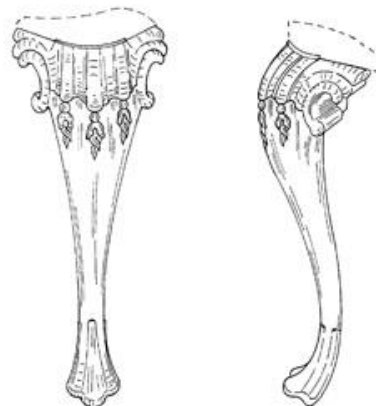
FIG. 6 is a right side elevational view, of a second embodiment of my new design; and,

FIG. 7 is a right side elevational view, the opposite side being a mirror image thereof, of a third embodiment of my new design.

The additional views of the second and third embodiments depicted—FIGS. 6 and 7, are proportionally equivalent to those shown in FIGS. 1-5. The bottom view of the design is not shown and forms no part of the claimed design.

"The broken lines are for environmental purposes only and form no part of the claimed design".

1 Claim, 3 Drawing Sheets



(12) **United States Design Patent** (10) **Patent No.:** **US D618,677 S**
Andre et al. (45) **Date of Patent:** **** *Jun. 29, 2010**

(54) **ELECTRONIC DEVICE**
 (75) Inventors: **Bartley K. Andre**, Menlo Park, CA (US); **Daniel J. Coster**, San Francisco, CA (US); **Daniele De Iullis**, San Francisco, CA (US); **Richard P. Howarth**, San Francisco, CA (US); **Jonathan P. Ive**, San Francisco, CA (US); **Steve Jobs**, Palo Alto, CA (US); **Duncan Robert Kerr**, San Francisco, CA (US); **Shin Nishibori**, Portola Valley, CA (US); **Matthew Dean Rohrbach**, San Francisco, CA (US); **Douglas B. Satzger**, Menlo Park, CA (US); **Calvin Q. Seid**, Palo Alto, CA (US); **Christopher J. Stringer**, Woodside, CA (US); **Eugene Antony Whang**, San Francisco, CA (US); **Rico Zorkendorfer**, San Francisco, CA (US)
 (73) Assignee: **Apple Inc.**, Cupertino, CA (US)
 (*) Notice: This patent is subject to a terminal disclaimer.
 (**) Term: **14 Years**
 (21) Appl. No.: **29/328,018**
 (22) Filed: **Nov. 18, 2008**

Related U.S. Application Data

(60) Division of application No. 29/282,834, filed on Jul. 30, 2007, now Pat. No. Des. 581,922, which is a continuation of application No. 29/270,888, filed on Jan. 5, 2007, now Pat. No. Des. 558,758.

(51) **LOC (9) Cl.** **14-02**
 (52) **U.S. Cl.** **D14/341**; D14/248; D14/203.7
 (58) **Field of Classification Search** D14/341, D14/342, 343, 344, 345, 346, 347, 420, 426, D14/427, 432, 439, 440, 441, 448, 496, 125, D14/137, 129, 130, 138, 250, 389, 147, 218, D14/247, 248, 156; D10/65, 104; D13/168; D18/6, 7; D21/329, 686; 455/90.3, 556.1, 455/556.2, 575.1, 575.3, 575.4; 379/433.01, 379/433.04, 433.06, 433.07; 361/814; 341/22; 345/169, 173; D6/596, 601, 605

See application file for complete search history.

(56) **References Cited**
 U.S. PATENT DOCUMENTS
 D289,873 S 5/1987 Gemmell et al.
 (Continued)
 FOREIGN PATENT DOCUMENTS
 EM 000569157-0005 5/2006
 (Continued)
 OTHER PUBLICATIONS
 U.S. Appl. No. 29/282,831, Andre et al., Electronic Device, filed Jul. 30, 2007.
 (Continued)
Primary Examiner—Cathron C Brooks
Assistant Examiner—Angela J Lee
 (74) *Attorney, Agent, or Firm*—Sterne, Kessler, Goldstein & Fox PLLC
 (57) **CLAIM**

The ornamental design of an electronic device, as shown and described.

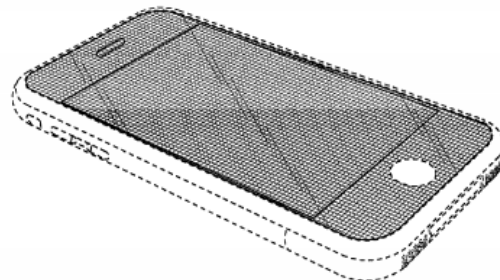
DESCRIPTION

FIG. 1 is a front perspective view of an electronic device in accordance with the present invention;
 FIG. 2 is a rear perspective view thereof;
 FIG. 3 is a front view thereof;
 FIG. 4 is a rear view thereof;
 FIG. 5 is a top view thereof;
 FIG. 6 is bottom view thereof;
 FIG. 7 is a left side view thereof; and,
 FIG. 8 is a right side view thereof.

The claimed surface of the electronic device is illustrated with the color designation for the color black.

The electronic device is not limited to the scale shown herein. As indicated in the title, the article of manufacture to which the ornamental design has been applied is an electronic device, media player (e.g., music, video and/or game player), media storage device, a personal digital assistant, a communication device (e.g., cellular phone), a novelty item or toy.

1 Claim, 2 Drawing Sheets



Design Patent

Design Patent



Patent No.: **US D604,305 S**
 Date of Patent: **Nov. 17, 2009**

(74) Inventor: **Freddie Adams, San Francisco, CA (US); Innon Chaudhri, San Francisco, CA (US)**
 (75) Assignee: **Apple Inc., Cupertino, CA (US)**

Assignee: **Apple Inc., Cupertino, CA (US)**



OTHER PUBLICATIONS
 U.S. Appl. No. 2008/007,400, *Animated Graphical User Interfaces for a Display Screen or Portion thereof*, filed Jan. 25, 2007.
 (Continued)
Primary Examiner—Michael H. Ting
(34) Attorney, Agent or Firm—Strom, Kassir, Gorkhwin & Fox P.C., L.L.C.
CLAIM
 The ornamental design for a graphical user interface for a display screen or portion thereof, as shown and described.
DESCRIPTION
 The present disclosure at least one drawing executed in color. Copies of this patent with a color drawing will be provided by the Office upon request and payment of the necessary fee.
 FIG. 1 is a front view of a graphical user interface for a display screen or portion thereof showing one new design; and
 FIG. 2 is a front view of a second embodiment thereof.
 The broken line showing of a display screen in both views forms no part of the claimed design.
1 Claim, 2 Drawing Sheets
 (1 of 2 Drawing Sheet(s) Filed in Color)



U.S. Patent Jun. 29, 2010 Sheet 2 of 2 US D618,677 S

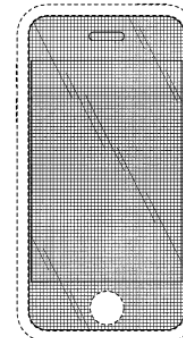


FIG. 3



FIG. 4



FIG. 7



FIG. 8

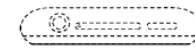


FIG. 5



FIG. 6

Patent Duration

Utility Patents: 20 years from filing date

Design Patent: 15 years from issuance

Patent Infringement?

1. Valid patent issued for novel and non-obvious invention; and

2. Accused infringement made, imported, sold or uses claimed invention or its equivalent

Accused product



Company A Patented Frame

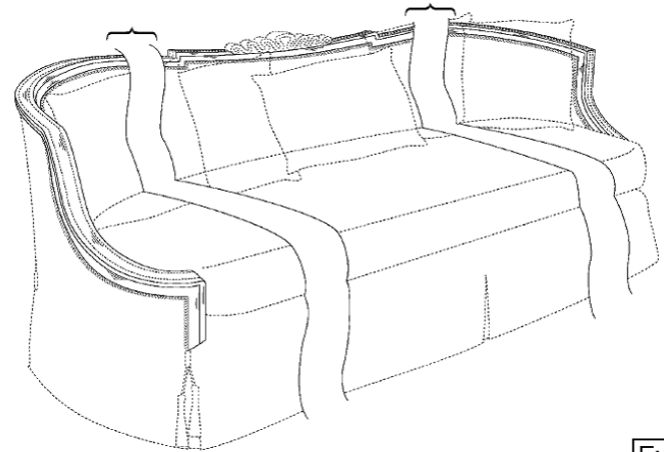
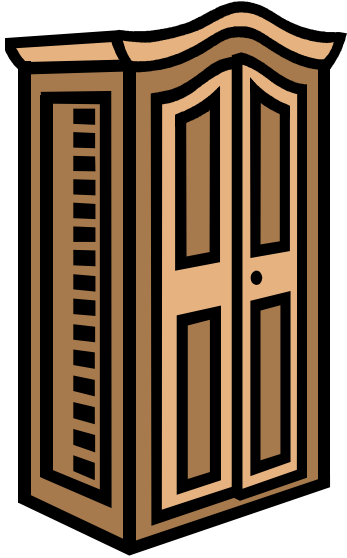


Exhibit 7

<http://womblefurniturelaw.blogspot.com/2008/10/as-furniture-market-opens-four-new-law.html>

Which design could be “protected”?



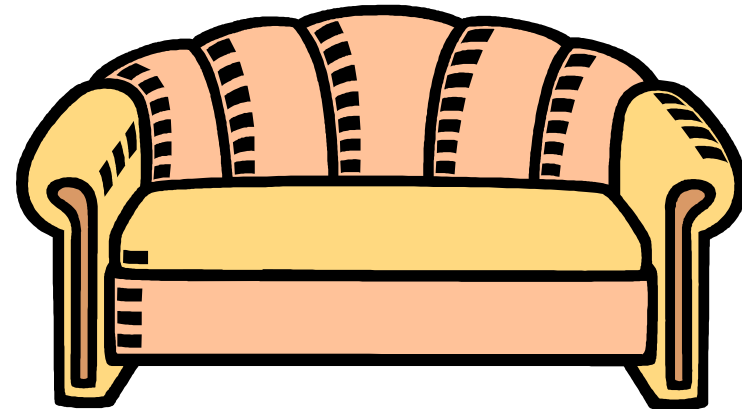
A



B



C



D



FURNITURE LEAF ORNAMENTATION

Raymond L. Waites, 55 W. 16th St.,
 New York, NY (US) 10011

14 Years

29/128,766

Aug. 31, 2000

CL. D6/500; D6/497

Search D6/334, 352, 358, D6/376, 379, 380, 404, 493-499, 500, 501, 502, 451, 488; 297/181, 119, 411.2, 411.25, 1.44; 108/153.1, 156, 157.1, 161; 248/188, 188.1

References Cited

U.S. PATENT DOCUMENTS

11/1895 Bohner	D6/495
9/1928 Miller	D6/495
2/1950 Williams	D6/358
2/1969 Jakobsen	D6/498
10/1993 Caldwell	D6/358
11/1993 Caldwell	D6/358
4/1995 Hess	D6/379
4/1996 Rinaldi	D6/497
8/1997 Hess	D6/376
4/1998 Batki-Braun et al.	D6/358
4/1998 Rinaldi	D6/497
6/1999 Kreiss	D6/379
8/2000 Vanderminden, Sr.	D6/379

OTHER PUBLICATIONS

on Armoire, Thomasville Furniture
 Undated.

miner

Primary Examiner—Doris V. Coles
 Assistant Examiner—Mimosa De
 (74) Attorney, Agent, or Firm—Womble Carlyle Sandridge
 & Rice, PLLC

(57) **CLAIM**

The ornamental design for a furniture leaf ornamentation, as shown and described.

DESCRIPTION

FIG. 1 is a right front top perspective view of a furniture leaf ornamentation showing my new design;

FIG. 2 is a left rear top perspective view thereof;

FIG. 3 is a side elevational view thereof the other side being a mirror image;

FIG. 4 is a front elevational view thereof;

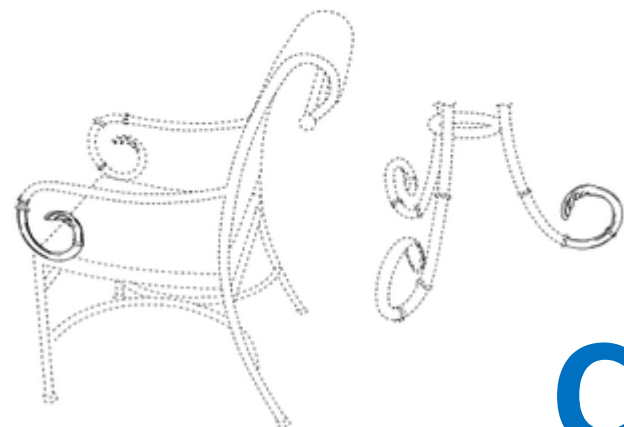
FIG. 5 is a rear elevational view thereof;

FIG. 6 is a reduced left rear top perspective view of my design, in representative positions on a chair with the broken lines illustrating elements not claimed; and,

FIG. 7 is a reduced front top perspective view of my design, in representative positions on table legs with the broken lines illustrating elements not claimed.

Broken lines indicating furniture silhouettes represent environmental elements and form no part of the claimed design. The broken lines illustrating the axial rings also form no part of the claimed design.

1 Claim, 7 Drawing Sheets



C

- [54] SOFA
- Inventors: Pasquale Natuzzi; Raffaella Lucarelli, both of Santeramo In Colle, Italy
- [73] Assignee: Industrie Natuzzi Spa, Bari, Italy
- [**] Term: 14 Years
- [21] Appl. No.: 16,446
- [22] Filed: Dec. 15, 1993
- [52] U.S. CL. D6/381
- [58] Field of Search D6/334, 335, 336, D6/364, 371, 373, 381, 500, 501, 502, 297/232
- [56] References Cited
- U.S. PATENT DOCUMENTS
- D. 267,448 1/1983 Friedman D6/381

OTHER PUBLICATIONS

The Rowe Show Place Brochure, sofa marked at bottom left.

Primary Examiner—Alan P. Douglas
 Assistant Examiner—Gary D. Watson
 Attorney, Agent, or Firm—Bell, Seltzer, Mark, & Gibson

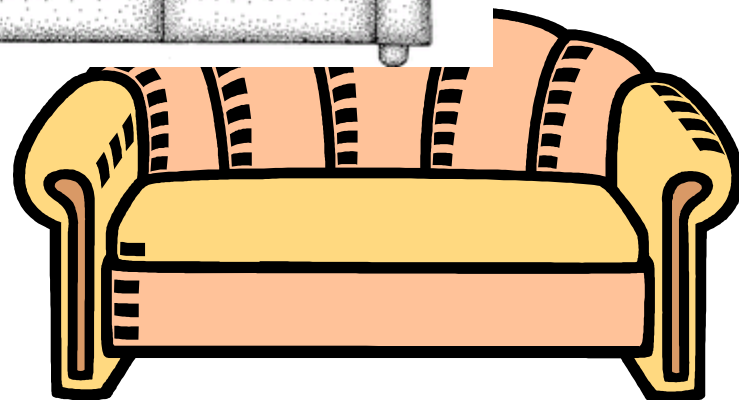
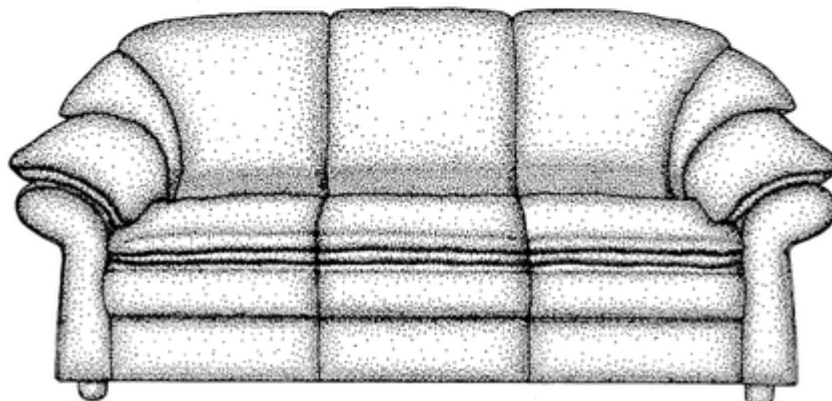
(57) **CLAIM**

The ornamental design for a sofa, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a sofa showing our new design in the form of a sofa;
 FIG. 2 is a front elevational view;
 FIG. 3 is a top plan view;
 FIG. 4 is a right side elevational view, and the left side elevational view being a mirror image thereof; and,
 FIG. 5 is a rear elevational view.

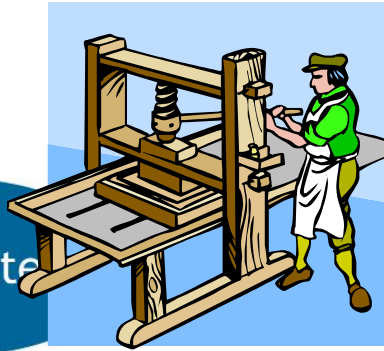
1 Claim, 3 Drawing Sheets



D



Utility Patent



Design Patent

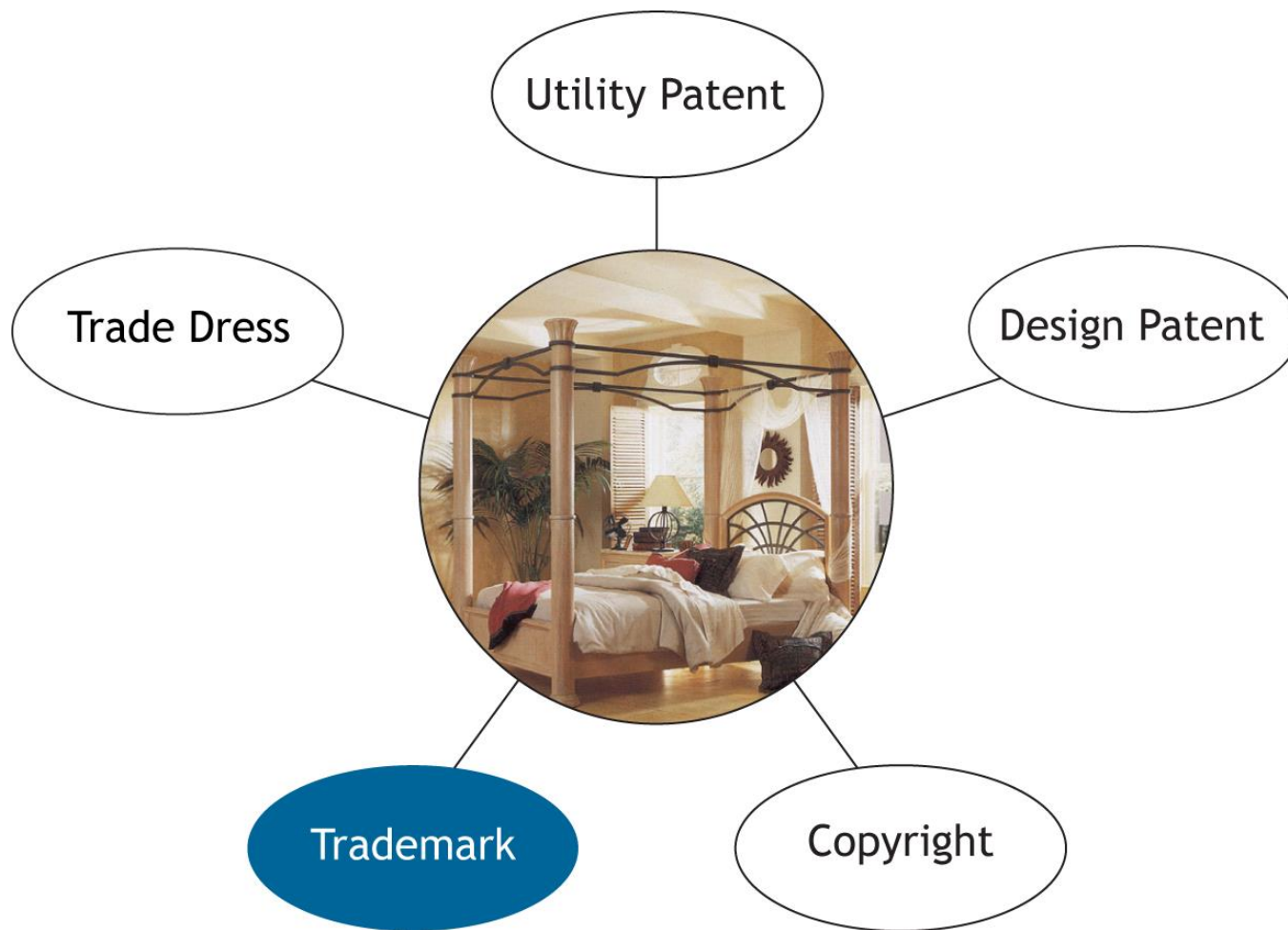


Trade Dress



Trademark

Copyright



Trademark: A source identifier; used to identify and distinguish goods or services

Words / Slogans (Coca-cola®; Google®)



Pictures/sketches

Symbols



Smells (fishing line)



Sounds (NBC Chimes)

Colors



How are trademark rights established?

Priority of use

Distinctiveness

Proper Usage (as adjective)

Examples of Trademarks

LA-Z-BOY[®]

wayfair[®].com



HAVERTYS[®]



Examples of Trademarks

VICTORIA HAGAN

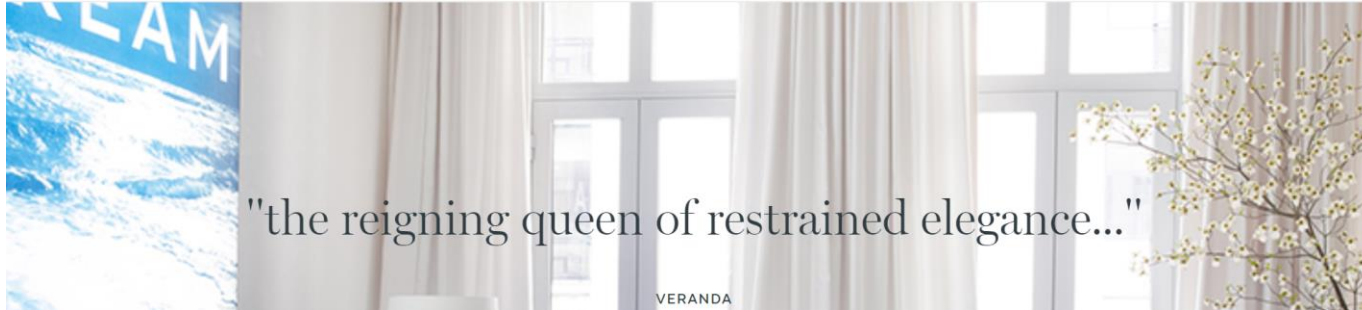
[ABOUT](#)

[PORTFOLIO](#)

[PRESS](#)

[CONTACT](#)

[VH COLLECTIONS](#)



Word Mark VICTORIA HAGAN

Goods and Services IC 042. Interior decorating and interior decorating consulting services. FIRST USE: 19870706

Published for Opposition August 20, 2002

Registration Number 2649322

Registration Date November 12, 2002

Owner (REGISTRANT) Victoria Hagan Incorporated 1790 Broadway 19th Floor New York NEW YORK 10019

Examples of Trademarks

The Jamie Drake Collection



Word Mark JAMIE DRAKE

Goods and Services IC 011. US 013 021 023 031 034. G & S: Bathroom fixtures, namely, faucets and shower heads. FIRST USE: 20060422. FIRST USE IN COMMERCE: 20060422

IC 020. US 002 013 022 025 032 050. G & S: Towel racks, plastic tissue box covers, furniture, namely, tables, chairs, sofas, chests, mirrors and armoires. FIRST USE: 20060518. FIRST USE IN COMMERCE: 20060518

IC 021. US 002 013 023 029 030 033 040 050. G & S: Bath accessories, namely, ceramic tissue box covers, waste baskets, soap dishes, soap dispensers, vanity trays and bath cups. FIRST USE: 20060518. FIRST USE IN COMMERCE: 20060518

IC 024. US 042 050. G & S: Fabrics for textile use. FIRST USE: 20070424. FIRST USE IN COMMERCE: 20070424

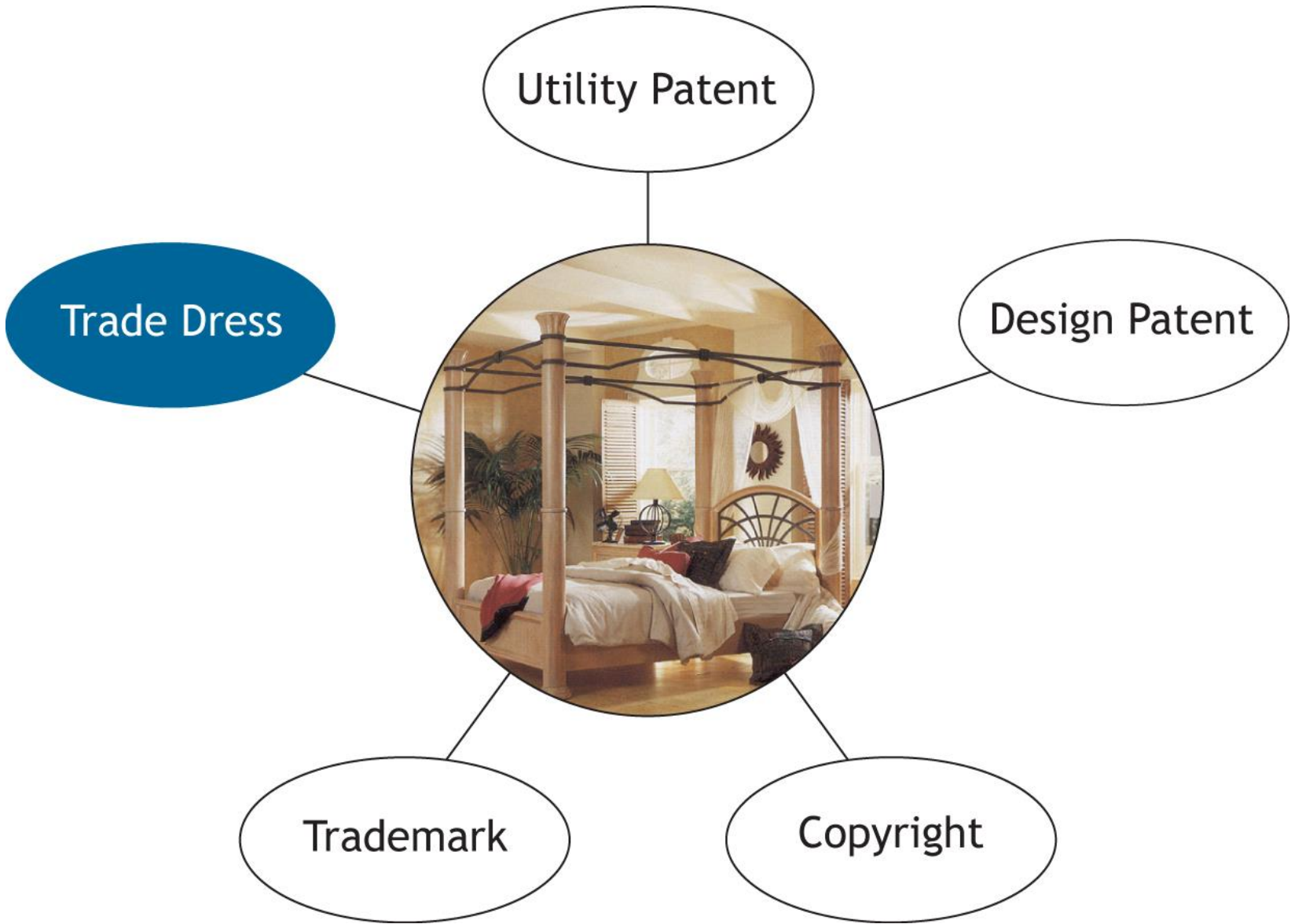
IC 026. US 037 039 040 042 050. G & S: Bath accessories, namely, fabric and/or textile tissue box covers. FIRST USE: 20060518. FIRST USE IN COMMERCE: 20060518

IC 027. US 019 020 037 042 050. G & S: Rugs and carpets. FIRST USE: 20030923. FIRST USE IN COMMERCE: 20030923



How long does a trademark last?

**Indefinitely, if use is:
continuous; and
exclusive**



Trade Dress

- ❖ Type of Trademark Law - source identifier
- ❖ Whole visual image presented to customers and capable of identifying origin
- ❖ Elements primarily must be non-functional



Examples of Trade Dress-Packaging

COCA-COLA Bottle Shape
Brand value: \$84 billion.



Int. Cl.: 32

Prior U.S. Cl.: 45

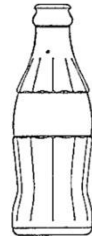
United States Patent Office

Reg. No. 1,057,884

Registered Feb. 1, 1977

TRADEMARK

Principal Register



The Coca-Cola Company (Delaware corporation)
310 North Ave. NW.
Atlanta, Ga. 30313

For: SOFT DRINKS, in CLASS 32 (U.S. CL. 45).
First use July 8, 1916; in commerce at least as early as
Sept. 1, 1916.

The mark consists of the three dimensional configura-
tion of the distinctive bottle as shown.

Owner of Reg. No. 696,147.

Ser. No. 88,384, filed May 25, 1976.

JOHN C. DEMOS, Examiner



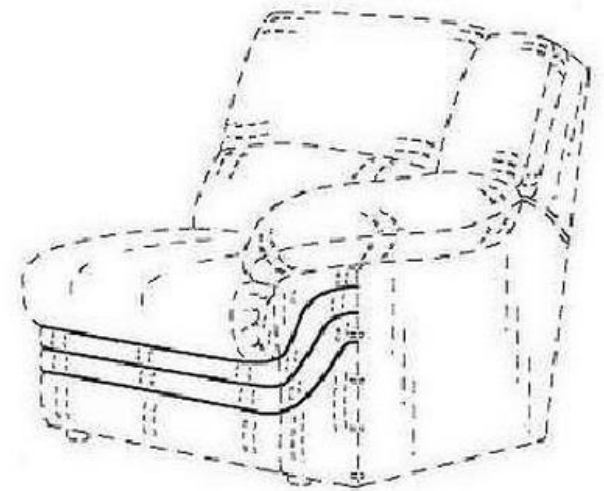
Trade Mark Infringement

Plaintiff's is distinctive

Defendant's trade mark is so similar that is likely to cause confusion among ordinary consumers as to the source, sponsorship or affiliation



Registered Trade Dress - Furniture



Registered Trade Dress - Furniture

IC 020: Furniture.

FIRST USE: 20021220. FIRST USE
IN COMMERCE: 20021220

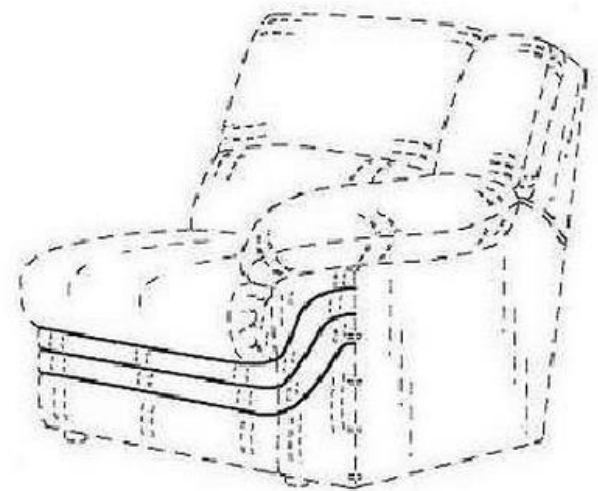
Serial Number 78785104

Filing Date January 4, 2006

Registration Number 3219132

Registration Date March 13, 2007

Owner (REGISTRANT) Douglas
Furniture of California,



Proving Trade Dress?

- **Sales?**
- **Consumer Surveys?**
- **Ads?**
- **Unsolicited press discussing distinctive and recognizable look?**
- **Fact specific, and costly trial issue**



Trademark (and Trade Dress) Infringement?

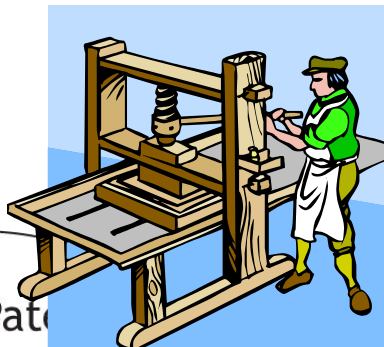
1. Distinctive trademark; and

2. Accused infringement creates likelihood of confusion as to source, sponsorship or affiliation

Furniture Icons?



Utility Pat



Design Pat



Copyright



Trademark



Trade Dress



Hot Topics?

- Social Media Rights?
- Houzz Terms of Services?
- Designer mobility?
- Protection with Initial Proposals?
- Moving from designs spaces to designing furniture and furnishings?

Thanks to Michael D'Imperio, Steelyard

Bright line?

Innovation

Infringement

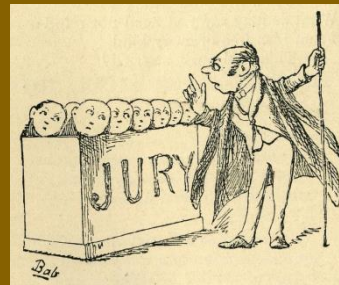


Bright line?

Innovation



DEPENDS



Infringement



What is Your Risk Tolerance?



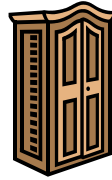
Safe Some Risk Cease & Desist Letter Lawsuit Jury Award
(\$)
(\$\$) (\$\$\$) (\$\$\$\$)





How Long Does Protection Last After Introduction?

➤ **Public Domain – Commodity?**



➤ **Zero Years!**

➤ **Patent?**



➤ **15-20 years**

➤ **Copyright?**



➤ **75-100 years**

➤ **Trademark/Iconic?**

HAVERTYS



➤ **Forever, as long as used exclusively**



Manage Idea as Asset – Protect?

1. Are you the creator; and
2. Are the differences between the “prior art” and new design
 - a. Discernable?
 - b. Creative?
 - c. Non-obvious?
 - d. Create signature look?
3. Would protection (“fence”) help enhance sales?



Can you participant in a Trend?

1. What is the inspiration?
 - a. **New** (protectable) or **Old** (commodity)?
 - b. > 100 years, likely public domain (unless Icon)
2. Is everyone copying inspiration?
3. Will seller *indemnify* you?
4. Do you have *insurance* coverage?



When to look before you leap?

- “Freedom to operate/use” patent studies”
- “Design around” patent studies
- “Non-infringement” patent study
- Where to look - U.S., Europe, China & other countries?

QUESTIONS, COMMENTS & CONCERNS?

Jack B. Hicks
Partner
Greensboro
336.574.8050
Jack.hicks@wbd-
us.com



<https://www.womblebonddickinson.com>

Appendix



Innovation vs. Infringement - Where is the bright line? If you design what you feel, as opposed to what you see, likely fine!

Quote by Edgar Degas: “Art is not what you see, but what you ...

“**Art is not what you see**, but what **you** make others **see**.”

Born in 1887, **Georgia O'Keeffe** was an American **artist** who **Painted** nature in a way that showed how it made her **feel**.

Expressing Feeling in Your Paintings - Stefan Baumann

Aug 31, 2010 - Feelings come from seeing what **is** in front of **you**, **not** just looking.

Witness the ... **See** it with your soul, then **paint** exactly what **you see** and **feel**.





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