

## Perry Saidman

*curriculum vitae*

SAIDMAN DESIGNLAW GROUP, LLC  
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### POSITIONS:

- 2019 - Principal - PERRY SAIDMAN, LLC, focusing on design rights enforcement, litigation, and strategic consultations.
- 2019 - Of Counsel - SAIDMAN DESIGNLAW GROUP, LLC
- 1990 - 2019: Founder, Principal - SAIDMAN DESIGNLAW GROUP, LLC, a law firm specializing in legal issues involving designs and product configurations.
- 1980 - 1990: Founding partner - Saidman, Sterne, Kessler & Goldstein, Washington, D.C., 1980-1986, Managing Partner; 1987-1990, head of Industrial Design Group.

### EDUCATION:

J.D. (with honors), National Law Center, The George Washington University, Washington, D.C.

M.S.E., The Moore School of Electrical Engineering, University of Pennsylvania, Philadelphia, PA (Ford Foundation Fellowship).

B.S.E.E., School of Engineering and Applied Science, The George Washington University, Washington, D.C. (four-year Trustee Scholarship).

### CAREER HIGHLIGHTS:

- Represented successful plaintiff/patentee at trial level and on appeal in *Avia Group International v. L.A. Gear California, Inc.*, 853 F.2d 1557, 7 USPQ2d 1548 (Fed. Cir. 1988) - The Court of Appeals for the Federal Circuit affirmed the lower court's findings of validity, willful infringement and attorney fees based upon two design patents, all on a motion for summary judgment.
- Authored *amicus curiae* brief on behalf of Apple Inc. in *en banc* rehearing of *Egyptian Goddess v. Swisa* before U.S. Court of Appeals for the Federal Circuit (2008)

- Authored *amicus curiae* brief in *Samsung v. Apple* before U.S. Supreme Court (2016).
- Adjunct Professor of Law, George Washington University Law School (teaching Design Law).
- Member, Special Subcommittee of AIPLA Industrial Designs Committee studying the Fashion Bill legislation and drafting resolution for the AIPLA Board of Directors.
- Testified before U.S. House of Representatives, Judiciary Committee, in hearing on “Design Patents & Auto Replacement Parts” (H.R. 3059), March, 2010.
- Founder and Executive Director of the Design Registration League, a coalition of companies, associations and individuals (founded 2007) with the goal of enacting a *sui generis* design registration law.
- Founder and First Chair of the Industrial Designs Committee (established in 1988) of the American Intellectual Property Law Association
- Keynote speaker and panel discussion leader at the First National Conference on Industrial Design Law & Practice, March, 1989 in Baltimore, Maryland.
- Founder and Co-Chair, Design Protection Section, Industrial Designers Society of America.

#### **AMICUS CURIAE BRIEFS:**

Brief for *Amici Curiae* Bison Designs, LLC; Deckers Outdoor Corporation; Design Ideas, Ltd.; Kohler Co.; KRC Capital B.V.; Lutron Electronics, Inc.; Method Products, PBC; Novo Nordisk, Inc.; Nuelle, Inc.; Nuvasive, Inc.; Oakley, Inc.; Sun Products Corporation; SZ DJI Technology Ltd.; and Thule Group in Support of Respondent Apple Inc., *Samsung Electronics Co., Ltd., et al., v. Apple Inc.*, in the Supreme Court of the United States, August 5, 2016.

Brief for *Amici Curiae* Design Ideas, Ltd., Novo Nordisk, Inc., Lutron Electronics, Inc., NuVasive, Inc., Method Products, PBC, Oakley, Inc., Deckers Outdoor Corporation, and Kohler, Inc. in Support of Plaintiff-Appellee, *Apple Inc. v. Samsung Electronics Co., Ltd. et al.*, in the United States Court of Appeals for the Federal Circuit, August 4, 2014.

Brief for *Amicus Curiae* Apple Inc. in Support of Petition for Rehearing En Banc, *Richardson v. Stanley Works, Inc.*, No. 2009-1354, United States Court of Appeals for the Federal Circuit, April 22, 2010.

Brief for *Amicus Curiae* Apple Inc., *Egyptian Goddess, Inc., et al v. Swisa, Inc.*, et al. in the United States Court of Appeals for the Federal Circuit, February 5, 2008.

Brief for *Amicus Curiae* Industrial Designers Society of America in Support of Combined Petition for Panel Rehearing and Rehearing En Banc, *Arminak & Associates, Inc. et al v. Saint-Gobain Calmar, Inc.*, in the United States Court of Appeals for the Federal Circuit, October 31, 2007.

Brief for *Amicus Curiae* Industrial Designers Society of America in Support of Combined Petition for Panel Rehearing and Rehearing En Banc, *PHG Technologies, LLC v. St. John Companies, Inc.*, in the United States Court of Appeals for the Federal Circuit, December 28, 2006.

Brief for *Amicus Curiae* Industrial Designers Society of America in Support of Combined Petition for Panel Rehearing and Rehearing En Banc, *Lawman Armor Corporation v. Winner International, LLC and Winner Holding LLC*, in the United States Court of Appeals for the Federal Circuit, March 27, 2006.

Brief of *Amicus Curiae* Industrial Designers Society of America in Support of Petitioner, *Minka Lighting, Inc., v. Craftmade International, Inc.*, in the Supreme Court of the United States, July 26, 2004.

#### MISCELLANEOUS:

- Design Law Mediator. Member, World Intellectual Property Organization (WIPO) Arbitration and Mediation Center List of Neutrals. Member, INTA Panel of Neutrals.
- Member, Washington Ethical Society.
- Registered to practice before U.S. Patent and Trademark Office.
- Member of: Intellectual Property Owners Association (Design Rights Committee); American Intellectual Property Law Association (Founder & Member, Industrial Designs Committee); Industrial Designers Society of America (Founder & Member, Design Protection Committee); the International Trademark Association (INTA) (Design Rights Subcommittee).

#### PUBLICATIONS:

"Copyrights: Novelty or Originality?", *Journal of the Patent Office Society*, Vol. 55, No. 5, pp. 314-319 (1973).

"Patent Law for General Practitioners and Business Lawyers", *Maryland Institute for Continuing Professional Education of Lawyers (MICPEL)*, Baltimore, MD, April, 1980.

"Trademarking Software Packages", *BYTE*, March, 1984.

"Copying Mass Marketed Software", *BYTE*, February, 1985.

"The Sale of Computer Products", *BYTE*, May, 1985.

"Patents: There is Something New Under the Sun", *Barrister*, Winter, 1987.

"Avia Wins Major Design Patent Suit: How the Design Patent Slam Dunked the Knock-off", *Design Perspectives*, Feb. 1989 (IDSA).

"Sneakers, Design Patents & Summary Judgments: Opening A New Era in the Protection of Consumer Product Designs", *71 Journal of The Patent and Trademark Office Society (JPTOS)* 524, July, 1989.

"Design Patent Suits Can be Won", *FDM*, July, 1989, p. 114.

"How Design Patents Defeat Product Piracy", *Seminar Papers on Design Management, Industrial Design Department*, University of the Arts, Phila., Pa., March, 1990.

"The Ten Commandments of Design Patent Protection", *innovation* (Industrial Designers Society of American quarterly journal) Fall, 1990, p. 21.

"The Doctrine of Functionality in Design Patent Cases", *19 U. Balt. L. Rev.* 352 (Fall 89-Winter 90).

"The Glass Slipper Approach to Protecting Industrial Designs or When the Shoe Fits, Wear It", *19 U. Balt. L. Rev.* 167 (Fall 89-Winter 90).

"Design Protection Tools – A Primer", *The Design Management Institute News*, Vol. III, Issue 4, July/August, 1991.

"The Basic Tools of Design Protection", SAIDMAN DesignLaw Group, (pamphlet), Fall, 1991.

"How to Protect Product Design", *Design Management Journal*, Vol. 2, No. 4, p. 32 (Fall, 1991).

"Design Patents - the Whipping Boy Bites Back", *73 Journal of The Patent and Trademark Office Society (JPTOS)* 859, November, 1991.

"Who Owns What? / Design Protection Tools", *innovation*, Winter, 1992, p. 21.

"Trade Dress: The Emperor Gets Some Real Clothes", *innovation*, Spring/Summer, 1995, p. 65.

"The Valuable Yet Elusive Trademark: All Dressed Up", *innovation*, Summer/Fall, 1995, p. 51.

"Design Patentees: Don't Get Unglued by Elmer or The Single Most Important Thing to Know About The Preparation of Design Patent Applications" *78 Journal of The Patent and Trademark Office Society (JPTOS)* 311, May, 1996.

"Supreme Court Decides In Favor of Knock-Offs: Wal-Mart Case Makes Trade Dress Protection for Product Design More Difficult", *innovation*, Summer 2000, p. 24.

"Kan Traffix Kops Katch the Karavan Kopy Kats? -or- Beyond Functionality: Design Patents are the Key to Unlocking the Trade Dress/Patent Conundrum", *82 Journal of The Patent and Trademark Office Society (JPTOS)* 839, December, 2000.

"Protecting Proprietary Product Designs in the USA", Chapter Nineteen, *Industrial Design Rights – An International Perspective*, co-author with David Brinkman, Kluwer Law International and International Bar Association, 2001, pp. 325-359.

"When Patents Expire: The Supreme Court Gives Traffix a Green Light to Copy", *innovation*, Winter 2001, p. 28.

"The Death of *Gorham Co. v. White*: Killing It Softly with *Markman*", *86 Journal of The Patent and Trademark Office Society (JPTOS)* 792, October, 2004.

"The Right to Copy Doctrine", *89 Journal of The Patent and Trademark Office Society (JPTOS)* 204, March, 2007.

"The Crisis in the Law of Designs", *89 Journal of The Patent and Trademark Office Society (JPTOS)* 301, April, 2007.

"A Manifesto on Industrial Design Protection: Resurrecting the Design Registration League", *55 Journal of the Copyright Society of the USA* 2-3, Winter-Spring, 2008.

"What is the Point of the Point of Novelty Test for Design Patent Infringement? Nail Buffers and Saddles: An Analysis Fit for an Egyptian Goddess", *90 Journal of the Patent and Trademark Office Society (JPTOS)* 401, June, 2008.

"The Dysfunctional Read Test: Missing the Mark(man) Regarding the Test for Design Patent Infringement", *90 Journal of the Patent and Trademark Office Society (JPTOS)* 533, July, 2008.

"Egyptian Goddess Exposed! But Not in the Buff(er)...", *90 Journal of the Patent and Trademark Office Society (JPTOS)* 859, December, 2008.

"Functionality and the Test for Design Patent Infringement: Rarely the Twain Shall Meet", 77 *BNA's Patent, Trademark & Copyright Journal* 1897, December 19, 2008.

"The Ornamental/Functional Dichotomy in Design Patent Law is Akin to the Idea/Expression Dichotomy in Copyright Law", 78 *BNA's Patent, Trademark & Copyright Journal* 199, June 12, 2009.

"Functionality and Design Patent Validity and Infringement", 91 *Journal of the Patent and Trademark Office Society (JPTOS)* 313, May, 2009.

"Design Patents Sunk in International Seaway", 83 *BNA's Patent, Trademark & Copyright Journal* 278, December 23, 2011.

"Describing A Design – When Enough is Enough!", 97 *Journal of the Patent and Trademark Office Society (JPTOS)* 256 (2015).

"The Demise of the Functionality Doctrine in Design Patent Law", 92 *Notre Dame L. Rev.* 1471 (2017).

"Determining the 'Article of Manufacture' Under 35 U.S.C. § 289", 99 *J. Pat. & Trademark Off. Soc'y.* 349 (2017).

"Design Patent Damages: A Critique of the Government's Proposed 4-Factor Test for Determining the 'Article of Manufacture' " *IP Theory, Maurer School of Law, Indiana University* (Vol. 8, Issue 1, Article 3) (2019).

#### **PRESENTATIONS/SPEECHES:**

"*Sneakers, Design Patents and Summary Judgments*", Government Patent Lawyers Association, Washington, D.C., October 14, 1987.

"*Trademark and Patent Protection: The Nuts and Bolts for Sports Products and Companies*" Super Show "Quest for Excellence" Seminar Series at the Georgia World Congress Center, Atlanta, Georgia, February 22, 1988.

"*The Glass Slipper Approach to Protecting Industrial Designs or When the Shoe Fits, Wear It*", National Conference on Industrial Design Law and Practice, University of Baltimore School of Law, Baltimore, Maryland, March 10 & 11, 1989.

Seminars on U.S. Design Law at invitation of the Japan Design Protection Association and officials of the Japan Patent Office, Tokyo, Japan, March 1990.

"*How Design Patents Help Defeat Product Piracy*", Seminar Series on Design Management for Small Companies, Industrial Design Department of the University of the Arts, Philadelphia, Pennsylvania, March 20, 1990.

"*Legal Aspects & Implications of Identity Elements (or Ten "Bite-Size" Legal Tidbits)*", Third Annual Corporate Identity Conference, The Design Management Institute, Montreal, Quebec, June 28, 1991.

"*How to Use Design Patents as a Meaningful Part of Your Proprietary Protection*", All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 22–23, 1994; The District of Columbia Bar, Intellectual Property Section, June 15, 1995.

*"Recent Developments (1994-95) in Design Protection"*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 14 – 15, 1995.

*"Trade Dress and Product Configuration – Chain Brands: Likelihood of Confusion?"*, New York Bar State Bar Association, Intellectual Property Law Section, Fall Meeting, Lake George, New York, October 14, 1995.

*"Protection of Designs: Building Your Arsenal Using Trade Dress and Design Patent"*, New York State Bar Association, Intellectual Property Law Section, New York, New York, February 26, 1997.

*"Prosecuting and Litigating Design Patents – What the Trademark and Patent Lawyer Should Know"*, New York Intellectual Property Law Association, New York, New York, April 25, 1997.

*"The Product Configuration Conundrum – Exploring the Seemingly Contradictory Interface Between Trade Dress Protection and Design Patent Protection"*, The Intellectual Property Law Section, State Bar of Michigan, Mackinac Island, Michigan, August 2, 1997; George Washington University – National Law Center, Washington, D.C., November 4, 1997.

*"Trade Dress: Common Constructs or Complete Confusion: Exploring the Interface Between Trade Dress Protection and Patent Protection"*, The United States Patent and Trademark Office, Arlington, Virginia, February 12, 1998.

*"The Basic Tools of Design Protection"*, Industrial Designers Society of America, Philadelphia Chapter, Philadelphia College of Textiles and Science, Philadelphia, Pennsylvania, August 10, 1998.

*"Product Configurations: How to Register Them as Trademarks and How They are Affected by Patent Law"*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, October 8–9, 1998.

*"The Dirty Dozen Design Law Cases"*, American Intellectual Property Lawyers Association, Industrial Design Committee, Washington, D.C., October 15, 1998.

*"Design Protection in the U.S.A."*, FICPI 4<sup>th</sup> Open Forum, Session entitled "Lost Property", Florence, Italy, October 22, 1998.

*"Hot Tips for Preparing and Prosecuting Design Patent Applications"*, American Intellectual Property Law Association, Industrial Design Committee, Chicago, Illinois, April 23, 1999.

*"What the Supreme Court Giveth, The Supreme Court Taketh Away or The Conundrum Continues . . . The Conflict Between Trade Dress and Design Patent Protection"*, American Intellectual Property Law Association, Industrial Design Committee, Pittsburgh, Pennsylvania, May 17, 2000.

*"Design Patents: Prosecution and Enforcement in a Region of Chaos"*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 21 – 22, 2000.

*"How to Determine the Meaning and Scope of a Design Patent Claim Under "Markman" for Infringement Purposes and Drafting and Crafting Tips for Design Patent Claims"*, United States Patent and Trademark Office, Open House, Design Patent Session, Arlington, Virginia, October 18, 2000.

*"I'll See Your Two Pesos and Raise You . . . Two Pesos, Wal-Mart and Traffix: Where is the U.S. Supreme Court Heading and How Will it Affect Trademark Practitioners?"*, The Trademark Law Committee of the New York State Bar Association and The Fordham Intellectual Property, Media & Entertainment Law Journal, Fordham University School of Law, New York, New York, April 2, 2001.

*"The Effect of Wal-Mart and Traffix on Trade Dress Protection for Product Configurations and Future Trends"*, The Texas State Bar Annual Meeting, Intellectual Property Section CLE Program, Austin, Texas, June 15, 2001.

*"Traffix Cops Arrest Trade Dress – Set Free Design Patents!"*, New York Intellectual Property Law Association, CLE Program, Cornell Club, New York, New York, June 22, 2001.

*"How to Protect Client Ideas When You Can't Get a Utility Patent – The Latest Skinny on Trade Dress and Design Patent Protection For Product Designs in the Wake of the Supreme Court's Wal-Mart and Traffix Decisions"*, The 27<sup>th</sup> Annual Intellectual Property Law Seminar, Intellectual Property Law Section of the State Bar of Michigan, Grand Hotel, Mackinac Island, Michigan, July 14, 2001.

*"Trade Dress v. Patent Protection: The Traffix Debate"*, New York State Bar Association, Intellectual Property Law Section, Fall Meeting at Lake George, The Sagamore, Bolton Landing, NY, October 13, 2001.

*"Preparing to File Suit on a Design Patent – How to Get Design Patents That Will Maximize Your Chances Against Knock-Offs"*, 15<sup>th</sup> Annual Intellectual Property Law Institute, Intellectual Property Law Section of the State Bar of Texas, Texas Bar CLE, San Antonio, Texas, March 15, 2002.

*"Design Patents – The Inside Skinny - How To Get Design Patents That Will Maximize Your Chances Against Knock-Offs"*, Eighteenth Annual Institute on Intellectual Property Law, Houston Intellectual Property Law Assn, University of Houston Law Center, Institute for Intellectual Property & Information Law, Galveston, Texas, September 27, 2002.

*"Industrial Designs and Design Patents"*, 18th Annual Intellectual Property Law Conference, American Bar Association - Section of Intellectual Property Law, Washington, D.C., April 3, 2003.

*"Current Design Protection in the U.S. – U.S. View"*, 10th Summer IPL Conference, American Bar Association - Section of Intellectual Property Law, San Diego, CA, June 18, 2003.

*"The Death of Gorham v. White - Killing It Softly With Markman"*, 17<sup>th</sup> Annual Intellectual Property Law Institute, Intellectual Property Law Section of the State Bar of Texas, Texas Bar CLE, San Antonio, Texas, March 5, 2004.

*"The Death of Gorham v. White - Killing It Softly With Markman"*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 9-10, 2004.

*"The Overlap Between Marks and Designs"*, INTA/WIPO Worldwide Forum on Marks & Designs, Vancouver, B.C. Canada, September 8-9, 2005.

*"Design Patents"*, Japanese Intellectual Property Association, 2005 Seminar, Washington, DC, October, 2005.

*"Enforcement Issues for Designs"*, Intellectual Property Owners Association Annual Meeting, Chicago, Illinois, September 12, 2006.

*"The Crisis in the Law of Designs"*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 14-15, 2006.

*"Current Issues in Design Protection and Enforcement"*, San Francisco Intellectual Property Law Association Luncheon, San Francisco, California, October 26, 2006.

*"Design Patents, Trade Dress, EU Community Design Registrations – Compared & Contrasted"*, Corporate Counsel Seminar, Hilton Head, South Carolina, November 14, 2006.

*"The Crisis in the Law of Designs"*, 2007 Microsoft/IDSA Spotlight Speaker Series, Webcast, March 21, 2007.

*"What Happens After a Design Patent Issues"*, USPTO Design Day, Alexandria, Virginia, April 16, 2007.

*"Design Protection: Has the Time Come for a Copyright-Based Design Registration Law in the U.S.? History of U.S. Efforts Regarding Sui Generis Design Protection Law"*, Intellectual Property Owners Association Annual Meeting, New York, New York, September 11, 2007.

*"The Time Has Come for a U.S. Design Registration System"*, American Intellectual Property Law Association Annual Meeting, Washington, DC, October 18, 2007.

*"Design Patents"*, Japanese Intellectual Property Association, 2007 Seminar, Washington, DC, November 1, 2007.

*"Design Law: The Neglected Branch of IP"*, The George Washington University – National Law Center, Washington, DC, November 1, 2007.

*"Design Law: 2008 and Beyond"*, BNA's Patent, Trademark & Copyright Journal Advisory Board, Arlington, Virginia, January 31, 2008.

*"Nail Buffers, Saddles & Silverware"*, Michigan IP Law Association, Dearborn, MI, April 8, 2008.

*"Protecting Designs"*, Practical Tips on Intellectual Property Law, ABA Section of IP Law, Young Lawyers Committee, Arlington, VA, April 9, 2008.

*"Is the US Design Patent System Broken? Fixed? Beyond Repair?"*, 34<sup>th</sup> Annual IP Law Seminar, IP Law Section of State Bar of Michigan & ICLE, Mackinac Island, MI, July 19, 2008.

*"Egyptian Goddess Exposed – In the Buff(er)!"*, 18<sup>th</sup> All Ohio Institute on Intellectual Property (AOAIOIP), Cincinnati and Cleveland, Ohio, September 10-11, 2008.

*"Egyptian Goddess Exposed"*, 20<sup>th</sup> Annual Intellectual Property Fall CLE Weekend Seminar, Virginia State Bar Intellectual Property Section, Williamsburg, VA, September 26, 2008.

*"Egyptian Goddess Exposed"*, Chicago-Kent Intellectual Property Law Society Fall Patent Luncheon, Chicago, IL, November 19, 2008.

*"Egyptian Goddess Exposed"*, Eleventh Annual Richard C. Sughrue Symposium on Intellectual Property Law & Policy, University of Akron School of Law, Akron, OH, March 9, 2009.

*"Design Patents in the 21<sup>st</sup> Century: Did Egyptian Goddess Miss the Boat?"*, USC Gould School of Law 2009 Intellectual Property Institute, Beverly Hills, CA, March 17, 2009.



*"Protection of Trade Dress and Product Design"*, International Trademark Association's 131<sup>st</sup> Annual Meeting, Seattle, WA, May 18, 2009.

*"Functionality and Design Patent Infringement: Jilted By Our Egyptian Goddess"*, American Intellectual Property Law Association Annual Meeting, Washington, DC, October 16, 2009.

*"Design Patents"*, Japanese Intellectual Property Association, 2009 Seminar, Washington, DC, October 29, 2009.

*"Best Practices for Protecting Product Shapes and Designs: Design Patent and Trade Dress Perspectives"*, 23rd Annual Texas State Bar Advanced Intellectual Property Law CLE Workshop, Austin, Texas, March 3, 2010.

*"Design Law Today - The Interplay of Trade Dress, Copyright, and Design Patent Law"*, D.C. Bar, March 11, 2010.

*"Functionality, Egyptian Goddess, and the Point of Novelty: A Non-Obvious Combination"*, USPTO Design Day, April 6, 2010.

*"Optimizing U.S. Design Patent and Trade Dress Protection and Enforcement in Light of the Egyptian Goddess en banc Federal Circuit Opinion"*, INTA Annual Meeting, Boston, MA, May 23, 2010.

*"Strategic Use of Design Patents – Utility & Design Patent Overlap – Update on Egyptian Goddess"*, 11<sup>th</sup> Annual Silicon Valley Advanced Patent Law Institute, Palo Alto, CA, December 9-10, 2010.

*"The Latest Skinny on Design Patents – Including Egyptian Goddess Update"*, Kansas Bar Association, Intellectual Property CLE, Overland Park, Kansas, May 6, 2011.

*"Gypped by Egyptian Goddess"*, AIPLA Industrial Designs Committee, October 20, 2011.

*"Strategic Use of Design Patents – Including Egyptian Goddess Update"*, 16<sup>th</sup> Annual Advanced Patent Law Institute, University of Texas School of Law, Austin, Texas, October 28, 2011.

*"Latest Information About U.S. Design Protection"*, Japan Patent Office, Tokyo, Japan, October 31, 2011.

*"Latest Information About U.S. Design Protection"*, INFOPAT lecture, Tokyo, Japan, November 1, 2011.

*"Latest Information About U.S. Design Protection"*, Asian Patent Agents Association (APAA), Tokyo, Japan, November 2, 2011.

*"Introduction to U.S. Design Law"*, All China Patent Attorneys Association (ACPAA), Beijing, China, November 8, 2011.

*"Design Patent Prosecution Before the USPTO"*, All China Patent Attorneys Association (ACPAA), Beijing, China, November 8, 2011.

*"U.S. Design Patent Infringement"*, All China Patent Attorneys Association (ACPAA), Beijing, China, November 8, 2011.

*“Strategic Use of Design Patents – Including Egyptian Goddess Update”*, 7<sup>th</sup> Annual Advanced Patent Law Institute, U.S. Patent & Trademark Office, Alexandria, Virginia, January 20, 2012.

*“Strategic Issues in U.S. Design Protection: Choosing Between Trade Dress, Design Patent and Copyright”*, INTA Annual Meeting, Washington, DC, May 7, 2012.

*“Functionality: The U.S. Perspective”*, INTA Design Protection Conference, Copenhagen, Denmark, September 10, 2012.

*“Enforcement: The U.S. Perspective”*, INTA Design Protection Conference, Copenhagen, Denmark, September 11, 2012.

*“Conflict Between Patents & Trade Dress in the U.S. - Past, Present & Future”*, INTA Design Protection Conference, Copenhagen, Denmark, September 11, 2012.

*“Functionality at the Intersection of Patents & Trademarks”*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 20-21, 2012.

*“The Aftermath of Egyptian Goddess”*, All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 20-21, 2012.

*“The Scope of U.S. Design Patents in The Aftermath of Egyptian Goddess”*, The Future of Design Law, University of Oxford, England, November 2-3, 2012.

*“U.S. Design Law Exposed! Functionality, Infringement and Design Registration”*, The Institute of Trade Mark Attorneys, Marks & Clerk LLP, Manchester, England, November 5, 2012.

*“Life After Egyptian Goddess”*, Chartered Institute of Patent Attorneys, Class 99 Blog, Chartered Institute of Patent Attorneys Hall, London, England, November 6, 2012.

*“Trade Dress and Design Patents”*, 4<sup>th</sup> Annual Intellectual Property Symposium, The Florida Bar CLE, West Palm Beach, FL, March 22, 2013.

*“U.S. Design Patent Infringement & Functionality”*, Stanford Program in Law, Science & Technology, Stanford Law School, April 5, 2013.

*“Functionality: Design Patent v. Trade Dress Comparison”*, *“U.S. Design Patent Infringement”*, *“Design Patent Overlap with Other Bodies of Law”*, Design Patents: Modernizing an Old Property Interest, Suffolk University Law School Center, Boston MA, November 22, 2013.

*“Best Practices in Design Patent Prosecution in View of In re Owens, and What Lies Ahead”*, 18<sup>th</sup> Advanced Patent Law Institute, University of Texas Law School, Austin, TX, October 31, 2013.

*“Design Patents: The Good, The Bad, and The Ugly”*, 10<sup>th</sup> Annual Advanced Patent Litigation Course, Texas Bar CLE, San Antonio, TX, July 17, 2014.

*“Functionality is Dead”*, Design Law 2014, George Washington University Law School, November 21, 2014.

*"Design Patents: The Good, The Bad, and The Ugly"*, 10<sup>th</sup> Annual Advanced Patent Law Institute, University of Texas, USPTO, Alexandria, VA, March 12-13, 2015.

*"Functionality"*, Fourth Annual Naples Patent Law Experts Conference, The University of Akron School of Law, Naples, FL, February 8, 2016.

*"Anticipation"*, Design Law 2016, George Washington University Law School, October 14, 2016.

*"Functionality"*, 2016 Notre Dame Law Review Symposium, University of Notre Dame Law School, South Bend, Indiana, Nov. 11, 2016.

*"Mock Oral Argument: How Prosecution Affects Enforcement"*, USPTO Design Day, April 25, 2017.

*"Protecting Designs in the U.S.: Major Factors in Evaluating Trade Dress, Copyright and Design Patent Protection"*, INTA 2017 Annual Meeting, Barcelona, Spain, May 22, 2017.

*"The Demise of the Functionality Doctrine in Design Patent Law"*, 2017 IP Colloquium, Center for Intellectual Property Research, Indiana University Mauer School of Law, August 24, 2017.

*"Design Patents: Anticipation, Functionality & Damages"*, 27<sup>th</sup> All Ohio Annual Institute on Intellectual Property, Cleveland and Cincinnati, Ohio, September 13-14, 2017.

*"Design Patent Practitioners: What Guidance Can You Glean from the Board? (and a peek at the "Article of Manufacture brouhaha)"*, 14<sup>th</sup> Annual Patent Law Institute, The University of Texas School of Law & George Mason University Antonin Scalia Law School, USPTO, March 21, 2019.