

UNITED STATES PATENT AND TRADEMARK OFFICE

THE BUSINESS OF DESIGNS

DESIGN DAY 2009

April 6, 2009

A program devoted to educating customers and examiners on
Design Patent Practice

Date: April 6, 2009
Time: 8:00 am to 4:30 pm
Where: US Patent and Trademark Office
Madison Auditorium
600 Dulany Street Alexandria, VA 22313

This Event is being cosponsored by the USPTO, AIPLA, IPO,
and the ABA Section of Intellectual Property Law.

Master of Ceremonies: Lou Zarfes, Supervisory Patent Examiner
U.S. Patent and Trademark Office (USPTO)

8:00 - 9:00 am Continental Breakfast
Sponsor: AIPLA

9:00 - 9:10 Welcome and Kick-off
John Doll, Acting Under Secretary for Intellectual
Property and Director of the United States Patent
and Trademark Office

9:10 – 9:30 State of Technology Center 2900
Jasemine C. Chambers, Director, Technology
Center 2900, USPTO

9:30 – 10:00 Focus Topic: Adequately Disclosing Subsequent
Embodiments
Joel Sincavage, Design Practice Specialist, USPTO

- 10:00 – 10:30 Break & Interaction Time
Sponsor: ABA Section of Intellectual Property Law
- 10:30 – 11:00 Application Processing: Allowance to Issue
Debbie Stephens, Director, Office of Data Management, USPTO
- 11:00 – 11:45 Q&A with Design Group Managers
Technology Center 2900 Management
- 11:45 – 1:00 pm Lunch and Interaction Time
Sponsor: IPO
- 1:00 – 1:45 The Future of Design Law
Hon. Randall R. Rader, Court of Appeals for the Federal Circuit
- 1:45 – 2:30 Egyptian Goddess v. Swisa, Inc: Did the *En Banc* Federal Circuit Court find the Rosetta Stone for Design Practice Jurisprudence?
Christopher V. Carani, Esq., McAndrews, Held & Malloy LTD
- 2:30 – 3:00 Break & Interaction Time
Sponsor: ABA Section of Intellectual Property Law
- 3:00 – 3:45 Litigation Considerations and Damages with Design Patents
Robert S. Katz, Esq., Banner & Witcoff, Ltd
- 3:45 – 4:15 Q&A with Design Patent Bar
Moderator: Tracy-Gene G. Durkin, Esq., Sterne, Kessler, Goldstein & Fox P.L.L.C.
Christopher V. Carani
Perry J. Saidman, Esq., Saidman DesignLaw Group
Robert S. Katz
- 4:15 – 4:30 Closing/Presentations

Any legal opinions expressed in this event are those of the speaker and not necessarily USPTO policy.

USPTO employees are reminded that the discussions in this event are not a substitute for formal USPTO legal training, and that they are not being educated as to what the law is and how it should be applied in examination.

Speaker Biographies

Cathron Brooks

*Supervisory Patent Examiner, Art Unit 2911
United States Patent and Trademark Office*

Cathron Brooks joined the USPTO in 1994 as a Design Patent Examiner, and has examined in the areas of D6, D9, D11 and D13. In 2007, she became the Supervisory Patent Examiner of the 18 examiners in Art Unit 2911. Prior to joining the PTO, she worked as a Registered Architect in Old Town, Alexandria, after having earned her degree in Architecture from Virginia Tech.

Cathron works primarily in the area of training junior examiners. She is the Employee Relations/Human Resources liaison for Technology Center 2900 (Design Group), she coordinates with the Office of Patent Application Processing to improve processing times, and is currently working on a major docket reorganization project together with Chase Nelson.

Cathron has earned the Department of Commerce Bronze Medal Award for superior federal service, and the Exceptional Career Award for exceptional performance and service. She enjoys spending time with her two children and two dogs, and to keep healthy and sane, she enjoys swimming and running.

Jasemine C. Chambers

*Director, Technology Center 2900
United States Patent and Trademark Office*

Jasemine began her career at the United States Patent and Trademark Office (“USPTO”) in 1988 as a Patent Examiner in biotechnology. She was selected as a Supervisory Patent Examiner in 1996 and a Director in Technology Center 1600 in 2000. In 2002-03, Jasemine served as the project coordinator in drafting the new Patent Cooperation Treaty Search and Examination Guidelines subsequently adopted by the World Intellectual Property Organization. In 2003-04, she led the development and implementation of a key USPTO’s 21st Strategic Plan quality initiative, the “Certification of Patent Examiners Prior to Promotion to GS-13.” From February 2006 to May 2008, Jasemine was on assignment in the Office of Intellectual Property Policy and Enforcement working on China intellectual property issues, and patent reform issues. She also led the planning and execution of a pilot “Foreign Examiner-in-Residence” program launched in May 2007, with participants from six foreign patent offices. Jasemine was appointed to her current position in May 2008.

Jasemine’s previous appointments include serving as a Postdoctoral Research Fellow at the Duke University Medical Center, a Senior Staff Fellow at the National Institutes of Health, a Senior Policy Analyst at the White House Office of Science and Technology Policy, and a law clerk to the Honorable Randall R. Rader at the United States Court of Appeals for the Federal Circuit. Jasemine holds a B.A. with High Honors in Biology from Agnes Scott College, a Ph.D. in Molecular Biophysics from the Florida State University, and a J.D. with Honors from the George Washington University Law School. She is a member of the Maryland state bar and the District of Columbia bar, and is admitted to practice before the U.S. Supreme Court and the Court of Appeals for the Federal Circuit.

T. Chase Nelson

*Supervisory Patent Examiner, Art Unit 2914
United States Patent and Trademark Office*

Chase Nelson received his BA in Politics from Washington and Lee University in 1982, and a Master’s degree in Architecture from Virginia Tech in 1985. He joined the TC 2900 Design Group and the USPTO in 2001, and worked primarily in classes D5, D6, D8, and D29 in Art Units 2913 and 2915. Late in 2008, he became the Supervisory Patent Examiner (SPE) for Art Unit 2914 of TC 2900. While at the USPTO, he has trained new examiners, classified applications, and volunteered as a Combined Federal Campaign (CFC) keyworker. Prior to joining the Patent and Trademark Office, he was a partner in the architectural firm of Boyd & Nelson Architectural Design, designing residential and commercial structures in Northern

Virginia and the District of Columbia. He was also a Lieutenant in the U.S. Navy Civil Engineer Corps and prior to college worked in the U.S. House of Representatives as a congressional page.

Chase cycles to work with a challenging 6 minute commute from his home in Alexandria, which he shares with his lovely wife, Maura, and two very active little boys, Swepson and Marshall, ages 12 and 8.

The Honorable Randall R. Rader

United States Court of Appeals for the Federal Circuit

Randall R. Rader was appointed to the United States Claims Court by President George H. W. Bush in 1989 and served on that court until his appointment to the Federal Circuit in 1990. Prior to his appointment, Judge Rader served as Minority Chief Counsel, Staff Director, Senate Committee on the Judiciary, Subcommittee on Patents, Trademarks, and Copyrights from 1987 to 1988. He also served as General Counsel and Chief of the Senate Committee on the Judiciary's Subcommittee on the Constitution from 1981 to 1986, and as Counsel in the House of Representatives from 1975 to 1980.

While on the appellate bench, Judge Rader also has served actively as an educator. He has taught Patent Law at the University of Virginia School of Law and at the George Washington University National Law Center, and Comparative Patent Law at Georgetown University Law Center. Judge Rader is the author of a casebook, *Patent Law*, published by West Publishing in 1998.

Judge Rader obtained a B.A. in English from Brigham Young University in 1974 and a J.D. from George Washington University in 1978.

Stella M. Reid

*Supervisory Patent Examiner, Art Unit 2912
United States Patent and Trademark Office*

Stella Reid is the Supervisory Patent Examiner for Art Unit 2912. She graduated with honors from Bowie State University with a Bachelor's degree in Psychology and minor in Fine Arts. She joined the Patent Corps in 1985 in Art Unit 294, examining in the medical arts area, and became a Primary Examiner in 1991. In 2004 she became the SPE of Art Unit 2912.

Stella received the Department of Commerce Bronze Medal award in 1996, the Office of Civil Rights Honorable Mention Award in 1999 for successfully transitioning from technical support staff to Patent Examining, and the Distinguished Career Award in 2000. She enjoys tennis, racquetball and traveling.

Perry J. Saidman

*SAIDMAN DesignLaw Group
8601 Georgia Ave, Suite 603, Silver Spring, MD 20910
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Perry Saidman is a recognized pioneer in design law. His DC-area law firm specializes in obtaining and enforcing design patents, copyrights in the visual arts, and trade dress for three dimensional product designs. He has been engaged by other litigators as a consultant and expert in dozens of design patent infringement lawsuits involving products as diverse as vacuum cleaners, cameras, bottles, cell phones, type fonts, chocolate candy, electrical connectors, truck hoods, LEDs, lawn furniture, automotive parts, footwear, lighting fixtures, refrigerators, and hair scrunchies.

At the beginning of his career in design law, Perry handled the seminal design patent infringement case of *Avia Group Int'l., Inc. v. L.A. Gear California, Inc.*, 853 F.2d 1557, 7 USPQ2d 1548 (Fed. Cir. 1988). More recently, he authored an *Amicus Curiae* brief on behalf of Apple Inc. in *Egyptian Goddess v. Swisa, Inc.*, 543 F.3d 665 (Fed. Cir. 2008); Apple's brief was the only *amicus* brief cited by the Court in its ground-breaking *en banc* decision.

Perry has a master's degree in electrical engineering from the University of Pennsylvania and received his law degree (with honors) from the George Washington University, where he is now teaching a course in Design Law. He was the founder and first chair of the Industrial Designs Committee of the AIPLA and is presently co-chair of the Design Protection Committee of the Industrial Designers Society of America (IDSA). He is also active on the Design Rights Committee of the Intellectual Property Owners Association (IPO), as well as INTA. He speaks frequently to various bar groups, designer organizations, and internationally to lawyers in Japan and Italy. He has authored many articles on design law, most recently "Egyptian Goddess Exposed! But Not In the Buff(er)...", 90 JPTOS 859 (December, 2008), as well as other *Amicus Curiae* briefs before the Federal Circuit and Supreme Court in design patent cases (*Minka Lighting*, *PHG*, and *Arminak*) that involve core design patent issues such as the ordinary observer test, obviousness and functionality.

Ian Simmons

*Supervisory Patent Examiner, Art Unit 2916
United States Patent and Trademark Office*

Ian Simmons is the Supervisory Patent Examiner for Art Unit 2916 at the United States Patent and Trademark Office. He graduated from the University of Bridgeport in 1990 with a Bachelor of Science degree in Industrial Design. Having worked for several years as a designer in the consumer products and toy industry, he joined the USPTO in 1992 in Art Unit 2904, examining applications in the D24 Medical and Laboratory Equipment arts.

Ian received the Department of Commerce Bronze Medal award in 2004 and USPTO Exceptional Career Award in 2005. He became a primary examiner in 2000 and the SPE of design Art Unit 2916 in 2006.

Fun Fact: He was raised in the island of Bermuda where the skies are blue and the sand is pink. A few of his favorite pastimes are collecting comic books and enjoying Japanese anime.

Joel A. Sincavage

*Design Practice Specialist (Special Programs Examiner/Teaching Quality Assurance Specialist)
Technology Center 2900
United States Patent and Trademark Office*

Originally from Niagara Falls, New York, Mr. Sincavage received a Bachelor of Fine Arts degree from Rochester Institute of Technology in 1971. During a period of four years, he worked as a Package Design Engineer for two different companies. Mr. Sincavage was self-employed for thirteen years operating a full-service graphic design studio. He came to the USPTO in 1989. Mr. Sincavage's responsibilities include: evaluation and monitoring the quality of products and services, providing representation and service to both internal and external customers for the design group and the USPTO; providing the design group with the needed legal and technical training to insure proper and efficient examination of applications and uniformity of practice, and providing legal and technical advice to managers in Technology Center 2900 and the USPTO.

Robert M. Spear

*Supervisory Patent Examiner, Art Unit 2915
United States Patent and Trademark Office*

Rob Spear is the Supervisory Patent Examiner for Art Unit 2915 at the United States Patent and Trademark Office. Prior to this assignment, he was a Design Practice Specialist for Technology Center 2900 (Design Patents). From 1993 to 2007, Rob examined design patent applications in the textile, packaging, tire and advertising arts. Rob participates in the USPTO's semiannual Independent Inventors' Conference, lecturing to the public on design patent practice and application process. Rob has received the Department of Commerce Bronze Medal Award for superior federal service, and the Exceptional Career Award for exceptional performance and service.

Rob is a retired lieutenant colonel in the U. S. Army reserve, having served a successful military career as a military policeman, guitar player, combat engineer officer and medical architect. He received his bachelor of architecture degree from the University of Cincinnati, and is a registered architect. He lives in Burke, Virginia with his wife, Debbie, and until recently with their two adult children, but can almost always be found on weekends at his lodge at Deep Creek Lake, Maryland.

Deborah Stephens

*Director, Office of Data Management
United States Patent and Trademark Office*

Debbie brings an exceptional level of expertise in the areas of pre- and post examination. She joined the USPTO in 1991 and has served with distinction in numerous management positions within the agency. During her career at the USPTO, Debbie has been acting director of Patent Cooperation Treaty (PCT) operations in the Office of Initial Patent Examination and the operations manager in the Office of Patent Publication. In that capacity, she was responsible for the post-allowance processing and issuance of patent grants. Debbie has received the Exceptional Career Award and the Department of Commerce Bronze Medal Award.

Debbie holds a Bachelor of Science degree in early education from George Mason University and a Masters of Arts in human resource management from George Washington University.

Caron D. Veynar

*Supervisory Patent Examiner, Art Unit 2913
United States Patent and Trademark Office*

Caron Veynar is the Supervisory Patent Examiner for Art Unit 2913. She is a graduate of Virginia Commonwealth University.

Louis S. Zarfes

*Design Practice Specialist, Technology Center 2900
United States Patent and Trademark Office*

Lou Zarfes joined the USPTO in 1972 and served as a design patent examiner until 1995. He was a Supervisory Patent Examiner for Art Unit 2914 1995-2008, when he moved to his current position as Design Practice Specialist. Lou has served on career development details with the USPTO Deputy Assistant Commissioner and the Petitions Office (now O.P.L.A.). Lou may be well known to many of us as the longtime editor of the Journal of the Patent & Trademark Office Society from 1986 until 2006.

Lou attended University City High School, 1966, graduated from the M.I.T. School of Architecture in 1970, and received his J.D. from National Law Center at George Washington University in 1984.