

The July 2017 issue of Sterne Kessler's *The Goods on IP* discusses thinking like an Examiner to move prosecution forward, the wide variety of consumer product companies using design patents to protect their valuable product designs, patent exhaustion challenges for consumable parts products, and current design patent PTO litigation statistics.

Sterne Kessler's **Consumer Products** practice is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong IP protection around the world. For more information, please contact **Mark Rygiel** or **Tracy-Gene G. Durkin**.

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Patent Office Litigation, 2nd Edition We Wrote the Book -- Again!

Consumer Product IP Events Calendar

- **August 7, 2017**
Pentair Water Pool and Spa v. Hayward Industries, Inc. (16-2598)
- **August 8, 2017**
Royal Crown Company, Inc. v. The Coca-Cola Company (16-2375)
- **September 5, 2017**
Reynolds Presto Products Inc. v. ITC (17-1027)
- **September 7, 2017**
Ignite USA, LLC v. Camelbak Products, LLC (16-2747)
- **September 19, 2017**
IPO Annual Meeting

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3 Tips For Thinking Like An Examiner To Maximize Your Consumer Products Patent's Shelf Life

By: **Mark W. Rygiel** and Chase Hammond

Due to the relatively short shelf life for some consumer products, it can be important to quickly obtain patent protection for such products. Obtaining patent protection early in the life of such products can help inventors and companies maximize the value of their inventions by stopping competitors and knock-offs.



Understanding the USPTO's patent Examiner count system, and what motivates Examiners to act on an application, can be informative when determining how to efficiently move a patent application to allowance.

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Sports Bras and Tires - What Do They Have In Common?

By: **Tracy-Gene G. Durkin** and Rebekah K. Holtz

Sports bras and tires don't seem to have much in common, but both embody visual designs fashioned to appeal to consumers and both have a particular form of intellectual property— design patents—tailored to protect their appearances.



In fact, design patents covering the visual appearance of sports bras and tires are front and center in two recent intellectual property lawsuits.

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Brewers & Blades: Avoiding Exhaustion in Products with Consumable Parts

By: **Dan A. Gajewski** and **Mark W. Rygiel**

A product with consumable or replaceable parts can be complicated to patent. These kinds of products have a reusable base component and replaceable widgets that work with it. Think razor handles with disposable razor blades, coffee brewers with coffee pods, or table saws with replaceable blades. Sales of the widgets may create a substantial revenue stream, but what's to stop an interloper from copying the widgets and undercutting these continuing sales?

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Design Patent PTO Litigation Statistics (Through July 1, 2017)

By: **Mark W. Rygiel** and Patrick T. Murray

The statistics below reveal the current trends on proceeding breakdowns, institution rates, and outcomes of design patent PTO litigation. Since February 2017, with 13 additional design patent institution decisions the institution rate has remained relatively steady at 40% (from 37%), still significantly lower than the overall institution rate.

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