



Please join us for A Post-Decision Discussion of:

EGYPTIAN GODDESS, INC. V. SWISA, INC.

PANELISTS TO INCLUDE:

PERRY J. SAIDMAN, REPRESENTING AMICUS CURIAE APPLE, INC.
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KEVIN KRAMER, REPRESENTING AMICUS CURIAE FEDERAL CIRCUIT BAR ASSOCIATION
PILLSBURY WINTHROP SHAW PITTMAN LLP

WITH MODERATOR

JOHN JOSEF MOLEND
Jenner & Block LLP
Vice Chair, Patent Litigation Committee

Tuesday, October 7, 2008
12:00 PM EDT

In a landmark decision, the Federal Circuit in *Egyptian Goddess, Inc. v. Swisa, Inc.* set forth a new set of standards for assessing design patent infringement. Overruling nearly 25 years of its precedent, the Federal Circuit held that the "ordinary observer" test is the sole test for conducting a design patent infringement analysis, and that such test should be applied "through the eyes of an observer familiar with the prior art." The Federal Circuit further held that the "point of novelty" test, and its "non-trivial advance" subtest, should no longer be employed. The Court also addressed the respective burdens of the parties in a design patent infringement case and whether district courts should "construe" design patent claims. Join us for a discussion of these issues with several esteemed members of the design patent community, all of whom submitted amicus briefs before the Federal Circuit in this landmark case.

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