



United States Patent and Trademark Office

Developments in Industrial Designs in the United States

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Recent Developments

- u Background - US Design Law
- u Design Patent Activity
- u Progress to Improve Pendency
- u Electronic Processing
- u Geneva Act of the Hague Agreement
- u November 2006 GIPA Program



Background: 35 U.S.C. § 171

- u Whoever invents any new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.



PHG Techs., LLC v. St. John Cos., 469 F.3d 1361 (Fed. Cir. 2006)

“The determination of whether the patented design is dictated by the function of the article of manufacture must ultimately rest on an analysis of its overall appearance.”

FIG. 1

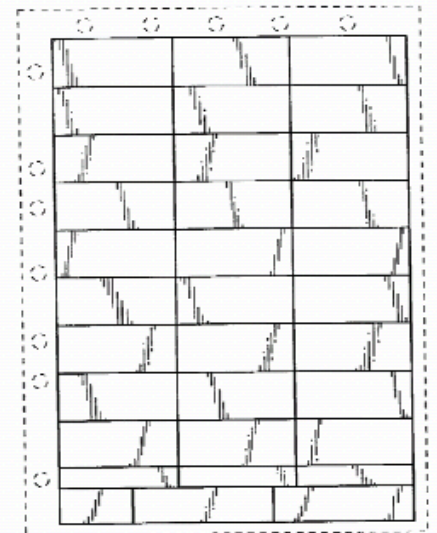
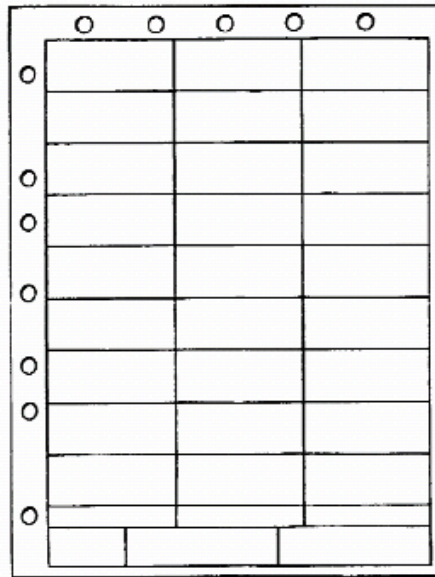
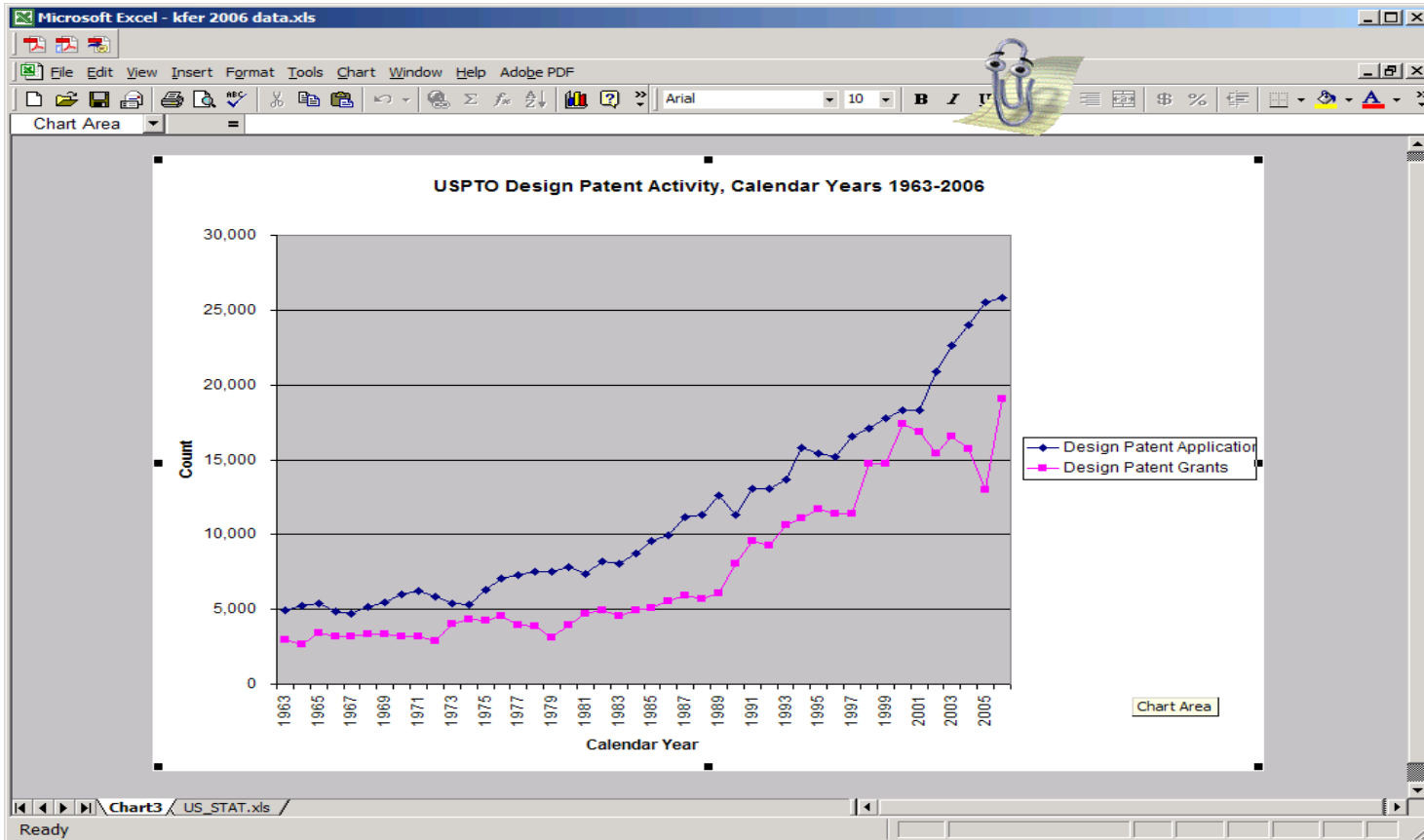


FIG.1



Design Patent Activity Calendar Years 1963-2006





Application Volume

- u Especially active areas:
 - D14 Recording, Communication, or Information Retrieval Equipment 956 applications
 - D06 Furnishings 550 applications
 - D09 Packages And Containers for Goods 513 applications
- u Less Active Areas:
 - D01 Edible Products 24 applications
 - D27 Tobacco And Smokers' Supplies 30 applications
 - D05 Textile Or Paper Yard Goods; Sheet Material 37 applications



2006 Pendency Information

Pending design patent applications, total	40,454
In preexamination processing, total	3,453
Under examination, total	27,552
Undocketed	3,585
Awaiting first action by examiner	19,776
Rejected, awaiting response by applicant	3,387
Amended, awaiting action by examiner	726
In interference	0
On appeal and other	78
In postexamination processing, total	9,449
Awaiting issue fee	4,959
Awaiting printing	4,489
D-10s (secret cases in condition for allowance)	1

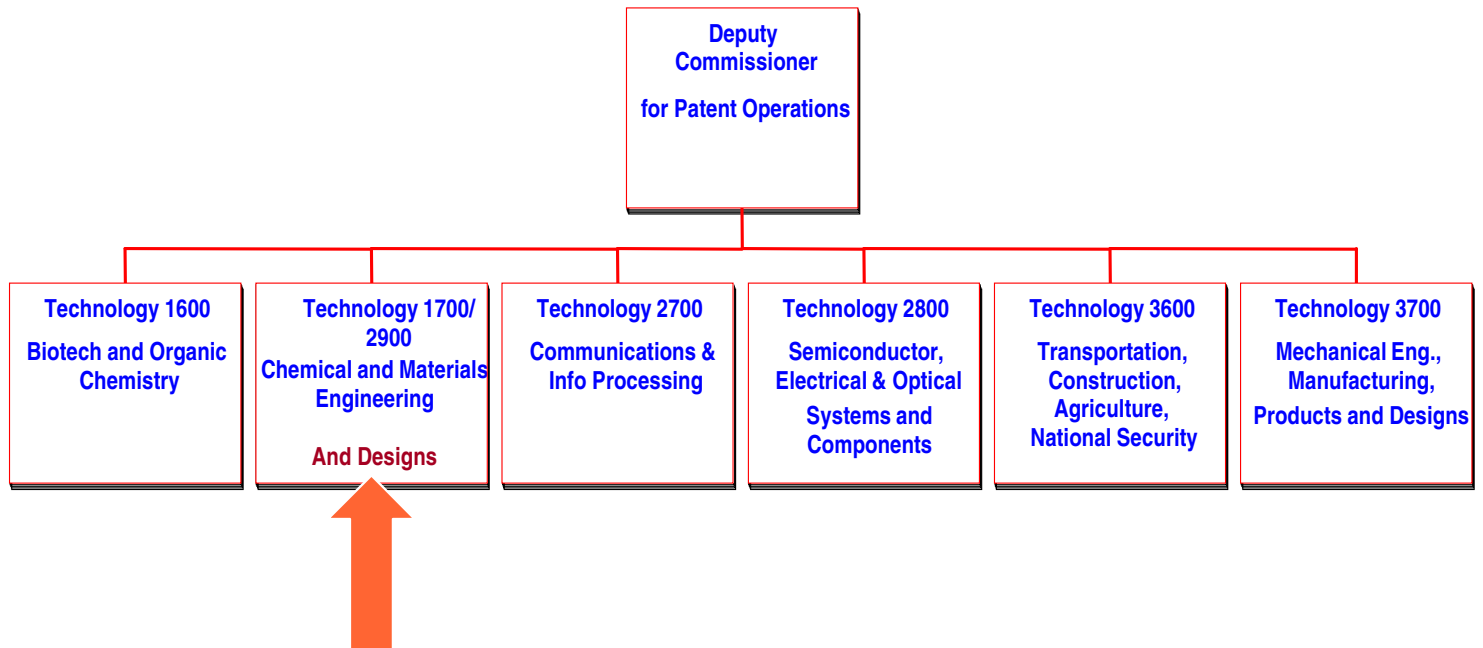


Pendency Information

	2002	2003	2004	2005	2006
Pendency to First Action	7.1	9.4	10.8	12.8	
Pendency to Issue	13.8	14.4	17.3	18.2	
Pendency to Issue / Abandonment	14.5	17.3	18.4		

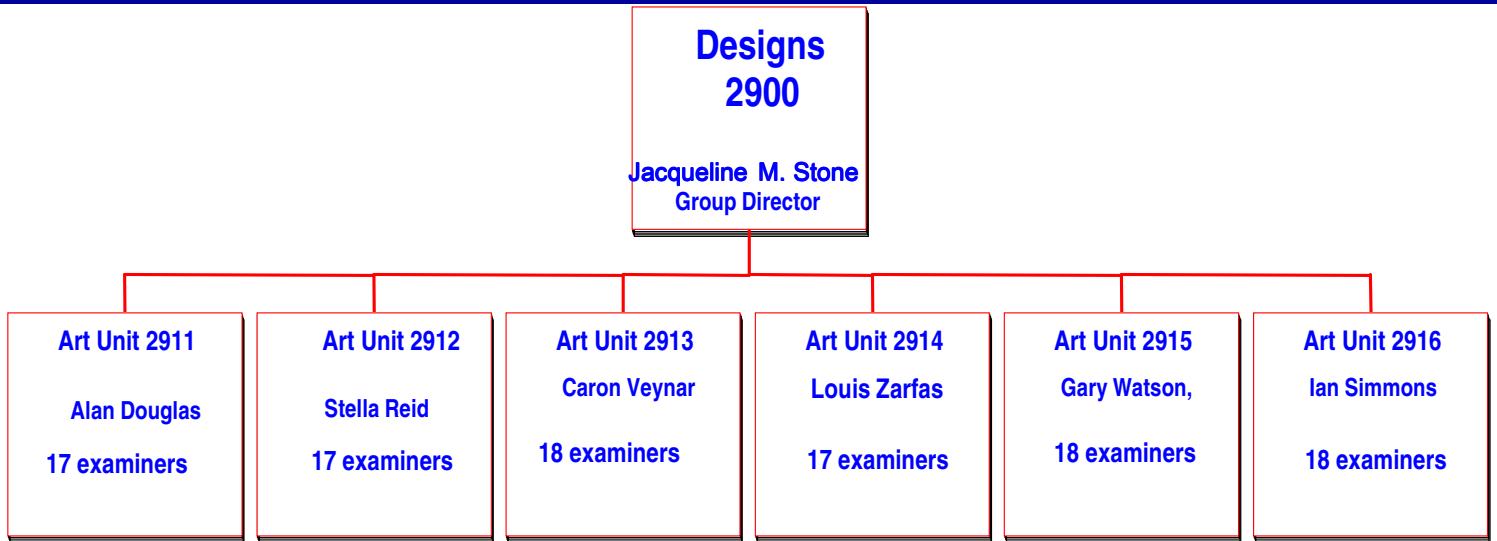


Technology Center Structure





TC 2900 Organization Chart





Progress to Reduce Pendency

- u In 2006, 25 new Design Examiners were hired
- u In 2007, ten more Design Examiners will be hired.
- u The Design Group's examiners are very experienced:
 - over half of design examiners have over three years of examining experience



Electronic Processing

- u Applications are being electronically filed and processed
- u Electronic receipt of drawings and processing of applications will lead to improved quality of drawings

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29/200,271 FLYING SAUCER TOY

Application Data | Transaction History | Image File Wrapper | Published Documents | Fees | Address & Attorney/Agent | Supplemental Content

Bibliographic Data

Application Number:	29/200,271	Customer Number:	-
Filing or 371 (c) Date:	02-25-2004	Status:	Patented Case
Application Type:	-	Status Date:	01-17-2007
Examiner Name:	TUTTLE, CATHERINE A	Location:	ELECTRONIC
Group Art Unit:	2912	Location Date:	-
Confirmation Number:	1702	Earliest Publication No:	-
Attorney Docket Number:	-	Earliest Publication Date:	-
Class / Subclass:	D21/444	Patent Number:	D536,396
First Named Inventor:	Samuel Crane , Glen Cove, NY	Issue Date of Patent:	02-06-2007

Title of Invention: FLYING SAUCER TOY



Electronic Processing

The screenshot shows a Microsoft Internet Explorer browser window displaying a PDF document. The browser title bar reads "PDF viewer - Microsoft Internet Explorer provided by USPTO". The address bar shows "File: 29200271" and "Page No.: 1 of 1 pages". The document content includes:

DocCode - DRW

SCORE Placeholder Sheet for IFW Content

Application Number: 29200271 Document Date: 9/19/2006

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Form Revision Date: August 10, 2006

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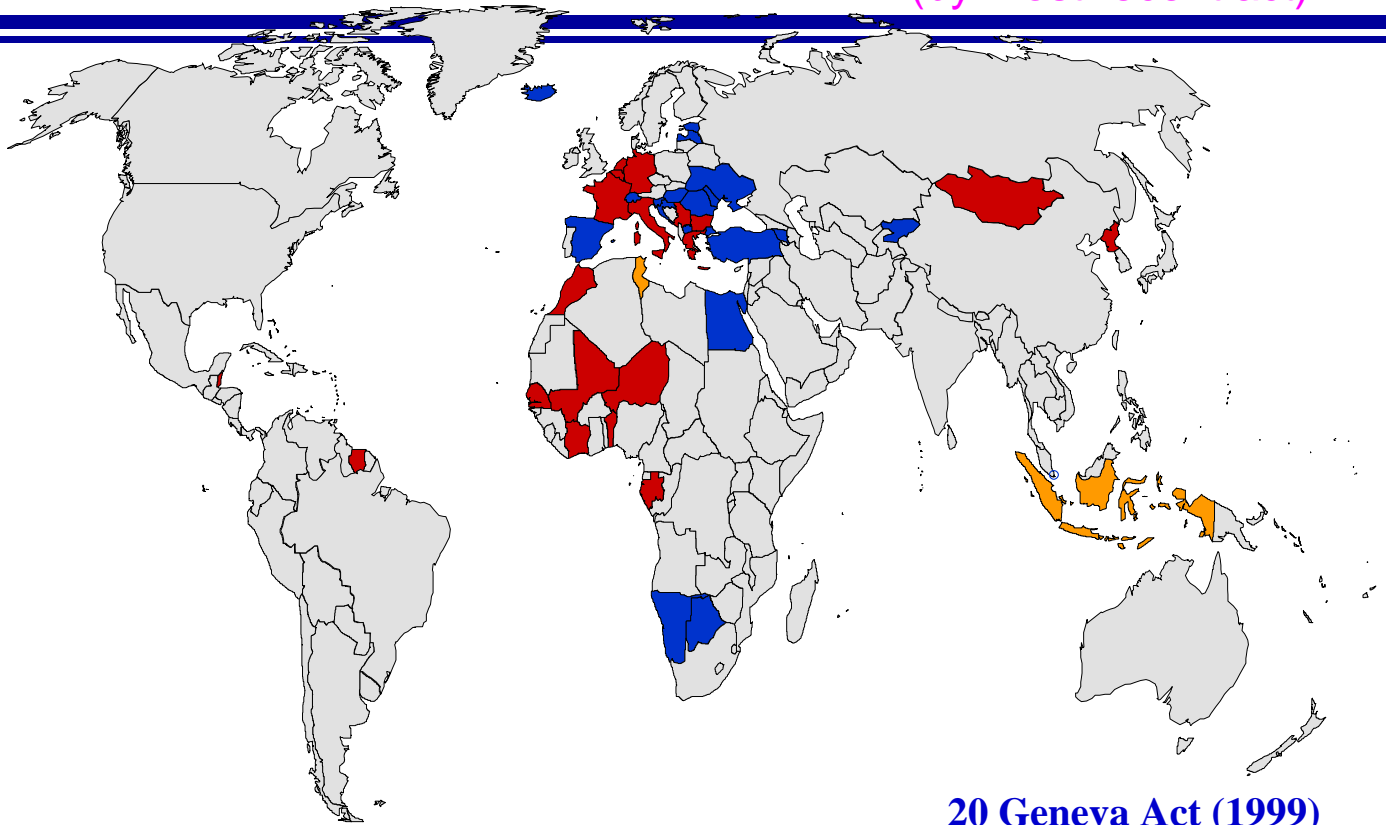
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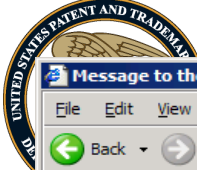
By Most Recent Act

20 Geneva Act (1999)

21 Hague Act (1960)

3 London Act (1934)

Source: Presentation: Current Situation of the Hague System and Prospects for Development, Alan Datri



Message to the Senate of the United States - Microsoft Internet Explorer provided by USPTO

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For Immediate Release
Office of the Press Secretary
November 13, 2006

Message to the Senate of the United States

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Agreement"), adopted in Geneva on July 2, 1999, and signed by the United States on July 6, 1999. I also transmit, for the information of the Senate, a report of the Department of State with respect to the Agreement.

This Agreement promotes the ability of U.S. design owners to protect their industrial designs by allowing them to obtain multinational design protection through a single deposit procedure. Under the Agreement, U.S. design owners would be able to file for design registration in any number of the Contracting Parties with a single standardized application in English at either the U.S. Patent and Trademark Office or at the International Bureau of the World Intellectual Property Organization (WIPO). Similarly, renewal of a design registration in each Contracting Party may be made by filing a single request along with payment of the appropriate fees at the International Bureau of WIPO. This Agreement should make access to international protection of industrial designs more readily available to U.S. businesses.

In the event that the Senate provides its consent to ratify the Agreement, the United States would not deposit its instrument of ratification until the necessary implementing legal structure has been established

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Geneva Act of the Hague Agreement

- u On November 13, 2006, the Bush Administration submitted the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs to the United States Senate for ratification.
- u The treaty was referred to the Senate Committee on Foreign Relations (Treaty No. 109-21).
- u The treaty was printed by the GPO, and is available at:

<http://addison.vt.edu/search/tHague+Agreement+Concerning+the+International+Depos/t Hague+agreement+concerning+the+international+deposit+of+industrial+designs+1925+protocols+etc+1999+july++++2/-3,-1,0,B/browse>



November 2006 Global Intellectual Property Program on Industrial Designs





November 2006 Global Intellectual Property Program on Industrial Designs





Thank you!

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