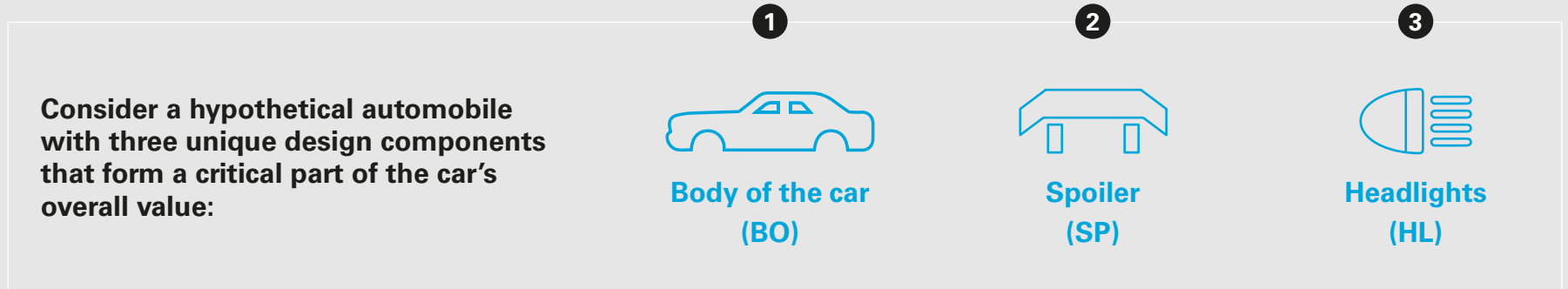


## DESIGN PATENT STRATEGY CONSIDERATIONS: ONE EXAMPLE



This chart below shows the potential benefits and disadvantages of the different patent strategy choices if another car contained at least one infringing design component.

		Benefits	Disadvantages
Breadth of coverage per patent	<b>Single omnibus design patent: BO + SP + HL</b>	<ul style="list-style-type: none"> <li>- Minimized patent prosecution costs</li> <li>- If patent is infringed, the AOM is likely the entire car</li> </ul>	<ul style="list-style-type: none"> <li>- Harder to find infringement unless all three components are infringed (e.g., there is no car if the Spoiler is different, even if the Body and Headlights are the same)</li> </ul>
	<b>Three separate design patents: BO   SP   HL</b>	<ul style="list-style-type: none"> <li>- Easier to find infringement of at least one part (e.g., the Headlights can be infringed even if the Body and Spoiler are not)</li> </ul>	<ul style="list-style-type: none"> <li>- Increased patent prosecution costs (repeated attorney work product and filing fees)</li> <li>- If any patents are infringed, the AOM can't be the entire car so no total profits from the entire car</li> </ul>
Patent robustness	<b>Particularized patents claiming all design details</b>	<ul style="list-style-type: none"> <li>- Highly specific designs are more patentable (i.e., resistant to novelty and obviousness attacks)</li> <li>- Infringement by identical car or close copies is easy to prove</li> </ul>	<ul style="list-style-type: none"> <li>- Multiple alternative designs, or new design iterations, will require new design patents</li> <li>- Easy to design around the patent by changing minor details (e.g., same Body except for hood)</li> </ul>
	<b>Generalized patents claiming major design features</b>	<ul style="list-style-type: none"> <li>- Multiple alternative designs, or new design iterations, can be protected by the same patent</li> <li>- Hard to design around the patent by changing minor details</li> </ul>	<ul style="list-style-type: none"> <li>- Generalized designs are less patentable (i.e., vulnerable to novelty and obviousness attacks)</li> <li>- Infringement by the car copying major features but altering notable but unclaimed features is hard to prove (e.g., layperson jurors likely to see "different" cars if unclaimed grill is changed)</li> </ul>