The Importance of GUI Protection

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A Graphical User Interface (GUI) allows users to interact with graphics appearing on electronic devices such as smartphones, tablets, and netbooks.
A GUI may comprise icons:

- A GUI may also comprise typefaces and type fonts:
  - Typefaces:
    - Broadway
    - Comic Sans
    - Verdana
  - Type fonts:
    - Georgia Bold 24 pt.
    - Book Antiqua Italic 28 pt.
TV Remote Control
US D386,185
(LG Elecs. 1997)

Display Screen with GUI
US D755,211
(LG Elecs. 2016)
GUI Examples
Why are GUIs important?

- In the age of the Internet of Things, well designed GUIs allow users to interact with devices without the need for complicated training.
- GUIs allow for greater efficiency with less skill.
- Functional and ornamental aspects of GUIs have value and are worth protecting.
Apple v. Samsung (N.D. Cal. 2013)

- Apple sued Samsung for utility patent, design patent, and trade dress infringement
- N.D. Cal. jury found in favor of Apple
Case involved home screen GUI

Apple
US D604,305

Samsung
Accused GUI
Case Study: Apple v. Samsung

Apple v. Samsung (N.D. Cal. 2013)

Apple v. Samsung (Fed. Cir. 2015)
Case Study: Apple v. Samsung

Apple v. Samsung (Fed. Cir. 2015)
- Appellate court (Federal Circuit) affirmed utility and design patent infringement
- Appellate court reversed trade dress infringement

Apple
US D604,305

Samsung
Galaxy S

Apple
US D618,677

Apple
US D593,087
Apple v. Samsung (N.D. Cal. 2013)

Apple v. Samsung (Fed. Cir. 2015)

Samsung v. Apple (Supreme Ct. 2016)
Question before the Supreme Court was focused solely on damages.

The Supreme Court held that Section 289 damages analysis involves a two-step analysis:

1. Determine relevant “article of manufacture” to which the infringed design has been applied; and
2. Calculate the infringer’s total profit made on that article of manufacture.

Remanded to the lower court for further proceedings to determine the relevant “article of manufacture.”

It will be interesting to see how this plays out in the GUI context both in this case and in future cases.
• There is limited case law in US (and worldwide) involving GUls
• Nevertheless, GUls are increasingly important in the age of smartphones and the Internet of Things
• As companies continue to rapidly innovate in the GUI space, the need for IP protection to safeguard this investment continues to grow
Thank You!

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