38th SCT: Information Session on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs

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The Importance of GUI Protection

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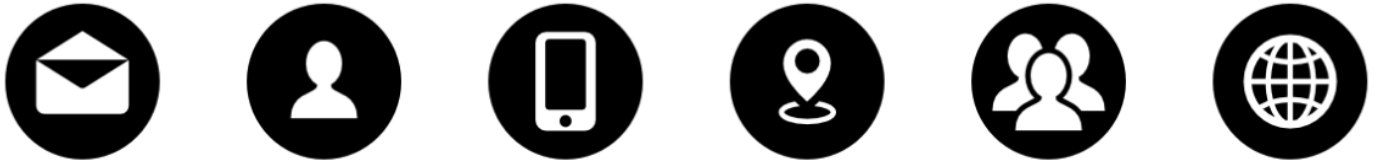
What is a GUI?

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

GUI may comprise icons and typefaces/type fonts

- A GUI may comprise icons:



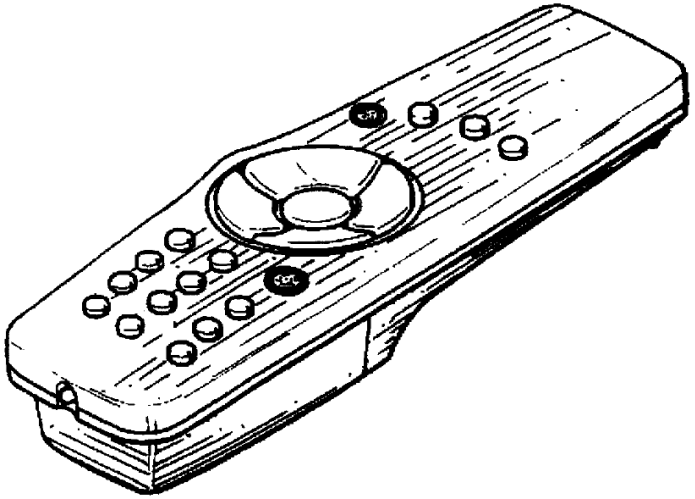
- A GUI may also comprise typefaces and type fonts:
  - Typefaces:

Broadway Comic Sans Verdana

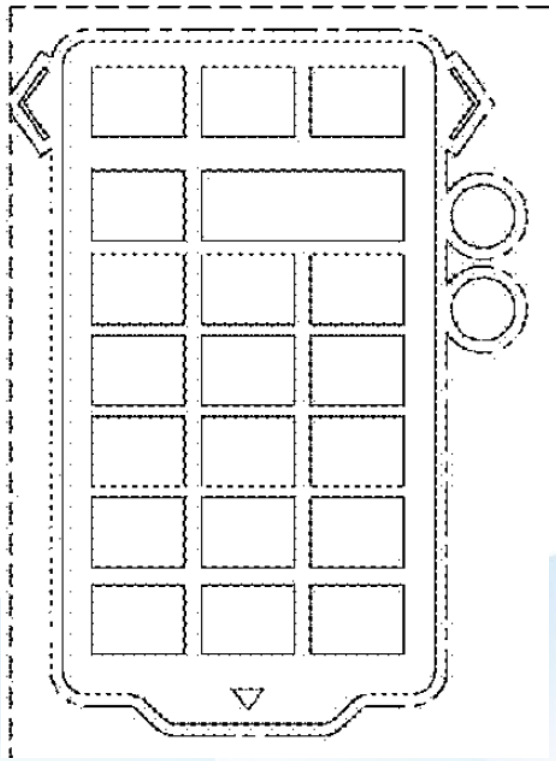
  - Type fonts: **Georgia Bold 24 pt.**

Book Antiqua Italic 28 pt.

GUI as a Virtual Remote Control



TV Remote Control
US D386,185
(LG Elecs. 1997)



Display Screen with GUI
US D755,211
(LG Elecs. 2016)

GUI Examples

GUI Examples

AIPLA GUI Examples

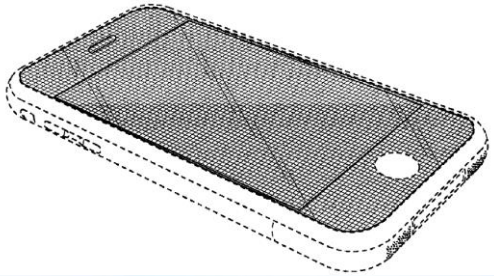
Why are GUIs important?

- 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

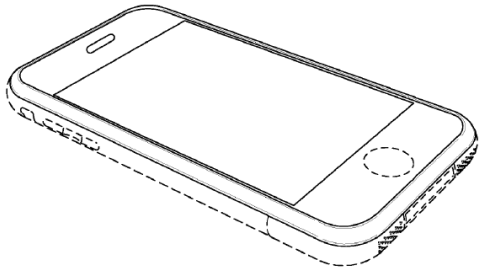
Apple v. Samsung (N.D. Cal. 2013)

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

Apple
US D604,305



Apple
US D618,677



Apple
US D593,087

Samsung
Galaxy S

Case involved home screen GUI

Apple
US D604,305

Samsung
Accused GUI

Case Study: *Apple v. Samsung*

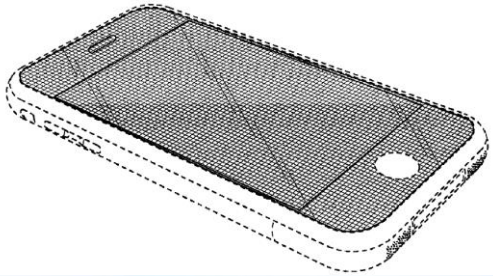
Apple v. Samsung (N.D. Cal. 2013)

Apple v. Samsung (Fed. Cir. 2015)

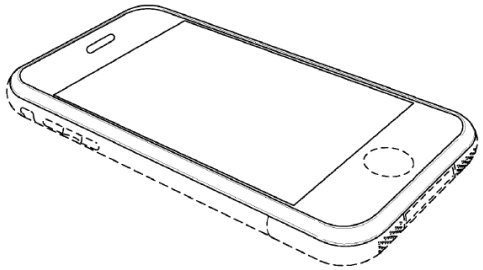
Apple v. Samsung (Fed. Cir. 2015)

- Appellate court (Federal Circuit) affirmed utility and design patent infringement
- Appellate court reversed trade dress infringement

Apple
US D604,305



Apple
US D618,677



Apple
US D593,087

Samsung
Galaxy S

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Samsung v. Apple (Supreme Ct. 2016)

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- Question before the Supreme Court was focused solely on damages
- Supreme Court held that Section 289 damages analysis involves 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 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

Summary

- There is limited case law in US (and worldwide) involving GUIs
- Nevertheless, GUIs 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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