

Law360 Recognizes SurgiSil Among Biggest Patent Cases of 2021

December 15, 2021 Alan Herda, Vera Suarez, Angela Oliver, Debbie McComas, Russ Emerson

PRACTICES Intellectual Property, Patents, Patent Litigation, Patent Office Trials, Intellectual Property Litigation, Appellate, Federal Circuit Practice

Law360 this week selected a case handled by Haynes Boone, *In re SurgiSil*, among the most noteworthy patent cases in 2021. Dallas Partners [Alan Herda](#) and [Vera Suarez](#) were the lead patent attorneys for SurgiSil in the case. Washington, D.C., Associate [Angela Oliver](#) was the lead appellate lawyer in the case and argued before the Federal Circuit; Angela was supported by Dallas IP Litigation Partners [Debbie McComas](#) and [Russ Emerson](#).

The Haynes Boone team secured a win on behalf of SurgiSil, convincing the Court of Appeals for the Federal Circuit to reverse the Patent Office's rejection of a design patent claim for a lip implant. This ruling clarified that the scope of a design patent claim is limited to the article of manufacture identified in the claim, and overturned Patent Office precedent regarding design patent anticipation.

Here is an excerpt of the *Law360* article:

In this [October ruling](#), the Federal Circuit reversed a PTAB ruling that a SurgiSil design patent on a lip injection alternative device was anticipated by an art tool, ruling that the two devices are from completely different industries. The USPTO has long said it doesn't matter if a prior art reference was from a different field, so "this is going to make it easier to obtain design patents for sure"

The case is *In re: SurgiSil LLP*, case number 20-1940, in the U.S. Court of Appeals for the Federal Circuit.

To read the full article, click [here](#).