

Haynes Boone Secures Favorable Design Patent Ruling for Client SurgiSil

October 5, 2021 Alan Herda, Vera Suarez, Angela Oliver, Debbie McComas, Russ Emerson

PRACTICES Patent Office Trials, Federal Circuit Practice, Patents

A Haynes Boone team secured a win yesterday on behalf of SurgiSil, LLP, convincing the Court of Appeals for the Federal Circuit that a design patent application for a lip implant should not have been rejected by the U.S. Patent and Trademark Office (USPTO), despite the Patent Trial and Appeal Board (PTAB) affirming the rejection.

The Federal Circuit's ruling is significant because it clarifies the scope of a design patent claim, confirming that a design claim is limited to the article of manufacture identified in the claim.

The ruling has received widespread coverage, including in [Bloomberg](#) and [Law360](#).

Dallas Partners [Alan Herda](#) and [Vera Suarez](#) were the lead patent attorneys. 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](#).

Haynes Boone's Patents Practice Group provides clients with a full range of services to protect and profit from their intellectual property. Lawyers in the group have filed more than 19,000 applications in the U.S. and abroad in the past five years, offering clients sophisticated counseling and portfolio management, as well as representation in post-grant proceedings at the U.S. Patent and Trademark Office (USPTO), litigation in federal courts and cases before the U.S. International Trade Commission (ITC). In 2021, *Chambers USA*, Chambers & Partners, recognized Haynes Boone as "particularly esteemed for its USPTO practice," and *Intellectual Asset Management*, Globe White Page Ltd, included 14 partners in the firm among their Patent 1000 list of top IP lawyers in the world.

Haynes Boone is an international corporate law firm with offices in Texas, New York, California, Charlotte, Chicago, Denver, Washington, D.C., London, Mexico City, and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With more than 600 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by *The National Law Journal*, *The American Lawyer* and *The Lawyer*. It was recognized for excellence in the BTI Consulting Group's 2021 "A-Team" report, which identifies the law firms that in-house counsel commend for providing superior client service.

The following publications reported on the win:

[Life Sciences IP Review](#)