



USPTO TO SUSPEND EXPEDITED EXAMINATION FOR DESIGN PATENTS

The United States Patent and Trademark Office (USPTO) recently announced that it will suspend expedited examination for design patent applications effective April 17, 2025. The USPTO is implementing this suspension to restore efficiency and fairness across the patent system.

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WHAT THIS MEANS
FOR YOUR BUSINESS

USPTO To Suspend Expedited Examination for Design Patents: What This Means for Your Business

The United States Patent and Trademark Office (USPTO) recently announced that it will suspend expedited examination for design patent applications effective April 17, 2025. The agency states, this significant procedural change arises primarily due to an unprecedented surge in expedited examination requests, which has strained resources and delayed the processing of all design applications. Additionally, a rise in erroneous micro-entity filings, often made by entities that do not qualify for reduced fees, has exacerbated these challenges. To address these issues, the USPTO is implementing this suspension to restore efficiency and fairness across the patent system.

According to the USPTO, this suspension serves a dual purpose. First, it aims to reduce the backlog of design patent applications, ultimately benefiting all applicants through more predictable processing timelines. Second, it addresses the issue of incorrect micro-entity certifications, which have led to administrative burdens and financial shortfalls due to improper fee reductions. By pausing expedited examinations, the USPTO seeks to streamline its processes and improve overall service quality, ensuring that legitimate applicants receive timely and accurate examination of their design patents.

While expedited examination previously allowed for quicker resolution of design patents, its suspension necessitates strategic adjustments from businesses. Companies must proactively plan their intellectual property filings accordingly to accommodate

potentially longer examination periods. Understanding the nuances and value of design patents is now more important than ever to leverage these critical IP tools effectively.

Design Patents and the Subject Matter Covered

Design patents protect the unique ornamental characteristics of an article of manufacture. Unlike utility patents, which protect functional aspects of inventions, design patents specifically cover visual attributes, including shape, configuration, surface ornamentation, and aesthetic features. These characteristics must be non-functional and purely ornamental to qualify for design patent protection.

The subject matter eligible for design patent protection is broad and includes items ranging from consumer electronics and fashion accessories to medical devices and furniture designs. Industries heavily reliant on visual differentiation, such as fashion and consumer goods, particularly benefit from design patent protections. The ornamental aspects protected under design patents provide businesses with powerful means to safeguard their distinctive product appearances.

To obtain a design patent, the design must be new, non-obvious, and not dictated by functional considerations. The application process involves submitting clear and precise drawings illustrating different perspectives the claimed design. Once granted, design patents have a term of 15

years from the date of issuance, during which the patent holder has exclusive rights to prevent others from making, using, or selling products embodying the patented design.¹

The Value of Design Patents

Design patents constitute significant assets within any intellectual property portfolio. They enable companies to differentiate their products visually in competitive markets,

potentially increasing consumer recognition and brand loyalty. Protecting the unique visual aspects of products through design patents not only enhances market positioning but also adds value to the intangible assets of businesses by creating enforceable intellectual property rights.

For example, U.S. Design Patent No. D544,193, owned by J. Choo Limited, protects the ornamental design of a double strap pump.

(12) United States Design Patent		(10) Patent No.:	US D544,193 S
Choi		(45) Date of Patent:	** Jun. 12, 2007
(54) SHOE		D530,900 S * 10/2006 Choi	D2/971
(75) Inventor: Sandra Choi, London (GB)		D531,785 S * 11/2006 Choi	D2/926
(73) Assignee: J. Choo. (Jersey) Limited, St. Helier, Jersey (GB)		OTHER PUBLICATIONS	
(**) Term: 14 Years		J. Choo (Jersey) Limited, Marly. Spring/Summer 2004 catalogue (published Jul. 2003).	
(21) Appl. No.: 29/255,762		J. Choo (Jersey) Limited, Kate, from Cruise 2003 catalogue.	
(22) Filed: Mar. 10, 2006		U.S. Appl. No. 29/255,766, filed on Mar. 10, 2006.	
(30) Foreign Application Priority Data		U.S. Appl. No. 29/255,760, filed on Mar. 10, 2006.	
Sep. 12, 2005 (EM) 000402748-0030		U.S. Appl. No. 29/263,196, filed on Jul. 17, 2006.	
(51) LOC (8) CL. 02-99		* cited by examiner	
(52) U.S. CL. D2/971		Primary Examiner—Dominic Simone	
(58) Field of Classification Search D2/925-942, D2/971		(74) Attorney, Agent, or Firm—Frous Zelnick Lehrman & Zissu, P.C.; Lawrence E. Apolzon, Esq.	
See application file for complete search history.		(57) CLAIM	
(56) References Cited		The ornamental design for a shoe, as shown and described.	
U.S. PATENT DOCUMENTS		DESCRIPTION	
D86,796 S * 4/1932 Miller D2/939		FIG. 1 is a front perspective view of a shoe showing my new design;	
D118,489 S * 1/1940 Edelstein D2/930		FIG. 2 is a left side view of the shoe shown in FIG. 1;	
D142,507 S * 10/1945 Wolock D2/927		FIG. 3 is a right side view of the shoe shown in FIG. 1;	
D158,390 S * 5/1950 Lakow D2/930		FIG. 4 is a front view of the shoe shown in FIG. 1; and,	
D201,665 S 7/1965 Levine		FIG. 5 is a top view of the shoe shown in FIG. 1.	
D253,498 S * 11/1979 Katz D2/930		The broken line showing of the sole, heel, heel cap, buckles, and portion of the upper is for illustrative purposes only and forms no part of the claimed design.	
D278,948 S * 5/1985 Foldes D2/932		1 Claim, 5 Drawing Sheets	
D279,518 S * 7/1985 Foldes D2/932			
D503,032 S 3/2005 Choi			
D530,070 S * 10/2006 Choi D2/971			



Figure 1- J. Choo Limited

Additionally, design patents can serve as vital assets during licensing negotiations or partnerships. Businesses can monetize their design patents through licensing agreements, providing additional revenue streams. In

cases of mergers or acquisitions, well-maintained design patent portfolios increase the overall valuation of a business, highlighting the strategic and financial importance of design patents.

<p>(12) United States Design Patent Lavigne et al.</p>	<p>(10) Patent No.: US D737,522 S (45) Date of Patent: ** Aug. 25, 2015</p>																																																																																																
<p>(54) LIPSTICK CASE</p> <p>(71) Applicant: River Light V, L.P., New York, NY (US)</p> <p>(72) Inventors: Chad Lavigne, New York, NY (US); Tory Burch, New York, NY (US)</p> <p>(73) Assignee: River Light V, L.P., New York, NY (US)</p> <p>(**) Term: 14 Years</p> <p>(21) Appl. No.: 29/471,291</p> <p>(22) Filed: Oct. 30, 2013</p> <p>(51) LOC (10) CL 28-03</p> <p>(52) U.S. CL USPC D28/85; D28/83; D28/76; D9/567; D9/418</p> <p>(58) Field of Classification Search USPC D28/85-90, 91.1, 76, 77, 4, 5, 7, 9, 73, D28/99; D4/135; 132/317, 318, 320; 206/823, 581, 385; 401/68, 88, 98, 401/126, 127, 128, 12, 129, 130; D9/680, D9/695, 686, 688, 689, 690, 692, 693, 719, D9/503, 504, 529, 552, 565, 569, 424, 435, D9/444, 451, 429, 428, 499, 556, 453, 567, D9/418; D6/514, 517, 559; D3/20, 21, 28, D3/203.1, 203.2, 203.3, 203.5, 203.8, 205, D3/206, 212, 218, 228, 229, 903, 302, D3/304; D27/190, 193, 144, 110, 105, D27/183; D7/515, 545, 625, 624.1, 624.2, D7/624.3, 319; D1/121, 127; D23/335, D23/366; D14/250; D11/79 CPC . A45D 33/12; A45D 34/00; A45D 2034/005; A45D 2034/002; A45D 2034/007; A45D 34/02; A45D 34/04; A45D 34/041-34/048; A45D 34/06; A45D 40/261; A45D 40/26 See application file for complete search history.</p>	<p>(56) References Cited U.S. PATENT DOCUMENTS</p> <table border="0"> <tr><td>D154,978 S</td><td>*</td><td>8/1949</td><td>Baud</td><td>.....</td><td>D9/432</td></tr> <tr><td>D155,445 S</td><td>*</td><td>10/1949</td><td>Orenick</td><td>.....</td><td></td></tr> <tr><td>D170,362 S</td><td>*</td><td>9/1953</td><td>Opler</td><td>.....</td><td>D1/121</td></tr> <tr><td>D182,989 S</td><td>*</td><td>6/1958</td><td>Cesaro</td><td>.....</td><td>D9/424</td></tr> <tr><td>D192,888 S</td><td>*</td><td>5/1962</td><td>Levkoff</td><td>.....</td><td>D9/424</td></tr> <tr><td>D229,850 S</td><td>*</td><td>1/1974</td><td>Loortz</td><td>.....</td><td>D11/79</td></tr> <tr><td>D238,250 S</td><td>*</td><td>12/1975</td><td>Sauer, Jr.</td><td>.....</td><td>D9/756</td></tr> <tr><td>D275,836 S</td><td>*</td><td>10/1984</td><td>Forbes, Jr.</td><td>.....</td><td>D9/418</td></tr> <tr><td>D298,363 S</td><td>*</td><td>11/1988</td><td>Freeman</td><td>.....</td><td></td></tr> <tr><td>D307,815 S</td><td>*</td><td>5/1990</td><td>Parri et al.</td><td>.....</td><td>D1/127</td></tr> <tr><td>D308,585 S</td><td>*</td><td>6/1990</td><td>Wang</td><td>.....</td><td></td></tr> <tr><td>D308,951 S</td><td>*</td><td>7/1990</td><td>Rack</td><td>.....</td><td>D11/79</td></tr> <tr><td>D368,328 S</td><td>*</td><td>3/1996</td><td>Wacker</td><td>.....</td><td></td></tr> <tr><td>D407,308 S</td><td>*</td><td>3/1999</td><td>Driscoll</td><td>.....</td><td>D9/432</td></tr> <tr><td>D411,685 S</td><td>*</td><td>6/1999</td><td>Thomas</td><td>.....</td><td>D5/1</td></tr> <tr><td>D416,442 S</td><td>*</td><td>11/1999</td><td>Gilchrist</td><td>.....</td><td>D7/409</td></tr> </table> <p>(Continued)</p> <p>Primary Examiner — Marianne Pandozzi Assistant Examiner — Joe Liang (74) Attorney, Agent, or Firm — Kilpatrick Townsend & Stockton LLP</p> <p>(57) CLAIM The ornamental design for a lipstick case, as shown and described.</p> <p>DESCRIPTION</p> <p>FIG. 1 is a perspective view of a lipstick case showing my new design; FIG. 2 is a front view thereof; FIG. 3 is a right side view thereof, the left side view being a mirror image; FIG. 4 is a rear view thereof; FIG. 5 is a top view thereof; and, FIG. 6 is a bottom view thereof. The broken line showing in the figure drawings are included for the purpose of illustration and form no part of the claimed design.</p> <p>1 Claim, 5 Drawing Sheets</p>	D154,978 S	*	8/1949	Baud	D9/432	D155,445 S	*	10/1949	Orenick		D170,362 S	*	9/1953	Opler	D1/121	D182,989 S	*	6/1958	Cesaro	D9/424	D192,888 S	*	5/1962	Levkoff	D9/424	D229,850 S	*	1/1974	Loortz	D11/79	D238,250 S	*	12/1975	Sauer, Jr.	D9/756	D275,836 S	*	10/1984	Forbes, Jr.	D9/418	D298,363 S	*	11/1988	Freeman		D307,815 S	*	5/1990	Parri et al.	D1/127	D308,585 S	*	6/1990	Wang		D308,951 S	*	7/1990	Rack	D11/79	D368,328 S	*	3/1996	Wacker		D407,308 S	*	3/1999	Driscoll	D9/432	D411,685 S	*	6/1999	Thomas	D5/1	D416,442 S	*	11/1999	Gilchrist	D7/409
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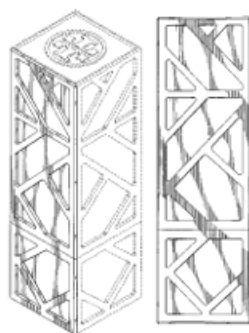


Figure 2 - Small goods such as sunglasses and lipstick cases are often licensed for manufacturing and distribution by fashion brands.

A comprehensive strategy incorporating design patents can significantly enhance a company's market strength. By clearly defining and securing rights to unique product aesthetics, businesses can

effectively deter potential competitors from copying or closely imitating their designs. This protection supports long-term market leadership and sustained profitability.

How Design Patents Bolster an Intellectual Property Portfolio

Integrating design patents within a broader intellectual property strategy ensures comprehensive protection. When combined with utility patents, trademarks, and copyrights, design patents fill potential gaps in protection by specifically safeguarding ornamental designs that may not be adequately protected by other intellectual property types. This holistic approach provides layered defenses against infringement.

A diverse intellectual property portfolio enhances a company's resilience against competitive threats. For instance, a utility patent might protect the functionality of an innovation, while a design patent simultaneously secures its distinctive visual identity. This dual-layered approach prevents competitors from easily creating derivative products that skirt functional patent protections while copying visual elements.

Furthermore, maintaining a diversified portfolio that includes design patents can boost investor confidence. Investors often look favorably upon businesses with robust intellectual property portfolios, recognizing that strong IP protections represent a proactive approach to market competition and risk management. Thus, design patents can play a critical role in demonstrating a company's commitment to innovation and market dominance.

Using Design Patents to Protect Innovative Designs from Would-Be Competitors

Design patents offer an effective legal tool to protect unique product designs from competitor imitation. Once secured, these

patents enable businesses to enforce their rights against infringing entities that seek to replicate the ornamental aspects of their products. By clearly defining the boundaries of protection, design patents can prevent competitors from producing products that substantially resemble patented designs. Notably, the landmark Apple v. Samsung infringement cases were squarely focused on design patent infringement.ⁱⁱ

Strategic enforcement of design patents can significantly enhance a company's competitive edge. Businesses actively enforcing their design patents send a clear signal to the market that infringement will not be tolerated, thereby deterring potential competitors from unauthorized copying. Infringement lawsuits and cease-and-desist actions can serve as powerful tools to protect market share and uphold brand reputation.

Moreover, design patents may provide substantial leverage in negotiations and settlements. Often, the mere existence of enforceable intellectual property, including design patents, prompts competitors to avoid costly litigation by negotiating licensing deals or altering their designs. This proactive defense mechanism ensures sustained product differentiation and long-term market success.

The Effectiveness of Design Patents with Other IP Assets

While design patents are powerful standalone assets, their effectiveness significantly increases when combined strategically with other intellectual property rights. Coordinating design patents with trademarks enhances brand identity protection, enabling businesses to simultaneously secure the visual aesthetics and associated branding of their products.

David Yurman effectively employs this approach in protecting its corded design. While the design patent has an expiration date, the registration covering trade dress does not. The design patent can be an

effective tool to cover the ornamental part of a design while a distinctive design characteristic acquires distinctiveness in the minds of consumers.

<p>(12) United States Design Patent Yurman</p> <p>(54) ARTICLE OF JEWELRY</p> <p>(76) Inventor: David Yurman, 24 Vestry St., New York, NY (US) 10013</p> <p>(**) Term: 14 Years</p> <p>(21) Appl. No.: 29/243,529</p> <p>(22) Filed: Nov. 28, 2005</p> <p>Related U.S. Application Data</p> <p>(62) Division of application No. 29/214,256, filed on Sep. 30, 2004, now Pat. No. Des. 523,370.</p> <p>(51) LOC (8) CL. 11-01</p> <p>(52) U.S. CL. D11/3; D11/13; D11/40</p> <p>(58) Field of Classification Search D11/3-8, D11/13, 20, 26-40, 86, 91, 92; 63/15, 15.1-15.4, 63/15.45, 15.5-15.6, 15.65, 15.7-15.9, 26-28 See application file for complete search history.</p> <p>(56) References Cited U.S. PATENT DOCUMENTS</p> <table border="0"> <tr><td>D12,370 S</td><td>*</td><td>7/1881 Wallace</td><td>.....</td><td>D11/20</td></tr> <tr><td>D39,049 S</td><td>*</td><td>2/1908 Scullin</td><td>.....</td><td>D11/35</td></tr> <tr><td>D128,297 S</td><td>*</td><td>7/1941 Healy</td><td>.....</td><td>D11/5</td></tr> <tr><td>D199,537 S</td><td>*</td><td>11/1964 Sklar</td><td>.....</td><td>D11/39</td></tr> <tr><td>D276,321 S</td><td>*</td><td>11/1984 Bulgari</td><td>.....</td><td>D11/3</td></tr> <tr><td>D281,957 S</td><td>*</td><td>12/1985 Bulgari</td><td>.....</td><td>D11/3</td></tr> <tr><td>D291,869 S</td><td>*</td><td>9/1987 Bulgari</td><td>.....</td><td>D11/4</td></tr> <tr><td>D371,314 S</td><td>*</td><td>7/1996 Yurman</td><td>.....</td><td>D11/3</td></tr> <tr><td>D438,813 S</td><td>*</td><td>3/2001 Yellen</td><td>.....</td><td>D11/3</td></tr> </table> <p>* cited by examiner</p>	D12,370 S	*	7/1881 Wallace	D11/20	D39,049 S	*	2/1908 Scullin	D11/35	D128,297 S	*	7/1941 Healy	D11/5	D199,537 S	*	11/1964 Sklar	D11/39	D276,321 S	*	11/1984 Bulgari	D11/3	D281,957 S	*	12/1985 Bulgari	D11/3	D291,869 S	*	9/1987 Bulgari	D11/4	D371,314 S	*	7/1996 Yurman	D11/3	D438,813 S	*	3/2001 Yellen	D11/3	<p>(10) Patent No.: US D529,834 S</p> <p>(45) Date of Patent: ** Oct. 10, 2006</p> <p><i>Primary Examiner—Ian Simmons</i> <i>Assistant Examiner—Melanie Levy</i></p> <p>(74) <i>Attorney, Agent, or Firm—Torys LLP</i></p> <p>(57) CLAIM</p> <p>The ornamental design for an article of jewelry, as shown and described.</p> <p>DESCRIPTION</p> <p>FIG. 1 is a perspective view from the front and right side of the article of jewelry; FIG. 2 is a perspective view from the front and left side thereof; FIG. 3 is a top plan view thereof, the view being substantially identical regardless of what point along the circumference the article of jewelry is viewed; FIG. 4 is a right side view thereof; FIG. 5 is a left side view thereof; FIG. 6 is a top plan view thereof; FIG. 7 is a perspective view from the front and right side of a second embodiment of the article of jewelry; FIG. 8 is a perspective view from the front and left side of FIG. 7; FIG. 9 is a top plan view of FIG. 7, the view being substantially identical regardless of what point along the circumference the article of jewelry is viewed; FIG. 10 is a right side view of FIG. 7; and, FIG. 11 is a left side view of FIG. 7; and, FIG. 12 is a top plan view of FIG. 7. The dotted outline showing of diamonds arranged along the outer circumferential side of the article of jewelry in FIGS. 1-12 and the dotted outline showing of a clasp in FIGS. 1-6 is provided for environmental purposes and forms no part of the claimed design.</p> <p>1 Claim, 4 Drawing Sheets</p>
D12,370 S	*	7/1881 Wallace	D11/20																																										
D39,049 S	*	2/1908 Scullin	D11/35																																										
D128,297 S	*	7/1941 Healy	D11/5																																										
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D371,314 S	*	7/1996 Yurman	D11/3																																										
D438,813 S	*	3/2001 Yellen	D11/3																																										



Figure 3 - US D529,834 Article of Jewelry by David Yurman

United States of America

United States Patent and Trademark Office



Reg. No. 5,025,164

Registered Aug. 23, 2016

Int. Cl.: 14

Trademark

Principal Register

David Yurman IP LLC (DELAWARE LIMITED LIABILITY COMPANY)
24 Vestry Street
New York, NY 10013

CLASS 14: Jewelry; bracelets

FIRST USE 00-00-1985; IN COMMERCE 00-00-1985

The mark consists of an open twisted-cable bracelet design. At each end is a neck with a diamond-shaped element on the top and oval-shaped elements on the sides. In between the diamond-shaped and oval-shaped elements are two raised beads positioned in an axis parallel to that of the longer axis of the oval. The neck is bordered on each side by two thin circular bands. The portions of the bracelet shown in broken lines are intended solely to indicate the positioning of the mark and are not part of the mark. Further, the materials from which the design is made are not a feature of the mark.

OWNER OF U.S. REG. NO. 4655095

SEC.2(F)

SER. NO. 86-684,126, FILED 07-06-2015
DAVID T MURRAY, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Figure 4 - U.S. Trademark Registration No. 5,025,164 owned by David Yurman IP LLC

This cohesive approach offers enhanced market protection that can be perpetual as long as the design is being used in commerce and serves as a source identifier.

Similarly, pairing design patents with utility patents strengthens comprehensive protection of inventions. While utility patents guard the functional innovations, design patents safeguard the ornamental appeal, ensuring competitors cannot easily bypass protections through minor functional alterations. This synergy solidifies a robust protective barrier against infringement.

In industries such as fashion and consumer electronics, where aesthetic innovation drives consumer preferences, the integration of design patents with copyrights is also highly effective. Copyright protection can complement design patents by safeguarding graphic elements and artistic aspects, providing a multifaceted defense against imitation and unauthorized reproduction.

The Timeline for Design Patents without Expedited Examination

With the suspension of expedited examination, businesses should anticipate longer timelines for design patent issuance. Currently, the average pendency period for design patents without expedited processing typically ranges from 12 to 24 months. This timeline may extend further due to the increased application volumes and administrative scrutiny following the recent changes.

Given these longer timelines, early strategic planning for design patent filings becomes essential. Companies should prioritize filing design patent applications as early as possible during product development to ensure timely protection upon product launch. Proactive engagement with qualified patent counsel can facilitate efficient preparation and filing processes, mitigating the impacts of longer examination periods.

Additionally, ensuring accuracy and compliance in applications, particularly regarding micro-entity certification, is crucial. Accurate filings help avoid processing delays and administrative hurdles, further reducing the potential impact of the extended examination timeline. Companies must invest in thorough due diligence to verify eligibility criteria,

thus facilitating smoother patent prosecution and ensuring timely issuance.

While the USPTO's recent suspension of expedited examination for design patents introduces new challenges, informed and proactive businesses can adapt and thrive by strategically incorporating design patents into their overall intellectual property approach. Protecting your innovations through thoughtful use of design patents remains essential to maintaining a strong competitive position, even amid longer examination periods. If you have questions about how design patents can specifically benefit your business or need expert guidance on integrating design protection into your broader IP strategy, please contact Robyn T. Williams at DevlinLawFirm.com. We're here to help you secure and enhance the value of your intellectual property assets.



ⁱ The term of a utility patent on an application filed on or after June 8, 1995 is 20 years measured from the U.S. filing date; or if the application contains a specific reference to an earlier application under 35 U.S.C. 120, 121, 365(c), or 386(c), 20 years from the date on which the earliest such application was filed, while the term of a design patent is 15 years measured from the date of grant, if the design application was filed on or after May 13, 2015 (or 14 years if filed before May 13, 2015). (See 35 U.S.C. 173 as amended under section 102 of the Patent Law Treaties Implementation Act, 126 Stat. at 1531-32).

ⁱⁱ Apple's U.S. Design Patent Nos. D593,087 ("D'087") and D618,677 ("D'677"), which covered minimalist rectangular smartphone designs embodied in its earlier iPhone models, featuring large rectangular displays, rounded corners, minimal ornamentation, and a circular button and rectangular speaker slot on the front face were among the patents asserted against Samsung. The D'087 patent specifically claimed a bezel surrounding the perimeter of the phone's front face, while the D'677 patent claimed a polished, reflective black surface extending over the entire front face without a bezel.