

CoCounsel Release Notes:

7/17/24

Resources:

Our Help Articles provide robust resources on how to optimize CoCounsel. We strongly encourage users to read these articles, as they provide detailed information with video walkthroughs and more step-by-step guidance. **You can access Help Articles [here](#). You can also access video tutorials [here](#).**

Released: New Skill - Ask Practical Law

For customers who are CoCounsel Core and Practical Law subscribers, you now have the option to ask for guidance and tools for day-to-day legal work in the CoCounsel application through the Practical Law product. The "Ask Practical Law" feature integrates CoCounsel's chat interface with Practical Law's resources, including practice notes, standardized documents and clauses, checklists, legal updates, and toolkits.

Step 1: Enter your legal guidance prompt in CoCounsel chat, invoke "Ask Practical Law AI"

From CoCounsel chat, enter in a legal guidance prompt. Make sure you are logged into your Practical Law account. For instructions on integrating CoCounsel with other products, please refer to this [article](#). If you are also a subscriber to Westlaw Precision, you will have the option of choosing between triggering the "AI-Assisted Research" skill and the "Ask Practical Law AI" skill.

You will know when the "Ask Practical Law AI" skill is invoked when the gray skill pill is shown (in the **red** box in the screenshot):

M 5:07 PM
What is the test of obviousness for a design patent?

CoCounsel 5:07 PM
You're seeking the test of obviousness for a design patent.

Ask Practical Law AI

Ask Practical Law AI

What sources do you want your answer to use? ⓘ

AI-Assisted Research
Case Law and Regulatory Information

Ask Practical Law AI
Expert Legal Guidance with Citations

Legal question ⓘ
What is the test of obviousness for a design patent?

Cancel Ask Practical Law AI

Step 2: Trigger the “Ask Practical Law AI” skill

You can edit your prompt, or click the purple “Submit Request” button to trigger the skill:

Legal question ⓘ
What is the test of obviousness for a design patent?

Cancel Ask Practical Law AI

After triggering the skill, you will see the progress bar where you can check on the status of your “Ask Practical Law AI” skill run:

CoCounsel 5:08 PM
Researching: What is the test of obviousness for a design patent?

Ask Practical Law AI

30% Complete

REQUEST
What is the test of obviousness for a design patent?

Email me when complete Cancel View results >

Step 3: Expand Results, Download, or Iterate

When the skill is 100% completed, you can expand and view the results:

>>
Researching: What is the test of obviousness for a design patent?
Ask Practical Law AI

100% Complete

REQUEST [Hide research request ^](#)

What is the test of obviousness for a design patent?

RESPONSE

The test of obviousness for a design patent is evaluated using the Graham inquiries and the principles set out in KSR, from the perspective of a hypothetical designer of ordinary skill who designs articles in the field of the claimed design. The test is based on analogous prior art, which includes art from the same field of endeavor as the claimed design and may include other art. The process involves identifying a primary prior art reference that is the closest prior art and, if necessary, secondary references. The visual appearance of the claimed design is compared to the prior art, and a determination is made as to whether the ordinary designer would have been motivated to modify the prior art to create the same overall visual appearance as the claimed design ([Practice note: overview, Design Patents: Overview](#))[1]. This evaluation also involves determining the differences between the prior art and the claimed design by comparing their visual appearances from the perspective of an ordinary designer in the field of the relevant article of manufacture ([Practice notes, Patent Prosecution: Preparing and Filing Design Patent Applications](#))[2].

The above response is AI-generated and may contain errors. It should be verified for accuracy.

Sources (5) ^

1. Design Patents: Overview

Practice note: overview • [Maintained](#) • National/Federal

... "... Design Patent Requirements - Nonobviousness. Obviousness in the design patent context is evaluated: Using the Graham inquiries (Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966)) applying the flexible principles set out in KSR (KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 417 (2007)). , From the perspective of a hypothetical designer of ordinary skill who designs articles in the field of the claimed design., Based on analogous prior art, which includes art from the same field of endeavor as the claimed design and may include other art. , and By: identifying a primary prior art reference that ..."

...A Practice Note providing an overview of US design patent law, including the nature of design patent protection and ownership, legal requirements, and procedures for obtaining and maintaining design patent rights, and key aspects of

Is this helpful? [👍](#) [👎](#)

[Ask follow-up question \(5 remaining\)](#) [Download](#) [Copy](#)

At the bottom of your expanded results, you have the options to:

1. Iterate: Ask up to 5 follow-up questions,
2. Download results in word format,
3. Copy results to paste on your document of choice.

Selecting the hyperlinked Practical Law resources, such as practice guides, will direct you to the Practical Law application. On the left-hand sidebar in the history section, you will be able to see and access the "Ask Practical Law AI" prompted that was used in CoCounsel:

The screenshot displays the Thomson Reuters Practical Law AI interface. At the top, the navigation bar includes 'THOMSON REUTERS PRACTICAL LAW', 'US Home', 'Global Home', and 'NEW'. The main header contains 'Ask Practical Law AI' with a 'New' badge, and links for 'How Ask Practical Law AI works' and 'Tips for best results'. A 'Go to full history' link is also present. The left sidebar features a 'History' section with a list of questions and their timestamps. The main content area shows a selected question: 'What is the test of obviousness for a design patent?' dated July 16, 2024, 05:09 PM. The AI-generated answer explains the test based on the Graham inquiries and KSR principles, mentioning the hypothetical designer of ordinary skill and the comparison of visual appearance to prior art. It includes a disclaimer: 'The above response is AI-generated and may contain errors. It should be verified for accuracy.' Below the answer are 'Yes' and 'No' feedback buttons. The answer is structured with sections: '1. Design Patents: Overview' and '2. Patent Prosecution: Preparing and Filing Design Patent Applications'. The 'Overview' section includes a 'Practice note: overview - Maintained - National/Federal' and a detailed paragraph about design patent requirements, citing 'Graham v. John Deere Co.' and 'Teleflex Inc.'.

THOMSON REUTERS
PRACTICAL LAW

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Ask Practical Law AI New

How Ask Practical Law AI works Tips for best results

Go to full history

History

What is the test of obviousness for a design patent?
July 16, 2024 05:09 PM

how are lost wages calculated?
July 15, 2024 01:30 PM

How can a Value-Added Reseller (VAR) enforce intellectual property rights in integrated software?
July 15, 2024 01:16 PM

What is the test of obviousness for a design patent?
July 15, 2024 01:12 PM

What factors will a court use to determine the enforceability of a non-compete clause in the sale o...
July 15, 2024 01:11 PM

What are the key elements required for a non-disclosure agreement (NDA) to be enforceable in Texas?
July 15, 2024 01:09 PM

Product) what is the statute of limitations for

This answer was created in an earlier session and is now read-only. You can access it from your History, but it can't be updated further.

m What is the test of obviousness for a design patent?

PL The test of obviousness for a design patent is evaluated using the Graham inquiries and the principles set out in KSR, from the perspective of a hypothetical designer of ordinary skill who designs articles in the field of the claimed design. The test is based on analogous prior art, which includes art from the same field of endeavor as the claimed design and may include other art. The process involves identifying a primary prior art reference that is the closest prior art and, if necessary, secondary references. The visual appearance of the claimed design is compared to the prior art, and a determination is made as to whether the ordinary designer would have been motivated to modify the prior art to create the same overall visual appearance as the claimed design (Practice note: overview, Design Patents: Overview) [1]. This evaluation also involves determining the differences between the prior art and the claimed design by comparing their visual appearances from the perspective of an ordinary designer in the field of the relevant article of manufacture (Practice notes, Patent Prosecution: Preparing and Filing Design Patent Applications) [2].

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Was this response helpful? Yes No

1. Design Patents: Overview
Practice note: overview - Maintained - National/Federal

"... Design Patent Requirements - Nonobviousness. Obviousness in the design patent context is evaluated: Using the Graham inquiries (Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966)) applying the flexible principles set out in KSR (KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 417 (2007))., From the perspective of a hypothetical designer of ordinary skill who designs articles in the field of the claimed design., Based on analogous prior art, which includes art from the same field of endeavor as the claimed design and may include other art., and By: identifying a primary prior art reference that ..."

2. Patent Prosecution: Preparing and Filing Design Patent Applications