



## In The Press:

### IP Law 360 Quotes Partner Chester Rothstein as expert on recent case law: "Design Patent Law Still Murky Post-Egyptian Goddess"

- *Design Patent Law Still Murky Post-Egyptian Goddess*, IP Law360, Wednesday, March 24, 2010

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[Chester Rothstein](#), a partner at Amster Rothstein & Ebenstein LLP, was less convinced of the significance of the Crocs ruling, however. While it's helpful to have another example to add to the 100-plus years of case law related to design patents, Rothstein said, "I don't think Crocs dramatically changed the law or analysis. We still have the ordinary observer test." Moreover, he said, the type of written claims construction done by the ITC in the Crocs case and criticized and overturned by the Federal Circuit has not been the norm since Egyptian Goddess, Rothstein said. "My impression is that most courts did the correct visual analysis," he said, referring to pre-Crocs decisions.