

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Introduction to intellectual property with a focus on patents

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UNITED STATES
PATENT AND TRADEMARK OFFICE



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The USPTO is America's innovation agency

Committed to:

- Fostering innovation and economic growth
- Creating a reliable, predictable, and high-quality intellectual property (IP) system

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*America's
Innovation Agency*

What do you think intellectual property (IP) means?

Intellectual property



Intellectual



Property



Historical foundation of intellectual property

- Intellectual property (IP) is deeply rooted in our nation's history.
 - U.S. constitution Article 1, Section 8, Clause 8:
"The Congress shall have Power ... to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ... "



Identifying and Protecting Your Intellectual Property

What exactly am I protecting?

What types of intellectual property are best-suited for my business?

Types of intellectual property?

Types of intellectual property



Utility Patent

Protects: Inventions

U.S. Patent Apr. 17, 1979 Des. 251,628

Fig. 1.



Design Patent

Protects: Ornamental (non-functional) designs



Plant Patent

Protects: Plants

Types of intellectual property



Utility Patent

Protects: Inventions

U.S. Patent Apr. 17, 1979 Des. 251,628

Fig. 1.



Design Patent

Protects: Ornamental (non-functional) designs



Plant Patent

Protects: Plants



Trade Secret

Protects: Formulas, methods



Trademark

Protects: Words, symbols, slogans



Copyright

Protects: Books, music, fine art

Can you find the types of IP protection in a mobile phone?



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Trademarks:

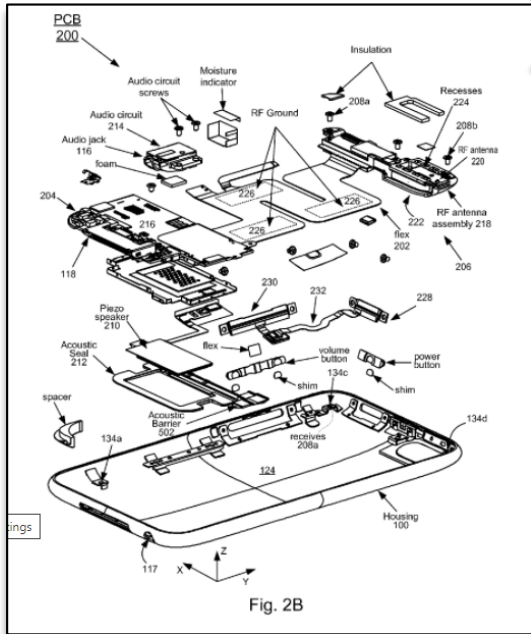


86658546

iPhone

77976400

Patents:



© Copyrights:

- Software code
- Instruction manual
- Ringtone 🎵

Trade secrets:

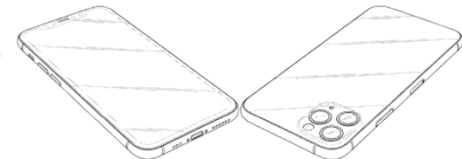
- ???

Designs:

(12) **United States Design Patent** (10) Patent No.: **US D944,753 S**
Akana et al. (45) Date of Patent: **Mar. 1, 2022**

(54) **ELECTRONIC DEVICE**

(71) Applicant: **Apple Inc., Cupertino, CA (US)**



Trademarks:

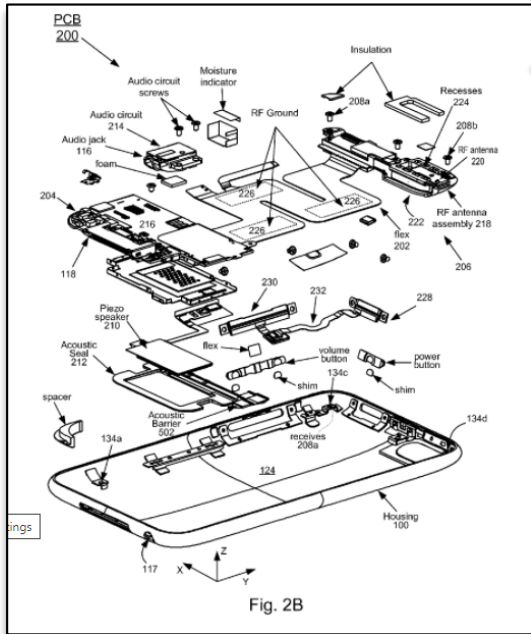


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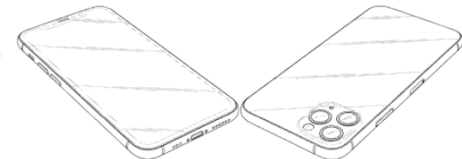
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Patents

What is a patent?

The right to **exclude others** from:

- making, using, selling, offering for sale, or importing the claimed invention
- Limited term
- Territorial: A U.S. patent provides protection only in the United States
 - No worldwide patents



The People's Benefit

- To ensure that investment of time and money is rewarded to continue future inventive stimulation
 - Patent gives inventor limited rights
 - 20 year term
- Public is provided disclosure of how to use and make invention
 - Patenting requires publication
 - Accelerates development
 - Strengthens national economy



The People's Benefit

- To ensure that investment of time and money is rewarded to continue future inventive stimulation
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 - 20 year term



Eligibility to apply for a patent

Who May Apply for a U.S. Patent?

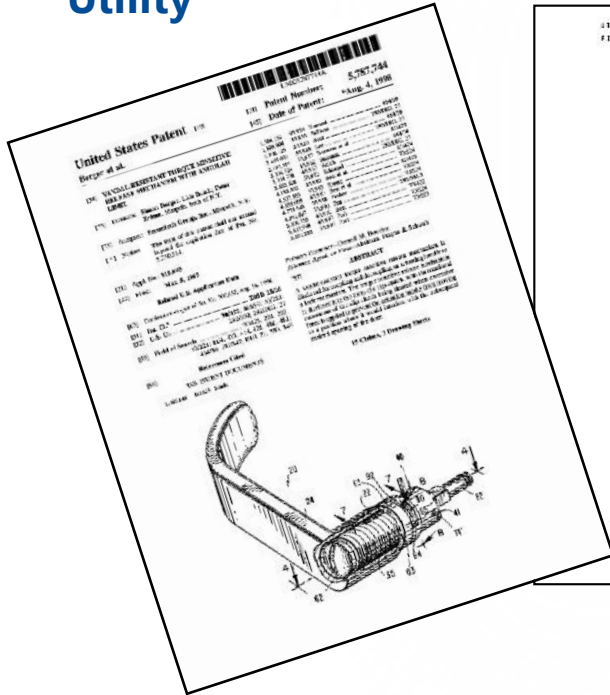
Anyone from anywhere may apply for a U.S. patent.

Who May NOT Apply for a U.S. Patent?

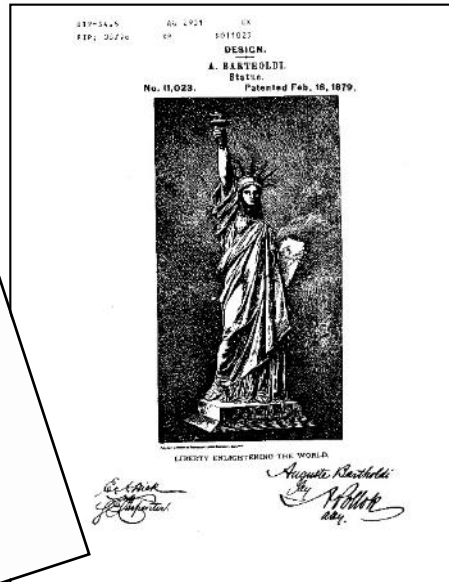
Employees of the U.S. Patent & Trademark Office are not allowed to file for patent application.

Types of patents

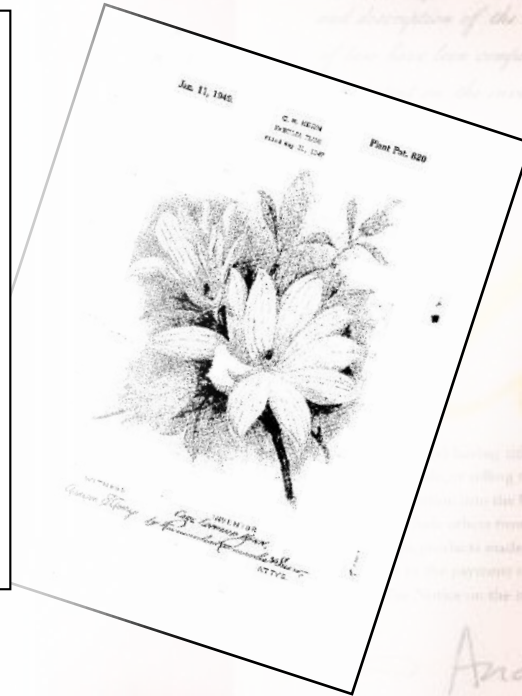
Utility



Design



Plant



Utility Patents

Protect any new and useful **process**,
machine, **article of manufacture**,
or **composition of matter**, or any
new and useful improvement thereof



Utility Patents

Protect any new and useful **process**,
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Title of the Invention

Abstract

Drawings

Background

Brief Summary

Figures

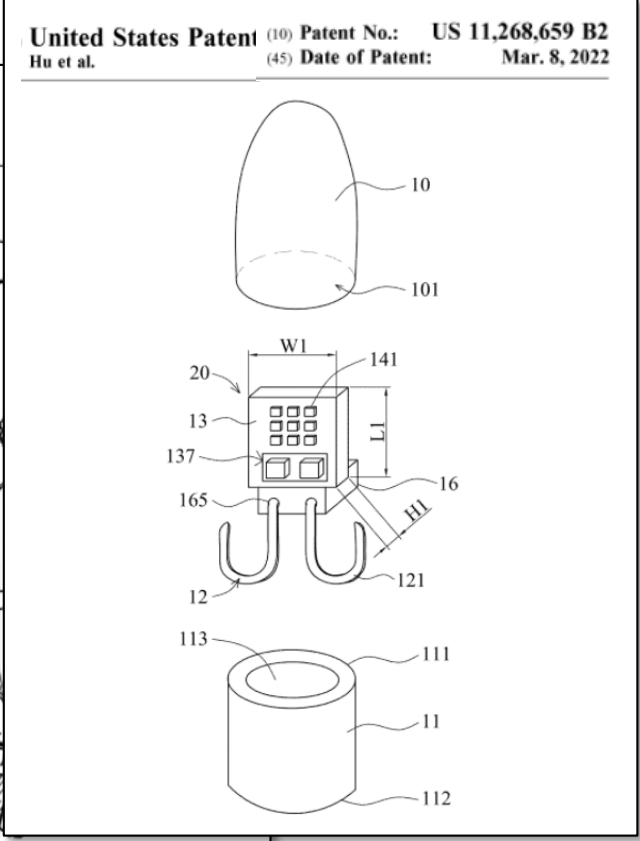
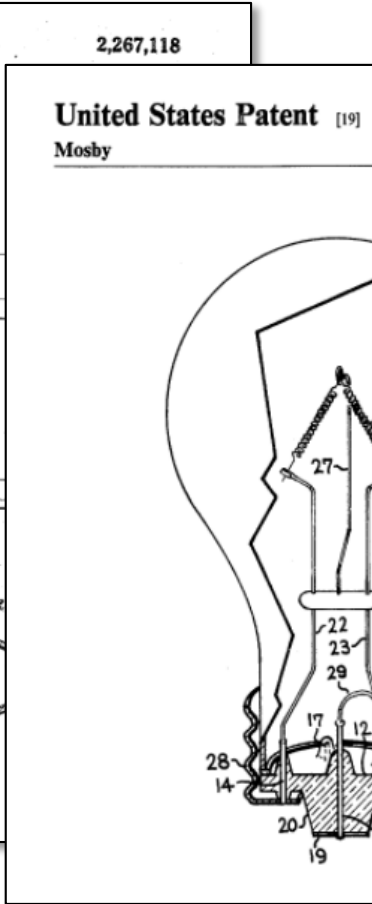
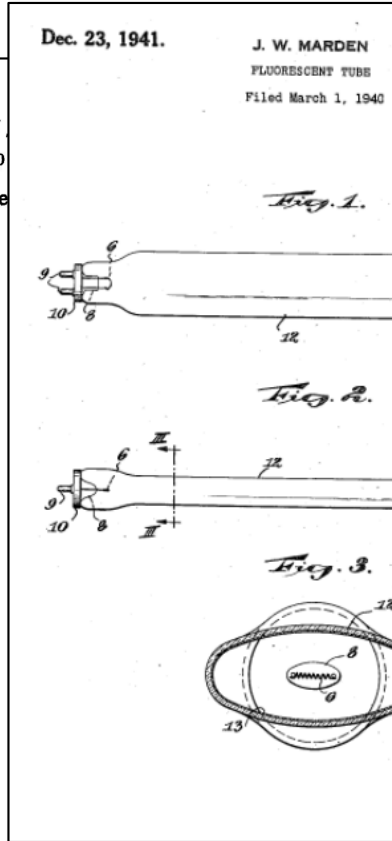
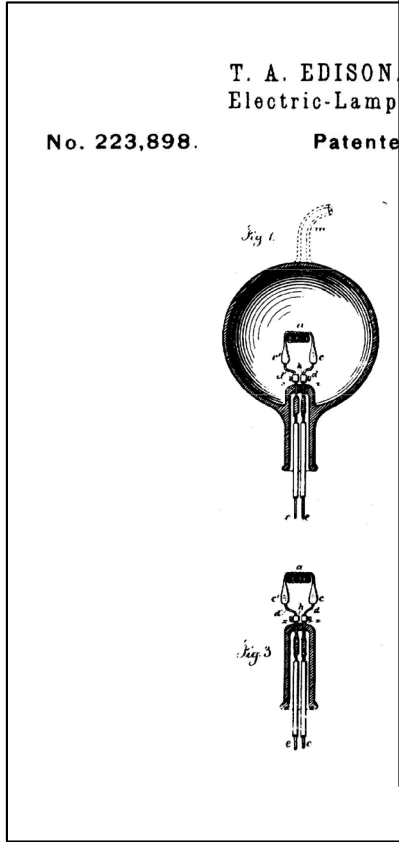
Detailed Description

Claims

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Evolution of the lightbulb

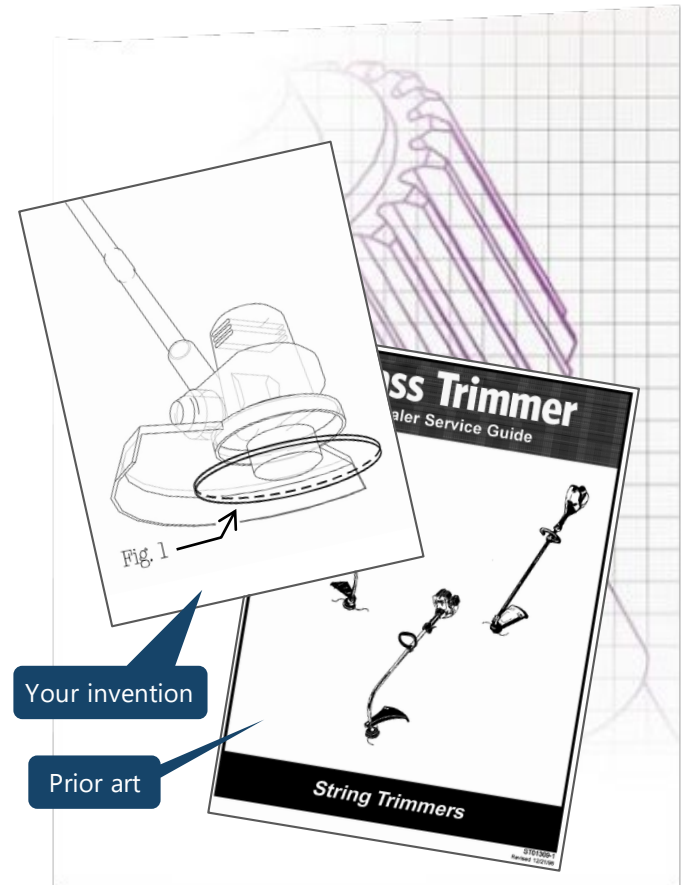
From the first lightbulb invented by Thomas Edison to the latest in LEDs



Is the idea novel and non-obvious?

- “Novel”: e.g., your invention is new, was not described in the prior art
- “Non-obvious”: e.g., the differences between your invention and prior art would not have been obvious to someone in that field

35 U.S.C. §§ 102 and 103



What is prior art?

Prior art includes: patents, printed publications, and other disclosures in the field of your invention that have been published before your effective filing date.



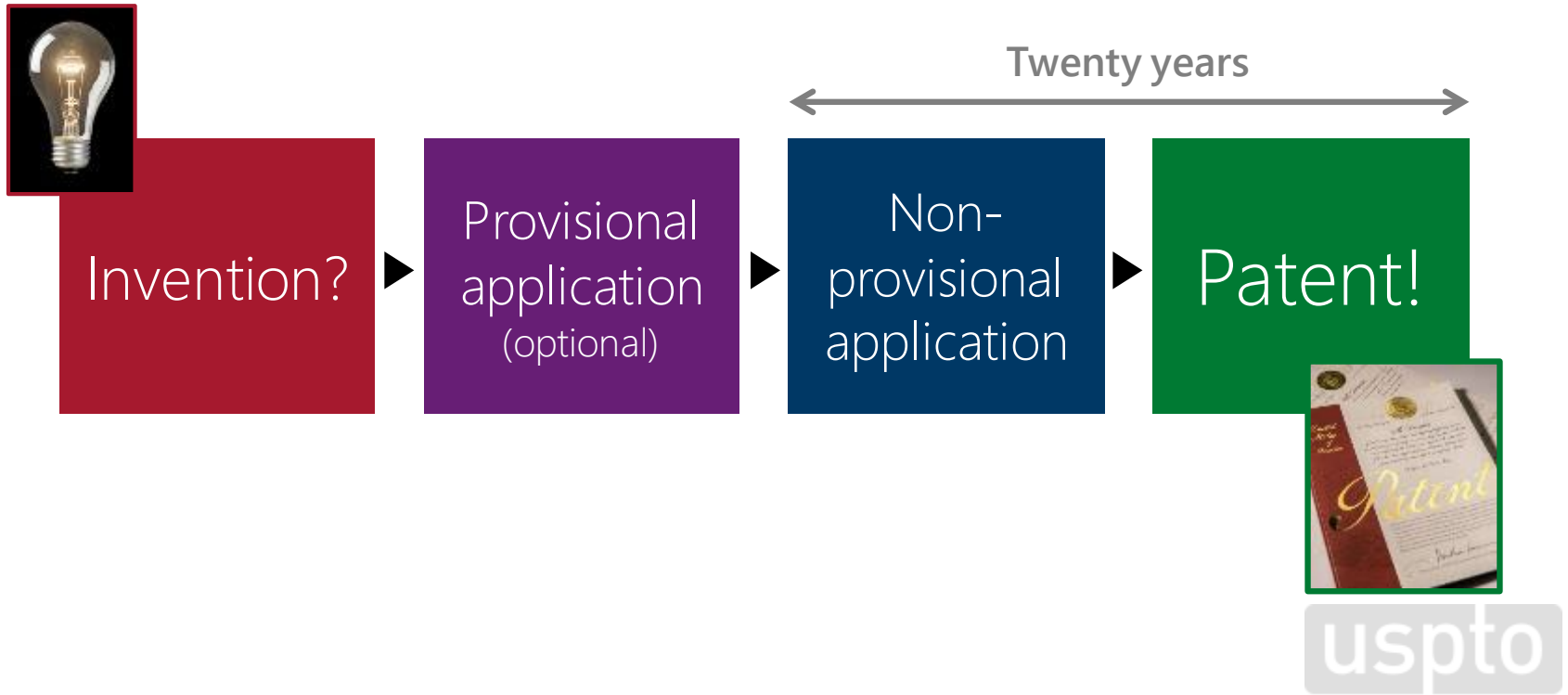
When should you file a patent application?

United States is a **First Inventor to File System!**

- Looking for international protection?
 - You'll want to file **before** public disclosure
- Only want US protection?
 - You can file within **one year after** public disclosure



The path to a patent



What can you do if someone uses your patented invention without authorization?

YOU CAN:

- Advise them of your patent rights
- Ask them to cease and desist use of your patent
- Offer a licensing agreement for use of your IP
- Sue for infringement

USPTO educational resources

- IP educational webinars
 - Path to a Patent quarterly series: <https://www.uspto.gov/about-us/events/path-patent>
 - Trademark Basics Boot Camp quarterly series: <https://www.uspto.gov/about-us/events/trademark-basics-boot-camp>
 - More educational webinars: <https://www.uspto.gov/about-us/events>
- USPTO inventor and entrepreneurship resources
 - <https://www.uspto.gov/CES>
- Expanding Innovation – Demystifying the patent system
 - <https://www.uspto.gov/initiatives/expanding-innovation>
- Patent and Trademark Resource Centers
 - <https://www.uspto.gov/PTRC>
 - San Jose, California – San Jose Public Library
<https://www.sjpl.org/ptrc>
- IP policy and international IP information
 - <https://www.uspto.gov/ip-policy>



Thank you!



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