Intellectual Property

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Intellectual Property (IP)

Intellectual property refers to creations of the mind:

(a) inventions – Patents/Trade Secrets
(b) literary and artistic works – Copyrights
(c) symbols, names, images and designs used in commerce – Trademarks
Intellectual Property

• “Innovation is the only sustainable source of advantage for the world economies”…and IP is becoming the “world’s currency of innovation.”
  – David Kappos, Director of USPTO

• "The way we're going to survive is to innovate our way out of this."
  – Steve Jobs
Trade Secret Protection

• Protects ideas, methods, and information

• Elements:
  a) derives economic value or provide a competitive advantage
  b) not generally known to others
  c) steps are taken to maintain secrecy
Trade Secret Protection

**PROS**
- Duration can be infinite
- No federal registration required

**CONS**
- Duration can be finite
- Reverse engineering
- If a 3rd party (independently) gets a patent on your trade secret, you can be prevented from using your trade secret.
Patents

• What is a patent?
  – A limited term monopoly given by the U.S. Government for an invention as claimed in a patent.

• Where does Government get the right to grant monopolies?
  – “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.”
  – U.S. Constitution
Patents

• Why does the Government grant limited monopolies?
  – In exchange for full disclosure of inventions.
  – To foster innovation.
Patents

• What is the monopoly right granted by the U.S. Government?

  – The right to **EXCLUDE** others from making, selling or using the claimed invention.

  – The patent owner does not have a right to make, sell or use the claimed invention. The patent owner **only** has the right to **exclude** others from the claimed invention.
Types of patents

- **Plant patents** – protects any new and distinct variety of plant that has been invented or discovered and asexually reproduced.

- **Design patents** – protects ornamental appearance of an article.

- **Utility patents** – protects utility of articles.
Design Patents

• Design patents protect the ornamental appearance of an article.
  – shape/configuration and/or
  – surface ornamentation

• Duration – 14 years from the grant date of patent.
Design Patent Example

United States Design Patent

Patent No.: US D599,372 S

Date of Patent: Sep. 1, 2009

Inventors: Korah Cotrell-Pelczarski, Mountain View, CA (US); Nikhil Dharia, Sunnyvale, CA (US); Alan Smith, Mountain View, CA (US); Bryony Chang, Foster City, CA (US); Dylan Parker, Palo Alto, CA (US); Jennifer McGarth Fitzpatrick, San Francisco, CA (US); Fred Johnson, Mountain View, CA (US); Marissa Ann Mayer, Palo Alto, CA (US); Marcellin Paul van Lobuisen, Sunnyvale, CA (US); Karen Anne White, Campbell, CA (US)

Assignee: Google Inc., Mountain View, CA (US)

Inventor Term: 14 Years

Appl. No.: 29/255,260

Filed: Mar. 7, 2006

Related U.S. Application Data

Division of application No. 29/202,251, filed on Mar. 26, 2004, now Pat. No. 3,531,503.

LOC (9) Cl. 32-00

U.S. Cl. 32-00


See application file for complete search history.

References Cited

U.S. PATENT DOCUMENTS

D416,477 S * 12/0198: Pippi 314486

* cited by examiner

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CLAIM

The ornamental design for a graphical user interface for a display screen of a communications terminal, as shown and described.

DESCRIPTION

A portion of the disclosure of this patent document contains material to which a claim for copyright protection is made. The copyright and trademark owner has no objection to reproduction by the United States Patent Office of the material so incorporated in the U.S. Patent Office record retained by the American Institute of Patent Law and reserved all other copyright and trademark rights whatsoever.

The single view is a front view of a graphical user interface for a display screen of a communications terminal. The broken line of the display screen and the broken line showing certain words and numbers are for illustrative purposes only and not as part of the claimed design.

1 Claim, 1 Drawing Sheet
Elements of Design Patent

Unique Patent No.

United States Design Patent
Pelczarski et al.
Patent No.: US D599,372 S
Date of Patent: Sep. 1, 2009

Duration calculated from this date for design patents only.
(54) GRAPHICAL USER INTERFACE FOR A DISPLAY SCREEN OF A COMMUNICATIONS TERMINAL.

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(73) Assignee: Google Inc., Mountain View, CA (US)

(*9) Term: 14 Years

(21) Appl. No.: 29/255,268

(22) Filed: Mar. 7, 2006

Related U.S. Application Data

(51) LOC (9) Cl. ........................................... 32-00
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(58) Field of Classification Search ........ D14/485–95; D18/24–33; D19/6; D20/11; D21/324–33; 715/700–867, 973–77

See application file for complete search history.

(56) References Cited
U.S. PATENT DOCUMENTS
D403,313 S * 1/2000 Peppel ....................... D14/486

D420,993 S * 2/2000 Decker .................... D14/486
D453,766 S * 2/2002 Grandcolas et al. ........ D14/486
D454,139 S * 3/2002 Feldcamp ............... D14/486
D492,691 S * 7/2004 Keolis .......... D14/486

* cited by examiner

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(57) CLAIM

The ornamental design for a graphical user interface for a display screen of a communications terminal, as shown and described.

DESCRIPTION

A portion of the disclosure of this patent document contains material to which a claim for copyright and trademark is made. The copyright and trademark owner has no objection to the reproduction of the patent document or the patent disclosure, as it appears in the U.S. Patent Office records, but reserves all other copyright and trademark rights whatsoever.

The single view is a front view of a graphical user interface for a display screen of a communications terminal.

The broken line of the display screen and the broken line showing of certain words and numbers in the drawing are for illustrative purposes only and form no part of the claimed design.

1 Claim, 1 Drawing Sheet
Drawing Sheet from U.S. Design Patent D599,372

Google

Web Images Groups News Google Labs more »

Advanced Search Preferences Language Tools

Advertising Solutions - Business Solutions - About Google

Make Google Your Homepage!

©2004 Google
United States Design Patent

Andre et al.

Design Patent Example

CLAIM

We claim the ornamental design for a media player, as shown and described.

DESCRIPTION


FIG. 1 is a front perspective view of a media player showing our new design;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a left side view thereof;
FIG. 4 is a right side view thereof;
FIG. 5 is a bottom view thereof;
FIG. 6 is a top view thereof; and,
FIG. 7 is a rear elevational view thereof.

The dotted lines represent an idealized boundary and forms no part of the claimed design. The broken lines showing environmental boundaries and surface ornamentation are for illustrative purposes only and form no part of the claimed design.

I Claim, 5 Drawing Sheets
DESCRIPTION


FIG. 1 is a front perspective view of a media player showing our new design;
FIG. 2 is a front elevational view thereof;
FIG. 3 is a left side view thereof;
FIG. 4 is a right side view thereof;
FIG. 5 is a bottom view thereof;
FIG. 6 is a top view thereof; and,
FIG. 7 is a rear elevational view thereof.

The dot dash line represents an unclaimed boundary line and forms no part of the claimed design. The broken lines showing environmental boundaries and surface ornamentation are for illustrative purposes only and form no part of the claimed design.
Design Patent Drawings

FIG. 1
Design Patent Drawings
Utility Patents

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title. 35 U.S.C. § 101.
Utility Patents

• Elements for patentability
  – Useful
  – New
  – Non-obvious
Utility Requirement

• Utility requirement is a low hurdle.

• To violate the utility requirement the claimed device must be totally incapable of achieving a useful result.
Utility Requirement

• Ideas found to violate the utility requirement:
  – Invention asserted to change the taste of food using a magnetic field
  – Perpetual motion machine
  – Flying machine operating on “flapping or flutter function”
  – Method for increasing the energy output of fossil fuels upon combustion through exposure to magnetic field
  – Method of controlling the aging process.
Novelty Requirement

• Higher hurdle than utility.

• To anticipate a claimed invention, a single reference must teach every element of the claim.
Non-obvious Requirement

• Higher hurdle than the novelty and usefulness requirements.

• Combination or modification of one or more references that make the claimed invention obvious.
Anatomy of a Patent

• Front Page
  – Patent No.
  – Title
  – Inventors
  – Filing Date
  – Abstract
  – Etc.

• Drawings

• Background

• Summary

• Description of Drawings

• Detailed Description

• Claims
Utility Patent Example
BICYCLE WITH IMPROVED FRONT FORK WHEEL SUSPENSION

In accordance with a preferred embodiment, a front fork wheel suspension of a bicycle has two telescoping suspension assemblies, one on each leg of the front fork. Each of the suspension assemblies includes a pair of telescoping tubes having a hydraulic fluid and an airspace therein, as well as a spring-loaded valve which regulates the flow of hydraulic fluid between the two tubes of the telescoping assembly. To control the point at which the assemblies change from a rigid, locked condition, in which the valve plate is closed, to a shock absorbing, telescopically displaceable condition, in which the valve plate is open, an adjustor rod is provided by which the degree of precompression of the valve spring can be changed. Furthermore, in order to improve the rigidity of the fork, the cross member interconnecting the lower tubes of the suspension assemblies has a compound cross-sectional shape which goes from circular cross section at a U-bend portion into a rectangular cross section at straight, leg portions thereof.

21 Claims, 5 Drawing Sheets
• Written description is broken up into columns with unique column numbers with line numbers down the center.

• Background only states what is currently known in the art. The Background does not describe the invention.

• Summary Section

• Description of drawings
• Detailed description describes aspects of the invention.

• The detailed description must enable “one of skill in the art” to practice (e.g., make, use, etc.) the invention.
Reference numerals in the description refer to features shown in the drawings. For Example:

In FIG. 1, a bicycle 1 is shown having a conventional frame 14. The improved front fork suspension 10 (shown in greater detail in FIG. 2) of the present invention has a steering pipe 16 which is mounted within a head tube 12 of the bicycle frame 14 for rotation along a steering axis in a pair of rotational bearings 18, together with the extension stem 34 of a standard handlebar 32.
Patent Claims

• The scope of the invention is determined by the breadth of the claims.
Patent Claims

1. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

2. The bicycle frame of claim 1, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

3. The bicycle frame of claim 2, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

4. The bicycle frame of claim 3, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

5. The bicycle frame of claim 4, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

6. The bicycle frame of claim 5, wherein the bicycle frame comprises a aluminum frame and wherein the bicycle frame is adapted to support a rider.

7. The bicycle frame of claim 6, wherein the bicycle frame comprises a plastic frame and wherein the bicycle frame is adapted to support a rider.

8. The bicycle frame of claim 7, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

9. The bicycle frame of claim 8, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

10. The bicycle frame of claim 9, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

11. The bicycle frame of claim 10, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.

12. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

13. The bicycle frame of claim 12, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

14. The bicycle frame of claim 13, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

15. The bicycle frame of claim 14, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

16. The bicycle frame of claim 15, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

17. The bicycle frame of claim 16, wherein the bicycle frame comprises an aluminum frame and wherein the bicycle frame is adapted to support a rider.

18. The bicycle frame of claim 17, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

19. The bicycle frame of claim 18, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

20. The bicycle frame of claim 19, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

21. The bicycle frame of claim 20, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.

22. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

23. The bicycle frame of claim 22, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

24. The bicycle frame of claim 23, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

25. The bicycle frame of claim 24, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

26. The bicycle frame of claim 25, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

27. The bicycle frame of claim 26, wherein the bicycle frame comprises an aluminum frame and wherein the bicycle frame is adapted to support a rider.

28. The bicycle frame of claim 27, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

29. The bicycle frame of claim 28, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

30. The bicycle frame of claim 29, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

31. The bicycle frame of claim 30, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.

32. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

33. The bicycle frame of claim 32, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

34. The bicycle frame of claim 33, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

35. The bicycle frame of claim 34, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

36. The bicycle frame of claim 35, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

37. The bicycle frame of claim 36, wherein the bicycle frame comprises an aluminum frame and wherein the bicycle frame is adapted to support a rider.

38. The bicycle frame of claim 37, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

39. The bicycle frame of claim 38, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

40. The bicycle frame of claim 39, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

41. The bicycle frame of claim 40, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.

42. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

43. The bicycle frame of claim 42, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

44. The bicycle frame of claim 43, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

45. The bicycle frame of claim 44, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

46. The bicycle frame of claim 45, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

47. The bicycle frame of claim 46, wherein the bicycle frame comprises an aluminum frame and wherein the bicycle frame is adapted to support a rider.

48. The bicycle frame of claim 47, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

49. The bicycle frame of claim 48, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

50. The bicycle frame of claim 49, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

51. The bicycle frame of claim 50, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.

52. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

53. The bicycle frame of claim 52, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

54. The bicycle frame of claim 53, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

55. The bicycle frame of claim 54, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

56. The bicycle frame of claim 55, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

57. The bicycle frame of claim 56, wherein the bicycle frame comprises an aluminum frame and wherein the bicycle frame is adapted to support a rider.

58. The bicycle frame of claim 57, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

59. The bicycle frame of claim 58, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

60. The bicycle frame of claim 59, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

61. The bicycle frame of claim 60, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.

62. A bicycle frame equipped with a bicycle brake system comprising a brake shoe for engaging with the bicycle frame, wherein said brake shoe is adapted to engage with the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location, and wherein said brake shoe is adapted to apply a force to the bicycle frame at a predetermined location.

63. The bicycle frame of claim 62, wherein the bicycle frame comprises a metal frame and wherein the bicycle frame is adapted to support a rider.

64. The bicycle frame of claim 63, wherein the bicycle frame comprises a carbon fiber frame and wherein the bicycle frame is adapted to support a rider.

65. The bicycle frame of claim 64, wherein the bicycle frame comprises a titanium frame and wherein the bicycle frame is adapted to support a rider.

66. The bicycle frame of claim 65, wherein the bicycle frame comprises a steel frame and wherein the bicycle frame is adapted to support a rider.

67. The bicycle frame of claim 66, wherein the bicycle frame comprises an aluminum frame and wherein the bicycle frame is adapted to support a rider.

68. The bicycle frame of claim 67, wherein the bicycle frame comprises a rubber frame and wherein the bicycle frame is adapted to support a rider.

69. The bicycle frame of claim 68, wherein the bicycle frame comprises a glass frame and wherein the bicycle frame is adapted to support a rider.

70. The bicycle frame of claim 69, wherein the bicycle frame comprises a wood frame and wherein the bicycle frame is adapted to support a rider.

71. The bicycle frame of claim 70, wherein the bicycle frame comprises a composite frame and wherein the bicycle frame is adapted to support a rider.
Patent Claims

• Claims include a list of elements/steps.

• A patent claim is written as a single sentence.

• The elements of the claim are typically separated by semi-colons.
Patent Claims

Sample Claim

1.) A device comprising:
    element A;
    element B;
    element C; and
    element D.
Patent Claims

• In order for a device to infringe our sample claim 1, that device must include every element (or an equivalent) of claim 1.

• A device that does not include element D does not infringe claim 1.
Patent Claims

• Types of claims:
  – Independent claims
  – Dependent claims
Patent Claims

Sample Claim

1.) A device comprising:
   element A;
   element B;
   element C; and
   element D.

2.) The device of claim 1, further comprising element E.
I claim:

1. A front fork wheel suspension for a bicycle comprising a pair of suspension assemblies each of which comprises an upper and a lower telescoping tube, the upper tubes of the suspension assemblies being connected by a crown member carrying a steering tube, and the lower telescoping tubes being connected by a U-shaped cross member; wherein the U-shaped cross member has a U-bend portion of a circular cross-sectional shape for resisting torsional forces acting to twist or rotate the suspension assemblies, and having straight leg portions of a rectangular cross section for resisting side loading forces acting to cause the suspension assemblies to move independently of each other.
Dependent Claims

2. A front fork wheel suspension according to claim 1, wherein the circular cross section of the U-bend portion blends into a square cross-sectional shape at a top end of the straight leg portions and elongates into a rectangular cross-sectional shape toward a bottom end thereof.

• Dependent claims include all the limitations of the claim referenced plus the new limitation(s) provided in the dependent claim.
Patent Searching

• There are a number of websites at which a patent database can be searched.

• These sites are typically set up for keyword searching.
Patent Searching

- Google Patents (google.com/patents) – Does not include all patents and Google does not update frequently. A good start.

- US Patent Office (uspto.gov) – Not very user friendly but issued patents and published patent applications can be searched.

Thank You

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