

ADVENT

Intellectual Property Basics

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Patents and Patent Prosecution

- Patent is a legal document that defines an invention
- Allows owner to exclude others from making, using, selling, or importing into the U.S.
- Lasts for 20 years from date of application

Patent Ownership

- Owned by inventor or co-inventors
- Co-inventors own undivided interest in the patent
- Assignment of ownership (typical in employee contracts)
- Improper naming can render patent invalid

Patentable Subject Matter

- Three types of patents:
 1. Utility
 2. Design
 3. Plant

Utility Patents

- Machine
- Method/ Process
- Manufacture
- Composition of Matter
- System
- Improvements
- Does not include mathematical formulas, algorithms, mental processes

Design Patents

- Protects new, original and ornamental designs
- Does not protect functional aspects of an invention
- Expires 14 years after issuance

Patent Applications

- Abstract
- Specification
- Background
- Summary
- Brief Description of the Drawings
- Detailed Description
- Drawings
- Claims

Claims

- Each claims considered to define a patentable invention
- Consists of identifiable elements
- Independent Claim
 - Dependent Claim(s)

Trademarks

They Serve as a Source Identifier

Distinctive

Registered and Unregistered

Words, Images, Colors, etc.

Trade Dress

Two types:

Product Packaging

Product Configuration

Recent Case

Apple v. Samsung

Utility Patents,
Design Patents,
and Trade Dress
all at issue

Apple iPhone 3GS



Galaxy S i9000



Trade Dress

Two types:

Product
Packaging

Product
Configuration



Design Patents

<p>'D677 Patent</p>  <p>A technical drawing of the back of an iPhone, showing a textured surface with a circular camera lens and a flash. The drawing is a perspective view from the back.</p>	 <p>A photograph of the back of a black iPhone, showing the camera lens and flash. The phone is resting on a wooden surface.</p>
<p>'D790 Patent</p>  <p>FIGURE</p> <p>A technical drawing of the front of an iPhone, showing a grid of application icons and a circular home button at the bottom. The drawing is a perspective view from the front.</p>	 <p>A photograph of the front of a black iPhone, showing the home screen with various application icons. The phone is resting on a wooden surface.</p>
<p>'D016 Patent</p>  <p>A technical drawing of the side of an iPhone, showing the thickness and the placement of the volume buttons and the home button. The drawing is a perspective view from the side.</p>	 <p>A photograph of the side of a black iPhone, showing the volume buttons and the home button. The phone is resting on a wooden surface.</p>

Utility Patents

Patent Number	Title
7,812,828 (the “828 patent”)	Ellipse Fitting For Multi-Touch Surfaces
7,669,134 (the “134 patent”)	Method and Apparatus For Displaying Information During An Instant Messaging Session
6,493,002 (the “002 patent”)	Method and Apparatus for Displaying and Accessing Control and Status Information in a Computer System
7,469,381 (the “381 patent”)	List Scrolling and Document Translation, Scaling and Rotation on a Touch-Screen Display
7,844,915 (the “915 patent”)	Application Programming Interfaces for Scrolling Operations

Remedies

Damages

Lost Profits
Reasonable Royalty

Injunctions

Questions?

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