

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Introduction to intellectual property and USPTO resources

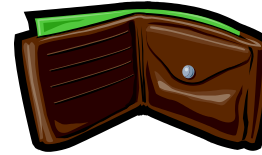
USPTO – Texas Regional Office

*The images and photographs in this presentation are for educational purposes only.

Intellectual property (IP)



Intellectual



Property

uspto

What is IP?

- Patents
- Trademarks
- Copyrights
- Trade secrets

Can you find the IP in a mobile phone?

Trademarks:

- Made by "SAMSUNG"
- Product "Galaxy Note"

Patents:

- Camera
- Battery
- Screen
- Antenna
- Data-processing methods
- Semiconductor circuits

Design patents:

- Home button shape
- Curved bezel
- Curved screen

Copyrights:

- Software code
- Instruction manual
- Ringtone

Trade secrets:

- ???



Patents

What is a patent?

- **The grant of a property right to an inventor**
- **The right to exclude others from:**
 - Making,
 - Using,
 - Offering for sale, or
 - Selling or importing the invention in the United States
- **What is granted is *not* the right to make, use, offer for sale, sell, or import, but**
 - The right to exclude others from making, using, offering for sale, selling, or importing the invention.

Three types of patents

- **Utility patent**

- Protects how an invention works, functions, or is made for 20 years from filing date
 - Process
 - Machine
 - Article of manufacture
 - Composition of matter

- **Design patent**

- Protects the way a product or article looks, the ornamental expression, for 15 years from the date of grant

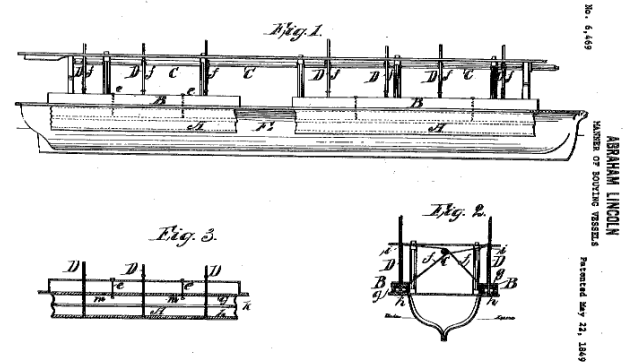
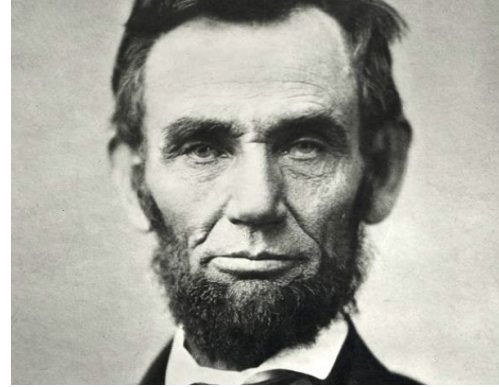
- **Plant patent**

- Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date

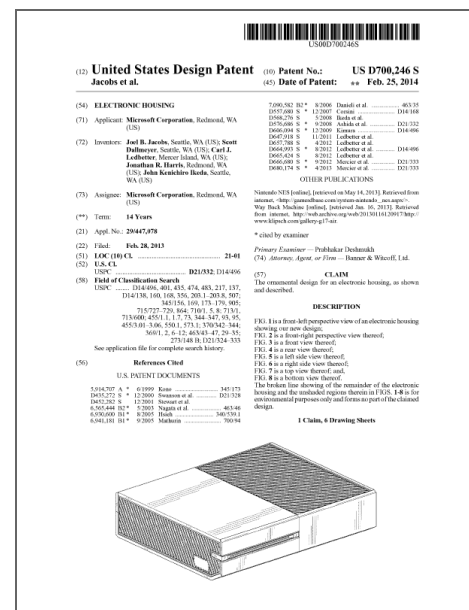
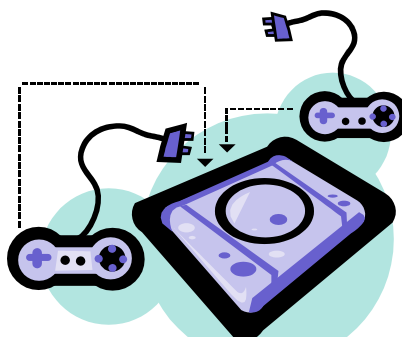


Abraham Lincoln

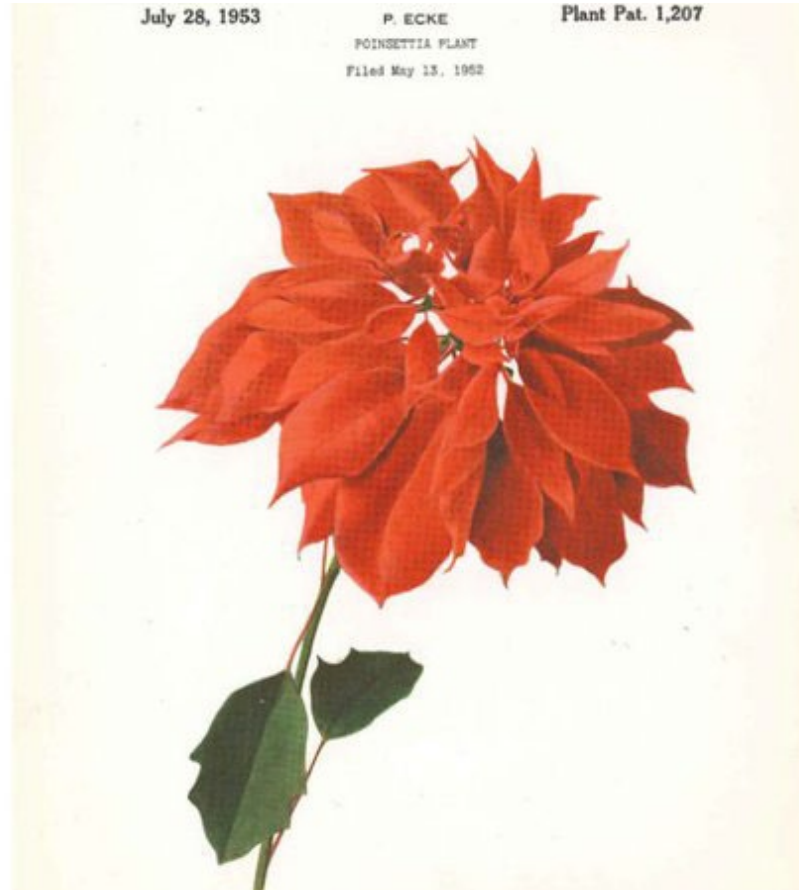
- On May 22, 1849, Abraham Lincoln received U.S. Patent No. 6,469 for a device to lift boats over shoals, an invention that was never manufactured.
- However, it did make him the only U.S. President to hold a patent.



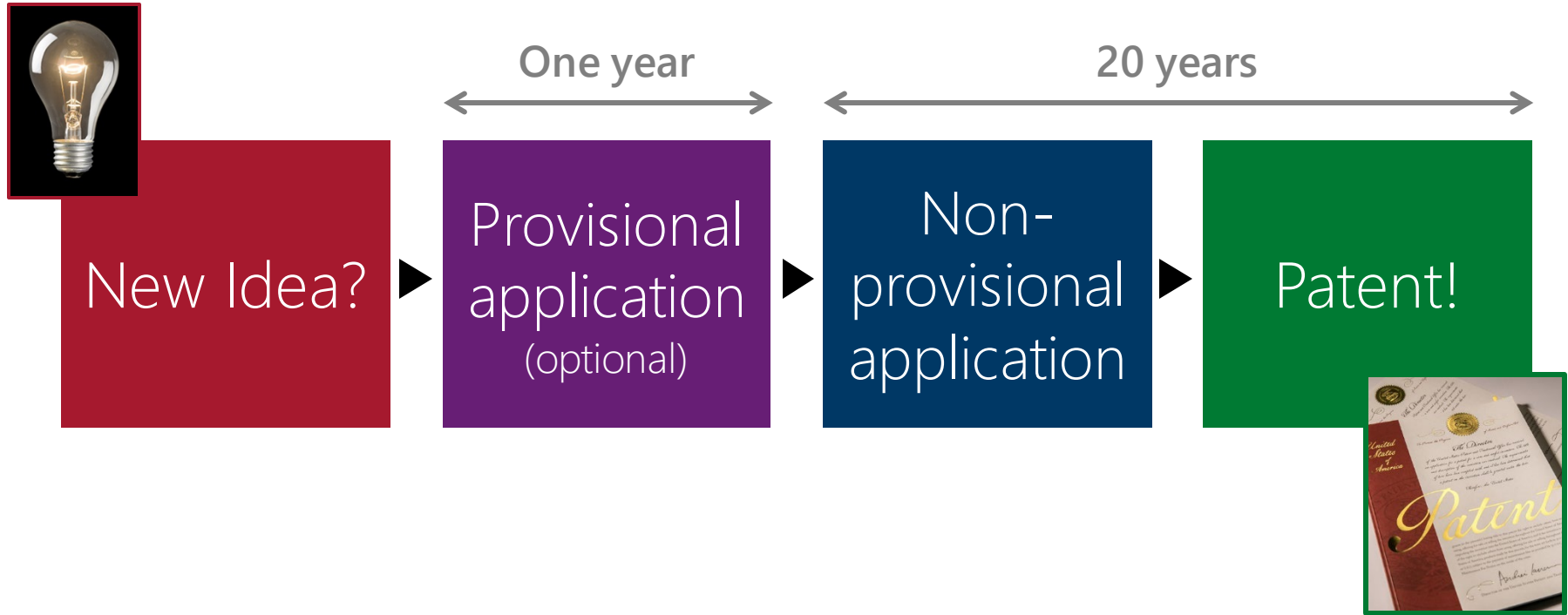
11



Plant patents



The path to a patent



Trademarks

What is a trademark?

- A **trademark** is a word, phrase, symbol, or design, or a combination of words, phrases, symbols, or designs, that identifies and distinguishes the source of the goods of one party from those of others.
- A **service mark** is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.

Examples of trademarks

Trademarks can be **WORDS**

STARBUCKS

NIKE

TARGET

Trademarks can be **DESIGNS**



Examples of trademarks

Trademarks can also be:

- Smells
- Colors
- Sounds
- Shapes
- Packaging



D'oh!



Copyrights

What is copyright?

- Copyright is a legal protection for “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.

Things protected by copyrights



Songs



Books



Sculptures



Movies

Works protected by copyright

- Logos
- Product design and packaging
- Advertising and promotional materials
- Instruction manuals
- Educational materials
- Software source code
- Website content

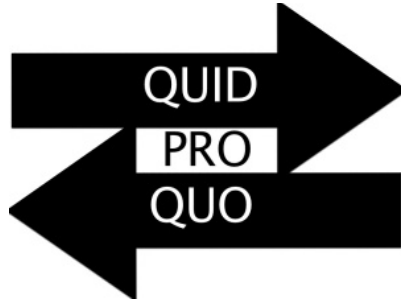
Trade secrets

What is a trade secret?

- Trade secrets consist of information and can include a formula, pattern, compilation, program, device, method, technique, or process.
- To meet the most common definition, a trade secret must be used in business and give an opportunity to obtain an economic advantage over competitors who do not know or use it.

Patents vs. trade secrets

Patents and trade secrets are really different sides of the same coin



- Utility patents last 20 years from the time of the earliest U.S. benefit date claimed. You get exclusive rights for that time.
- You must disclose how to make and use your invention within your application.
- There may be legal remedies should someone make, use, or sell your invention without your permission.
- Someone can still try and improve upon what you have done and get a patent on that improvement.



- Trade secrets last as long as they remain a secret.
- You must take reasonable steps to keep your trade secret secure.
- There may be legal remedies should someone steal your trade secret.
- Someone can still try to reverse engineer what you have done.

What is a trade secret?



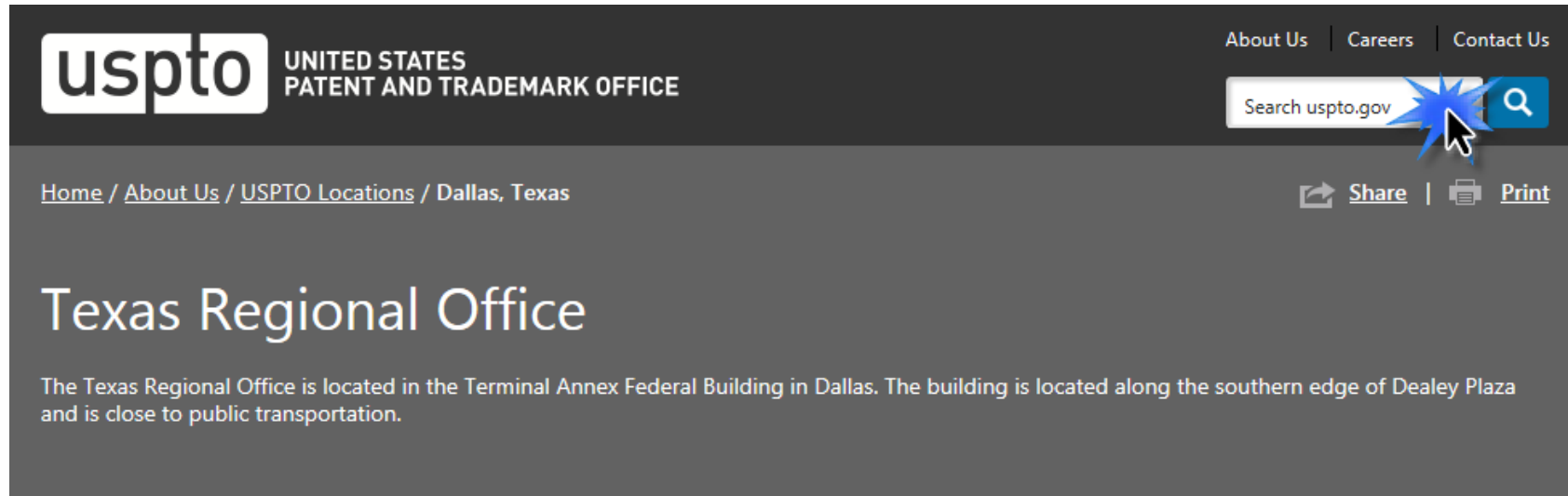
Intellectual property

	<u>Utility Patent</u>	<u>Design Patent</u>	<u>Trade Secrets</u>	<u>Copyrights</u>	<u>Trademarks</u>
<i>What is protected</i>	Inventions – Process, machine, manufacture, or composition of matter	Ornamental characteristics embodied in, or applied to, an article of manufacture	Business-related information (formulas, techniques, information)	Art, in an all-encompassing sense	Marks that indicates the source or origin of goods or services
<i>Requirements</i>	Utility, novelty, and nonobviousness	Novelty and nonobviousness	Commercial value, generally not known, and reasonable efforts of secrecy	Original, authorship, and fixation in a tangible medium	Use in commerce and either distinctiveness or secondary meaning
<i>Protects Against...</i>	Making, selling, offering for sale, and importing	Making, selling, offering for sale, and importing	Stealing	Copies, performances, displays, and derivative works	Use of a mark that causes the likelihood of confusion
<i>Endures until...</i>	20 years from filing date	15 years from issuance	Publicly disclosed	The life of the author + 70 years	Abandoned
<i>Rights of Independent Creators</i>	None	None	Full	Full	None

USPTO resources

USPTO – Texas Regional Office

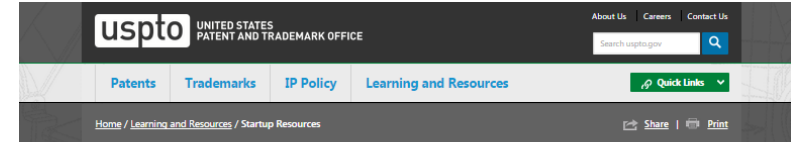
- Visit us at www.uspto.gov – Search “Texas”



Startup resources

- Webpage that serves as a one-stop shop for startups:

- www.uspto.gov/learning-and-resources/startup-resources



Startup Resources

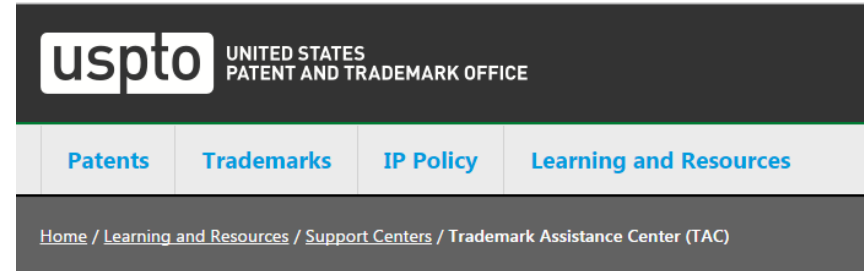
Many startup businesses face unique IP-related challenges, such as IP portfolio prerequisites to secure funding, and the possibility of costly patent infringement demand letters and lawsuits. We have tailored this area of our website to suit the specific needs of startup businesses, a segment of our stakeholders that continues to be recognized as an outsize engine of job creation, economic growth, and unparalleled innovation in the United States.

This portal is part of our Startup Partnership Initiative—putting key resources and critical information for startups in a single place so it's easier to find what you may need when you need it.

Patents for Startups The patent process can be challenging if you are not familiar with it. Here is basic information on the patent process. <ul style="list-style-type: none">• Patent Process Overview• Inventors Assistance Center• Patent FAQs• Patent Homepage• Search for Patents• Official Gazette for Patents	Trademarks for Startups The trademark process can be confusing for a beginner, so here is basic information on registering a trademark. <ul style="list-style-type: none">• Trademark Basics• Search for Trademarks• Filing online• Trademark Homepage	Startup Assistance The Inventors Assistance Center and Trademark Assistance Center provide information and services to the public. Center staff can answer questions on patent and trademark processes, but cannot provide specific legal advice. <ul style="list-style-type: none">• Inventors Assistance Center• Trademark Assistance Center• Patents Ombudsman Program• BusinessUSA (link is external)	Current Events Information about conferences, conventions and other opportunities to engage. <ul style="list-style-type: none">• Upcoming Events• Investors Eye Events & Announcements
Scam Prevention We provide a public forum for the publication of complaints concerning invention promoters/promotion firms. However, we do not investigate complaints or participate in legal proceedings related to invention promoters. <ul style="list-style-type: none">• Scam Prevention Basics• Non-USPTO Trademark Solicitations• American Inventors Protection Act of 1999• Federal Trade Commission (link is external)• Consumer Protection (link is external)	Pro Se - Pro Bono Are you a startup with limited resources and need help applying for a patent on an invention? If so, you may be eligible to receive pro bono ("for free") attorney representation through the nationwide Pro Bono Program. Alternatively, you might be eligible to participate in a law school clinical program near you. <ul style="list-style-type: none">• Pro Se• Interest Form (link is external)• Pro Bono• Investors Eye Pushing Ahead with Pro Bono Assistance• Patent and Trademark Resource Centers• Law School Clinics	Education & Information Guides and additional resources and information for startups. <ul style="list-style-type: none">• Provisional Application for Patent• Filing a Nonprovisional Utility Patent Application• Filing A Design Patent Application• Financial Manager• Patent Litigation Toolkit• IP Awareness Assessment	State Resources <ul style="list-style-type: none">• U.S. map of resources

Trademark Assistance Center

- Provides general information about the registration process
- Responds to status inquiries
- 8:30 a.m. to 8 p.m. ET, Monday through Friday
- Phone:
 - 571-272-9250 or 800-786-9199
- Email:
 - TrademarkAssistanceCenter@uspto.gov



Trademark Assistance Center (TAC)

The Trademark Assistance Center (TAC) provides general information about the trademark registration process and responds to inquiries about the status of trademark applications and registrations. The location of the Trademark Assistance Center is Madison East, Concourse Level, 600 Dulany Street, Alexandria, VA 22314. Telephone assistance is available Monday through Friday (except federal holidays) from 8:30 a.m. to 8 p.m. ET. Walk-in assistance is available Monday through Friday (except federal holidays) from 8:30 a.m. to 5 p.m. ET.

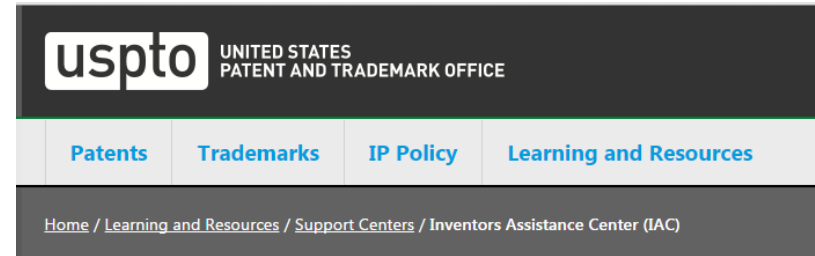
You can also check the status of an application or registration through Trademark Applications and Registrations Retrieval ("TARR") database at <http://tarr.uspto.gov/>.

800-786-9199 (toll-free) | 571-272-9250 (local)



Inventors Assistance Center

- Provides general information about patent examination policy and procedure
- Assists with identifying necessary forms and completion
- 8:30 a.m. to 8 p.m. ET, Monday through Friday
- Phone:
 - 571-272-1000 or 800-877-8339



Inventors Assistance Center (IAC)

The Inventors Assistance Center (IAC) provides patent information and services to the public. The IAC is staffed by former Supervisory Patent Examiners, experienced Primary Patent Examiners, various intellectual property specialists and attorneys who can answer general questions concerning patent examining policy and procedure.

What IAC can do for you

- Answer general questions regarding patent examining policy.
- Answer questions concerning necessary formats and items needed for your patent application.
- Assist you with forms needed and with filling out the forms.
- Direct your calls to appropriate USPTO personnel or www.USPTO.gov web pages, as necessary.
- Provide you with general information concerning patent examining rules, procedures, and fees.
- Send you patenting information and forms via USPS mail or facsimile.



My.USPTO.gov

- Trademark docket
 - Share collections in dockets with other MyUSPTO users
- Trademark form finder widget
 - Widget identifies forms using plain language rather than current form names
 - Includes a search box to search the form names
- Next widget: Trademark Electronic Application System (TEAS) Plus Short Form
 - Initial scope: Intent-to-use word marks, TEAS Plus fee basis
 - Status: Testing ongoing using production data; release to the public Q1 FY 2020



The screenshot shows a web interface titled "TRADEMARK FORM FINDER" in green text. At the top right are small icons for a caret and a close button. Below the title is a search bar with the placeholder text "Search" and a blue search button with a magnifying glass icon. A list of trademark-related actions follows, each preceded by a right-pointing chevron (>):

- > File an application
- > Respond to correspondence from the USPTO
- > Respond to a Notice of Allowance
- > Make changes to your application
- > File documents after your mark is registered to maintain or change your registration
- > Change an address
- > Change attorney or domestic representative information
- > File a late response
- > Respond to a Notice of Abandonment
- > File a petition
- > File forms related to the Madrid Protocol
- > File an appeal, opposition, or cancellation with the TTAB
- > Record an assignment for ownership transfers or changes in name, entity type, or citizenship

At the bottom of the list is a blue link that says "All trademark forms".



Apple



Google

USPTO TM Status App

- Available on Apple App Store and Google Play
- Search application and registration numbers
- Notifications of selected status changes
- Reflects updated status changes within minutes
- Share, bookmark, or create notebooks for saving information
- No account necessary



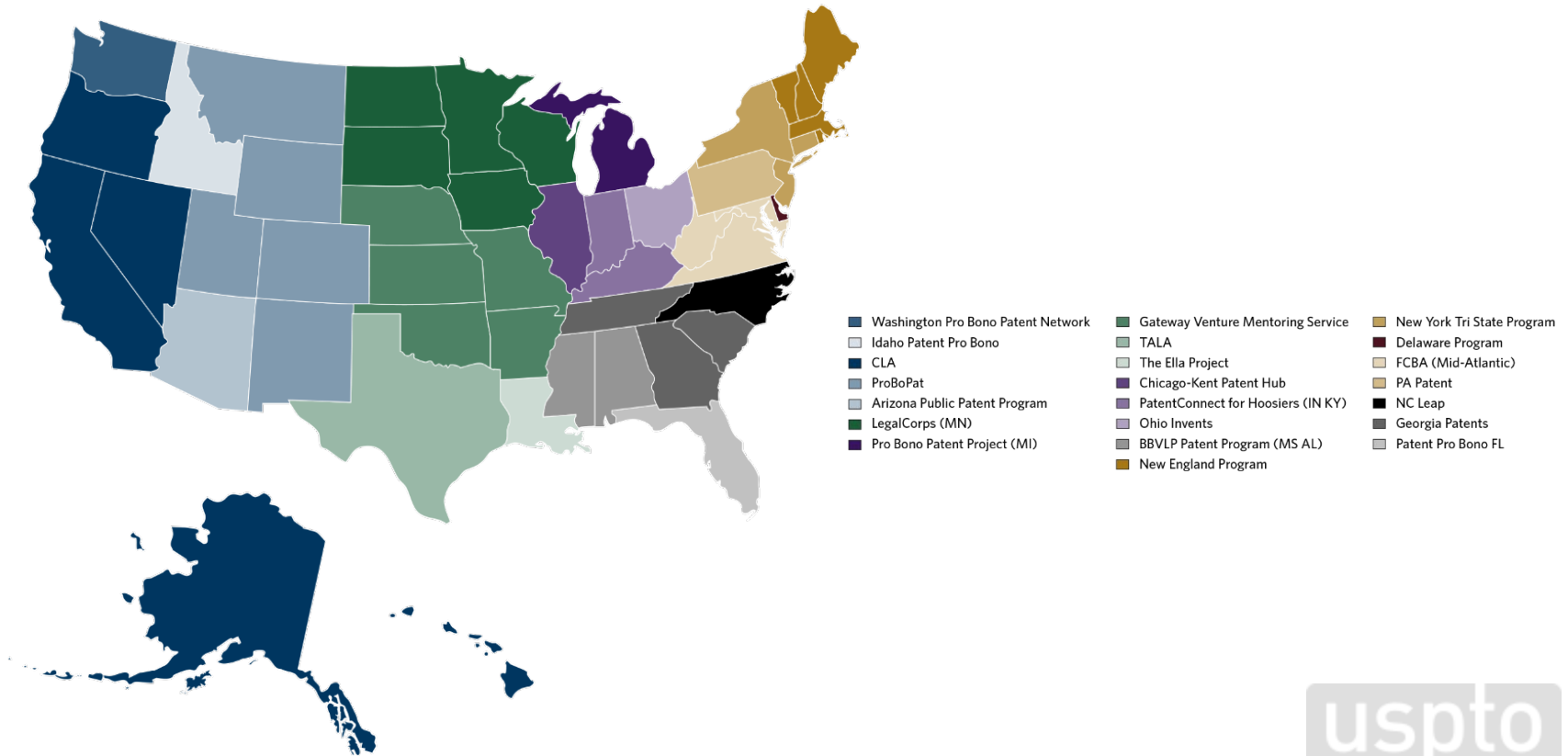
USPTO Patent Pro Bono Program

Nationwide network that assists financially under-resourced independent inventors and small businesses

- Coverage in all 50 states achieved and maintained since August 2015
- Program participants must:
 - Have income of 300% below federal poverty guidelines
 - Pay USPTO filing fees and costs
 - Demonstrate knowledge of the patent system
 - Take training course at www.uspto.gov/video/cbt/certpck/index.htm
 - Have application prescreened to ensure that there is more than an idea



Patent pro bono nationwide coverage



Pro bono program for Texas

- TALA Patent Pro Bono Program
 - Located in Austin, Texas
 - Programs designed to help participants apply sound business practices to protect intellectual property, advance careers, and develop income
 - Expanded service to include helping qualified inventors and small businesses to obtain pro bono access to registered patent professionals
 - Contact Alissa McCain, Executive Director, at centraltexas@talarts.org



Pro bono program for Louisiana

- Louisiana Invents pro bono program
 - Located in New Orleans, Louisiana
 - Program designed for moderate income Louisiana residents, small businesses, and nonprofits seeking patent protection
 - Contact the Ella Project at gene@ellanola.org



Pro bono program for Arkansas and Oklahoma

- Pro Bono Patent Program at Saint Louis University
 - Located in Saint Louis, Missouri
 - Program designed to help under-resourced inventors apply for patents by arranging free patent attorney and/or patent agent time and entrepreneurial support
 - Serves Missouri, Arkansas, Kansas, Nebraska, and Oklahoma
 - Contact Patent Assistance at patents@slu.edu



Pro bono program for Mississippi

- Birmingham Bar Volunteer Lawyers Program
 - Located in Birmingham, Alabama
 - Covers Alabama and Mississippi
 - Programs designed to help participants apply sound business practices to protect intellectual property, advance careers, and develop income
 - Expanded service to include helping qualified inventors and small businesses to obtain pro bono access to registered patent professionals
 - Contact Graham Hewitt, Executive Director, at ghewitt@vlbham.org



Law school clinics

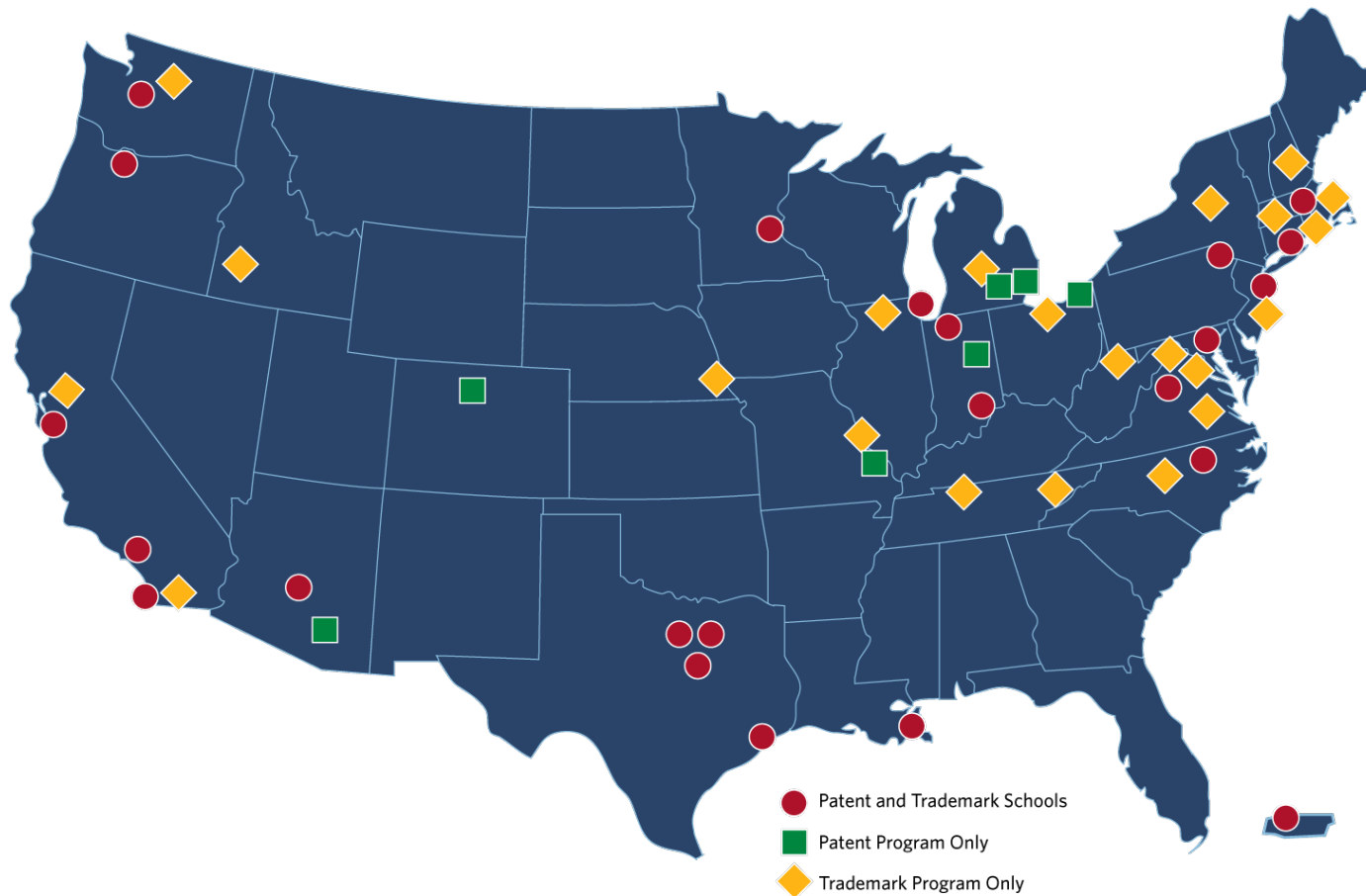
- The USPTO's Law School Clinic Certification Program allows law students enrolled in a participating law school's clinic program to practice before the USPTO under the guidance of a law school faculty clinic supervisor.
- Students gain experience drafting and filing either patent applications or trademark applications for clients of the law school clinic.



USPTO

Law School

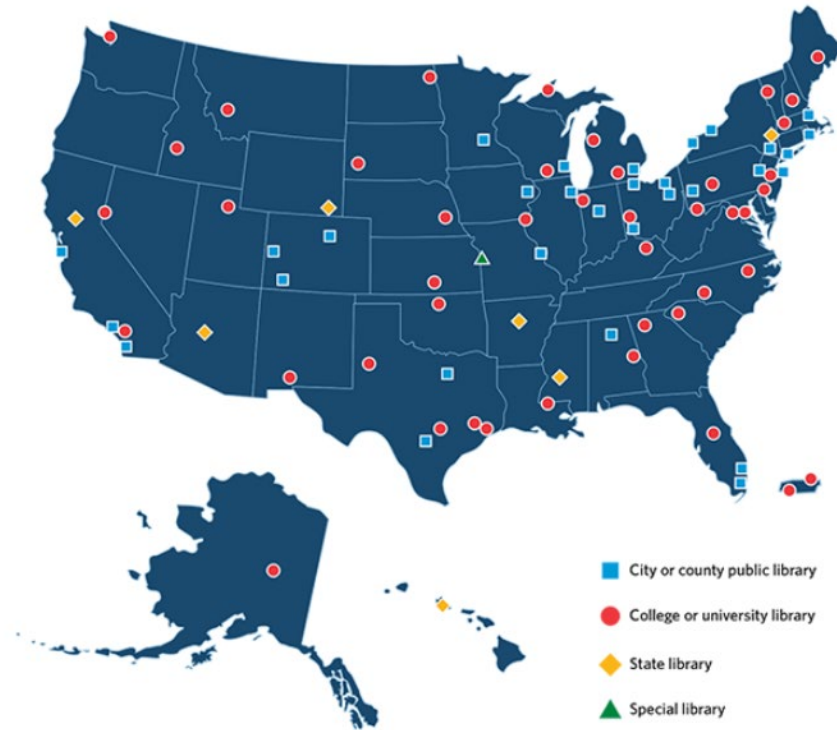
CLINIC CERTIFICATION PROGRAM



Patent and Trademark Resource Centers (PTRC)

Nationwide network of public, state, and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support intellectual property needs of the public.

www.uspto.gov/ptrc



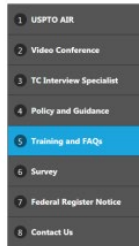
Need patent protection fast?



Need to FAST track your patent? Use Track One!
Move your ideas quickly with the USPTO's Track One.



AIR form



USPTO AIR



A new web-based tool that allows Applicants to schedule an interview with an Examiner for their pending patent application.
Complete the form.

Video Conference

Video conferencing with a patent examiner gives you the ability to have face-to-face meetings, no matter the location of the examiner or attorney. Visit [Video Conferencing and Collaboration](#) for instructions on how to join a USPTO-hosted video conference, and information and links on how to use WebEx collaboration tools, including audio/video conferencing and file sharing. In this short video, attorneys share some advantages of video conferencing interviews.



TC Interview Specialist

Interview Specialists are subject matter experts in each Technology Center (TC) on interview practice and policy to assist in interviews, including facilitating and assisting with technical issues that may arise (e.g. WebEx problems, public interview room setup).

If you have questions or comments about interview practice at the USPTO please contact a [TC Interview Specialist](#), based on the Technology Center that the application is docketed in.

USPTO Automated Interview Request (AIR) Form

AIR form allows applicants to schedule an interview with an examiner for their pending patent application

* This paper requesting

☐ I have previously submitted

☐ I am concurrently submitting

☐ This submission is not

Internet communication

Interview via video conference

including video conferencing

* ☐ I understand that a copy of this communication will be made of record in the application file.

*Name(s):

*S-signature: (See 37 CFR 1.4(d)(2)) (/Name/)

Registration Number: (5 Digit Numeric Only: 12345)

*U.S. Application Number: (8 Digit Numeric Only: 12345678)

*Confirmation Number: (4 Digit Numeric Only: 1234)

*E-mail Address:

*Phone Number: (10 Digit Numeric Only: 0123456789)

*Proposed Date and Time of Requested Interview must be more than one (1) week after today:
(Note: Confirmation of actual interview date and time will be arranged between examiner and requester)

MM DD YYYY Time Eastern Time

*Proposed Type of Interview: (Examiners working remotely will offer Video Conference or Telephonic interviews)

* ☐ I am the applicant or applicant's representative for this application.

Submit

* Indicates fields that are required

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to prosecute (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14.

This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



"This program brings a voice to the inventor that they normally would not have. ... Thank you!"

- Process designed for issues that arise during patent application prosecution; used to get an application "back on track"
- Use online ombudsman form at www.uspto.gov/patents/ombudsman.jsp

Micro entity status

- 75% off most patent fees
- Low-cost submission to establish filing date
 - Provisional application filing fees
 - \$75 micro entity
- Micro entity certifies that it:
 - Qualifies as a small entity (fewer than 500 employees);
 - Has not been named as an inventor on more than four previously filed patent applications;
 - Did not, in the calendar year preceding the calendar year in which the applicable fee is paid, have a gross income exceeding three times median household income; and
 - Has not assigned, granted, or conveyed (and is not under obligation to do so) a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is paid, had a gross income exceeding three times the median household income.





Thank you!

TexasRegionalOffice@uspto.gov

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