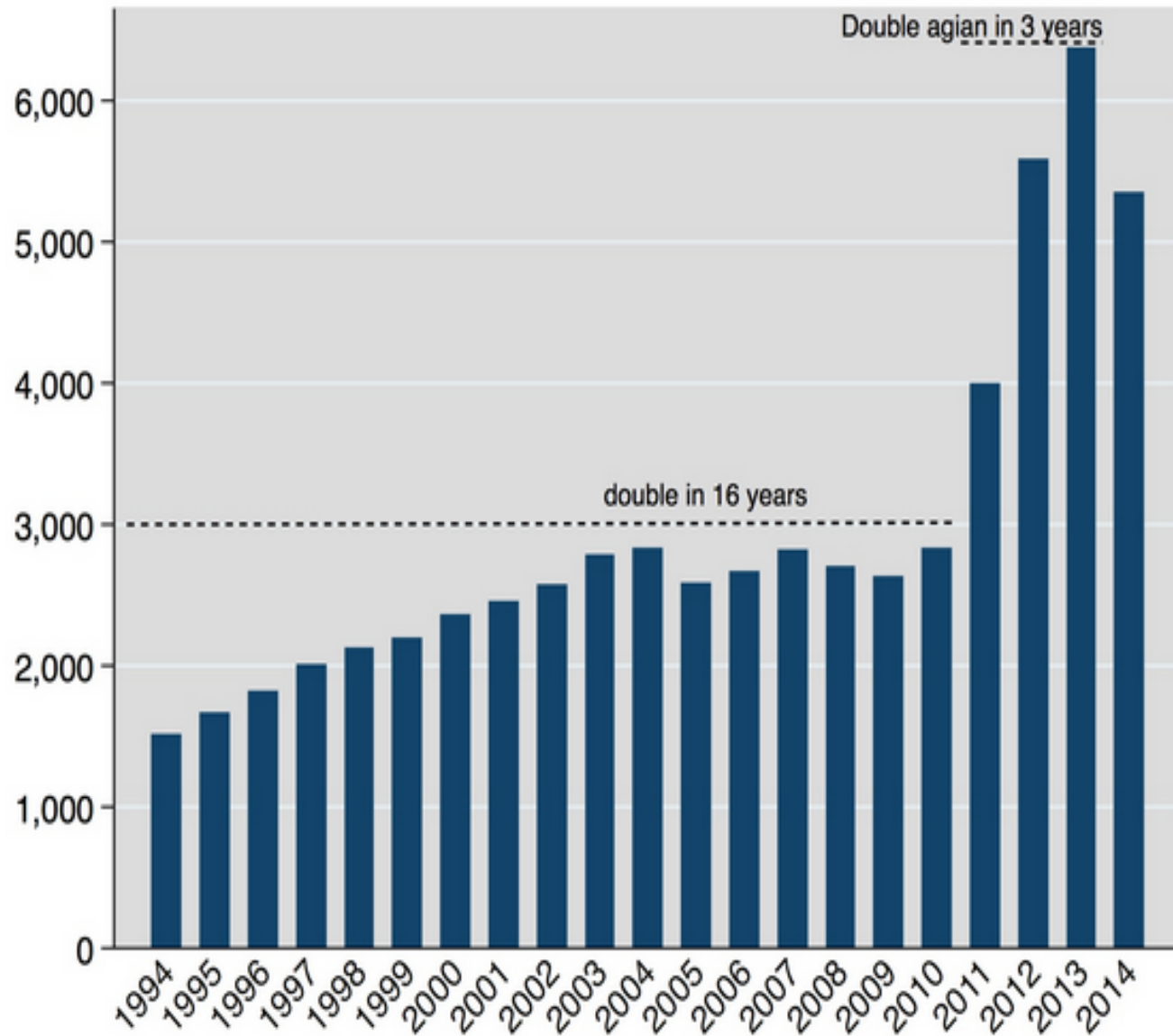
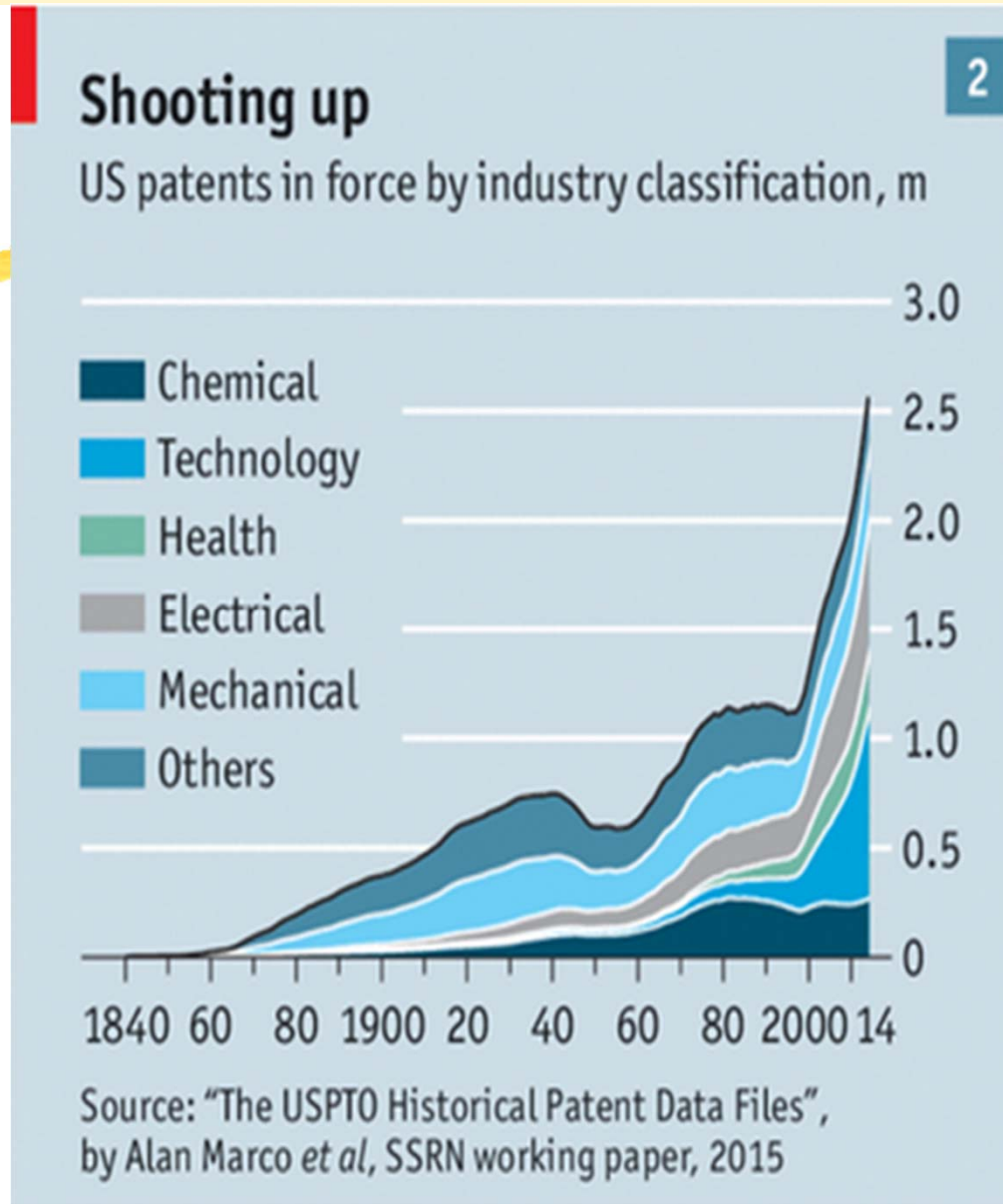


Guess What



U. S. Patents by industry



What is Intellectual Property ?

⌘ Creations of the mind

- ☑ Inventions
- ☑ Literary and artistic works
- ☑ Symbols, names, and images used in commerce

⌘ 5 categories

- ☑ **Patents for inventions**
- ☑ Trademarks
- ☑ Industrial Designs
- ☑ Geographical Indications
- ☑ **Copyright**
 - ☑ Literary works: novels, poems, and plays
 - ☑ Films or Music
 - ☑ Artistic Works: Drawings, paintings, photographs, and sculptures
 - ☑ Architectural Designs

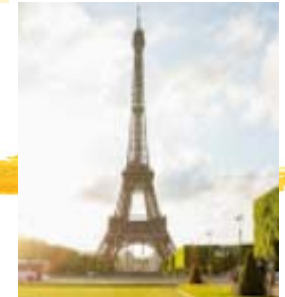
Intellectual Property Right

⌘ Intellectual Property Right:

- ⊞ Allows creators, or owners, of (1) **patents**, (2) **trademarks**, or (3) **copyrighted works** to benefit from their own works or investment in creation

⌘ Historical Perspective

- ⊞ () Convention for the **Protection of Industrial Property** (1883)
- ⊞ () Convention for the **Protection of Literary and Artistic Works** (1888)
- ⊞ Universal Declaration of () Article 27 (1948):
 - ⊞ Right to benefit from the protection of moral and material interests resulting from authorship of scientific, literary or artistic productions.
- ⊞ U.S. Copyright Act of 1976 (**U.S. adoption of Berne Convention on 3/1/1989**)



Patents & U. S. Presidents



Relief representing the United States Patent Office at the Herbert C. Hoover Building.



Why promote and protect intellectual property?

⌘ First,

⊞ For progress and well-being of humanity

⊞ Continue to create and invent new works in the areas of technology and culture.

⌘ Second,

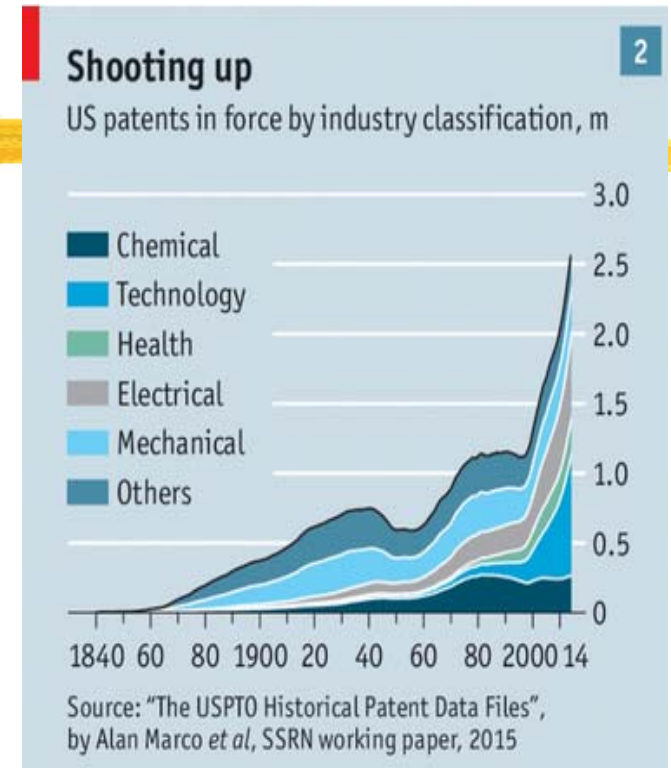
⊞ encourages the commitment of additional resources for further innovation.

⌘ Third,

⊞ spurs economic growth,

⊞ creates new jobs and industries, and

⊞ enhances the quality and enjoyment of life.



Patent and Protection

⌘ A patent

- ⊞ an **exclusive right** granted for an invention – for a **limited period, generally 20 years**.
- ⊞ “**Invention**” - **product** or **process** that provides a **new** way of doing something, or that offers a **new** technical solution to a problem.
- ⊞ What kind of protection?
 - ⊞ Patent cannot be **commercially made, used, distributed or sold** without the patent owner’s consent.
 - ⊞ Patent rights, **enforced in courts** that hold the authority to stop **patent infringement**.

⌘ Patent Types

- ⊞ () **Patents** – new and useful product/process
- ⊞ () **Patents** – new design for an article of manufacture
- ⊞ () **Patents** – production of any distinct and new variety of plant

Patent's Role

⌘ What Role do Patents Paly in everyday life?

⏏ Patented inventions in every aspect of human life

⊗ electric lighting (patents held by () and Swan)

⊗ sewing machines (patents held by Howe and ())

⊗ magnetic resonance imaging (MRI) (patents held by Damadian)

⊗ iPhone (patents held by ()).

(12) United States Patent Jobs et al.

(54) TOUCH SCREEN DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR DETERMINING COMMANDS BY APPLYING HEURISTICS

(75) Inventors: **Steven P. Jobs**, Palo Alto, CA (US); **Scott Forstall**, Mountain View, CA (US); **Greg Christie**, San Jose, CA (US); **Stephen O. Lemay**, San Francisco, CA (US); **Scott Herz**, San Jose, CA (US); **Marcel van Os**, San Francisco, CA (US); **Bas Ording**, San Francisco, CA (US); **Gregory Novick**, Santa Clara, CA (US); **Wayne C. Westerman**, San Francisco, CA (US); **Imran Chaudhri**, San Francisco, CA (US); **Patrick Lee Coffman**, Menlo Park, CA (US); **Kenneth Kocienda**, Sunnyvale, CA (US); **Nitin K. Ganatra**, San Jose, CA (US); **Freddy Allen Anzures**, San Francisco, CA (US); **Jeremy A. Wyld**, San Jose, CA (US); **Jeffrey Bush**, San Jose, CA (US); **Michael Matas**, San Francisco, CA (US); **Paul D. Marcos**, Los Altos, CA (US); **Charles J. Pisula**, San Jose, CA (US); **Virgil Scott King**, Mountain View, CA (US); **Chris Blumenberg**, San Francisco, CA (US); **Francisco Ryan Tolmasky**, Cupertino, CA (US); **Richard Williamson**, Los Gatos, CA (US); **Andre M. J. Boule**, Sunnyvale, CA (US); **Henri C. Lamiroux**, San Carlos, CA (US)

(73) Assignee: **Apple Inc.**, Cupertino, CA (US)

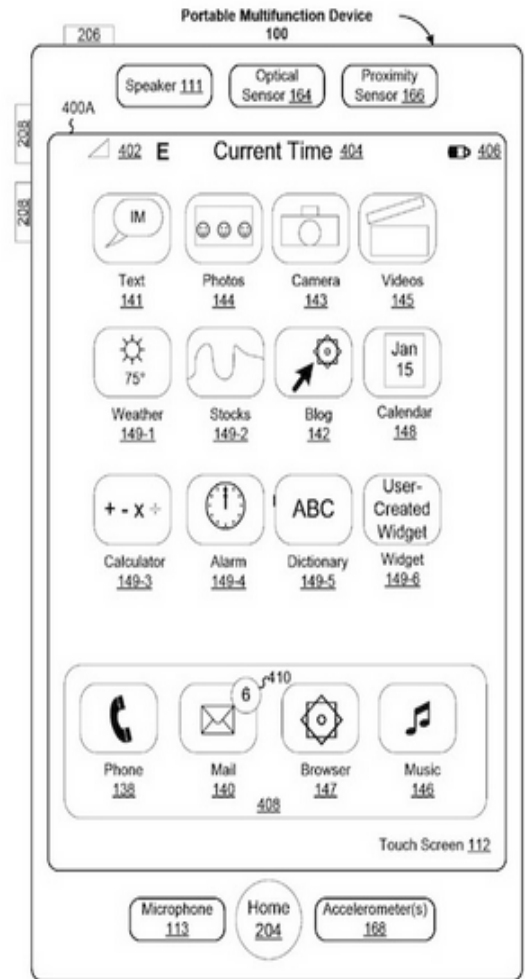


Figure 4A

Patent Application

⌘ How is a patent granted?

⊞ 1 File a patent application.

⊞ Content of the application

- ⊗ Title of the invention, as well as an indication of its Technical Field.
- ⊗ Background and a description of the invention, in clear language and enough detail that “an individual with an average understanding of the field could use or reproduce the invention.”
- ⊗ Visual materials – drawings, plans or diagrams – that describe the invention in greater detail.
- ⊗ “claims”, that is, information to help determine the extent of protection to be granted by the patent.

⊞ 2 Examination by Patent Examiners



⌘ Functions of the USPTO

- ⊞ **grants patents** for the protection of inventions and to **register** trademarks.
- ⊞ **examines applications**
- ⊞ **publishes** patent information, records assignments of patents,
- ⊞ **maintains** search files of U.S. and foreign patents,
- ⊞ **maintains** a search room for public use in examining issued patents and records.

⌘ What can/cannot be Patented

⊞ 1. Useful.

- ⊞ subject matter has a useful purpose and
- ⊞ includes operative-ness. (a machine which will not operate to perform the intended purpose would not be called useful, and therefore would not be granted a patent)
- ⊞ **The laws of nature, physical phenomena, and abstract ideas are **not patentable** subject matter.**
- ⊞ A patent **cannot** be obtained upon a **mere idea or suggestion**. A complete **description of the actual machine** or other subject matter is required.

⊞ 2. Novelty and

⊞ 3. Non-Obviousness

⌘ **Novelty** and **Non-Obviousness**, Conditions for Obtaining a Patent

⊞ Must be **new** as defined in the patent law, which provides that an invention **cannot be patented** if:

⊗ “(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or ***otherwise available to the public*** before the effective filing date of the claimed invention” or

⊗ “(2) the claimed invention was described in a patent issued [by the U.S.] or in an application for patent published or deemed published [by the U.S.],

⊞ Term “**otherwise available to the public**” **refers** to other types of **disclosures of the claimed invention** such as, for example,

⊗ an oral presentation at a scientific meeting,

⊗ a demonstration at a trade show,

⊗ a lecture or speech,

⊗ a statement made on a radio talk show,

⊗ a YouTube™ video, or

⊗ a website or other on-line material.

Contemporary Issues which involve Intellectual Property Rights

⌘ **Class Activity** – Team work – Search and make 1-sentence summary on each of the patent disputes

☑ Patent dispute between Apple and Samsung (**on smartphone patents**)



☑ Copyright Lawsuit between Oracle and Google (**on Java APIs**)



☑ Qualcomm suing Apple (**Smartphone Modem Chips**)

