

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**uspto**

*Andrew Koenig*

**Defense Innovation Unit Experimental  
2/18/2016**

**Andrew Koenig**

*Regional Manager of the Silicon Valley United States  
Patent and Trademark Office*

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Overview of Intellectual Property

	<u>Utility Patent</u>	<u>Design Patent</u>	<u>Trade Secret</u>	<u>Copyright</u>	<u>Trademark</u>
What is protected	Inventions – Process, machine, manufacture, or composition of matter	Ornamental characteristics embodies 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
Requirements	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
Protects Against...	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
Endures until...	20 years from filing date	14 years from issuance	Publicly disclosed	The life of the author +70 years	Abandoned



# Can you find the IP in a mobile phone?

## Trademarks:

- Made by "Nokia"
- Product "N8"
- Software by Microsoft "Windows"

## Patents:

- Data-processing methods
- Semiconductor circuits
- Chemical compounds
- Battery/Power Control
- Antenna
- Optics

## Copyrights:

- Software code
- Instruction manual
- Ringtone
- ...

## Trade secrets:

- ???

## Designs (some of them registered):

- Form of overall phone
- Arrangement of buttons in oval shape
- Three-dimensional wave form of buttons
- Sliding screen



© Nokia



# What do Trademarks offer?

- Brand recognition – distinguishing goods or services from competitors in the marketplace
- Public notice of ownership - exclusive right to use
- Right to enforce nationally and bring legal action in federal courts
- Use of federal Trademark registration symbol ®
- Right to record mark with Customs
- Serve as basis for foreign filing
- Publication in U.S. Trademark database



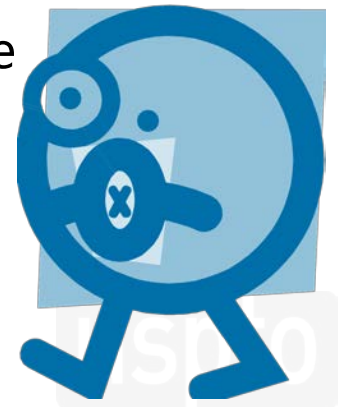
# Why use a Trade Secret?

## Trade Secret Basics:

- Protects commercially valuable proprietary information, e.g., formulas or business information that gives a competitive advantage
- Trade Secrets are not generally known and must be subject to reasonable efforts to preserve confidentiality

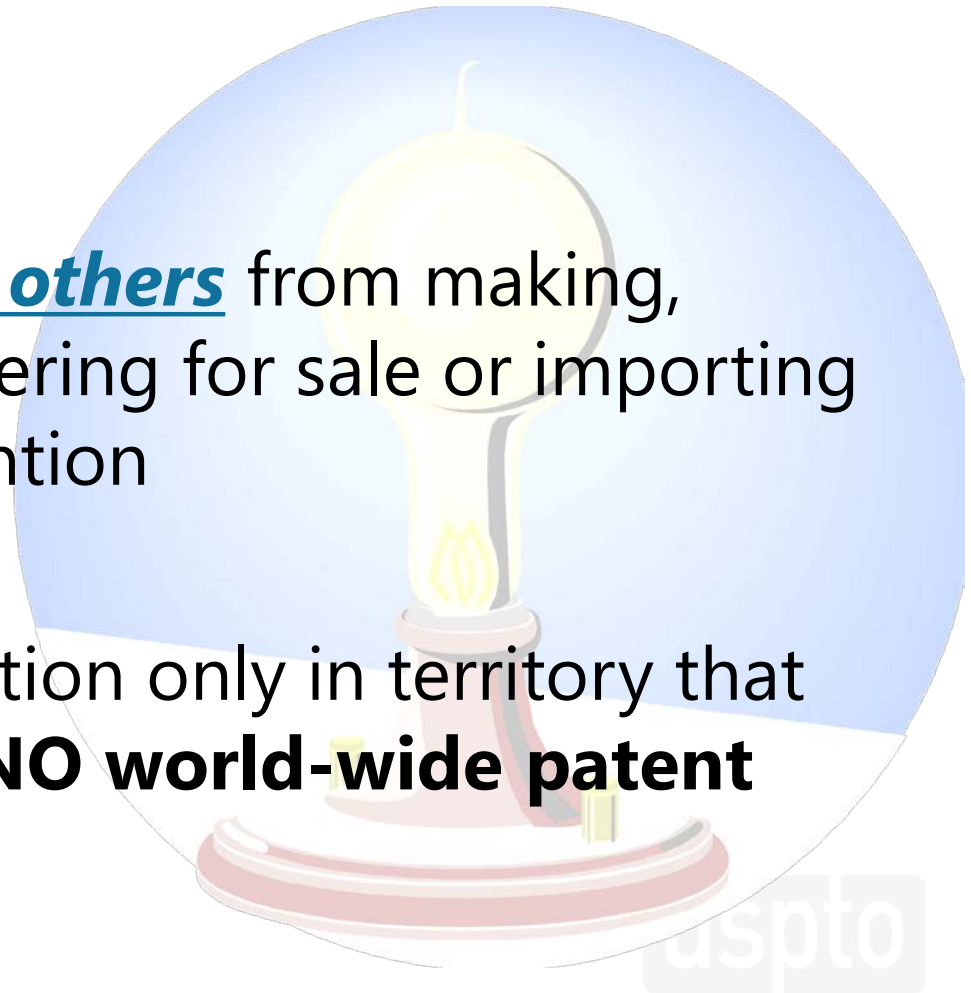
## Common Ways to Lose a Trade Secret:

- Failure to take adequate steps to prevent disclosure
- Owner or owner-authorized disclosure
- Reverse engineering
- Independent development



# What is a Patent?

- A Property Right
  - Right to *exclude others* from making, using, selling, offering for sale or importing the claimed invention
  - Limited term
  - Territorial: protection only in territory that granted patent; **NO world-wide patent**



# Why get a Patent?



- A patent can be used :
  - To gain entry into, and deter others from, a market
  - As a marketing tool to promote unique aspects of a product
  - To assert/enforce rights against an infringer or competitor
  - As collateral to obtain funding
  - To create revenue, i.e., sell or license like other property



# The Silicon Valley USPTO

*West Coast Regional Office*



# Outreach services include:

- **Walk-in services** to obtain information about the USPTO
- **Workstations for searching** patents and trademarks
- **A regional focus** for workshops, just-in-time training, conferences and roundtables (at all levels)
- **A hearing room** to host Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB) proceedings – including remote access to hearings taking place in Alexandria or elsewhere
- **Interview rooms** to connect applicants to patent examiners working in Alexandria and across the country
- **Remote Training Capability** from local experts to all patent examiners working in their specialized technical fields
- **Office hours** for strategic partners like Small Business Development Centers and the Export Assistance Center

# Resources

- IP Assessment Tool: [www.uspto.gov/inventors/assessment](http://www.uspto.gov/inventors/assessment)
- Utility Patent Application Guide:  
[www.uspto.gov/patents/resources/types/utility.jsp](http://www.uspto.gov/patents/resources/types/utility.jsp)
- Patent Process: [www.uspto.gov/patents/process/index.jsp](http://www.uspto.gov/patents/process/index.jsp)
- USPTO Patent Search Guide: [www.uspto.gov/patents/process/search/index.jsp](http://www.uspto.gov/patents/process/search/index.jsp)
- Inventor resources: [www.uspto.gov/inventors/patents.jsp](http://www.uspto.gov/inventors/patents.jsp)
- Micro Entity Limit: [www.uspto.gov/patents/law/micro\\_entity.jsp](http://www.uspto.gov/patents/law/micro_entity.jsp)
- Pro Bono Program and video on patent process:  
[www.uspto.gov/inventors/proseprobono](http://www.uspto.gov/inventors/proseprobono)
- Comprehensive Information and Training Material for First Inventor to File: [www.uspto.gov/aia\\_implementation/patents.jsp#heading-10](http://www.uspto.gov/aia_implementation/patents.jsp#heading-10)



# Thank You

**Andrew.Koenig@uspto.gov**  
**SiliconValley@uspto.gov**

[www.uspto.gov](http://www.uspto.gov)

<https://www.facebook.com/uspto.gov>

<http://www.youtube.com/user/USPTOvideo/>

UNITED STATES  
PATENT AND TRADEMARK OFFICE



