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SESSION 6 – AUGUST 25, 2016 11:30AM-12:30PM (MDT)

PATENT & TRADEMARK BASICS

PETER GRANT: ARIZONA STATE LIBRARY

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If you are viewing this session with a group, please tell us how many are attending in the chat box



PETER GRANT

PATENT AND TRADEMARK BASICS

AUGUST 25, 2016

Patent and Trademark Basics

What is a Patent and Trademark Resource Center (PTRC)?

What is a patent?

- What can be patented / what do patents do
- Sources for patent information at USPTO.gov
- Sources for patent assistance

What is a trademark?

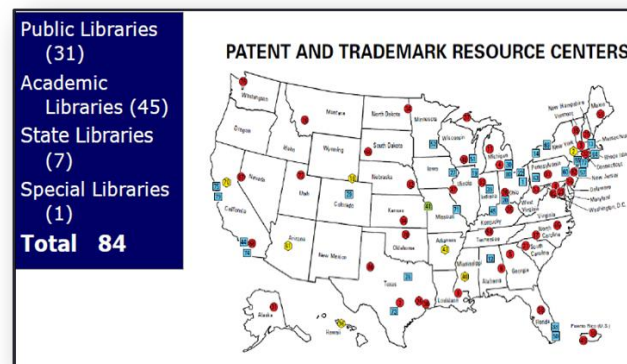
- What can be trademarked / what do trademarks do
- Sources for trademark information at USPTO.gov
- Sources for trademark assistance

What is a Patent and Trademark Resource Center (PTRC)?

A library selected by the US Patent and Trademark Office (USPTO) to provide patent and trademark materials to the public

PTRC librarians are trained by the USPTO to help patrons with intellectual property questions

PTRCs have core collections of related resources and are part of a network of 84 libraries



What is a patent?

The grant of a property right to the inventor, issued by the United States Patent and Trademark Office

A patent obtained in the U.S. gives the patent holder the right, for a limited time, to exclude others from making, using, offering to sell, selling, or importing into the U.S. the subject matter that is within the scope of protection granted by the patent

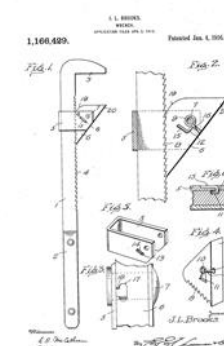
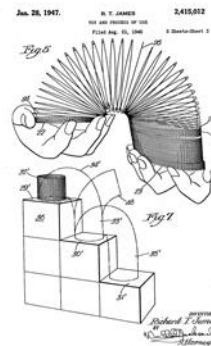
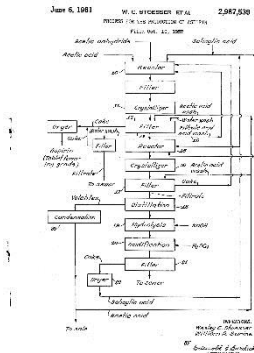
U.S. Constitution: Article 1, Section 8, Clause 8

“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.”

What can be patented?

“...any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof...” - 35 U.S.C. 101

- Process - a process, act, or method, and primarily includes industrial or technical processes
- Composition of matter - chemical compositions and may include mixtures of ingredients as well as new chemical compounds



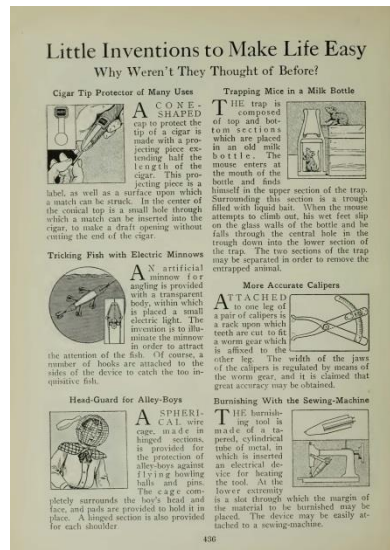
What can(not) be patented?

Novelty

“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”

Obviousness

“...must be sufficiently different from what has been used or described before that it may be said to be non-obvious to a person having ordinary skill in the area of technology related to the invention.”



What cannot be patented?

Laws of nature – gravity, thermodynamics, etc.

Physical phenomena – reflection, conduction, etc.

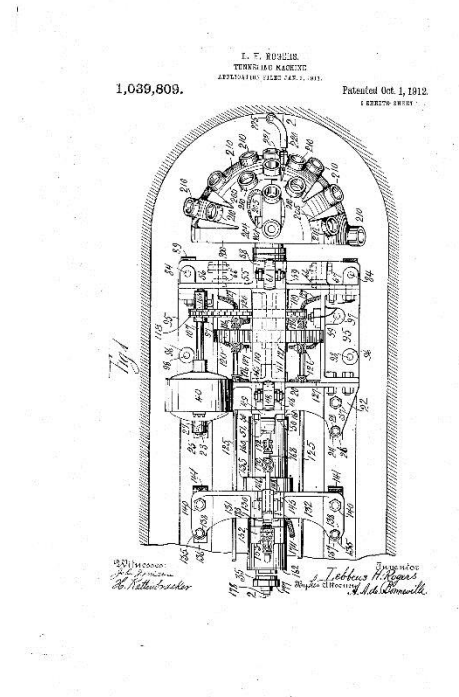
Abstract ideas

Mere ideas or suggestions

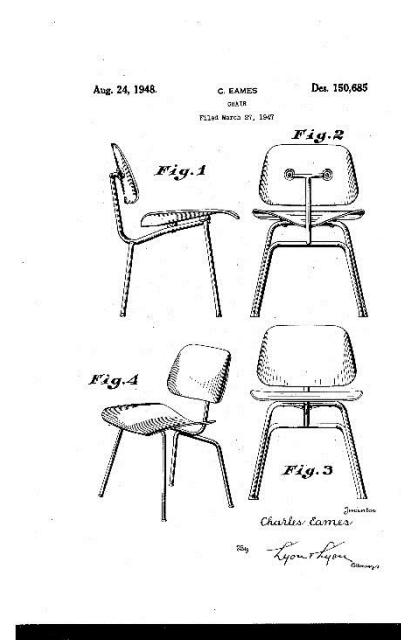
- “A complete description of the actual machine or other subject matter for which a patent is sought is required” – *General Information Concerning Patents*

Types of patents

Utility



Design



Plant



Sources of Patent Information

USPTO

- PatFT
- AppFT
- Global Patent Search Network
- Public Pair
- Patent Assignments on the Web

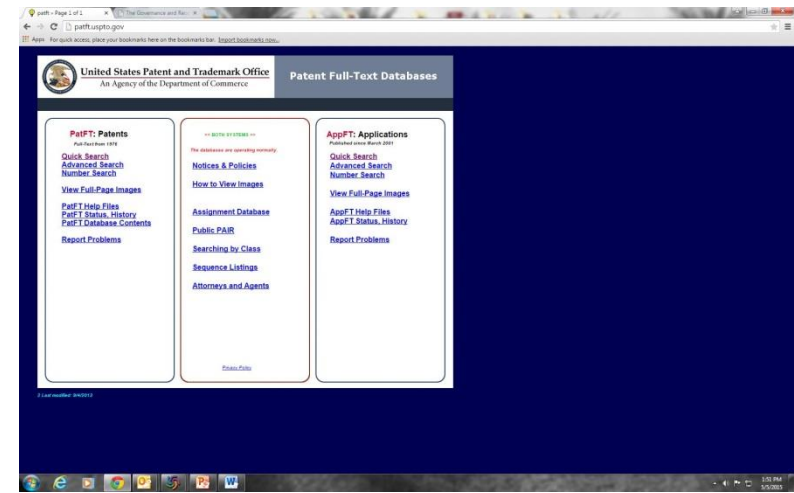
PatFT

<http://patft.uspto.gov/netahtml/PTO/index.html>

Granted patents

Full text searching 1976-present

- 1790-1975 searchable by Issue Date, Patent Number, and Current Classification
- Quick search (choose field)
- Advanced Search (build a query)
- Search field explanations and search tips

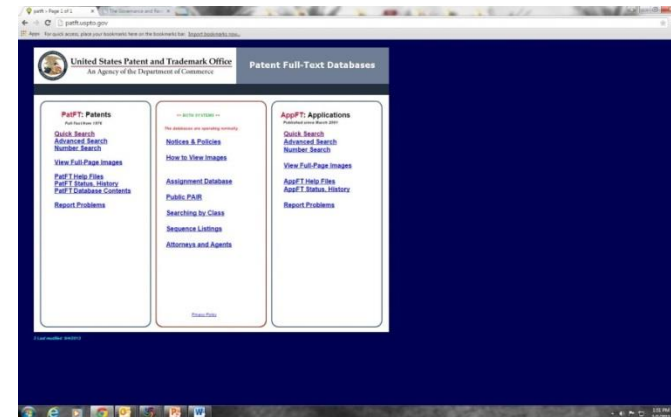


AppFT

<http://patft.uspto.gov/netahtml/PTO/index.html>

Published patent applications

- All published patent applications since March 2001
- All patent applications are automatically published after 18 months, unless applicant opts-out (5.9%)
- Quick search (choose field)
- Advanced Search (build a query)
- Search field explanations and search tips



Global Patent Search Network

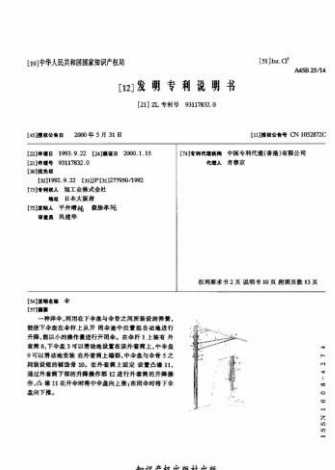
<http://gpsn.uspto.gov/>

Patent documents of the People's Republic of China

- Granted patents, utility models and published applications, 1985 – March 2014
- Full document images
- Machine translations
- Searchable in English or Chinese
- No classification search – must start with keywords and use facets

A screenshot of the 'RESULTS TOP LITERATURE' table. The table has columns for 'Title of invention', 'ID', 'Published', and 'Print'. It lists six patent entries related to vehicle door umbrellas.

Title of invention	ID	Published	Print
1. Vehicle door umbrella	CN101599502 CN101599502.2	May 11, 2004 May 11, 2004	00
2. A method of manufacturing of piston the umbrella cover from a single piece of umbrella cloth	CN101600070 CN101600070.2	Jan 10, 2005 Jan 10, 2005	00
3. With the lateral support for lifting and open to open an umbrella	CN101600490 CN101600490.2	Jan 25, 2004 May 19, 2005	00
4. The electric sunshade hanging umbrella	CN101600502 CN101600502.2	Nov 10, 2005 Jan 24, 2007	00
5. The lock-free electric fan is attached to the special umbrella	CN101600502 CN101600502.2	Mar 3, 2004 May 19, 2005	00
6. Improved structure of new shape umbrella	CN101600506 CN101600506.2	Apr 20, 2004 Oct 19, 2005	00



Public PAIR

<http://portal.uspto.gov/pair/PublicPair>

Access to the patent file

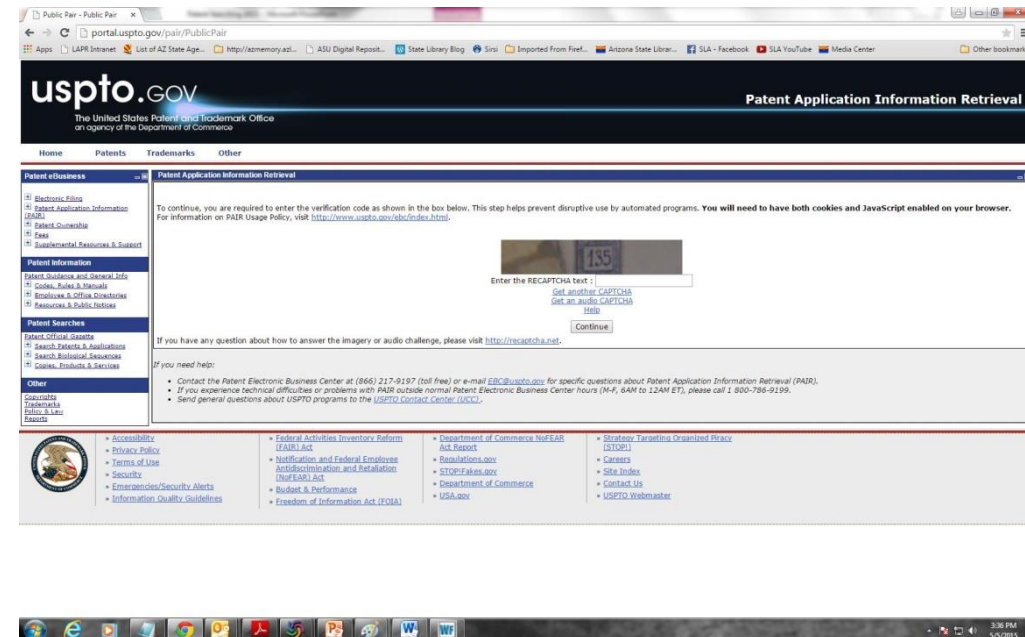
Issued or published patent applications

Foreign priority documents

2001-present

Patent “wrap”

- Application
- Examiner search
- Correspondence



Patent Assignments on the Web

<http://assignment.uspto.gov/>

Patent assignment recordings back to 1980

Actual assignment documents from 1998

No legal requirement to record patent assignments with USPTO

Incentive to record – recordings serve as prima facie evidence of ownership

Can be used to track technology trends

Research IP holdings of a particular company

Ownership history of a particular patent

Patent Resources

Inventors Assistance Center

Pro Se Program Assistance

Patent Pro Bono Program

Inventor's Assistance Center

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

Provide you with general information concerning patent examining rules, procedures, and fees

What IAC cannot do for you

Cannot give an opinion as to whether an invention is patentable

Cannot provide legal advice or legal interpretations

Cannot provide patent searches or other intellectual property research

Pro Se Assistance Program

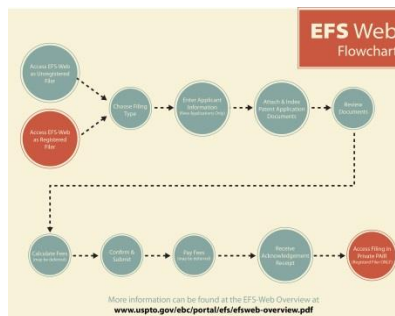
Assistance for inventors filing without the assistance of a registered attorney or agent

Dedicated personnel for assisting pro se applicants

In-person assistance for the general public at USPTO Headquarters

Targeted support to connect applicants with relevant resources and information

Online resources: <https://www.uspto.gov/patents-getting-started/using-legal-services/pro-se-assistance-program>



Patent Pro Bono Program

<http://www.uspto.gov/patents-getting-started/using-legal-services/pro-bono/patent-pro-bono-program>

Pairs inventors with patent attorneys who will work for no cost

Administered by regional organizations

Generally 3 requirements:

- 1) household income less than 300% of the federal poverty level
- 2) knowledge of the patent system
- 3) an actual invention

Certificate Training Course:

<http://www.uspto.gov/video/cbt/certpck/index.htm>

Patent Pro Bono Program

California Inventors Assistance Program	MiCasa (Colorado)
California	Colorado
Alaska	Montana (Aug 1)
Arizona	Utah
Hawaii	New Mexico
Washington	Wyoming
Oregon	
Idaho	
Nevada	

Patent Recap

A patent protects a machine, article of manufacture, process, or composition of matter

To receive a patent, the subject matter must be useful, novel, and non-obvious

The three types of patents are utility, design, and plant

USPTO databases can be used to locate

- issued patents
- published patent applications
- Chinese patents, applications, and utility models
- application documents and correspondence
- post issuance patent assignments

Multiple options for assistance

Trademarks

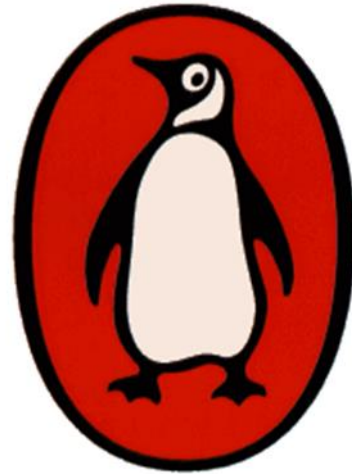
What is a trademark?

- What can be trademarked / what do trademarks do
- Sources for trademark information at USPTO.gov
- Sources for trademark assistance

What is a trademark?

A trademark or service mark includes any word, name, symbol, device, or any combination, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and to indicate the source of the goods/services.

Lanham Act (Trademark Act of 1946). Passed by Congress on July 5, 1946. Took effect July 5, 1947



What does registration do?

Legal presumption that the person owns the mark

Exclusive right to use the mark nationwide (with specific types of goods/services that you registered)

The right to use the ® for federal marks

The ability to sue for infringement in federal court

Must file declaration of use between 5th & 6th and 9th & 10th years, every ten years thereafter (\$300/class)



What can(not) be trademarked?

Marks that are merely surnames

Marks that are merely descriptive

Marks that are primary geographically (mis)descriptive

Marks that are merely ornamentation

Any mark found to be confusingly similar to an existing registration

Vulgar or disparaging marks



What can(not) be trademarked?

Any mark found to be confusingly similar to an existing registration

SAM	SUM
Sound	Similar in nature
Appearance	Use
Meaning	Marketing

Kwik / Quick
Capitol Builders / Capital Builders
Watercare / Aquacare
Lutex / Lutexal



Sources of Trademark Information

Trademark Electronic Search System (TESS)

Trademark Status and Document Retrieval (TSDR)

Design Search Code Manual

Acceptable Identification of Goods and Services Manual (ID Manual) Next Generation

Assignments on the Web (AOTW)

Trademark Electronic Search System (TESS)

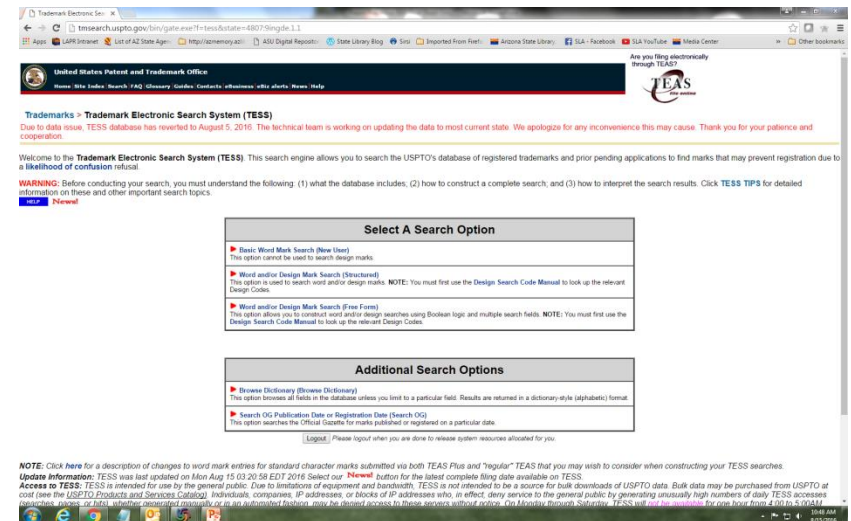
<http://tmsearch.uspto.gov/bin/gate.exe?f=tess&state=4810:tuqaau.1.1>

Contains records of active and inactive trademark registrations and applications

Can search text and images of marks

Offers basic, structured or free form search

Free form search page offers explanations and examples



Trademark Status and Document Retrieval (TSDR)

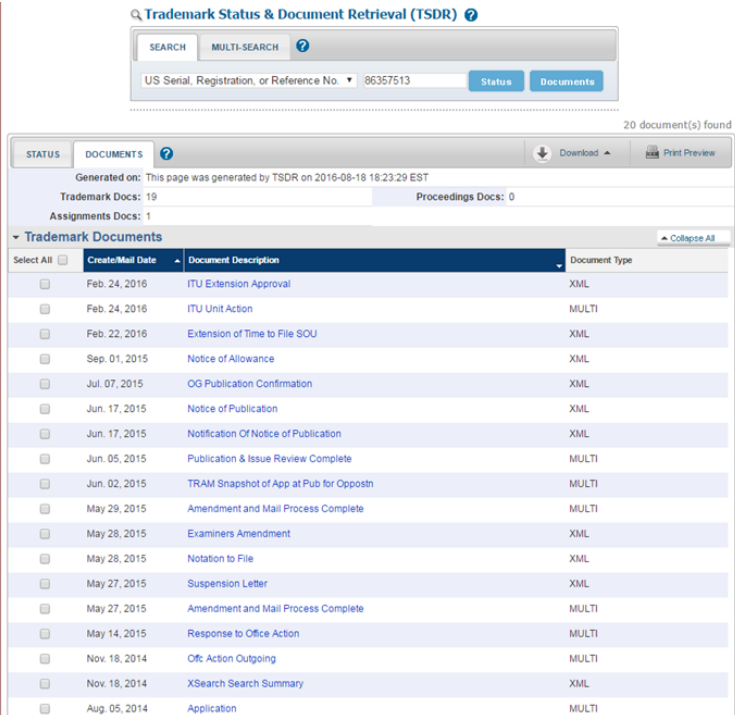
<https://www.uspto.gov/trademarks-application-process/check-status-view-documents>

View all data and documents about a trademark

Download all data and documents

Bookmark TSDR URLs for future searches

Simultaneously request and review multiple cases



The screenshot displays the TSDR interface for US Serial Number 86357513. It shows a search bar with the number entered and buttons for 'Status' and 'Documents'. Below the search bar, a table lists 19 trademark documents. The table has columns for 'Select All', 'Create/Mail Date', 'Document Description', and 'Document Type'. The documents are listed in chronological order from oldest to newest.

Select All	Create/Mail Date	Document Description	Document Type
<input type="checkbox"/>	Feb. 24, 2016	ITU Extension Approval	XML
<input type="checkbox"/>	Feb. 24, 2016	ITU Unit Action	MULTI
<input type="checkbox"/>	Feb. 22, 2016	Extension of Time to File SOU	XML
<input type="checkbox"/>	Sep. 01, 2015	Notice of Allowance	XML
<input type="checkbox"/>	Jul. 07, 2015	OG Publication Confirmation	XML
<input type="checkbox"/>	Jun. 17, 2015	Notice of Publication	XML
<input type="checkbox"/>	Jun. 17, 2015	Notification Of Notice of Publication	XML
<input type="checkbox"/>	Jun. 05, 2015	Publication & Issue Review Complete	MULTI
<input type="checkbox"/>	Jun. 02, 2015	TRAM Snapshot of App at Pub for Oppostn	MULTI
<input type="checkbox"/>	May 29, 2015	Amendment and Mail Process Complete	MULTI
<input type="checkbox"/>	May 28, 2015	Examiners Amendment	XML
<input type="checkbox"/>	May 28, 2015	Notation to File	XML
<input type="checkbox"/>	May 27, 2015	Suspension Letter	XML
<input type="checkbox"/>	May 27, 2015	Amendment and Mail Process Complete	MULTI
<input type="checkbox"/>	May 14, 2015	Response to Office Action	MULTI
<input type="checkbox"/>	Nov. 18, 2014	Off. Action Outgoing	MULTI
<input type="checkbox"/>	Nov. 18, 2014	XSearch Search Summary	XML
<input type="checkbox"/>	Aug. 05, 2014	Application	MULTI

Trademark Status and Document Retrieval (TSDR)

Trademark Status & Document Retrieval (TSDR) ?

SEARCH MULTI-SEARCH ?

US Serial No 75565534 76340610 73412034 72058521

☐ Registration Certificates

Multi-Search

4 cases found

Filter Results:





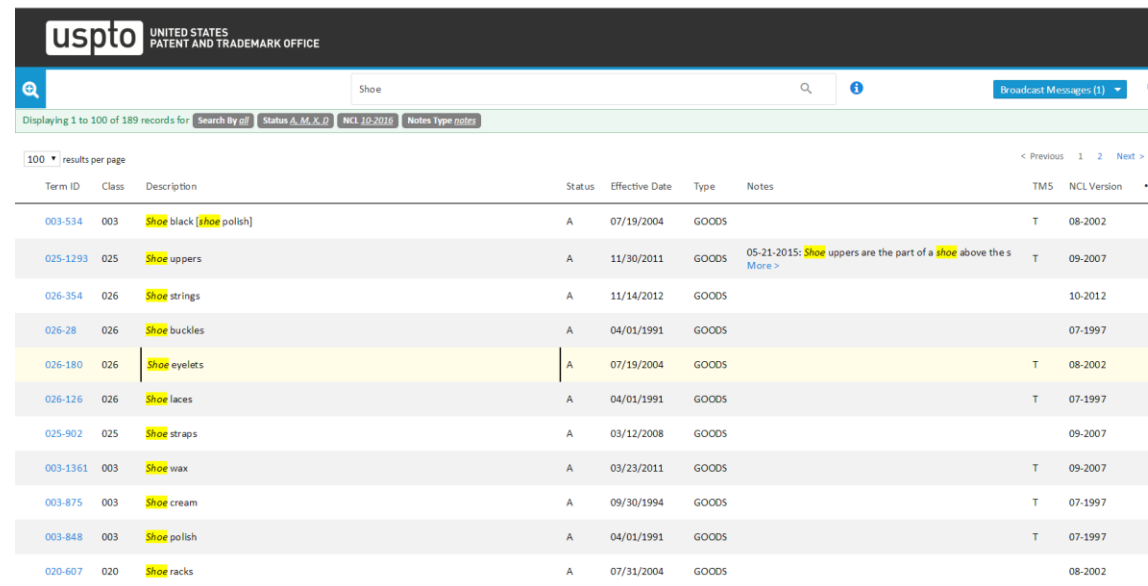
Image	Mark	Ser No	Reg No	Status	Filing	Owner	Class(es)	Goods and Services
	SUBARU	72058521	689801	live	1958-09-08	FUJI JUKOGYO KABUSHIKI KAI...	019	MOTOR CARS AND PARTS THEREOF
	SUBARU	73412034	1284083	live	1983-02-03	Fuji Jukogyo Kabushiki Kaisha	007	Engine-Driven Electric Generators
	SUBARU	75565534	2386969	live	1998-10-06	Fuji Jukogyo Kabushiki Kaisha	007	Engines other than for land vehicles...
	SUBARU	76340610	2618092	live	2001-11-21	FUJI JUKOGYO KABUSHIKI KAI...	036	financing services, lease-purchase fin...

Image	Mark	Ser No	Reg No	Status	Filing	Owner	Class(es)	Goods and Services
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Acceptable Identification of Goods and Services Manual (ID Manual) Next Generation

<https://tmidm.uspto.gov/id-master-list-public.html>

Federal trademarks are registered based upon the class of goods or services being declared
Manual lists 45 classes of goods and services



The screenshot shows the USPTO ID Manual search results for the term "Shoe". The interface includes a search bar, a results count of 189, and a table of results. The table columns are Term ID, Class, Description, Status, Effective Date, Type, Notes, TMS, and NCL Version. The results list various shoe-related terms and their classifications.

Term ID	Class	Description	Status	Effective Date	Type	Notes	TMS	NCL Version
003-534	003	Shoe black [shoe polish]	A	07/19/2004	GOODS		T	08-2002
025-1293	025	Shoe uppers	A	11/30/2011	GOODS	05-21-2015: Shoe uppers are the part of a shoe above the s More >	T	09-2007
026-354	026	Shoe strings	A	11/14/2012	GOODS			10-2012
026-28	026	Shoe buckles	A	04/01/1991	GOODS			07-1997
026-180	026	Shoe eyelets	A	07/19/2004	GOODS		T	08-2002
026-126	026	Shoe laces	A	04/01/1991	GOODS		T	07-1997
025-902	025	Shoe straps	A	03/12/2008	GOODS			09-2007
003-1361	003	Shoe wax	A	03/23/2011	GOODS		T	09-2007
003-875	003	Shoe cream	A	09/30/1994	GOODS		T	07-1997
003-848	003	Shoe polish	A	04/01/1991	GOODS		T	07-1997
020-607	020	Shoe racks	A	07/31/2004	GOODS			08-2002

Design Code Search Manual

<http://tess2.uspto.gov/tmdb/dscm/index.htm>

Trademark designs are searched by codes assigned to describe elements of the mark

Searchable by keyword

Contains alphabetical index



01.01.01

Stars with three points



01.01.02

A single star with four points



02.01.31

Stylized men, including men depicted in caricature form

Assignments on the Web (AOTW)

<http://assignments.uspto.gov/assignments/q?db=tm>

Contains all recorded trademark assignments from 1955 – present

Trademark assignments prior to 1955 are at the National Archives

Assignments on the Web > [Trademark Query](#)

Trademark Assignment Details

Reel/Frame: [5791/0871](#) [View Recorded Assignment](#) 

Pages: 3

Attorney Dkt #: 23769-00079

Recorded: 05/12/2016

Conveyance: ASSIGNS THE ENTIRE INTEREST

Total properties: 1

1	Serial #: 77192729 Mark: AUTOPANO	Filing Dt: 05/30/2007	Reg #: 3528378	Reg. Dt: 11/04/2008
---	--	-----------------------	--------------------------------	---------------------

Assignor

1	KOLOR SAS Formerly: FORMERLY KOLOR, SARL	Exec Dt: 05/09/2016 Entity Type: SOCIÉTÉ PAR ACTIONS SIMPLIFIÉE (SAS) Citizenship: FRANCE
---	---	---

Assignee

1	GOPRO, INC. 3000 CLEARVIEW WAY SAN MATEO, CALIFORNIA 94402	Entity Type: CORPORATION Citizenship: DELAWARE
---	--	---

Correspondence name and address

FENWICK & WEST LLP
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350, v2.5
Web interface last modified: July 25, 2014 v2.5

Search Results as of: 08/15/2018 08:04

[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Trademark Assistance Center

TrademarkAssistanceCenter@uspto.gov

Toll-Free: 800-786-9199

Monday through Friday 8:30 a.m. to 8 p.m. ET (telephone)

General questions about the registration process

Inquiries about the status of applications and registrations

Fulfill requests for Trademark literature

Trademark Recap

A trademark is a word, name, symbol or device that identifies the source of goods in commerce

A trademark cannot be merely descriptive, merely a surname or cause a likelihood of confusion

USPTO databases can be used to locate

- Current and expired federal trademark registrations
- Design and goods classification information
- Trademark registration and assignment records and documents

Services of the Trademark Assistance Center

Thank you!



**MICHELE
REAGAN**
Secretary of State

Office: (602) 926-3858
Fax: (602) 256-7984
e-mail: pgrant@azlibrary.gov

PETER GRANT

Librarian - Digital Publications

Patents & Trademarks

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