

A background of a technical drawing, likely a cross-section of a mechanical assembly, rendered in a light gray color. The drawing features various components, lines, and hatching, with several numerical callouts such as 80, 26, 68, 24, 30, 86, 84, 82, 50, and 86 scattered throughout. The drawing is set against a dark blue background that has a wavy, torn-paper-like edge at the top and bottom.

Patent Basics

Demystifying the patent system

UNITED STATES
PATENT AND TRADEMARK OFFICE



Notice

This content is for informational purposes only and is not legal advice. Please consult with appropriate sources for legal authority and guidance on these matters.

Outline

Background

- History
- Importance and types of patents

Patent roadmap

- Anatomy of a patent
- Patent application journey
- Role of the USPTO

Resources

- Pro bono legal resources
- Patent and Trademark Resource Centers



Intellectual
Property

uspto

Historical foundation of intellectual property

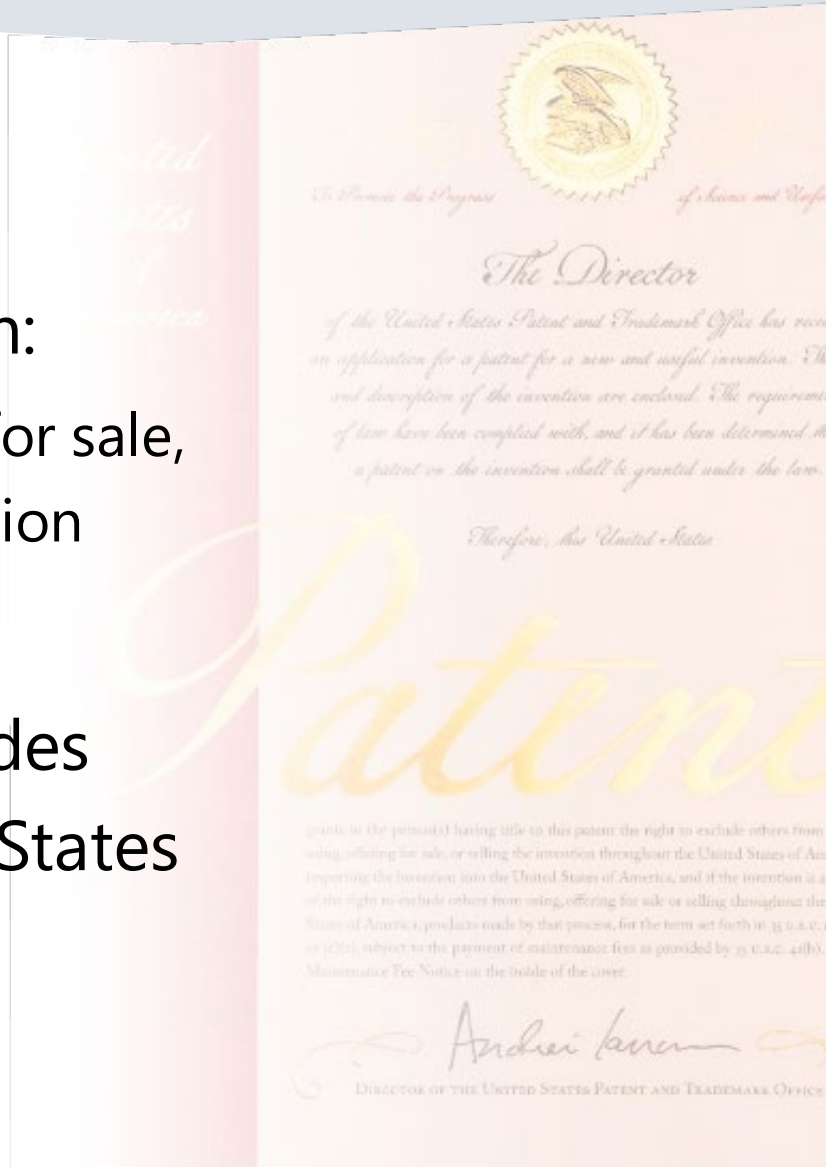
- Intellectual property (IP) is deeply rooted in our nation's history.
 - U.S. constitution Article 1, Section 8, Clause 8:
"The Congress shall have Power ... to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ... "



What is a patent?

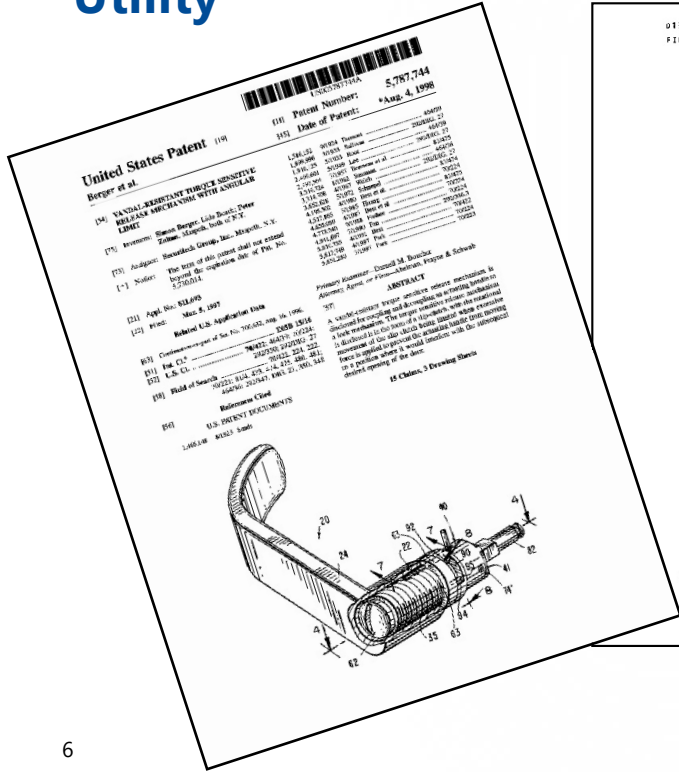
The right to **exclude others** from:

- making, using, selling, offering for sale, or importing the claimed invention
- Limited term
- Territorial: A U.S. patent provides protection only in the United States
 - No worldwide patents

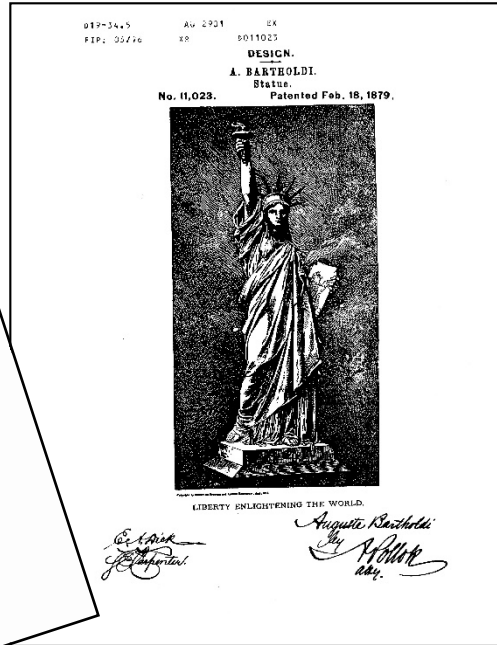


Types of patents

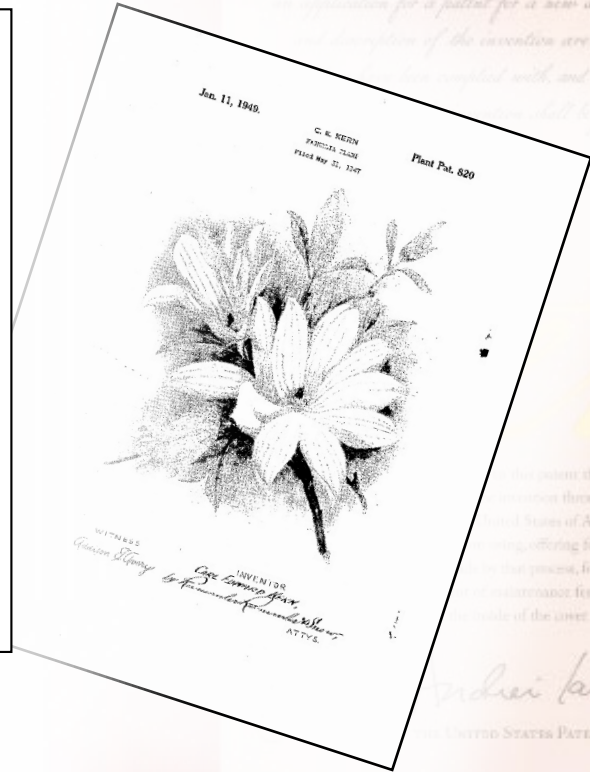
Utility



Design



Plant



The USPTO is America's innovation agency

Committed to:

- Fostering innovation and economic growth
- Creating a reliable, predictable, and high-quality IP system

uspto



*America's
Innovation Agency*

Why invention matters/ what this means to you

Patents can:

- Promote innovation and help safeguard your inventions
- Help companies grow
- Benefit the community by making new goods and services available
- Provide personal growth, development, and advancement



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IP-intensive industries are a critically important component of the U.S economy

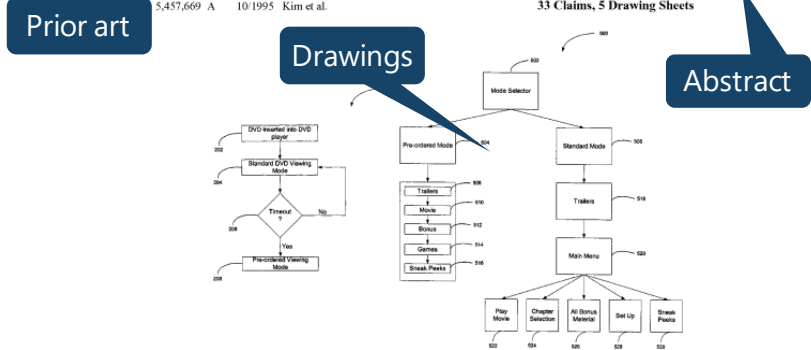
- 45.5 million jobs¹
- 38.2% of U.S. GDP¹
- 46% higher pay¹



Anatomy of a patent

- **Abstract**
 - A short summary of the invention.
- **Written description**
 - How does it work?
 - How is it made or used?
- **Drawings**
 - What does it look like?
- **Claims**
 - The claim(s) define(s) the legal boundaries of the invention, similar to a deed to a property.

(12) United States Patent		(10) Patent No.: U.S. 7,970,256 B2	
Haussmann et al.		(45) Date of Patent: Jun. 28, 2011	
Invention title			
(54) EAST PLAY DVD			
Your name			
(75) Inventors: Robert Haussmann, Sun Valley, CA (US); Colette Moore, Burbank, CA (US); Benn Carr, Burbank, CA (US)			
(73) Assignee: Disney Enterprises, Inc., Burbank, CA (US)			
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 75 days.			
Filing date			
(21) Appl. No.: 10/757,089			
(22) Filed: Jan. 13, 2004			
Prior Publication Data			
(65) US 2004/0179810 A1 Sep. 16, 2004			
Related U.S. Application Data			
(60) Provisional application No. 60/439,943, filed on Jan. 13, 2003.			
(51) Int. Cl. H04N 9/80 (2006.01)			
(52) U.S. Cl. 386/241; 386/344			
(58) Field of Classification Search 386/95, 125, 126, 92, 123, 200, 241, 344 See application file for complete search history.			
References Cited			
U.S. PATENT DOCUMENTS			
4,449,198 A	5/1984	Kroon et al.	
4,860,122 A	8/1989	Kanamaru	
5,155,600 A	10/1992	Maeda	
5,161,034 A	11/1992	Klappert	
5,351,132 A	9/1994	Sawabe et al.	
5,457,669 A	10/1995	Kim et al.	
FOREIGN PATENT DOCUMENTS			
EP	0757350	2/1997	
OTHER PUBLICATIONS			
Disney Pixar, <i>Monster Inc DVD Movies</i> , 2001.*			
Primary Examiner — Huy T Nguyen			
(74) Attorney, Agent, or Firm — Ference & Associates LLP			
(57) ABSTRACT			
A medium having a plurality of data blocks stored therein is disclosed. The medium can be a DVD. The plurality of data blocks can be viewed by playing the medium in a medium player. The medium player can be a DVD player. A first instruction set instructs the medium player to play the plurality of data blocks of the medium in a pre-determined sequence. Further, a second instruction set instructs the medium player to play the plurality of data blocks of the medium in response to user commands that determine the order for playing the plurality of data blocks of the medium.			
33 Claims, 5 Drawing Sheets			



Sample claim

Claim 1. A chair comprising:

- a seat,
- a back support attached to the seat,
- support arms attached to the seat and back support, and
- a base comprising a plurality of legs attached to the seat.

United States Patent [19] [11] 100,000,000
Doe [45] January 1, 2040

[54] SWIVEL CHAIR [56] **References Cited**

U.S. PATENT DOCUMENTS

[75] Inventor: Jane Doe	366,862,842	6/1904	Adams	248/625
	565,951,357	6/1930	Baker	248/628
	675,258,147	11/1959	Cooper	248/628
	765,654,123	12/1959	Danville	248/625
[73] Assignee: Acme Manufacturing	876,456,231	12/1961	Eriesson	248/628
	963,852,741	10/1978	Williamson	297/268

FOREIGN PATENT DOCUMENTS

[21] Appl. No.: 1,000,000	6/1963	Canada	248/580
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[22] Filed: January 1, 2035

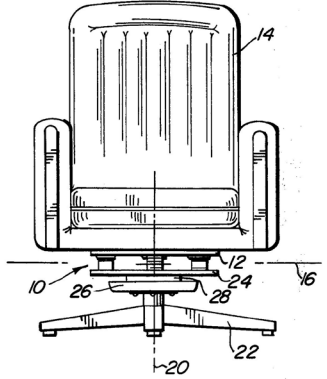
Primary Examiner— Cordilla Zecher
Attorney, Agent, or Firm— Doe and Assoc.

[57] **ABSTRACT**

A leaf-spring supported, free-floating rocker undercarriage for a swivel chair wherein the spring flexural axis corresponds to and the swivel axis intersects with the rocking axis of the chair for support of the same.

[51] Int. Cl.² A47C 3/02
[52] U.S. Cl. 248/628; 297/264;
248/567
[58] Field of Search 248/580, 582, 583, 567,
248/603, 604, 626, 628, 625; 297/264, 265, 268,
314

2 Claims, 5 Drawing Figures



Who can be an inventor on a patent?

- Anyone who contributes to the conception of an invention
 - Alone, or in combination with others



The patent application journey

First, you need an idea!

Step 1

- Is your idea worth protecting?

Present your idea

Step 2

Draft application

Step 3

File application

Step 4



Is your idea eligible for protection?

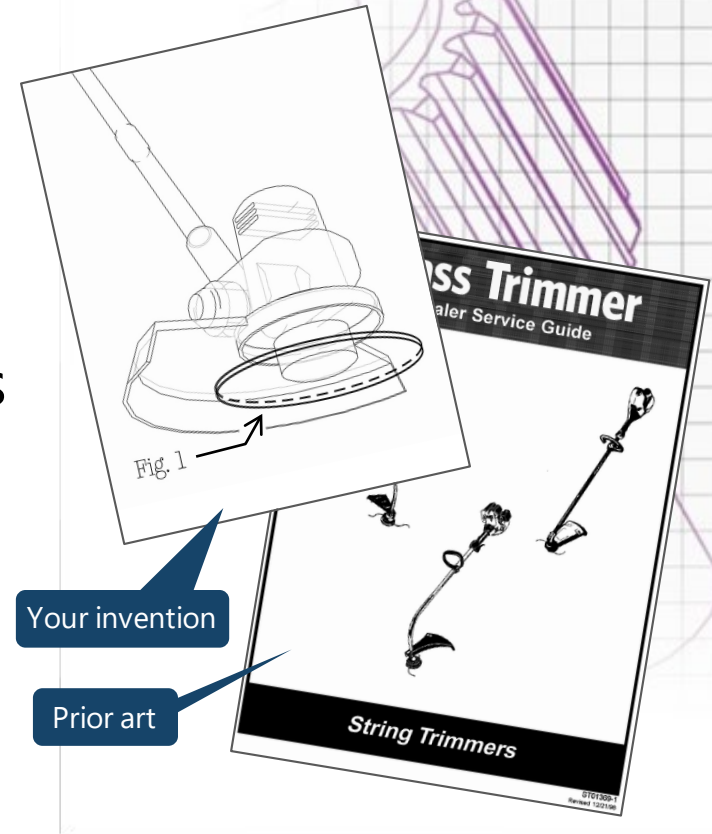


35 U.S.C. § 101



Is your idea novel and non-obvious?

- “Novel”: e.g., your invention is new, was not described in the prior art
- “Non-obvious”: e.g., the differences between your invention and prior art would not have been obvious to someone in that field



35 U.S.C. §§ 102 and 103

What is prior art?

Prior art includes: patents, printed publications, and other disclosures in the field of your invention that have been published before your effective filing date.



The patent application journey

First, you need an idea!

Step 1

Present your idea

- Maintain confidentiality.

Step 2

Draft application

Step 3

File application

Step 4



Presenting your idea

- Don't be afraid to champion your idea.
 - Diagrams are helpful.
- **Best to** maintain confidentiality prior to filing your patent application.
- Consult with counsel about safe ways to disclose your invention before filing a patent application.



The patent application journey

First, you need an idea!

Step 1

Present your idea

Step 2

Draft application

Step 3

- It's now time to write up the patent application.

File application

Step 4

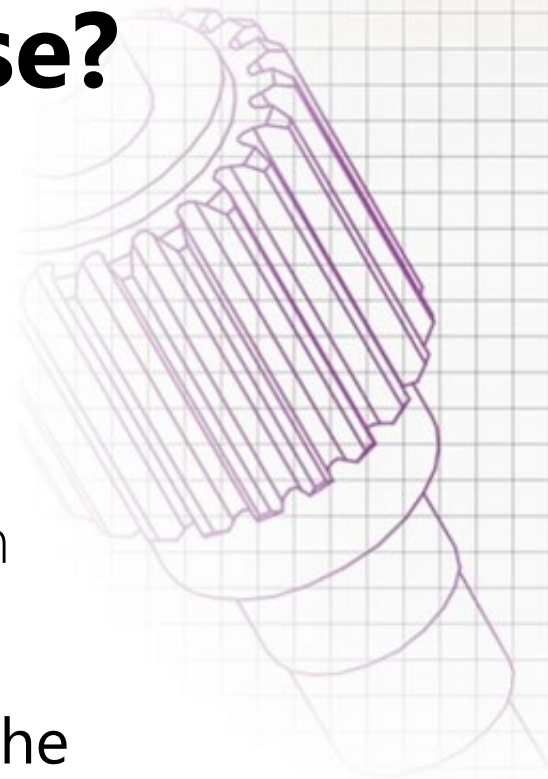


What do I need to disclose?

A patent is a *quid pro quo*:

- In exchange for
 - The right to exclude others from making, using, importing, or selling your invention for a limited time period,
- You must fully disclose your invention so the public can benefit from it and expand on it.

35 U.S.C. § 112



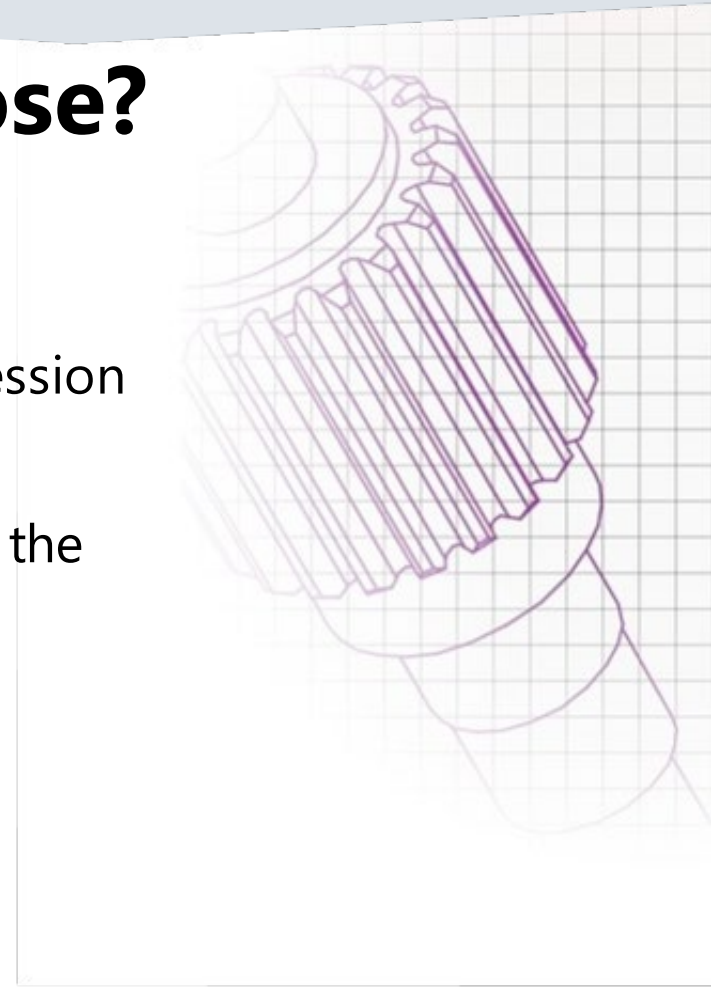
What do I need to disclose?

Slide 1 of 2

Does the disclosure:

- Demonstrate that the inventor was in possession of the claimed invention?
- Teach one of ordinary skill to make and use the invention without undue experimentation?
- Describe the best mode contemplated for carrying out the invention by the inventor?

35 U.S.C. § 112 (a)



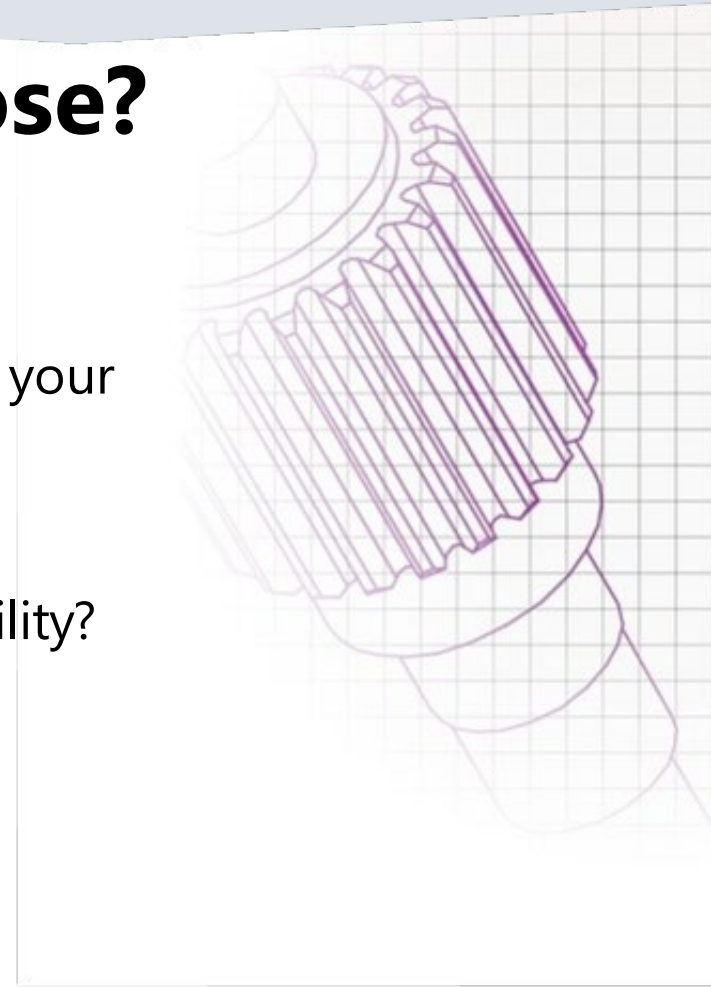
What do I need to disclose?

Slide 2 of 2

Are the claims clear enough that:

- The public is informed of the boundaries of your invention?
- It can be determined whether the claimed invention meets all the criteria for patentability?

35 U.S.C. § 112 (b)



The patent application journey

First, you need an idea!

Step 1

Present your idea

Step 2

Draft application

Step 3

File application

Step 4

- The application is filed with the USPTO. You will need to file a sworn oath or declaration that **you** invented the invention described in the application.



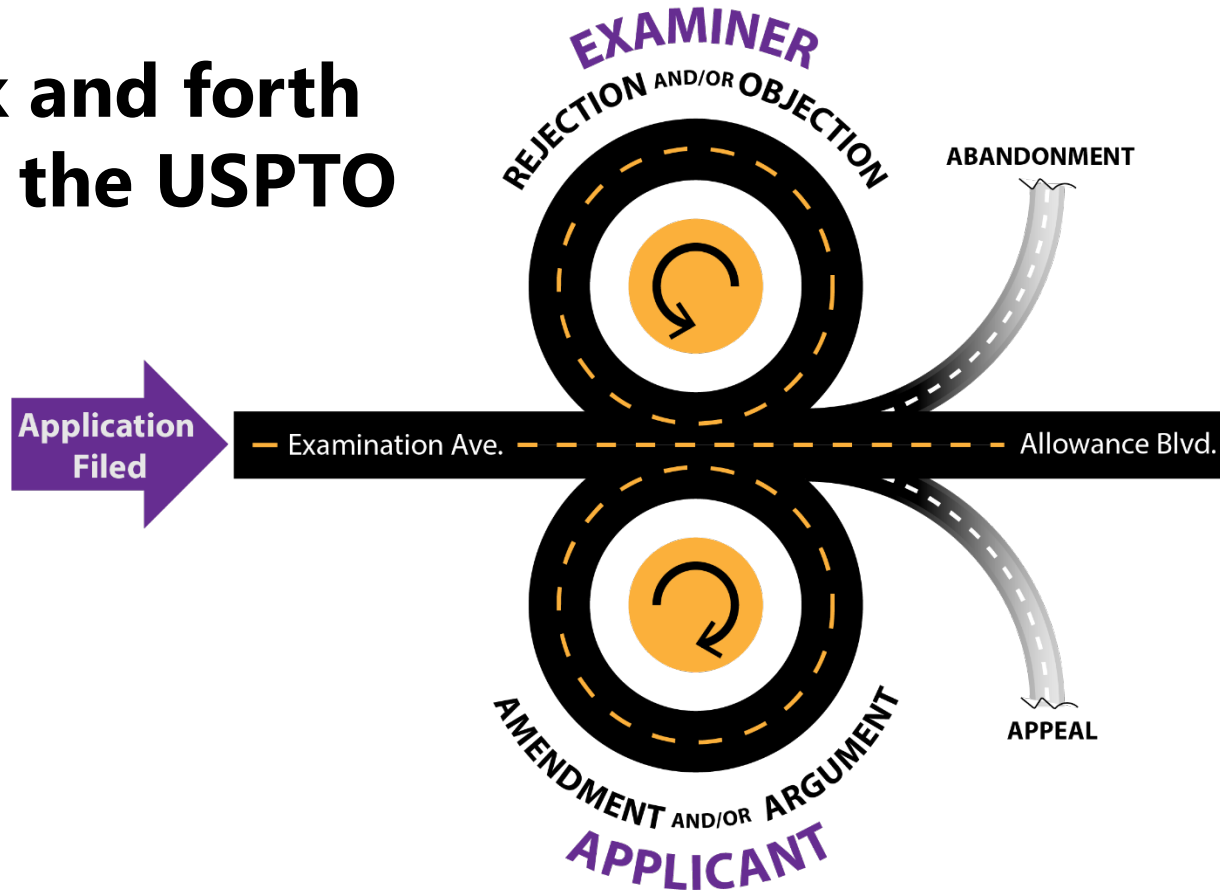
Utility patent fees

	Large entity	Small entity	Micro entity
Basic filing fee	\$320	\$160	\$80
Search fee	\$700	\$350	\$175
Examination fee	\$800	\$400	\$200
Initial cost	\$1820	\$910	\$455
Issue fee	\$1200	\$600	\$300



The patent application roadmap

Back and forth with the USPTO



Role of the USPTO examiner

- Read and understand the application
- Search for prior art
- Evaluate the specification and claim(s)
- Respond by office action(s) describing findings
- Hold interviews, as requested



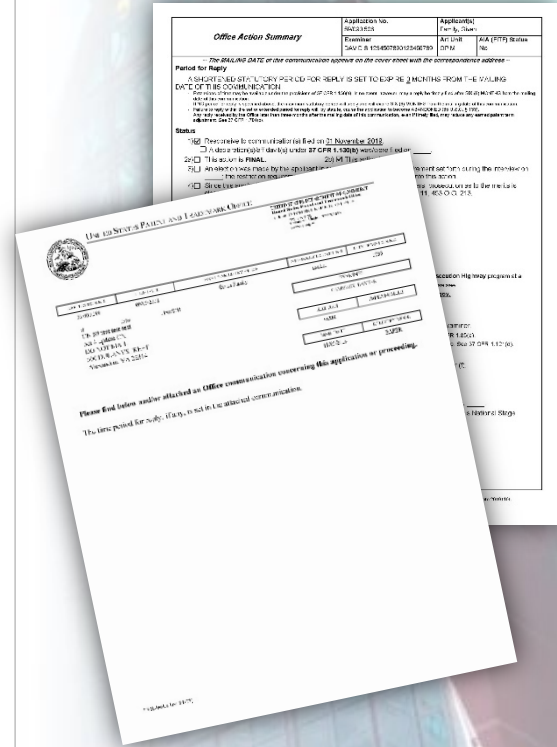
Role of the applicant

- File a complete application
- Disclose all known prior art
- In response to examiner office actions:
 - Explain your position, and/or
 - Make good faith changes to the application



What is a USPTO office action?

An office action sets forth the basis for any objections, rejections, and allowability.



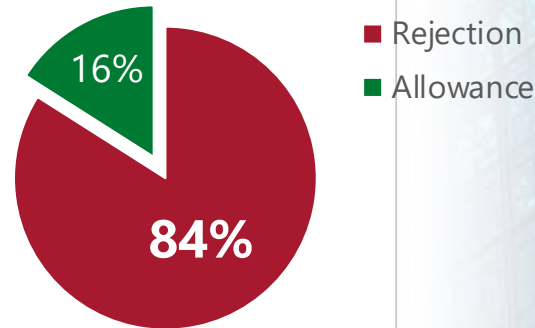
What does a rejection mean?

- Rejections are a normal part of the process.
- They help define what is patentable.
- Often due to existing prior art.
 - The examiner must have a basis to believe someone else may have come up with what you invented before you.
- Can often be overcome.

Receive a rejection? Don't give up!

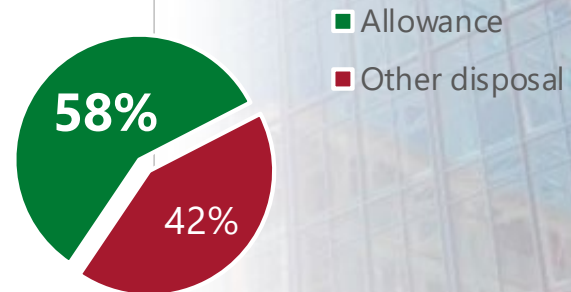
Fact: In FY 2019, 84% of original filings received a first office action containing a rejection.

FY 2019 first actions

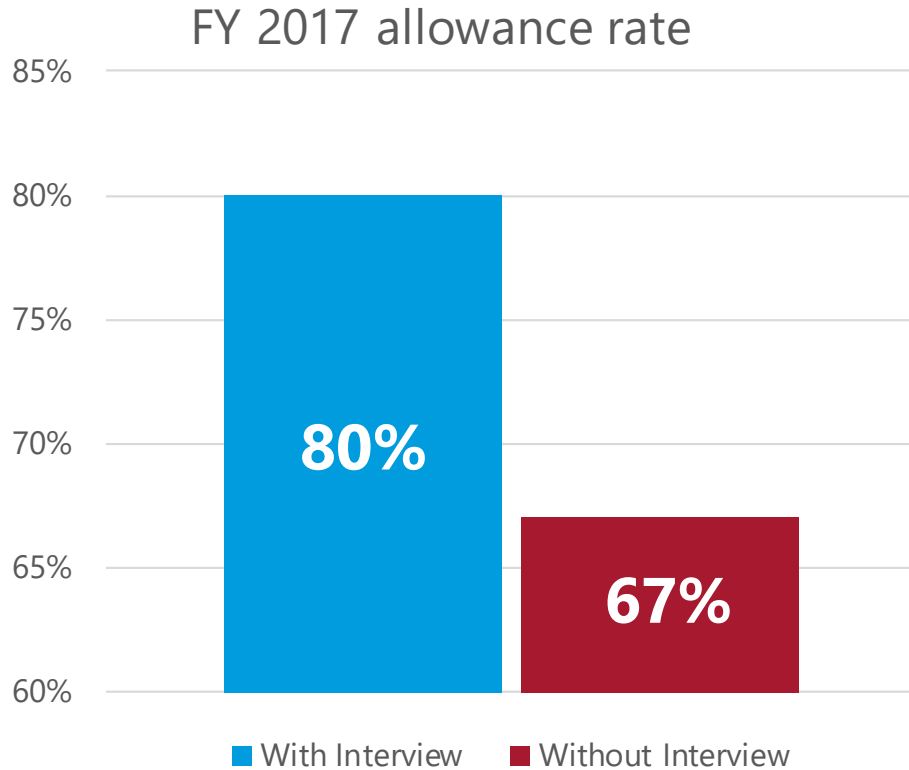


Fact: In FY 2019, 58% of examiner disposals were allowances.

FY 2019 percentage allowed

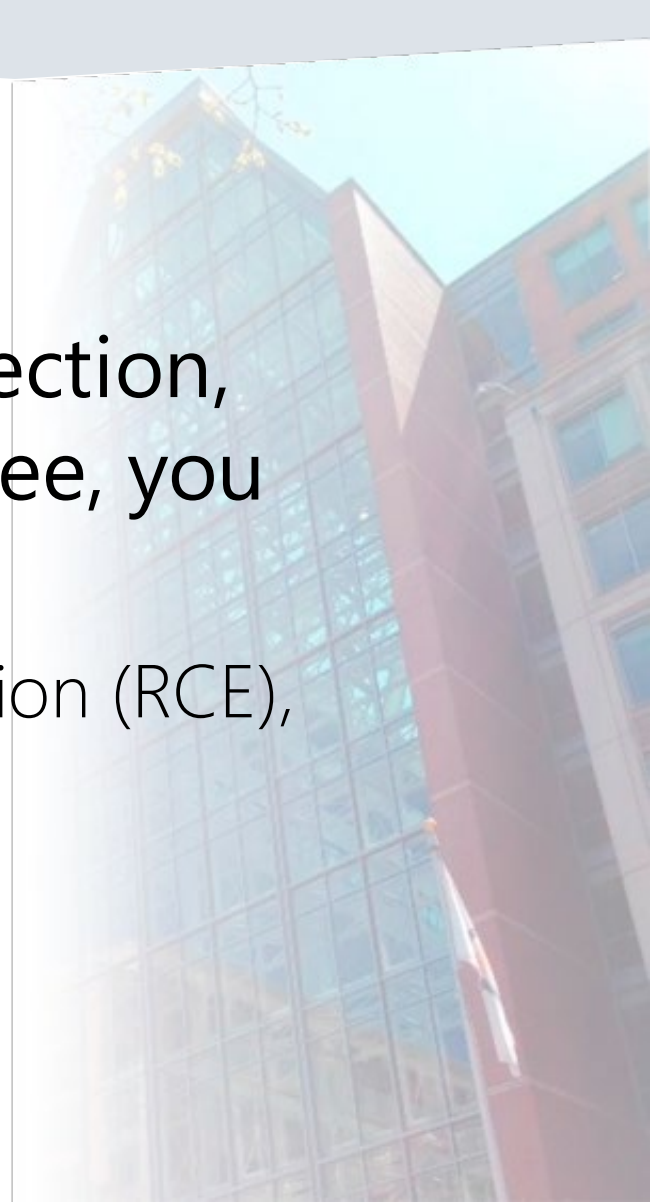


Power of the interview

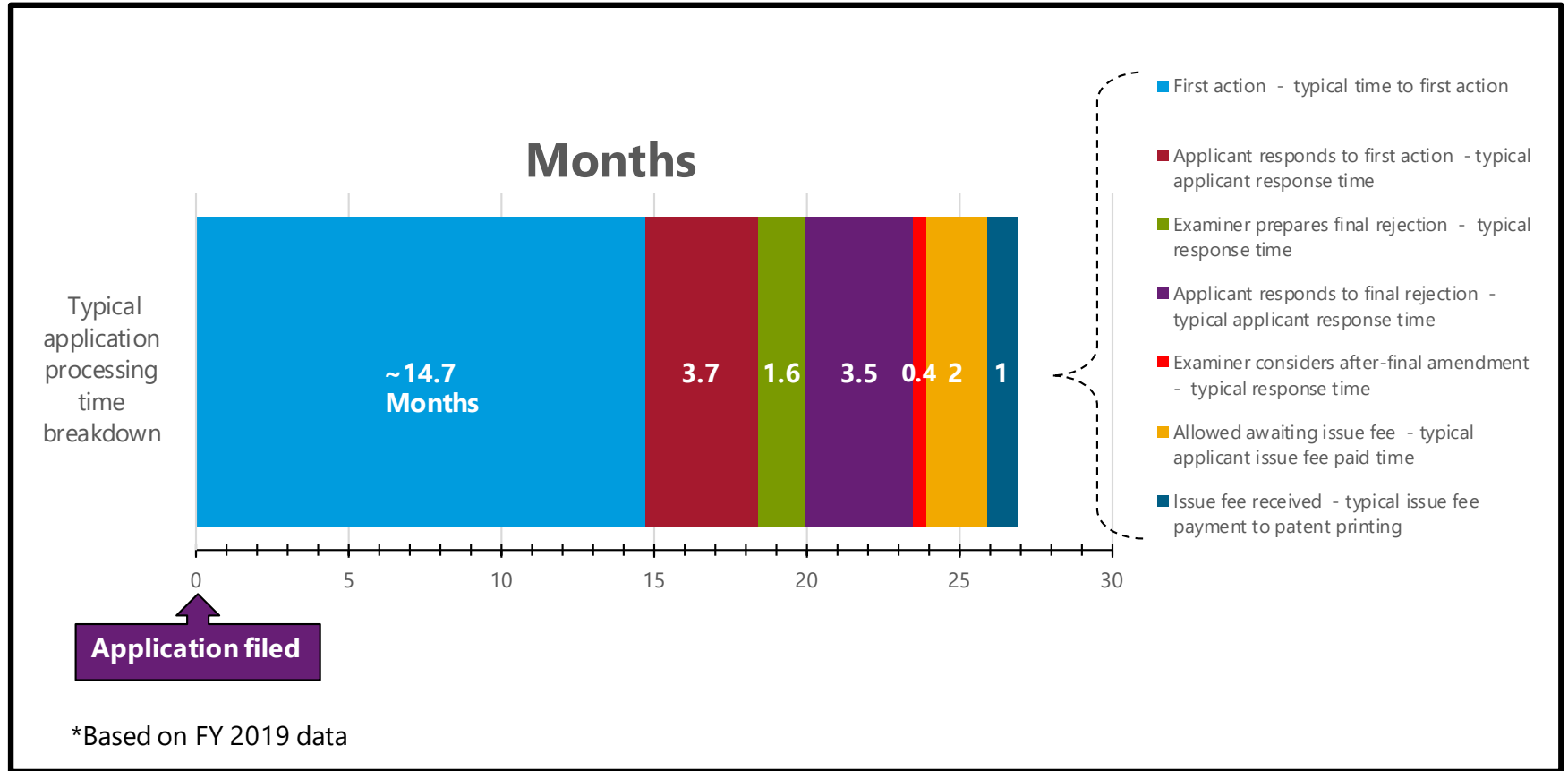


After-final practice

- Even if you receive a final rejection, don't panic. If you still disagree, you may still have options:
 - Request for continued examination (RCE),
 - Appeal, or
 - After-final response



Typical processing timeline*



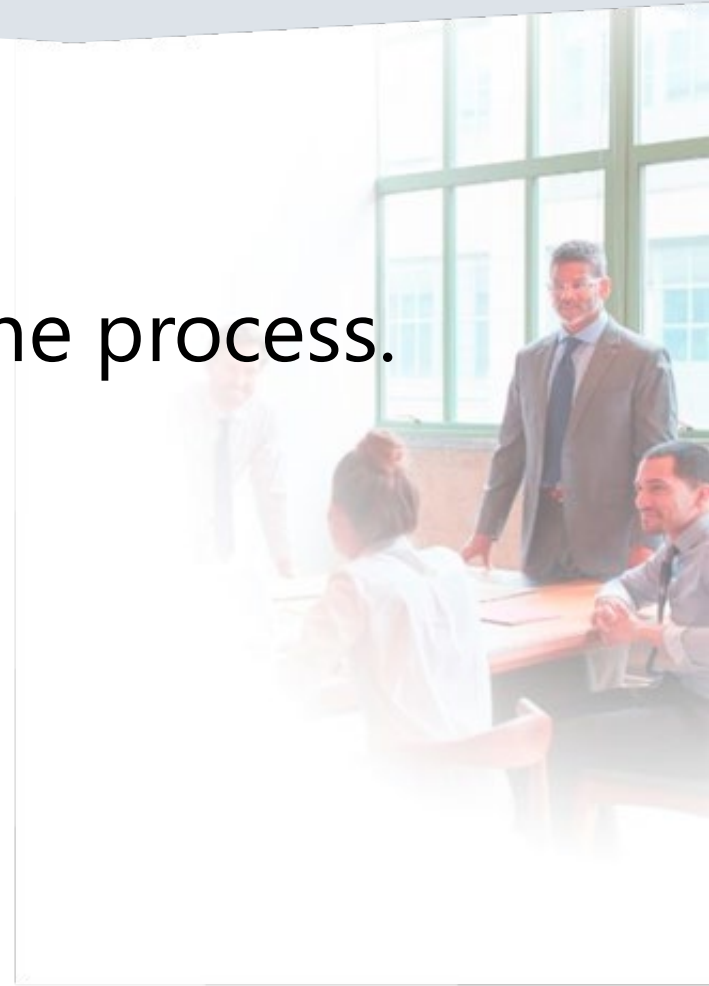
Allowance and issuance

- A notice of allowance indicates all objections and rejections have been overcome and your application is ready for issuance.
- **Congratulations!**



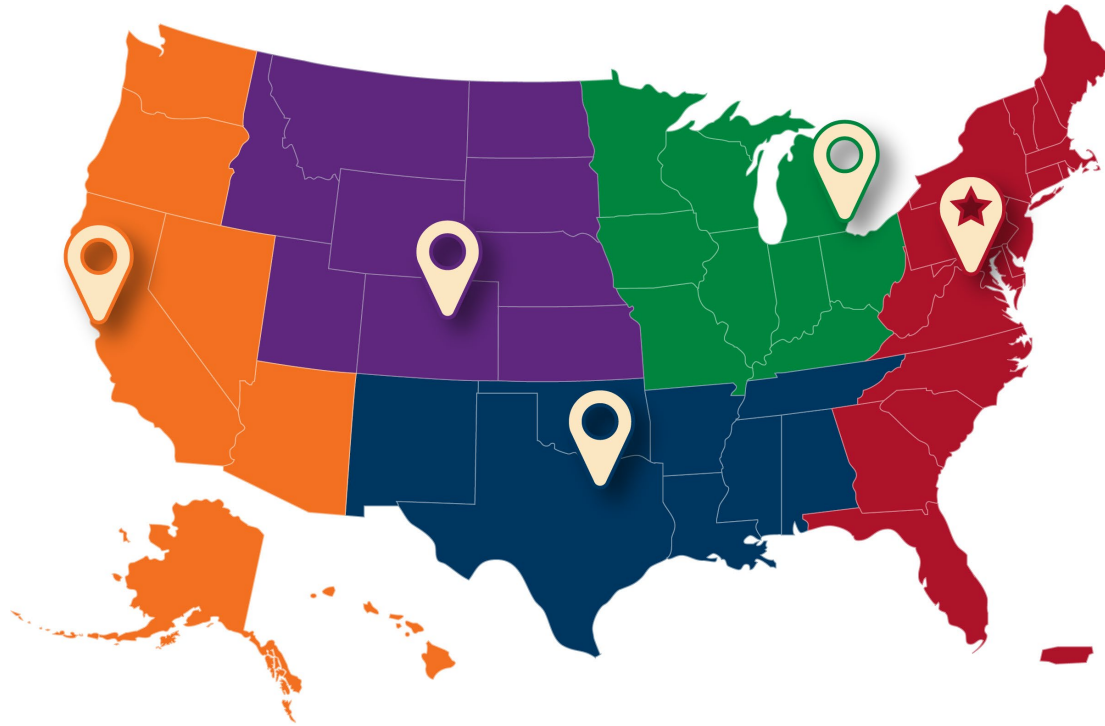
Remember


- Stay involved throughout the process.




Assistance and resources


Find help in your area




 USPTO office location

 USPTO headquarters

 West Coast region

 Rocky Mountain region

 Texas region

 Midwest region

 East Coast region

USPTO offices:

Headquarters:

- Alexandria, VA

Regional offices:

- Detroit
- Denver
- Silicon Valley
- Dallas

Additional resources:

- Inventors Assistance Center
- Patent Pro Bono Program
- Law school clinics
- Patent and Trademark Resource Centers

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

Access our free services

The United States Patent and Trademark Office (USPTO) offers a wide range of intellectual property (IP) resources, including application assistance, education and training, and other services that support the full spectrum of customers—from independent patent and trademark filers, to attorneys and business advisors in both the private and public sectors.

Using the icons below, select a category to filter the list by your area of interest.



All Resources



Patents



Trademarks



Attorneys and
Business Advisors

www.uspto.gov/learning-and-resources/access-our-free-services

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 and experienced former primary examiners who answer general questions concerning patent examining policy and procedure.

Monday – Friday,
8:30 a.m. – 8 p.m. ET,
except federal holidays

- 800-PTO-9199
(800-786-9199)
- 571-272-1000

**TTY customers can dial
800-877-8339 for
customer assistance**



USPTO Patent Pro Bono Program

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

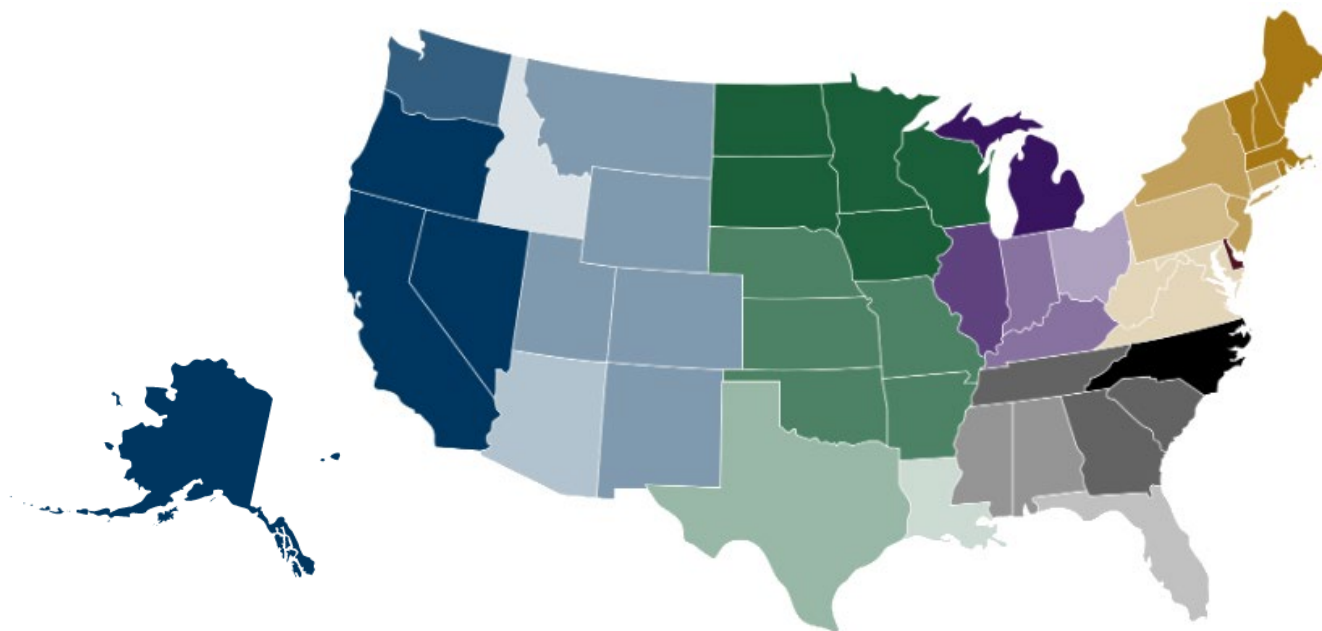
- Program participants must have income 300% below federal poverty guidelines



For more information, visit www.uspto.gov/probonopatents.



Pro Bono Program organizations



- | | | |
|------------------------------------|------------------------------------|----------------------------|
| Washington Pro Bono Patent Network | Gateway Venture Mentoring Service | New York Tri State Program |
| Idaho Patent Pro Bono | TALA | Delaware Program |
| CLA | The Ella Project | FCBA (Mid-Atlantic) |
| ProBoPat | Chicago-Kent Patent Hub | PA Patent |
| Arizona Public Patent Program | PatentConnect for Hoosiers (IN KY) | NC Leap |
| LegalCorps (MN) | Ohio Invents | Georgia Patents |
| Pro Bono Patent Project (MI) | BBVLP Patent Program (MS AL) | Patent Pro Bono FL |
| | New England Program | |



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.



For more information, visit www.uspto.gov/lawschoolclinic.



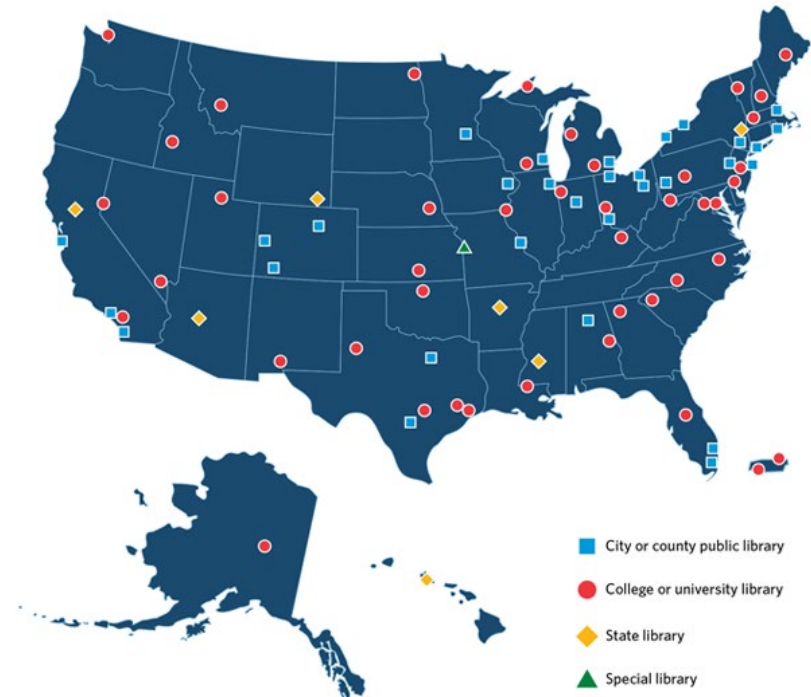
Patent and Trademark Resource Centers (PTRC)

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

Riverside PTRC

<https://library.ucr.edu/research-support/getting-started/how-do-i-find/how-do-i-find-patents-trademarks>

For more information, visit
www.uspto.gov/ptrc.



Other USPTO resources

Helpline: 1-800-PTO-9199

Resource	Website
Utility patent application guide	www.uspto.gov/patents/resources/types/utility.jsp
Patent process	www.uspto.gov/patents/process
Patent search guide	www.uspto.gov/patents/process/search
Inventor and entrepreneur resources	www.uspto.gov/inventors
Pro se assistance	www.uspto.gov/ProSePatents
Micro entity Information	www.uspto.gov/PatentMicroentity





Endnotes

¹ Department of Commerce (2016, September). *Intellectual Property and the U.S. Economy: 2016 Update*. Retrieved from www.uspto.gov/sites/default/files/documents/IPandtheUSEconomySept2016.pdf.