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Intellectual Property and Patents - the opportunities and the pitfalls

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Understanding patents

Overview

- Intellectual property and patents
- What's in a patent?
- The patent monopoly
- Types of protectable subject matter - examples
- The process of patent protection
- Commercialising and enforcing patent rights
- The risks and the opportunities

Capturing IP in innovation

Overview

- Awareness
- Screening developments - policies and procedures
- Confidentiality and documentation
- Ownership and employment
- Keeping abreast of competitor activity
- Some examples

Workshop scenarios

Understanding patents

Type of IP - unregistrable

- Copyright
- Confidential information
- Unregistered trade marks

Intellectual property - registrable

- Trade marks
- Designs
- Patents

Understanding patents

A patent:

‘A monopoly right, for a limited time, to exploit a defined new and inventive idea in a field of technical endeavour - in return for full disclosure of that idea to the public’

Understanding patents

What's in a patent?

- Bibliographic information
- Description and drawings
- Claims

Example

Understanding patents

US00559656A

United States Patent [19] [11] **Patent Number:** 5,596,656
Goldberg [45] **Date of Patent:** Jan. 21, 1997

[54] **UNISTROKES FOR COMPUTERIZED INTERPRETATION OF HANDWRITING** 5,022,086 6/1991 Crane et al. 382/2
 5,140,645 8/1992 Whitaker 382/11
 5,194,852 3/1993 Mann et al. 345/182
 5,313,527 5/1994 Guberman et al. 382/13

[73] **Inventor:** David Goldberg, Palo Alto, Calif.
 [75] **Assignee:** Xerox Corporation, Stamford, Conn.

[21] **Appl. No.:** 548,416
 [22] **Filed:** Oct. 26, 1995

Related U.S. Application Data
 [63] Continuation of Ser. No. 132,401, Oct. 6, 1993, abandoned.
 [51] **Int. Cl.⁶** G06K 9/18
 [52] **U.S. Cl.** 382/186; 382/315; 345/179
 [58] **Field of Search** 382/185-189, 382/313, 315, 182, 364/705.03, 709.11, 709.01; 345/179, 175, 180-183

[56] **References Cited**
U.S. PATENT DOCUMENTS
 3,199,078 8/1965 Gaffney, Jr., et al. 340/146.3
 3,835,653 9/1974 Narayanam 340/146.3
 3,996,557 12/1976 Donahay 340/146.3
 4,241,409 12/1980 Nolf 364/705
 4,561,103 12/1985 Crane et al. 382/13
 4,985,929 1/1991 Tsuyama 382/13

OTHER PUBLICATIONS
 "PenPat™, Beyond character recognition" Organek™ Technology, Organek™ Standards copyright 1992 and 1993, Patent Pending.
Primary Examiner—Michael T. Razavi
Assistant Examiner—Larry J. Priockockis

[57] **ABSTRACT**
 To relax the graphical constraints on the precision of the handwriting that is required for accurate computerized interpretation of handwritten text, the text that is to be interpreted is written in accordance with this invention using symbols that are exceptionally well separated from each other graphically. These symbols preferably define an orthographic alphabet to reduce the time and effort that is required to learn to write text with them at an acceptably high rate. Furthermore, to accommodate "eyes-free" writing of text and the writing of text in spatially constrained text entry fields, the symbols advantageously are defined by unistrokes (as used herein, a "unistroke" is a single, unbroken stroke).

16 Claims, 3 Drawing Sheets

	>	<	<	-	┌	┐	┌	┐	/	└	┘	Λ
a	b	c	d	e	f	g	h	i	j	k	L	m
Λ	∞	∞	α	\	Σ	-	V	V	∩	∞	/	Z
n	o	p	q	r	s	t	u	v	w	x	y	z
N	N	Σ	>									
upper	lower	symbol	return									
\	┌	┐										
backspace	comma	period										

in symbol mode, the numbers are as follows:

∞		Z	>	└	Σ	∞	┐	<	α
0	1	2	3	4	5	6	7	8	9

Understanding patents

The patent monopoly

- Term of protection
- The rights in a patent
- The patentability requirements - new and inventive
- The disclosure requirement

Understanding patents

Types of protectable subject matter

- Devices, products, apparatus
- Processes
- Business methods and systems

Unprotectable subject matter

- Differences between jurisdictions
- Living things
- Purely artistic or literary works, abstract concepts

Understanding patents

The process of patent protection

- Drafting
- Filing
- Examination
- Acceptance and grant
- Maintenance
- Re-examination, opposition and revocation

Understanding patents

Commercialising patent rights

- Exploiting
- Assigning
- Licensing - exclusivity and field of use

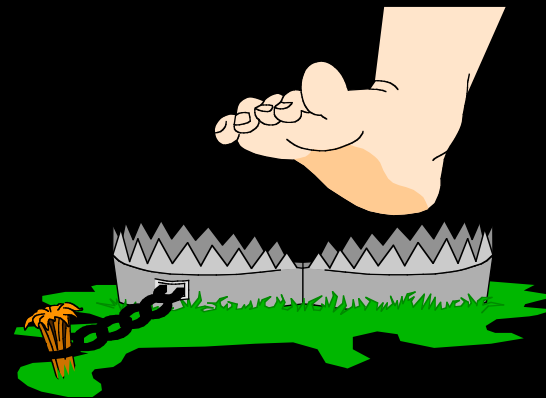
Enforcing patent rights

- Monitoring
- Letters of demand
- Court actions

Understanding patents

The risks and the opportunities

- Amazon 1-Click
- Xerox v Palm
- Welcome RealTime
- Lessons from IBM
- MercExchange v eBay



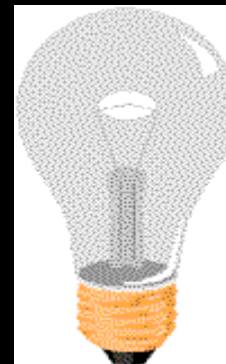
Capturing IP in innovation

Awareness

- Understanding what may be protectable
- Criteria for inventive step
- What to do about it

Screening potential inventions

- Responsibility for screening
- Talk to legal services
- Discussions with patent attorney
- Invention disclosure



Capturing IP in innovation

Confidentiality and documentation

- Self-defeating publication - verbal or written
- Grace periods - a trap for the unwary
- The importance of good documentation

Ownership and employment

- Patent law and employment
- Consultancy agreements

Capturing IP in innovation

Keeping abreast of competitor activity

- Patent watches - subject matter
- Patent watches - specific competitors

Some examples

- Online auction process
- Concrete lifting anchor
- Item recognition system

Workshop scenarios

Scenario 1

- IP risks and opportunities in commercialising new developments



Scenario 2

- how do third party IP rights affect your business?