

ESTTA Tracking number: **ESTTA570286**

Filing date: **11/12/2013**

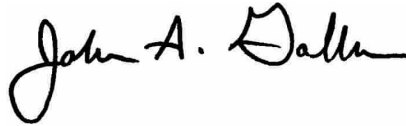
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205064
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Date	11/12/2013
Attachments	91205064-Plaintiff's Reliance Notice.pdf(89996 bytes) Document Index.pdf(101173 bytes) Document 1, pages 1-33.pdf(3053031 bytes) Document 1, pages 34-66.pdf(2510115 bytes) Document 1, pages 67-96.pdf(2314146 bytes) Documents 2-6.pdf(4793036 bytes) Documents 7-20.pdf(2444968 bytes) Documents 21-30.pdf(5089039 bytes) Documents 31-40.pdf(4243677 bytes) Documents 41-50.pdf(1531108 bytes) Documents 51-64.pdf(1464920 bytes)

John A. Galbreath)	IN THE UNITED STATES
)	PATENT AND TRADEMARK OFFICE
Plaintiff/Opposer)	
)	TRADEMARK TRIAL AND APPEAL BOARD
v.)	
)	
Mark A. Robinson)	OPPOSITION NO. 91205064
)	
Defendant/Applicant)	TRADEMARK APPL. NO. 85/461,935
)	

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Pursuant to the Rules of Practice of the United States Patent and Trademark Office, and the applicable Federal Rules of Civil Procedure, John A. Galbreath (“Opposer”, “Plaintiff”, or “Galbreath”) hereby gives notice that it intends to rely on the attached documents for evidence, as the plaintiff in the opposition and as the defendant in the counterclaim.



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Certificate of Service: I certify that on the date below, this Notice of Reliance and referenced attachments, if any, were deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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12 November 2013

John A. Galbreath

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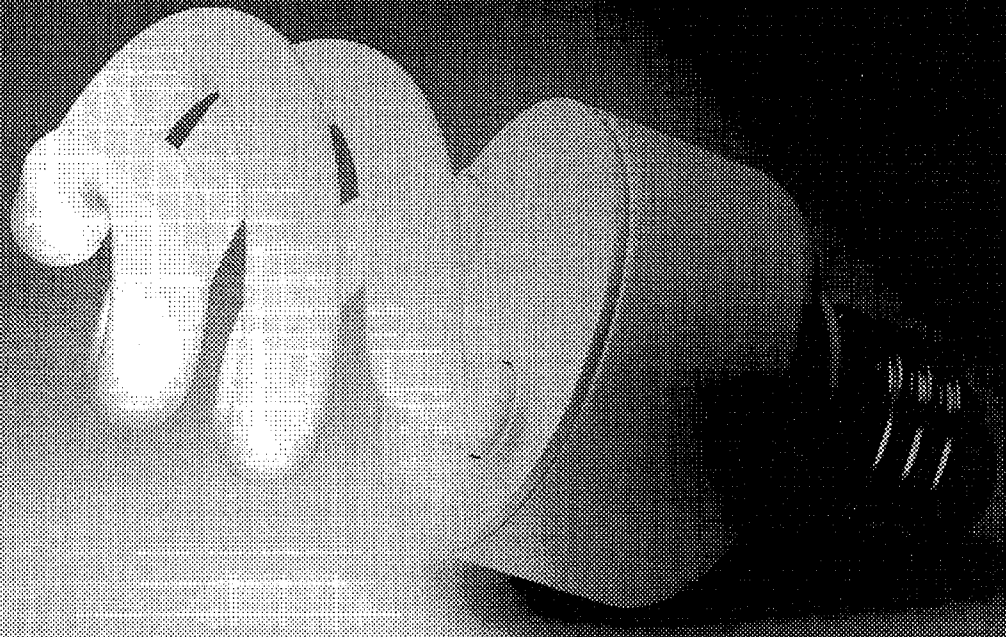
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INTELLECTUAL PROPERTY GUIDE



A Resource Tool for NC's Businesses and Inventors

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INTELLECTUAL PROPERTY GUIDE

PATENTS, TRADEMARKS & COPYRIGHTS

This publication is published by the North Carolina Small Business and Technology Development Center. It is intended for the independent inventor or small company with little knowledge of how to develop new ideas into licensable patents or commercial products. In this guide, we try to answer the most common questions and provide guidance on commercializing an invention. In addition, this guide includes information about trademarks and copyrights.

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Editor	Elliott Deaderick SBTDC Fall Law Extern (2012) The University of North Carolina School of Law
Edited by	Scott Daugherty, J.D. Kim Mayer, Ph.D. Darlene Dozier, J.D.
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This work was partially supported by the U.S. Small Business Administration through Cooperative Agreement #SB-2M-00110-28. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author or editors, and do not necessarily reflect the views of the U.S. Small Business Administration.

The North Carolina Small Business and Technology Development Center (SBTDC), a multi-campus center of The University of North Carolina System which operates in partnership with the U.S. Small Business Administration (SBA).

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INTRODUCTION

This *Intellectual Property Guide* is intended to help small businesses and inventors in the development of their inventions and in the maintenance of their intellectual property rights. Maybe you've already developed an invention. What will you do next? Apply for a patent? Contact manufacturers? Start manufacturing it yourself? These questions must be carefully considered in order to get the full benefit of the efforts put into developing an invention. The purpose of this guide is not to discourage you from proceeding with any particular option, but to educate you about different ways to proceed with your idea and the potential time and financial investments that may be involved. This guide will educate you about patents and provide helpful references and sources of assistance that you may need in order to be successful. We emphasize the utilization of resources at local libraries, universities, and on the Internet. In addition, this guide explores trademark and copyright issues and the protection of internet domain names.

There are lots of new ideas every year, but only about *one patent out of a hundred* is commercially successful. Although utility patents and plant patents last 20 years from the date of filing the patent application, and design patents last 14 years from the grant of the patent, a new product may only have a few years of commercial life before a better invention replaces it. Usually, this means there is little time to recoup the financial investment made developing and patenting the invention. This financial investment typically includes thousands of dollars spent developing prototypes and obtaining patent protection. Manufacturing and marketing costs may increase this financial investment by tens of thousands of dollars.

It's one thing to invent for fun, it's an entirely different matter to obtain a patent, sell the product to a company, or start a business based on the invention. Proceeding with any of these options can quickly become time consuming, costly and overwhelming. In order to be successful, you must be prepared to accept the responsibilities and challenges that arise.

A trademark is used to protect recognizable names, logos, or symbols associated with particular goods or services. Federal registration of a trademark is encouraged in order to be certain that competitors are prevented from using the same or a similar name, and thus reap the benefits of the good reputation associated with your goods or services. Copyright protection is available by federal laws for various works of authorship, including, but not limited to, literary, dramatic, musical, and artistic works; even computer software can be protected by copyright. Although federal copyright protection is automatically granted once the work is put in a tangible medium of expression, the owner of a registered copyright receives additional legal rights plus stronger proof of the time of authorship. This guide will also explain how to register Internet domain names.

As stated above, this *Intellectual Property Guide* is intended for the independent inventor or small business with little knowledge of how to develop ideas into licensable patents or commercial products. This booklet endeavors to answer the most common questions and provide guidance on commercializing an invention.

Chapter 1

GENERAL PATENT INFORMATION

What Is A Patent?

A patent is essentially a set of rights that allows a patent owner to exclude, for a limited time, others from making, using, offering for sale, or selling the patented invention throughout the United States, or importing/exporting the invention to/from the United States. Additionally, in the case of patented processes, discussed below, the patent owner has the right to exclude others from using, offering for sale, or selling throughout the United States, or importing/exporting to/from the United States, products made by that process.

There are three different types of patents a person can acquire:

Utility patents may be granted to anyone who invents a process, machine, article of manufacture, or composition of matter that is new, nonobvious and useful. In addition, utility patents may be granted on any new and useful *improvement* of a process, machine, article of manufacture, or composition of matter. Machines, articles of manufacture, and compositions of matter are easy to recognize. They are things such as pencil sharpeners, engines, computers, and pharmaceutical drugs. A process can be more difficult to recognize—it can be a surgical procedure or a process for manufacturing a chemical. A process patent may also be granted on a new way to use unpatentable material. Utility patents are granted for a term beginning on the date the patent issues and ending twenty years from the effective filing date of the patent application.

Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture. It only protects the *appearance* of an article, not its structure or utilitarian features; for example, a design patent could protect the appearance of a piece of furniture, but not its structure. These patents are granted for a term of 14 years beginning on the date the patent issues.

Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant. Plant patents will not be granted for a tuber propagated or a plant found in an uncultivated state; for example, no patents are granted for potatoes or for a plant found in the wilderness. Plant patents are granted for a term that begins on the date the patent issues and ends twenty years from the filing date.

For certain delays attributable to the U.S. Patent & Trademark Office (USPTO), the term of the patent may be extended, but in no case will such an extension be more than 5 years. Generally, a patent affords protection against infringement only within the jurisdiction of the government by which it is issued. Therefore, it is necessary to take out a patent in each country for which patent protection is desired by using the proper steps for international patenting.

Patent Contents

Every patent contains: (1) a short title of the invention; (2) a grant to the patentee of the right to exclude others from making, using, offering for sale or selling the invention throughout the United States or importing the invention into the United States (in the case of a process patent: the right to exclude others from using, offering for sale or selling throughout the United States, or importing into the United States, products made by that process); (3) a specification with claims; (4) drawings, if necessary.

The patent *specification* must contain: (1) a detailed description of the invention; (2) claims to the invention; (3) abstract of the disclosure; and (4) the inventor's oath or declaration. The application must state particularly what the inventor believes is the invention. An application must contain sufficient detail for a person of ordinary skill in the art to practice the invention. The best mode requirement requires the inventor to disclose the best mode of carrying out the invention known to him or her at the time of filing. Due to changes to the patent system, best mode disclosure is still a condition of patentability, but an infringer cannot use the absence of best mode as a legal defense. Disclosure of the best mode is still required when filing a patent application.

The *claims* are the most important part of the patent application because they set forth the exact bounds of the invention in much the same way a property deed sets forth the exact bounds of a plot of land. Thus, the claims describe the perimeter of the invention.

The oath or declaration must be signed by the inventor stating that: (1) they believe themselves to be the true, original and first inventor(s); (2) they have reviewed and understand the contents of the application; and (3) they acknowledge their duty to disclose all information known to be material to patentability of the application. An oath must be notarized. A declaration is a statement with a warning that willfully false statements are punishable by law and may invalidate any subsequent patent if issued. Generally, the USPTO prefers declarations because the notary seal on an oath is difficult to scan for purposes of e-filing.

Obtaining a Patent

Patents are obtained by filing an application with the USPTO in Alexandria, VA. A specially-trained USPTO patent examiner evaluates the application, and a patent is granted if the USPTO requirements are met. The process of obtaining a patent is described in detail in Section 3.

Conditions for a Patent

As previously stated, a utility patent must be novel, useful, and nonobvious. Design and plant patents have slightly different requirements; substantive discussion of patent issues in this guide will focus on utility patents.

Novelty – An invention must be novel in order to be patented. That is, a patent is barred if the invention has been anticipated by certain events that may occur prior to invention or the filing of an application. Such events are *prior art*. Prior art may be an act—an offer for sale, a use of the invention, a prior invention, or it may be a document—a prior foreign patent or publication, or it may be a United States patent. Such prior art can prevent you from obtaining a patent only if it is the same as the claimed invention, *i.e.*, it has all the elements and limitations of a given patent claim.

Pertaining to novelty, under the new U.S. Patent law, effective March 2013, a patent is barred if a claimed invention was patented; the subject of a printed publication; in public use; on sale; or otherwise available to the public before the effective filing date of an inventor's patent application.

A disclosure by the inventor that occurs less than one year before the effective filing date of the inventor's application will not be a bar to patentability. Also, a disclosure by a third party that occurs within one year before the effective filing date of the inventor's application will not bar patentability so long as the inventor disclosed before the third party.

Useful – To be patentable, an invention must have some utility; that is, the invention must be useful for some purpose. An invention that is inoperative is not a useful invention. Utility is not presumed, but must be disclosed as a part of the patent application.

Nonobvious – Despite the fact that one particular prior art reference does not anticipate an invention exactly, an invention may be obvious, and thus barred from patenting. An invention is obvious if a person of ordinary skill in the art would find it obvious to modify the prior art in such a way. Additionally, obviousness may be determined by combining what is disclosed by multiple pieces of prior art. Under the new patent legislation, effective March 2013, an inquiry regarding obviousness is made on the date of the filing of the patent application, rather than the date of invention.

Who May Obtain a Patent

In the United States, only human beings can be inventors. The ownership of every invention and patent application begins with the inventor(s); however, the inventor(s) may be obligated by the terms of an employment or other agreement to assign the invention. If two or more persons make an invention jointly, then they must apply for a patent as joint inventors.

For patenting purposes, an inventor is anyone who contributes to the conception of the invention—that is, whoever helps form the idea of the invention to the point where it would work when reduced to practice. "Actual reduction to practice" means to have obtained a working model of the invention. Someone who did not contribute to the conception but helped reduce it to practice cannot be cited in the patent as an inventor. For example, someone that just conducted experiments in order to obtain a working model and did not offer any ideas that contributed to the invention cannot be cited as an inventor. "Constructive reduction to practice" means that a patent application has been filed. If the inventor is dead, insane or otherwise legally incapacitated, refuses to execute an application, or cannot be found, an application may be made by someone else, such as a legal representative or guardian.

When a Patent May Be Obtained

A patent can be obtained when the inventor has conceived of an idea in enough detail to be reduced to practice. However, the application must be filed within one year of the inventor's public disclosure or else the invention is barred by the novelty requirement. Due to the changes in patent law, inventors are strongly urged to file patent applications *before* making any disclosure in order to avoid having to keep track of the one-year grace period. Fortunately, in order to quickly get a filing date without providing a full patent application, a provisional application may be filed. A provisional application does not require claims, which are time-consuming to draft. Further, a provisional application allows the inventor to establish a filing date. A provisional application is essentially a placeholder. A non-provisional (regular) application, including claims, must be filed no more than a year after filing a provisional application.

Ownership and Sale of Patent Rights

Both patents and patent applications may be bought, sold or transferred in whole or in part like any other piece of property. The inventor may sell all or part of his interest in the patent application or patent to anyone by a properly worded assignment.

An **assignment** is a legal document or contract, preferably drafted with the assistance of an attorney, which states to whom the property is being transferred. Assignments and other transfers of interest in patents and patent applications can be recorded in the USPTO. Recordation in the USPTO is not required, but it works much like real estate recording statutes to protect a buyer against subsequent transfers of patent rights. The recording of an assignment is not a determination by the USPTO that the assignment is valid or effective. If a patent is assigned, the assignee becomes the owner of the patent and has the same rights as the original patentee.

Chapter 2

DETERMINING WHETHER TO PATENT

Performing a Patent Search

The first step you might want to take to determine if you should pursue a patent is to perform a preliminary *patent search* (also known as a prior art search). This serves as an initial way to look at what has already been patented.

A patent search should be performed before pursuing a patent for several reasons. First, you need to make sure that others do not have exclusive rights to, or have previously disclosed, the invention you are currently developing. If you did not find your product already on the market, do not assume that it is not already patented. If you do develop and market a product that someone else already holds a patent on, you will most likely be sued for patent infringement. Second, you cannot patent an invention that has already been patented, even if the prior patent has expired. A patent search can help you avoid wasting money on a patent application that may not be granted. Third, a patent search may also provide helpful insight on the state of the art in a particular subject matter area.

You can save time and money by performing an initial patent search yourself. There are several library and on-line resources that can assist your search:

United States Patent and Trademark Office (USPTO)

www.uspto.gov

The Scientific and Technical Information Center located at Madison West Building, 600 Dulany St, Alexandria, VA, has over 120,000 volumes of scientific and technical books, about 90,000 bound volumes of periodicals devoted to science and technology, the official journals of 77 foreign patent organizations, and over 40 million foreign patents on paper, microfilm, microfiche, and CD-ROM, all available for public use. It is open to the public 8:30 a.m. to 5:00 p.m., Monday through Friday, except federal holidays. The Patent Search Room (same location) is provided where the public may search and examine United States patents granted since 1790. Patents are arranged according to the U.S. Patent Classification System of over 400 classes and over 136,000 subclasses. The Patent Search Room contains a set of United States patents arranged in numerical order and a complete set of the Official Gazette. It is open 8 a.m. to 8 p.m., Monday through Friday, except on Federal holidays.

Additionally, the USPTO website hosts a database in which patent searches may be conducted. In addition to providing information on patents, trademarks, related rules, and the application process (including application forms you can download), this site has links to USPTO's free patent databases: the U.S. Patent Bibliographic Database, a database of front-page information from U.S. patents issued from January 1, 1976 to the most recent issue date, and the AIDS Patent Database, a database of the full text and images of AIDS-related patents issued by the US, Japanese, and European patent offices.

D.H. Hill Library, North Carolina State University

The DH Hill Library on the North Carolina State University campus contains the only patent depository in North Carolina. The reference librarians are very helpful and will assist you in conducting your own patent search using a CD-ROM database and the Automated Patent Search System. This is a free service; the only cost you may have to bear is that of copies. Review their website for pertinent information. *Website:* lib.ncsu.edu/about/dhill

MicroPatent

MicroPatent's PatentWeb and TrademarkWeb sites (linked to this site) enable you to view newly published patent applications, research patentability, or conduct a patent or trademark search.

Website: www.micropat.com/static/

NCLive

This is a recently implemented state program through which North Carolina public libraries, community college libraries, UNC system libraries, and libraries serving the thirty-six members of the NC Association of Independent Colleges and Universities offer patrons access to a core group of reference and research materials on-line. This means you are most likely near a library through which you can have free access to a number of electronic resources useful for a patent search. Library staff can assist you in using the NC Live resources. *Website:* www.nclive.org

Google Patents

Google provides the ability to search through the USPTO database using the Google graphical user interface. Patents can be searched using keywords, Boolean operators, or registration/publication numbers. Some searchers prefer doing a preliminary search using Google because the interface is familiar and somewhat easier to navigate compared to the USPTO database. Issued patents and published applications can be downloaded as PDF files.

In the process, you should list any patents that seem similar to your invention and read them thoroughly. If the invention is disclosed in an expired patent or any prior publication, anyone can produce it without regard for patent laws and no one has exclusive rights to it; the invention cannot be patented again. If a current patent claims *any* part of the invention, the patent owner has exclusive rights in the claimed portion until the patent expires. A person—a **patent agent** or attorney—must artfully draft claims in a patent application to prevent claims made in prior art references from prohibiting the claims submitted in the application.

These preliminary patent searches will help you evaluate the uniqueness and feasibility of your invention, but they may not be entirely complete. Developing prototypes and filing patent applications can be expensive and very disappointing if a patent or some other bar to obtaining a patent that was missed is found later. Therefore, if your preliminary patent search appears promising, you should also have a professional patent search performed. A registered patent agent/attorney, or a specialized patent search company can perform a professional search for you. A patent agent or attorney is a technically trained person who has passed a U.S. Patent and Trademark Bar Examination to practice before the U.S. Patent and Trademark Office. Patent agents are limited to prosecuting patent applications, i.e., obtaining patents. A **patent attorney** has also passed the U.S. Patent and Trademark Bar Examination, but is also permitted to perform legal services assuming they are properly licensed with the appropriate jurisdiction. Patent attorneys and agents are more familiar with researching the wide range of product categories and fields of research. They also understand better

how to evaluate claims or lack of claims with similar patents. A patent agent/attorney's letter detailing positive search results may be valuable in raising capital and encouraging other parties to help in product development. The patent agent/attorney will likely make a recommendation on whether you should pursue a patent and undergo the expected costs. Many invention marketing firms also include patent searches in their list of services (Discussed in Chapter 8). *Website:* www.google.com/patents

Will Your Invention Sell?

While many inventors invent just for the fun of it, more often than not, an inventor is looking to profit from his or her invention. Thomas Edison once said, "Anything that won't sell, I don't want to invent." Too often, however, inventors assume that patenting the invention will guarantee profitability and success. Unfortunately, this assumption could not be further from the truth.

No matter what problem the invention solves, you should first determine if it is a problem that concerns other people. It is also important to ascertain whether people are willing to consider buying a new product to solve the problem. Obtaining a patent can be a long and expensive process and the time and money required can be easily wasted if the product is not commercially successful afterwards. Therefore, before rushing out and spending thousands of dollars to obtain a patent, you would be wise to first conduct some research to determine if the invention is a potentially marketable product. While those close to you may believe the invention is a surefire success, marketing research that goes beyond friends and relatives should be performed to obtain opinions that are more objective.

Evaluate Marketability

Evaluating the marketability of your product is very important in deciding if you should patent because it will help you to discern the potential profitability of your product, as well as discover potential competition. Although you may think there is no other product like yours, there may be products and/or services on the market that solve the same problem as your invention. Unless you have a truly new product to meet a totally new need, competition is likely. These competitors should be identified to help evaluate the potential success of your product. This is a step that many eager inventors regrettably exclude.

Some basic considerations to make about potential profitability are:

- What are consumers looking for?
- Does the product meet their needs?
- Is the price reasonable considering what needs it meets?
- Does it meet the needs of a select few, or a large number of people?
- Is it a fad item?
- Will demand be seasonal?
- Is the market for the product a growing or mature market?
- How large is the industry and market for the product?
- Are confidentiality agreements made with those to whom the invention has been revealed? (See next section)

To help further evaluate marketability and all current competitive products:

- Talk to experts in the field of the invention who know the product type and market and ask their opinion on its need.
- Make a list of different categories the product might be related to.
- Search through different company and product catalogs.
- Browse websites of companies and products related to your idea.
- Go through stores and search for your product concept.
- Study any product you feel is closely related.
- Attend trade shows, but be careful not to disclose too much information about the invention; collect literature and business cards.

Some sources to use in performing your marketing research include:

- mail order catalogs
- trade associations and professional societies
- corporate buyers
- annual reports and product brochures from other manufacturers
- consumer interviews & opinions
- industry and government experts
- purchasing agents
- telephone surveys, mail surveys

Other helpful sources generally available at your local library include:

- industry directories
- statistics
- government census data
- *Thomas Register of Manufacturers*
- *Readers Guide to Periodicals*
- business articles
- technical literature
- InfoTrac (article database)
- *F&S Directory*

The electronic resources provided in the N.C. Live Program are also helpful for market research, particularly Business Source Elite, Hoover's Company Profiles & Capsules, and various periodicals databases. For more on NC Live, see *Perform a Patent Search*, p. 10.

If you need assistance in performing your market research, there are several books that discuss marketing research and are available at your local library and most bookstores. See the Appendices of this booklet for useful books, journals, references, and websites.

Confidentiality Agreements

While it is important to keep all information about your idea confidential until a patent is obtained, you should avoid being too secretive or overprotective. Fortunately, after the invention has been made public, you are granted one year in which to file an application, otherwise you are barred from obtaining a patent. To successfully develop an invention, it is often necessary to reveal the invention to others, including potential customers, manufacturers, and salespeople. To protect yourself, you should use **confidentiality agreements** (also called proprietary information agreements, secrecy agreements, and non-disclosure agreements). These agreements will state that the person(s) you give information to have to hold that information in the strictest confidence and agree to not use the idea for their own gain. You should consult with a licensed attorney to develop an agreement suitable for your specific situation for contractual purposes.

Protecting the Invention by Filing as soon as Possible

You may be apprehensive about performing market research in lieu of applying for a patent for fear of someone else "getting a jump" on the idea, and this is a valid concern. Due to the changes to the U.S. patent application filing system, it is recommended that an inventor take the necessary steps to file a patent application as soon as possible. This may mean filing an application before doing market research, or at least concurrently. Effective March 2013, the USPTO will use a first-to-file system that provides priority to the first person to submit an application so it is in the inventor's best interest to file quickly instead of waiting.

Maintaining a dated invention notebook may be helpful as a good practice for inventors to keep track of ideas and experimentation, but it will not provide protection of your invention if another person files a patent application before you. This is true *even if your invention notebook has dates that are prior to another person's patent application.*

The primary benefit of keeping a detailed invention notebook is that it will assist in drafting the patent application, particularly the specification, claims, and drawings.

A detailed invention notebook should adhere to the following guidelines:

- Write a detailed description of the idea or invention and all advantages in a bound notebook with numbered pages.
- Make an entry whenever there's a change in the invention or there is evidence of progress.
- Write with permanent ink and cross out mistakes by marking through errors with a line. Never erase or "white-out" mistakes.
- Include test results, sketches, and drawings, and sign and date the bottom of each page.
- Have at least two witnesses sign and date each page. These should be people who understand the idea or invention.
- Don't erase anything or leave any large blank spaces within text.
- Fill in blank areas with a couple of diagonal lines so you can't be accused of making entries after the page was signed.
- If you leave a blank page, write on it "blank page".
- Make at least one entry per month to avoid looking like the project was abandoned.
- Research data related to pending or issued patents should not be destroyed.
- If notes are kept on a computer, make entries at the end of each day. Each daily entry should then be printed out, signed, and witnessed. The final printed, signed, and witnessed document should be pasted in a notebook.
- Notarization is not a legal requirement
- Remember, it's never too late. You can start anytime by entering a history of what's been done to date.

Chapter 3

PURSUING A PATENT

Retaining a Patent Agent / Attorney

Regardless of whom you hire to perform the professional patent search, a patent attorney or agent should be retained if you intend to have a patent application filed. While the process is not impossible for the average inventor, it is long, complicated, and very difficult. Typically, the best protection will be obtained if an attorney/agent is used. Some patent attorneys/agents specialize in certain areas of inventions and you should try to find one with in-depth knowledge in your area. If you can't, remember that the more you do to help, the less the attorney has to charge. For example, if you search as much literature as possible, including patents, initial attorney consultations will accomplish more, and further searches will cost less.

For help in finding a patent attorney/agent, refer to the list of North Carolina patent attorneys and agents on the USPTO's website at oedci.uspto.gov/OEDCI/. To avoid surprises, know what the hourly and fixed rates are up front. In selecting an agent/attorney, make sure you are willing to continue a long-term working relationship with the person. This will be someone to include in your product development strategy and patent attorneys usually make good licensing attorneys too.

Drawings

There are three types of drawings that will be helpful in your new product development process and your pursuit of a patent.

Artist's concept drawing

This drawing is a black and white line drawing that should be done by a good artist early in your product development process. While it's not an engineering or blue print drawing, it will give you and those you initially work with a better perspective of what you are trying to accomplish.

Engineering drawing

If you want a manufacturing company to produce your product, you should look into having someone with knowledge of computer rendering software such as AutoCAD produce engineering drawings for you after the prototype is complete and tested. Manufacturers often look for these 3-D and cross-sectional drawings in order to help determine accurate manufacturing requirements.

Patent drawing

These are necessary for utility and design patent applications. The UPTO has complex and specific guidelines for patent application drawings, so these drawings should be completed by a patent draftsman. Although you can find a draftsman on your own, your patent attorney/agent should be able to refer you to one he/she regularly uses.

See the Appendix, section *Finding necessary goods and services*, for tips on how to locate someone to draw your product.

Reduce the Idea to Practice: Prototypes

After an idea is conceived, it should be reduced to practice. It's one matter to come up with an idea and write it down in an inventor's workbook. It's an entirely different matter to actually demonstrate that the invention works. **Creating a *prototype* for submission of a patent application is generally not recommended.** If a patent is issued, The USPTO requires prototypes to be preserved by the applicant for the duration of the patent term or else the patent can be invalidated. This is an unnecessary burden on the patentee. Development of prototypes is recommended as a step in preparing for marketing an invention to a company for licensing/selling purposes. Developing a prototype requires ingenuity, trial, and error. The process can usually be divided into two stages.

Rough prototype

This prototype needs to only demonstrate the working principles of the invention and is useful for ironing out the technical or design details. Given its purpose, it may be sufficient for you to prepare the invention using glue, cardboard, tape, etc. Other resources may be found in the Yellow Pages, the *Thomas Register of American Manufacturers* (www.thomasnet.com), trade and industrial journals, and arts and crafts magazines. Retail stores and craft centers can also be helpful. This stage saves you from spending money on a final design that doesn't work.

Working model prototype

This prototype should be of higher quality than the first prototype and be suitable to show potential customers. Remember to use confidentiality agreements and include the words "Confidential Prototype" on the prototype if you do show it to others. The materials you use should be as close to the final materials needed as possible. As such, this prototype will cost much more than the first one. You may even need to contract with a custom designer or machine shop.

There are two ways to have these two prototypes developed. On one hand, you can let an industrial design house take the entire project. Their services would include doing the industrial design, drawings, prototype developing, developing the production prototype (working model) and product testing. Alternatively, you could do some of the work yourself and use professionals as it is needed. This process would consist of five stages:

5 Stages of Prototyping	
Design Stage	Concentrating mainly on function and performance, make illustrations of the product including its dimensions and placement of components.
Procurement Stage	Collect materials for the rough prototype.
Assembly Stage	Construct the rough prototype.
Industrial Design Stage	Use an artist to fine-tune the industrial design of the product. Artist should have experience in this area.
Advanced Engineering Stage	Have a prototype developed that looks <u>exactly</u> like the industrial design drawing.

In the last stage, you may need to locate a small prototype shop that specializes in the materials the product will need. For example, if the product will be plastic, locate a plastic tooling company. If the product is made of metal, look for a machine shop. Keep in mind that such a facility, which specializes

in customized products and may have engineers with prototype experience, will be most willing to devote time to developing a good working prototype. Some universities or engineering schools also provide prototyping services at a low cost. Check with a local university or engineering school for availability of these services.

Product Testing

Part of developing a prototype involves testing the product. Many mass merchandisers will not purchase your product if you do not have it tested by a consumer testing laboratory first. The testing should include safety as well as operational tests.

The following organization will direct you to the nearest private laboratory to perform tests:

ACIL (American Council of Independent Laboratories)
 1875 I St, NW, Washington, DC 20006
 Telephone: (202) 887-5872
 E-mail: info@acil.org
 Website: www.acil.org

Often laboratories at universities also offer testing services. Contact the Technology Transfer office or appropriate department of a local university to find out whether the university's labs provide testing services.

For instructions on how to locate other necessary testing services, see *Finding Necessary Goods and Services* in the Appendices.

Filing the Patent Application

The USPTO's website includes a guide to filing a utility patent application, as well as various other resources, at www.uspto.gov. By law, the USPTO has changed the patent application process from a first-to-invent system to a first-to-file system. This means that inventors are encouraged to file their applications as early as possible in order to have the best chances of receiving an issued patent. An inventor that files an application later in time will be blocked from filing and will not be able to contest an earlier-filed application if the subject matter of the earlier application reads on the invention applied for in the later-filed application. The transition to a first-to-file system took full effect in March 2013.

The initial requirements for the utility patent application include:

- A written document with an enabling specification (a detailed description of the invention with at least one claim).
- Drawings, if necessary.

As mentioned earlier, the process of filing a patent application can be very challenging, and there are additional requirements that are necessary subsequent to the ones named above, *i.e.*, fees, inventor's oath/declaration, an information disclosure statement, etc. You will receive the best results through using a patent agent or attorney.

Process at the Patent and Trademark Office

For purposes of this discussion, let us assume you employ a patent attorney to file your application. Once the application is received at the USPTO, your attorney will receive a filing receipt with the filing date and serial number for the application within six months of filing. Upon request, or automatically after 6 months have passed, you will be issued a **Foreign Filing License**, which entitles you to file foreign patent applications based on the U.S. application. In rare instances, for national security reasons, a Foreign Filing License may be withheld.

The application is then checked for any deficiencies. If any of the application requirements are missing, the application will be cited as incomplete and you will be sent a Notice of Omitted Items. You will be given a specified period of time to furnish the missing materials. If the application is complete and meets filing requirements, it goes through a classification procedure. Then the application is forwarded to the proper department for examination.

The USPTO receives hundreds of thousands of patent applications each year. Depending on the number of applications an examiner is reviewing, it may be several months before yours is formally reviewed. The examiner will start the process by performing an in-depth patent search and also search related publications to verify your claims. This also includes searching foreign patents. If a claim is accepted, it means that the claim is patentable and should be incorporated into a patent. During the examining process, the examiner will determine whether or not your disclosure of the invention enables the reader to make a functioning model of your invention – based on the description alone. This is a very important requirement in having a patent application granted.

Most applications go through various office actions that are sent via letters or emails from the USPTO. If an examiner rejects one of the claims, a letter or email will be sent to your agent/attorney. A proper response will need to be filed within a period of time, or the application will be considered abandoned. After receiving the response, the application will be reviewed again, and another office action will be sent to your attorney. Usually the second or third office action is marked as the final decision—either approving the application or issuing a final rejection.

If during the process, you decide that the invention's value is comparatively too low, or the claims allowed will not be enough to protect you in potential markets, an application can be abandoned. This would avoid further prosecution and associated fees. However, you are not necessarily entitled to a refund of any fees paid up to this point. If you develop a patentable improvement to the invention before the examination proceeding ends, you can file a **continuation-in-part** to add the part of the invention not previously disclosed; however, the new part of the invention will only receive the filing date of the continuation-in-part and not of the first filing. If your original application did not clearly distinguish claims from prior inventions, you can also file a **continuing application** to change the claims before the examination ends. However, the changes to the claims must have been disclosed in the original specification, or else a continuation-in-part must be filed to add the new matter. These afterthoughts can be expensive and further emphasize why it is beneficial to hire an expert to file your application.

After the first office action, an interview with the examiner may be requested. If he/she agrees, you can interview with the examiner, with your agent/attorney, to plead your case. This would be your chance to demonstrate your prototype, discuss claims, and suggest how the claims could be reworded. Therefore, it is possible that once rejected claims could be allowed after revisions.

Fees change with each fiscal year; for up-to-date USPTO fees, please refer to the USPTO website. The cost of pursuing and maintaining a patent can cost thousands of dollars. These potential costs are very important to consider when deciding to apply for a patent. You should evaluate carefully whether the potential profitability of your product exceeds this amount of money.

The process of obtaining a patent requires an average of 3-4 years, but can take longer. It is best to prepare an estimated timeline for your patent application to help you plan.

Funding a Patent

Contrary to popular belief, there is no free money available to help with obtaining a patent. One way to raise money would be to have a self-financing patent. This would involve marketing and selling the product for less than one year and using the profits to fund the patent. Often, licensing agreements provide that the licensee reimburse and pay for patent costs. However, publicly disclosing the invention before filing an application prohibits you from being able to file for any foreign patents. Probably the best source of initial outside funds would be from friends or relatives. Remember to employ confidentiality agreements if you choose this option.

Enforcing Patent Rights

The U.S. Patent and Trademark Office does not monitor commercial transactions for possible infringement activities or enforce patent rights against potential infringers. It is the responsibility of the patent owner to discover infringing activity. As a patent owner, you may seek both an injunction against an infringer, as well as the recovery of monetary damages. The cost of a lawsuit depends on the complexity of the case, but legal expenses alone can easily reach into the tens of thousands of dollars; however, many patent infringement cases are settled fairly quickly. An alternative to suing would be to offer the infringer a license to make the patented invention. This license could include an initial base payment, as well as *royalty* payments for each unit the licensee makes, uses, or sells. Licenses are discussed more in depth in Chapter 4.

The USPTO does not guarantee the validity of a granted patent. A patent may be found by a court to be invalid, and therefore unenforceable, at any point during its lifetime.

What to do After Getting a Patent

After receiving a patent, you will face many choices and problems. How should you manufacture, market, distribute, and sell the product? Should you start a business that makes and sells the product? Should you sell your patent to a manufacturer through an assignment? Should you license it to another company for a royalty and let that company sell the product? These are just a few of many decisions that you will have to make and implement after thorough research and evaluation. The next two chapters discuss the advantages and disadvantages of licensing and manufacturing and will help you determine which option is best for you.

Chapter 4

MANUFACTURING AGREEMENTS: PATENT ASSIGNMENTS & LICENSING

Generally, an inventor's goal is to profit from his invention. For many inventors, forming an agreement with a manufacturer and/or distributor is the best way to make money on an invention when the costs of developing, manufacturing and marketing the invention are beyond their means. There are two types of agreements that may be used to transfer intellectual property rights: a **patent assignment**, *i.e.*, one-time buyout, or a license.

What is a Patent Assignment?

As mentioned earlier, patent law provides for the transfer or sale of a patent through the use of a properly worded assignment. If this occurs between an inventor and a manufacturer, it is often in the form of a one-time buyout in which the inventor sells ownership of the patent for one flat fee. Upon acceptance of the fee, all claims of ownership to the patent are relinquished to the company. The company then has full control of the patent. Many manufacturers use this to get the inventor out of the picture quickly and cheaply. This is also a quick and easy option for the inventor, but it may result in the inventor receiving something less than an ideal profit. Thus, this option is rarely recommended.

What is a License?

A **license** is a legal contract that gives another party permission to make, use, or sell your invention. It is possible to sell a license to your invention to others both before and after a patent is issued. A license is best written by an attorney with experience in this field. Patent attorneys and many other corporate attorneys, especially those that are experts in intellectual property are best suited to draft these agreements. A license contract designates a royalty for the inventor that is usually as a percentage of the sales of the invention.

Pros and Cons of Licensing

Licensing your product to a company is usually the least risky method of profiting from your invention, since starting a new business has its own unique set of risks. Unfortunately, licensing also gives most of the control and profits to the company because they bear most of the financial risk if the idea fails. However, licensing, and the resulting royalties, may be the best approach for you, particularly if you don't have the resources to develop your idea. Keep in mind that a license may be limited in certain ways. For example, a field-of-use license can be limited to certain industries, uses, or geographical areas. The advantage of such a license is that you have greater control in negotiation and may still have rights in areas not licensed.

By licensing your invention, you also eliminate the distractions associated with manufacturing such as developing a profitable distribution network, finding good employees, finding adequate capital, and dealing with payables or receivables. Without these distractions, you can focus on developing other ideas you may have. An added advantage of this option is that you retain much, if not all, of the ownership in the patent.

Selecting the Right Licensee

You should start the process of finding a licensee by preparing a list of as many prospective companies as you can. Use local library and on-line resources to aid your search. One place to begin looking for companies would be in the *Thomas Register of American Manufacturers*, available in book form at your local public library or online at www.thomasnet.com. The register details manufacturers for a variety of industries. By looking at the industry particular to your product, you can locate several manufacturers who may be interested in adding your product to their manufacturing line. Other sources of company information include:

- Hoover's Standard
(similar to *Thomas Register*, see www.hoovers.com)
- Encyclopedia of American Industries
- NC Manufacturers Register
- NC Business Directory
- Securities and Exchange Commission

If the company is a public business, *i.e.*, if it sells stock to the public, you can call them and request an annual report.

In preparing your list of potential licensees, consider each company's product line, distribution breadth, management, marketing style, existing legal issues, product seasonality, company size, annual sales, etc. Companies with nationwide distribution are best. Keep in mind that large companies may be more interested in a deal because they have more manufacturing, marketing, and advertising capabilities than smaller companies.

Contacting Companies

It can be difficult to find companies willing to license an invention, especially when it involves an unproven concept for a new product. Many companies do not accept ideas provided by outsiders or individuals. These companies often have their own research laboratories working on inventions and not interested in the work of others—since the company didn't invent it, the company does not want to use it. The company may also be working on the same invention and would want to prevent possible legal problems by avoiding any outsider.

Given these obstacles, here are some tips to use when first contacting a company:

- Whether you begin contact by written correspondence or phone is up to you, but contacting the company by phone will give you more of a chance to explain who you are and your expertise. You may have a better chance of getting your foot in the door.
- If you choose to phone the company, it's best to call between 7 a.m. and 9 a.m. in the middle of the week, Tuesday through Thursday. Mondays and Fridays are generally when your contact would be too busy to talk to you in depth.
- Do not just describe yourself as an inventor. Play upon any expertise or experience in the field you possess, *e.g.*, an engineering degree, Master's, Ph.D, etc. This will help establish some credibility.

Keep in mind that most companies do not want to be sent a sample or prototype initially. They want to see a product proposal.

Initial Presentation

If possible, it is best to meet with anyone who is in charge of new product development (President/CEO, Vice President of Marketing, etc). These are the people with the decision-making capabilities in the company.

The more you develop your idea, the greater the opportunities to license the invention. Usually, a company is only interested after an invention is patented and successfully demonstrated with prototypes and working models. Other companies may license ideas after a patent application is filed. You have to convince the company that it will make a higher profit by selling your product than if it sold its existing products. Presenting a well-developed market analysis and a manufacturing cost estimate to a potential licensee will help you convince a company to license your invention. You should also try to have a confidentiality agreement signed by the company if you are disclosing the details of your invention, but do not be surprised if your request is met with resistance.

Negotiating the License Agreement

"What kind of deal are you looking for?" If your prospective licensee shows interest in adding your invention to their product line, you will most likely be asked this question. It's important that you know the answer well in advance. There are several terms within a license agreement that you should consider beforehand (next page):

Term	Explanation
Duration	How long the agreement will last.
Royalty percentage and payments	In many agreements, royalty payments are usually paid every 90 days and the percentage could range from 3% to 8% of the manufacturer's gross sales figure. The more developed your idea is, the higher percentage you'll be able to demand.
Patent litigation responsibilities	Prosecuting a patent infringer or even defending your patent rights can be very expensive. You should try to negotiate a deal where the manufacturer agrees to bear these potential costs. However, in most agreements, the inventor is responsible for these costs.
Sublicense rights	The manufacturer may want to sublicense the invention to someone else.
Exclusivity	You may want to license your product to more than one manufacturer.
Cash advance	Getting a cash advance upfront would allow you to recoup the expenses you incurred during your product's development (patent, prototype, etc.). The advance may be separate from the royalties or be an advance of the royalties. Cash advances often range from \$15,000-\$30,000+.
Rights to commercialize certain applications	If your product has several applications, you may want to reserve the right to manufacture and/or commercialize some of those applications, while the manufacturer handles others.
Guaranteed performance	With a "Minimum Royalty Requirement Clause," you can guarantee that the manufacturer goes into production of your product without delay.
Performance milestones	This is very important to have in your agreement, because you will want to assess the manufacturer's performance periodically. If you are unsatisfied at any pre-determined time, you can retake control and try to secure a new company to produce your product. These milestones also give you a chance to re-negotiate and increase the royalty agreement.

Exits/Termination	An "escape" clause would give you and/or the manufacturer a way out if there is any subsequent dissatisfaction under of the agreement.
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Remember to keep your attorney involved as an advisor, know what you want, and be content with a good deal.

What to Expect After Signing

Even if your manufacturer begins production of your product immediately, it may take six months to a year before the manufacturing start-up is completed and distribution begins. Therefore, you may have to wait a little before receiving your first royalty check. You should also know that unless your product is *extremely* successful, you should not expect to support yourself on the royalties alone.

Chapter 5

STARTING YOUR OWN BUSINESS

To avoid turning over control of their inventions, many inventors think about starting their own business to manufacture and distribute their product. You should understand the full implications of this approach. Taking an idea and actually putting it on the shelf yourself is not an easy task. Although it is not impossible, there are many steps in the process.

The biggest advantage of manufacturing your product yourself is the ability to retain control of your product. An added bonus is that you also get to enjoy the majority of the profits earned. The downside of this option is that there are many serious issues you will have to deal with in order to successfully start a new business.

Startup Capital

How will you raise funds for buying or leasing a building, equipment, etc.? Access to capital is a critical first step.

Internal financing mostly consists of personal assets, which should be the first source considered. Personal asset sources include: checking and savings accounts; retirement funds; credit cards; stocks/bonds and other such investments; and home equity loans. If you do not have sufficient personal resources to get through the lean times at the start-up of the business, you may want to reconsider whether the time is right for you to start a business, or look for external sources of capital.

Further, you may consider external sources such as debt financing, friends or family, angel or equity financing, or grants. Debt financing involves borrowing money from an individual or institution for a fee. One advantage of debt financing is that there is no dilution of ownership. Whether a short-term loan, or a long-term loan, all debt must be repaid at some point or the collateral will be seized by the lender to repay the loan. The interest rate raises the company's expenses. Equity financing involves selling partial ownership of the company. Grant money or "free money" is an uncommon financing tool. Companies rarely qualify for grants. There are limited grant funds provided by federal government agencies through the Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs for research and development, as well as for technology commercialization projects meeting specific government solicitations (see the SBTDC's website, www.sbtdc.org, for more information). For a more complete listing of financing resources, see the SBTDC publication *Capital Opportunities for Small Businesses*.

Marketing Issues

How will you effectively and efficiently make potential customers aware of your product? Marketing focuses primarily on determining the needs of consumers, informing them about your products, and using strategies to convince them to buy your products. Marketing also involves making decisions about your product's packaging, pricing, selling, distribution, and advertising. These marketing issues are closely linked and can dramatically affect the success of your invention and your business. If you need assistance in making decisions regarding marketing issues, the general business counselors at your local SBTDC office are available to help.

The Internet

You may consider making use of the Internet to market your invention. Internet websites require a unique domain name. Domain names, such as <http://www.sbtcd.org>, are unique identifiers, which may be registered as a trademark. Domain names are available on a first-come, first-served basis and must be registered through an ICANN-accredited registrar. See www.icann.org/en/resources/registrars for more information about domain name registration.

Registration and Licensing

Should you decide to develop a business around your invention, you will need to register the business with state and local authorities (as well as learn relevant tax, insurance, and legal information). License and regulatory requirements vary from business to business, but there are a few basic resources you can use to start gathering such information.

- The *State of North Carolina Website* has helpful information regarding licensing at www.secretary.state.nc.us/Corporations/ThePage.aspx
- Business Link North Carolina (800/228-8443) can provide you with information about business forms, licenses, permits, and capital access. Visit the website at www.blnc.gov

Other Considerations

- **Manufacturing:** Proving that the product will sell and make a profit is the most important question in deciding to startup a business. The next chapter contains an exercise you should complete to help you evaluate the potential profitability of your product.
- **Materials:** What materials will you need? Where will you buy them and how much will it cost?
- **Labor:** Where will you find good employees? What will they be paid? How will you meet payroll?
- **Insurance:** What health and accident insurance will be offered to employees?
- **Accounting:** Who will manage your bookkeeping?
- **Taxes:** What are the tax implications?
- **Inventory:** How much inventory will you keep on hand?

Chapter 6

MARKETING & FINANCIAL RESEARCH

Marketing Research

To help you decide whether to manufacture your product and distribute it yourself or license your invention to a manufacturing company, you will need to perform some in-depth market research to determine whether the public really wants your invention. If you have already obtained a patent for your invention, you may have performed some preliminary market research to determine whether pursuing a patent would be worth the effort. At this point, especially if you have a patent pending or granted, you should take your market research a step further to estimate how many customers will buy your product. In addition to using the various sources listed in Chapter 2, there are several other ways to help you estimate your potential sales.

Test Marketing Program

With this strategy, you would actually offer your product for sale to a small portion of the market. Unfortunately, you may be prohibited from choosing this method if tooling, production, and distribution costs are currently beyond your means.

Trade Shows

Another good way to gauge consumer interest in your product is to attend trade shows. You may find that this Ave is less expensive than running a test marketing program, but it also gives you an opportunity to get a lot of public reaction to your invention in a short amount of time. There are thousands of national and regional trade shows, so it is possible you can find the right one to showcase your product. The Encyclopedia of Associations, available at any library will provide information on which trade shows are best for you. For your protection, given the number of people that attend both regional and national trade shows, it is best if your product has at least a patent pending before exhibiting it.

Focus Groups: Interviews

As the name implies, this strategy involves soliciting views from potential customers. This can be done in a shopping mall, on the street, or going door-to-door, depending on your budget. You and/or any recruits you hire can pose simple "yes" or "no" questions to potential customers and use their responses to determine the percentage of people who would possibly buy your product. With this approach, the larger the number of people you interview, the better. Alternatively, a more directed approach would be to hire a focus group to test your product.

To complete your marketing research, you may consider following the next three steps using any or all of the above methods and record the results.

The following steps are provided as an example and are solely for informational purposes.

- 1. Estimate the total number of potential customers.** For example, if your idea is for a bicycle accessory, try to find out the number of bicycles sold per year. Call some bicycle manufacturers and ask how many they sell. If there is an association of bicycle riders, call them for information too. You can also research the sales of certain categories of bicycle accessories. As always, your local library and the Internet are excellent resources.
- 2. Estimate the percent of potential customers who would buy your product.** Continuing the above example, ask 20 bicycle owners if they would buy your invention at your proposed selling price. If only 1 in 20 says "yes", that would mean about 5% of the total bicycle purchasers would buy your invention. However, if we assume that only 1 in 5 of that 5% would even see your product in a store, the odds become that only 1 out of 100 (or 1%) will buy your product.
- 3. Calculate the number of units you estimate you could sell per year.** Multiply the total potential customers by the percent you estimate will buy your product. For the above example, if you found that 500,000 bicycles are sold per year, then you would multiply 500,000 by 1% to estimate sales of 5000 bicycle accessories.

Financials

The following steps are provided as an example and are solely for informational purposes.

You may perform the following five steps to determine the potential profitability of your product under "realistic" conditions:

- 1. Estimate how much in sales revenue will be made with the invention.** Use your estimated unit sales from the marketing assignment and multiply it by your estimated sale price (use the correct sale price depending on the customer—use the wholesale price if you sell to a distributor, or the retail price if you sell directly to consumers). This amount is your estimated annual revenue.
- 2. Estimate annual expenses of both the invention and the business.** Add all your per unit expenses for manufacturing and selling your product. Make sure you account for the costs of raw materials, labor, and distribution per unit (if you do not have firm numbers, try to estimate these). Multiply these per unit expenses by the estimated units sold to calculate annual direct expenses. Also, calculate the annual indirect expenses your business will incur (including rent, equipment, utilities, legal and accounting fees, etc.). Sum the indirect and direct expenses to calculate total annual expenses for your business.
- 3. Calculate the annual net profit.** Subtract the estimated annual revenue from the estimated expenses to get a rough annual gross profit. Make sure you now subtract what you think the Federal and the State Governments will require in taxes. The result is your annual net profit.
- 4. Determine if profits exceed the patent and production development costs.** Add all your potential expenses for the patent and product designing. This includes all future fees, legal costs, prototyping, construction, tooling, molds, and designer costs. Divide this number by 20 years (the term of a utility patent) to get an average annual cost of the patent and product design. Subtract this from the annual net profit to calculate how much money you really would make per year. If this number is less than zero, the patent costs more than you can make from it!

- 5. Complete these steps for the realistic, optimistic, and pessimistic conditions.** For the optimistic scenario, multiply the unit sales you estimated in the market analysis by 10 and increase your sales price by 20%. For the pessimistic scenario, multiply your estimated unit sales by 1/10 and decrease your sales price by 20%. Make sure you also vary some of your indirect expenses with each scenario as a large business has more expenses than a very small business.

The above steps are appropriate if you are going to manufacture the product yourself. If you are considering licensing instead, you can use a similar type of procedure. There are two licensing viewpoints that can be used to complete the financial analysis:

1. Pretend you are a manufacturer that has purchased a license and do the above analysis while adding in expenses for royalties paid to the inventor. If the manufacturer loses money or makes below the average profit of their existing products, they would be unlikely to proceed with your invention.
2. Calculate what you expect to earn in license fees per year and subtract off all your potential annual expenses for the patent and product development. If you lose money by licensing, you should reconsider using this method of developing your product.

Analyzing the Results

If all three of the scenarios are successful, it is probable that your invention could be a success. However, if any of the three scenarios lose money, the invention could lose money. While this combined marketing and financial analysis is an oversimplification of reality, it is a good initial consideration of what it takes to succeed. A more precise calculation could be performed using a computer spreadsheet and discounted cash flow analysis. It would be a good idea to do this later to make sure you are proceeding on a sound financial basis.

If you have any difficulties in performing or analyzing your marketing or financial research, the general business counselors at your local SBTDC are available to provide assistance.

Chapter 7

TRADEMARKS & COPYRIGHTS

Trademarks

A **trademark** is a word, logo, image, or even a sound or color, used by a party to identify the party's goods and distinguish it from competitors. A **service mark** is essentially a trademark used to distinguish services instead of goods. Otherwise, trademarks and service marks are in all respects identical. Like patents, trademarks and copyrights add great value to the company. You should evaluate protecting your intellectual property (your company branding, logos, marketing, and good will), and help avoid future litigation, through federal registrations.

Trademark Notice

The symbol for a trademark, TM, usually appears on the product, packaging, or by the upper right side of the words or logo, provides notice of a claim to common law rights. Use of the TM symbol is a way of providing notice that the user may be actively seeking trademark protection through federal registration. The symbol for a service mark, SM, is normally placed on advertising for the service at the upper right side of the words or logo. The symbol © can only be used if a trademark is federally registered with the U.S. Patent & Trademark Office (USPTO). The © symbol is evidence of a valid registration and notice to others that the mark has legal protection, on a federal, statutory basis, not just a common law basis.

Trademark Benefits

Having a name that is protected by trademark law is one of the keys to successful product development that many inventors tend to overlook. In fact, the right name and trademark can be just as important to long-term commercial success as obtaining a patent. Use of a trademark over time results in establishing a connection in the public's mind between the trademark and the goods or services offered by the producer. The trademark is a powerful branding tool.

By consistently using a mark in your business, you also gain some legal protection. The law allows the trademark owner to prevent others from using the same or similar mark so that the public will not be deceived about the true producer of the product. If another entity is found to be using a trademark that is confusingly similar to your own, thereby infringing on your trademark, they can be liable for damages and can be enjoined from further use of the confusingly similar mark.

Much like a patent, a trademark and its registration can be transferred to another entity through the use of a properly worded assignment document.

State vs. Federal Trademark Protection

All states have a system of registering trademarks. However, federal registration has numerous advantages over state registration. The acquisition of federal registration allows the registrant to overcome any claims by later users acting in good faith. It affords the registrant the opportunity to use the federal courts without any other basis of federal jurisdiction, and is accompanied by certain statutory rights. When you are certain that the mark will not be used in any other state besides the one where it is registered, state registration may be appropriate. While state common law provides

protection as soon as the mark is used, this protection is generally limited to the area of actual use. Federal trademark protection, the broadest protection, can only be obtained by filing for, and obtaining a federal trademark registration with the USPTO, and by using the "®" symbol adjacent to the mark—it is normally placed in the upper right corner. Federal registration is encouraged because it provides nationwide protection to the owner.

Duration of Trademark Protection

Unlike a patent, a trademark can be used indefinitely as long its use is continuous. A federal registration requires a filing between years 5 and 6 indicating that the mark is currently being used in commerce or a justifiable explanation for nonuse. There are subsequent filings for renewal, but as long as you comply with the filings, your mark will continue to maintain its federal registration rights.

Selecting a Trademark

The selection of a trademark can be very important in terms of your ability to obtain registration and prevent others from using the mark. In selecting your mark, remember that the best trademarks are words or symbols that are "fanciful or arbitrary." Marks that have no meaning in the English language, *e.g.*, KODAK® or EXXON®, are considered "fanciful." These are particularly good trademarks because their uniqueness makes them instantly identifiable with a particular manufacturer or service provider. An "arbitrary" word mark is one wherein the chosen word has no sensible or reasonable association with the products or services offered, *e.g.*, APPLE® for computers and consumer electronics. If a mark is like the above examples, the exclusive right to use the mark is easier to assert against potential infringers.

Descriptive trademarks that simply describe what you are selling, *e.g.*, "cheesy puffs," are usually poor choices because it is harder to get trademark protection for words that are descriptive. A trademark application containing descriptive word marks generally takes longer to process and is usually rejected unless the applicant can show that the words have obtained secondary meaning in the consumer marketplace. The same applies to geographically descriptive trademarks. Word marks that are considered "generic" are not afforded any trademark protection, *e.g.*, using the words "color television" to sell a color television.

Some questions to consider when selecting a trademark are:

- What are the associated implications of the name? Any negative connotations may not attract consumers to your product.
- Does the name fit the product? If the name is misleading, consumers may not realize what your product really does.
- Is the name too difficult to pronounce or remember? Either one may keep consumers from buying your product.
- Is the name too similar to another product? If the mark is confusingly similar to another product, consumers may confuse the two products. "Confusing Similar" requires detailed legal analysis, but on a very basic level, it means that the mark looks or sounds similar. You could also be sued for trademark infringement.

Trademark Registration Requirements

In order to be granted state trademark protection, you must currently use the mark in connection with goods or services within the state.

In order to be granted federal trademark protection, you must do one of the following:

- You must use the mark on goods that are shipped or sold, or services that are rendered, in interstate or international commerce.
- You must apply for trademark registration based on a bona fide intent to use the mark in commerce within 6 months. The trademark will not be federally registered until the mark is actually used in commerce.

There is no time limit on filing a trademark application. However, it is in your best interest to register the trademark before someone else does. A separate application is required for each trademark.

The Internet domain name, also known as the URL, of your website may also be registered as a trademark. The USPTO follows the same policy of registering domain names as with other registerable trademarks or service marks.

Trademark Search

Before adopting a company name, logo, tag line, or other design or trademark, you should first perform a preliminary search of existing trademarks. Adoption of a new trademark can entail spending large amounts of money; money that could be wasted if you adopt a mark that is already in use elsewhere. Therefore, it is important to make sure that your mark is not confusingly similar to a trademark that is currently in use by a company. If your mark causes confusion between your product and another company's product, the other company could file a lawsuit against you.

As with patent searches, a trademark search is best performed by an attorney, but you can perform a free and quick search at the U.S. Documents Department at the D.H. Hill Library on the campus of NCSU. There is an on-line search engine provided by the USPTO at www.uspto.gov/trademarks via the TESS icon. The Trademark Office at the N.C. Secretary of State Office also provides some trademark search services. See Chapter 2, "Perform a patent search" section, for more information on these resources.

Estimated Trademark Costs

The fee for state trademark registration in the state of North Carolina is \$75 for fiscal year 2012. Each renewal costs \$35.

Trademarks are categorized for registration purposes into several different classes, such as, cosmetics, toys, or clothing. The USPTO fee for federal trademark registration currently ranges from (fiscal year 2012) \$275 - 325 for each class of goods/services if you file electronically; filing a paper application costs \$375. If you file your application before you start to use your mark in commerce, there is an addition \$100 fee due per class of goods and services. For example, if your mark will be used on both clothing and toys, a separate registration fee would be required for each class. Each renewal costs \$400. Your total cost can increase if you retain an attorney to assist you.

Applying for Trademark Registration

The filing requirements for **state trademark registration** consist of:

1. A written application form
2. Three examples showing actual use of the mark on or in connection with the goods or services
3. Proof of use or distribution within the state
4. The appropriate filing fee

For more information on state trademark registration, contact:

Deborah Butler, Trademarks Supervisor
The Trademarks Section
Department of the Secretary of State
PO Box 29622, Raleigh, NC 27626-0622

919-807-2162 (phone)
919-807-2215 (fax)
trademrk@sosnc.com

Physical Address:
2 South Salisbury St
Raleigh, NC 27601-2903

The NC Secretary of State has an extensive website that includes an on-line application for trademark registration. See www.secretary.state.nc.us/trademrk/ThePage.aspx.

If you file for a federal trademark registration, you may not need to file for a state trademark registration. Again, an experienced attorney can advise you on your best strategy.

The filing requirements for **federal trademark registration** consist of:

1. Filing a written or electronic application form – The USPTO encourages applicants to complete the electronic application on its website. The website, www.uspto.gov, contains extensive, helpful trademark information.
2. One example of the mark, and one example showing actual use of the mark on or in connection with the goods or services.
3. The appropriate filing fee.

For more information on federal trademark registration, contact information is available at www.uspto.gov/trademarks/contact_trademarks.jsp.

Before applying for trademark registration, an attorney with experience in trademarks should be consulted. Performing a formal trademark search and filing for federal trademark registration can be complex and is best left to an expert. An attorney will provide strategic counsel on your best approach, and the best terms/ words or designs, as well as the type of classes that may be available for protection. An attorney will also provide insight about which words and symbols should be avoided.

Once the application is filed at the USPTO, a trademark examining attorney will determine whether your mark can be registered.

Copyright Protection

A **copyright** is a form of federal protection for literary, dramatic, musical, artistic, and other works. It protects an idea's "expression" or appearance, but not the idea itself. For example, if you paint a picture of a house, a copyright would only protect the painting; it would not prevent someone else from painting the same house. Painting the house is the "idea" and is not protectable, while the painting of the house is the "expression" and is protectable. Another example would be a software program. A software programmer can use copyright protection to prevent others from copying the source code, but the copyright cannot prevent others from developing different code that performs similar functions. Additionally, copyright protection is not extended to mere facts and statistics.

Copyright protection is based on originality and fixation. Originality does not mean novelty, *i.e.*, newness; it only means that the copyright claimant did not copy from someone else. Fixation means that the idea is expressed in some kind of tangible medium, *e.g.*, in a book, a painting, a video, a sound recording, etc.

The owner of a copyrighted work has the exclusive right to perform and authorize any of the following actions:

- reproduce or make copies of the work
- adapt the work by updating, combining it with other works, or otherwise reorganizing it
- license or otherwise distribute copies of the work to the public, by sale, rental or otherwise
- publicly perform or display the work

Copyright Notice

The copyright notice for federally registered written, visual, and video works includes ©, the year of first publication, and the name of the copyright owner. An example would be: © 1996 Jane Doe. A "P" enclosed in a circle is used for audio works ("phonorecords"). For non-registered works, the use of "Copyright" indicates a claim to common law rights. While this copyright notice is no longer a legal requirement, it is recommended. Federal registration provides greatest protection. For more information, see below, Obtaining Copyright Protection.

Copyright Ownership

Under the Copyright Act, as soon as a copyrightable work is recorded in some concrete way, in a "fixed form," the author of the work has ownership of the copyright. Authors of a joint work are deemed co-owners of a copyrightable work, unless there is an agreement to the contrary. The "work for hire" doctrine of copyright law provides that if an employee creates copyrightable works within the scope of his/her employment; the employer will be regarded as the author, *not* the employee. This issue of ownerships is best addressed in a written legal agreement.

Like patents and trademarks, a copyright is regarded as personal property and can be assigned, willed to heirs, sold, or licensed under a contract.

Copyright Duration

In general, a copyright lasts the length of the author's life, plus an additional 70 years after the author's death. If there are two or more authors of the work, the copyright extends 70 years after the death of the last surviving author. For works made for hire, the copyright lasts 95 years from the first publication date or 120 years from the creation date, whichever expires first.

Obtaining Copyright Protection

The law provides that as soon as a copyright work is created in fixed form, copyright is granted to the author. To acquire federal protection, and the associated statutory rights, you may want to file for U.S. copyright registration. The U.S. Copyright Office provides extensive information on the application process and the various legal protections afforded by copyright law; see www.copyright.gov.

By registering your copyright with the federal government, you gain statutory rights to protect your creation from infringement. Compared to patents and trademarks, the copyright registration is fairly easy and uncomplicated and can probably be performed by most authors/owners without the assistance of an attorney. However, you may want to consult with an attorney if you are unsure whether you should get copyright protection, particularly if you are trying to register software, databases, music, or film.

The typical processing time for applications is from 3-4 months, but this time period can vary based on the volume of applications. The effective date of the registration will be the date the Copyright Office receives all of the required application elements, regardless of how long it takes to process the application.

For more information on registering a copyright or to order or download application forms, or to submit your completed application:

U.S. Copyright Office
101 Independence Ave. SE
Washington, DC 20559-6000
General Information: (202) 707-3000
www.copyright.gov

Chapter 8

INVENTION PROMOTION FIRMS

As an inventor, you may have already noticed the advertisements for firms that offer to help get your invention on the market. These are known as invention promotion or marketing firms. The services that these companies provide typically include patent searches, patent application drafting, solicitation of potential licensees, patent prosecution, and market research. Generally, the patent searches or patent applications these firms do may be fine, but the other services they provide are often questionable given the amount of money that is charged. While there are many reputable firms that provide excellent advice and services, there are just as many firms whose efforts provide little value in return to their costs to you. If you are considering employing an outside firm to help you develop and market your invention, you need to keep in mind what you will be getting for the amount of money required. The following suggestions will help you evaluate these firms.

- **Investigate the company before making any commitments.** Contact the Better Business Bureau (BBB) and the Attorney General's Office (contact information for the N.C. Assistant Attorney General is at the end of this section) in the state in which the company is headquartered. Keep in mind complaints against these companies rarely appear on a BBB report, but all complaints will appear on the Attorney General's Office Report.
- **Request their success and failure rates in writing.** Many of these firms have a zero percent success rate. North Carolina law requires that these firms disclose this type of information.
- **Ask what various names, if any, they have operated under.** Many fraudulent firms in financial or legal trouble will go out of business only to re-open under a new name. If there are any other names, ask them why the name was changed.
- **Look out for deceiving sales practices.** After you show interest in receiving information, you will receive sleek brochures containing what appear to be legitimate endorsements by public officials and satisfied clients. You should pay careful attention to the fine print and "disclaimers" in these brochures. You should not gauge the company's success based on color photos of products they say are on the market. The company's salesman will show great enthusiasm for your invention and suggest that there is great market potential, often before evaluating the invention. Do not let this apparent enthusiasm and high-pressure sales tactic influence your better judgment.
- **Know all fees upfront and ask if they will work on a contingency basis.** Many firms will claim they are willing to take a chance on your invention and then charge you hundreds or even thousands of dollars immediately for their services. If a firm was willing to share in the risk, why wouldn't it work on a contingency basis? Fraudulent firms want money up front because the alternative would force them to produce results.
- **Review any contract carefully.** Make sure the contract contains all agreed upon written and verbal terms before signing. It would be wise to have an attorney review the contract. If the contract involves technology, be sure to receive counsel from an experienced technology attorney who is regularly engaged in this type of practice, to be sure he/she is up to date on the technology issues.

Summary

In general, you should be cautious of any invention promotion firm that:

- offers to evaluate your invention but won't disclose its criteria, system of review or the evaluator's qualifications;
- will not disclose its success and failure rates;
- claims to have special access to manufacturers looking for new products, but won't provide proof of this;
- requests fees upfront and will not work on a contingency basis;
- has promotional brochures claiming affiliations with impressive-sounding organizations.

You may also file a complaint against an invention promotion firm with:

Consumer Protection
Attorney General's Office
Mail Service Center 9001
Raleigh, NC 27699-9001

1-877-5-NO-SCAM
<http://ncdoj.com/complaint.aspx>

Chapter 9

FINAL THOUGHTS

Avoiding Tunnel Vision

Inventors sometimes become shortsighted and may have difficulty separating themselves from their inventions. This can make it difficult to be objective about the invention and can cause difficulties in dealing with other people. For example, overly-possessive inventors might hold on to their invention when they would be better off licensing it to another company. Additionally, inventors may be unable to see flaws in their own inventions that are obvious to someone else who is skilled in the same subject matter. The best solution to inventor myopia is to periodically pull back from the inventive process and look at the big picture, *i.e.*, the business and marketing perspectives, instead of just the details of the invention. Periodically asking yourself the questions below about your available resources and where you want to proceed will help you avoid inventor myopia.

Assessment of Resources

Assess your personal financial situation.

- Do you have the money for a patent?
- Do you have money to start a business?
- Do you have collateral you could use for a business loan?
- Do you know any friends or relatives who could help finance you?

Assess your time constraints.

- Do you work full-time and have little spare time?
- Do you know anyone who has free time who could work with you?

Assess your personal skills.

- Do you have the technical skills to invent your product, *i.e.*, to reduce your invention to practice?
- Do you have the required skills to start a business, *i.e.*, accounting, finance, manufacturing, marketing, sales, etc.?

Assess your personal drive and goals.

- Do you have the determination to fight a potentially uphill battle for multiple years?
- Do you want a business or are you unrealistically expecting a quick path to success?

Legal Assessment

- Determine what you want to do with your patent and what type of business you want. Do you want to license your invention? Do you want a privately owned business, a partnership, or a public corporation?
- Make sure you have written agreements and contracts when dealing with any individual concerning your invention or your business.
- Find out what other legal items are necessary to start a business, *i.e.*, business licenses, tax numbers, etc. This information can be found in the *Business Start-up and Resource Guide*, which is available at your local SBTDC office.

Have We Scared You Off?

We hope not, but the development of your idea is likely to be as demanding as it is exciting. As you move forward, the SBTDC staff is available to counsel and help with typical business problems as well as provide advice on marketing, accounting, financing, manufacturing, and human resources.

APPENDICES

A. Vocabulary List

Throughout the text of this booklet are certain words that you should know. The first time the word is defined, it is printed in ***bold and italicized*** type. You should make a list of these terms and understand their meaning and importance to inventing, product development, and marketing the product. These terms are listed below with references to the page where they were first mentioned.

Term	Page	Term	Page
assignment	23	patent agent	14
business plan	48	patent attorney	14
claim	10	plant patent	9
confidentiality agreement	16	prior art	10
continuation-in-part	21	prototype	19
continuing application	21	royalty	22
copyright	36	service mark	32
design patent	9	specification	10
foreign filing license	20	trademark	32
intellectual property	8	utility patent	9
license	23	venture capital	48
patent search	13		

B. Frequently Asked Questions

Patents

Can I use the term "patent pending" or "patent applied for" if I am planning to get a patent?

No. The only time you may use these terms is if your application is already filed and under examination by the Patent and Trademark Office. Even then, the terms "Patent Pending" and "Patent Applied For" afford no per se legal protection.

Is a patent search required before applying for a patent?

No. But performing a patent search before filing a patent application is highly recommended. If the search reveals a similar device patented in an earlier patent, you may avoid the costs of filing for a patent that will fail to be granted. Performing a patent search can also help you to avoid patent infringement.

Is a patent required on an invention prior to the inventor selling it?

No. However, you will only have the right to prevent others from making, using, or selling the invention if a patent is obtained on it. Also keep in mind that if you still want a patent after you begin selling the invention, you must file your patent application within one year of commercialization.

Is a prototype required for filing a patent application?

Not usually. Most patent agents and attorneys will not recommend providing a prototype to the USPTO because prototypes must be maintained by the patent owner for the duration of the patent term.

Can protection be preserved on an invention before a patent is applied for?

Although your invention cannot have patent protection until a U.S. patent is issued on the invention, you can still take measures to preserve some protection on it before filing an application. This can be done by establishing evidence of your invention's progress (e.g., inventor's notebook) and keeping the invention a secret.

May a patent be transferred?

A patent is regarded as personal property, and the owner may sell all or part of his interest in a patent to anyone by a properly worded assignment. This will transfer ownership of the patent to an assignee who then has the right to exclude others from making, using, or selling the invention. If someone other than the patent owner wants to make, use, or sell the invention, a license is required.

Can I apply for a patent without going through an attorney?

Yes. However, since the U.S. Patent and Trademark Office rules concerning patent applications are complex and change periodically, it is recommended that an inventor use the services of a patent agent or attorney in order to have the best protection for your invention.

Is it possible to obtain a patent for an improvement made on a device or process that's already been patented?

Yes. You may obtain patent protection for an improvement to an already patented device.

Copyrights

Why would I want to register a copyright if copyright protection is automatic upon the work's creation?

Registering a copyright on your work would offer you procedural advantages if you ever needed to prevent the unauthorized copying of your work, and certain statutory damages against the infringing party are only available if the copyrighted work is registered.

When does an employer own the copyright?

If a work is created within the scope of an employee's duties or as a "work for hire", copyright law deems the author of the work to be the employer. Therefore, the employer would then own the copyright.

May a copyright be transferred?

Yes. As with patents and trademarks, a copyright is regarded as personal property and can be transferred to another party through use of an assignment. Copyrights may also be willed to heirs, sold, or licensed under a contract.

Trademarks

May a trademark be transferred?

Trademarks are regarded as personal property and can be transferred through use of a properly worded assignment.

If I'm using a trademark that's similar to someone else's trademark, is that infringement?

If your mark is similar enough to someone else's trademark to cause confusion in the mind of the consumer regarding who is the producer of the goods/services at issue, you can be sued for trademark infringement.

C. Helpful Contacts

Patent, Trademarks, & Copyrights Information

U.S. Patent & Trademark Office

USPTO Headquarters – Main Campus Address
 Madison Buildings (East & West)
 600 Dulany St
 Alexandria, VA 223134
 (800) 786-9199
www.uspto.gov/about/contacts/index.jsp

U.S. Copyright Office

101 Independence Ave., S.E.
 Washington, DC 20559-6000
 (202) 707-3000
www.copyright.gov

N.C. Dept of the Secretary of State (Trademark Division)

(919) 807-2162
secretary.state.state.nc.us/trademrk/TMUs.aspx

D.H. Hill Library *(access to patents archive)*

NC State University
 (919) 515-3364
www.lib.ncsu.edu/about/dhhill

Patent and Trademarks Enforcement Assistance

U.S. International Trade Commission

500 E St, SW, Washington, DC 20436
 (202) 205-2000
www.usitc.gov

Electrical and Safety Consumer Testing Agencies

Underwriters Laboratories

2600 NW Lake Rd, Camas, WA 98607-8542
 (877) UL-HELPS
www.ul.com

Canadian Standards Association

CSA Group Head Office
 178 Rexdale Blvd., Toronto, Ontario, Canada M9W 1R3
 (416) 747-4000
www.csa.ca

American Council of Independent Laboratories (ACIL)

1875 I St, NW, Ste. 500, Washington, DC 20006
 (202) 887-5872
www.acil.org

Legal Referrals & Assistance

North Carolina Bar Association

8000 Weston Pkwy, Cary, NC 27513
 (919) 677-0561
www.ncbar.org

N.C. Lawyers Referral Service

(800) 662-7407
www.ncbar.org/public-pro-bono/lawyer-referral-service.aspx

North Carolina State Bar

208 Fayetteville St, PO Box 25908, Raleigh, NC
 27611-5908
 (919) 828-4620
www.ncbar.com

D. Free or Inexpensive Journals and Publications

Journals

Intellectual Property

For a list of on-line Intellectual Property resources, see Appendix "Internet sources of patent, trademark, or copyright information."

Inventors Digest www.inventorsdigest.com

Bi-monthly publication with online version.

Entrepreneurship & Small Business

Entrepreneur www.entrepreneur.com

Contains helpful articles on startups, marketing, technology, etc.

Small Business Institute@ Journal (www.sbij.org)

Publishes scholarly research articles related to small business management and entrepreneurship.

Success Magazine (www.success.com)

Focuses on personal and organizational effectiveness.

Business & Economics News

Financial Times www.ft.com/home/us

Inc Magazine www.inc.com

Investor's Business Daily www.investors.com

Charlotte Business Journal www.bizjournals.com/charlotte

Triad Business Journal www.bizjournals.com/triad

Source for business news in the Greensboro / Winston-Salem area.

Triangle Business Journal www.bizjournals.com/triangle

Source for business news in the Raleigh-Durham area.

Wall St Journal <http://online.wsj.com>

Marketing

Advertising Age www.adage.com

Website also contains a section for American Demographics, see: www.adage.com/section/american-demographics/195

Adweek www.adweek.com

To Search for Articles

The *UMI ProQuest Direct* periodicals database is available at all libraries participating in NC Live. Through this resource you can search for articles from the New York Times, the Wall St Journal, and other publications. Most often the full text of an article you find in the database is available and can be viewed on the screen or printed up. Ask for librarian assistance.

Many public libraries and most university libraries have *InfoTrac*. Through this database, you can search for articles categorized by Standard Industry Classification codes or by an expanded academic index. The full text of some articles is within the database. Ask for librarian assistance.

Publications

Small Business and Technology Development Center (SBTDC) www.sbtcdc.org

See listing of publications at www.sbtcdc.org/resources/publications

Capital Opportunities for Small Businesses
Business Start-up and Resource Guide

U.S. Patent & Trademark Office www.uspto.gov

The following are available free on-line or in booklet form. See the USPTO website to order publications.

Basic Facts about Patents
Basic Facts about Trademarks
The Disclosure Document Program

The Small Business Administration (SBA) www.sba.gov

Ideas into Dollars
Avoiding Patent, Trademark & Copyright Problems
Trademarks & Business Goodwill

Licensing Executives Society www.lesusacanada.org

The Basics of Licensing

U.S. Copyright Office www.copyright.gov

Copyright Basics
Publications on Copyrights

American Bar Association www.americanbar.org

These publications are not free, but they are not prohibitively expensive.

Marketing Your Invention (\$20.00)
What Is a Patent? (\$22.00)
What Is a Copyright? (\$22.00)

E. Other Recommended Readings

These publications, as well as others, are available at your local library and/or bookstores:

Business plan assistance

- Covello, Joseph. Your First Business Plan. 2nd ed. Sourcebooks, Inc., 1995.
- Kahrs, Kristin and Koek, Karin, eds. Business plans handbook: a compilation of actual business plans developed by small businesses throughout North America. Gale Research, Inc., 1995.
- Siegel, Eric S. The Ernst & Young Business Plan Guide. 2nd ed.. Wiley, 1993.
- Bangs, David H. Business Planning Guide. Upstart Publishing Co., 1989.
- Mancuson, Joseph R. How to Write a Winning Business Plan. Prentice Hall Press, 1985.

Invention Promotion

- Levy, Richard C. The Inventor's Desktop Companion. Visible Ink Press, 1995.
- Smith, Martin C. How to Avoid Patent, Marketing, & Invention Company Scams Wow! What a Great Idea. Now What? 1995.
- Fussel, David. The Secret to Making your Invention a Reality. Invention-Press, 1994.
- Gold, Robert J. Eureka! the entrepreneurial inventor's guide to developing, protecting, and profiting from your ideas. Prentice Hall, 1994.
- Franklin, Reece A. How to sell and promote your idea, project, or invention: an excellent marketing guide for both novice and seasoned inventors. Prima Pub., 1993.
- Mosely, Thomsas, Jr. Marketing Your Invention. Upstart Publishing Co., 1992
- Sperry, Robert M. You've Got an Idea-- Now What? Woodland Hills B&B Enterprises, 1992.
- Griffin, Gordon D. How to Be a Successful Inventor: Turn Your Ideas into Profit. John Wiley and Sons, Inc., 1991.
- Winfield, Armand G. The Inventor's Handbook. Prentice Hall, 1990.
- Grissom, Fred and Pressman, David. The Inventor's Notebook. Nolo Press, 1989.
- Lynn, Gary S. From Concept to market. John Wiley & Sons, Inc., 1989.
- Park, Robert. The Inventor's Handbook; How to Develop, Protect, & Market Your Invention. BetterWy Publications.

Patents

- Carr, Fred K. Patents handbook: a guide for inventors and researchers to searching patent documents and preparing and making an application. McFarland, 1995.
- Redman, Tina. The Inventor's Handbook on Patent Applications. Vantage Press, 1993.
- Peterson, Stuart R. Patents, getting one--: a cost-cutting primer for inventors. Academy Books, 1990.
- Pressman, David. Patent It Yourself. Nolo Press, 1989. *(be careful using this if you want a good patent.)*

Venture Capital

- Venture Economics Staff. Pratt's Guide to Venture Capital Sources. 20th ed. Phoenix Oryx Press, 1996.

F. Internet Sources of Patent, Trademark, or Copyright Information

Many of the following sites have been mentioned in the text of this document. We have listed them here for your convenience.

SITE	PERTINENT CONTENT	WEB ADDRESS
U.S. Patent and Trademark Office (US PTO)	Patent-search resources; explanation of patent and trademark application process; application forms; USPTO bulletin	www.uspto.gov
USPTO's Independent Inventor Resources Site	The Independent Inventor site is dedicated to serving the special needs and interests of the independent inventor and entrepreneur	www.uspto.gov/inventors/index.jsp
US Copyright Office	Copyright application process; application forms	www.copyright.gov
University of Washington Engineering Library	Patent-search resources	www.lib.washington.edu/engineering
MicroPatent	Subscription service providing patent and trademark information and searches.	www.micropat.com/static/index.htm
Franklin Pierce Law Center	Patent information	www.ipmall.info
AwakenIP	IP/Patent information	www.awakenip.com
Templeton's Copyright Myths	Website of Brad Templeton, former chairman of the Electronic Frontier Foundation.	www.templetons.com/brad/copymyths.html
European Patent Office	European-focused patent information; links to other internet resources for patent information	www.epo.org
NC Small Business and Technology Development Center (SBTDC)	Information about services; links to state and federal sites	www.sbtdc.org

G. North Carolina Patent Attorneys & Agents Registered to Practice before the U.S. Patent and Trademark Office

For up-to-date regional listings visit <http://oedci.uspto.gov/OEDCI/> to run your own search or you can obtain a list of patent attorneys and agents, listed alphabetically by geographic region, from the U.S. Government Printing Office: Superintendent of Documents; PO Box 371954; Pittsburgh, PA 15250.

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Corning Cable Systems LLC
PO Box 489
800 17th St, NW
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2025 12th St, NE
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828-695-5729
32186
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1001 West Fourth St
Winston-Salem, NC 27101-2400
336-607-7300
60687
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919-967-3002
33152
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Adams, Megan E
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100 North Tryon St, Ste 4700
Charlotte, NC 28202
704-331-3627
61664
ATTORNEY

Adams, W Thad
Shumaker, Loop & Kendrick, LLP
128 South Tryon St, Ste 1800
Charlotte, NC 28202-5013
704-375-0057
29037
ATTORNEY

Additon, Richard L
Summa, Additon & Ashe, P.A.
11610 N Community House Rd.,
Ste 200
Charlotte, NC 28277-2199
704-945-6702
43460
ATTORNEY

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740-707-2147
68963
AGENT

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8041 Arco Corporate Dr
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P.A.
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919-493-8000
56154
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101 South Tryon St, Ste 4000
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54955
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54956
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Research Triangle Park, NC 27709
919-597-6590
47385
AGENT

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2876 Beulah Church Rd
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704-814-7086
62689
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1101 Randolph Oaks Court
Charlotte, NC 28211
704-905-9372
44501
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Ali, Bashir M. S.
Brinks Hofer Gilson & Lione
2801 Slater Rd.
Morrisville, NC 27560
919-460-2627
47939
ATTORNEY

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Allan Law Firm, PLLC
409 East Boulevard
Charlotte, NC 28203
704-371-5605
40485
ATTORNEY

Allen, Reynold S
824 Chip Cir
Cary, NC 27513
919-461-9718
34114
ATTORNEY

Allen, Rose M
Syngenta INC
410 Swing Rd
Greensboro, NC 27409
336-632-7895
35424
ATTORNEY

Almond, Merrick R
Myers Bigel Sibley & Sajovec, P.A.
4140 Parklake Ave, Ste 600
Raleigh, NC 27612
919-854-1400
69734
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Trimeris INC
3518 Westgate Dr, Ste 300
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51395
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47387
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919-564-6861
46831
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69201
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240-397-6767
48197
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& Benjamin, PLLC
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38815
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63135
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704-887-7608
52565
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65300
AGENT

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Charlotte, NC 28205
704-331-7151
40913
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Jenkins Wilson and Taylor PA
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919-493-8000
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919-854-1411
49090
ATTORNEY

Bornes, Patricia E
Microsoft Corporation
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Raleigh, NC 27607
919-793-6390
37038
ATTORNEY

Borschke, August J
R J Reynolds Tobacco CO
950 Reynolds Blvd
Winston-Salem, NC 27105
336-741-5491
30539
ATTORNEY

Bosken, Christopher W.
Orgbook, Inc.
1009 Slater Rd
Ste 400
Durham, NC 27703
336-306-4795
58887
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H. Associations

Intellectual Property Associations

Listed below are various inventors associations that may be beneficial while going through the process of developing and securing rights in intellectual property. Most associations have membership fees.

Association	Contact	Activities
American Society of Inventors	PO Box 58426 Philadelphia, PA 19102 215/546-6601 www.asoi.org	Works with government to improve inventor environment; encourages invention/innovation; sponsors educational programs
Intellectual Property Owners Association	1501 M St. NW, Ste. 1150 Washington, D.C. 20005 202/507-4500 www.ipo.org	Seeks to strengthen the patent, trademark, copyrights, and trade secret laws; monitors legislative activities; awards and publications
Inventors Assistance League, Inc.	1053 Colorado Blvd., Ste. G1 Los Angeles, CA 90041 818/246-6542 www.inventions.org	Brings together inventors and manufacturers; helps bring products to marketplace; speakers' bureau, museum, Hall of Fame
International Inventor's Guild	www.inventorsguild.org	Membership access to patent information; patent research; market analysis
Inventor's Workshop International Education Foundation (IWIEF)	PO Box 285 Santa Barbara, CA 93102 805/735-7261 www.inventorsworkshop.info	Instruction, assistance, and guidance in patent searches, patent protection, developing and marketing inventions, etc.; conducts seminars and research; reference library
National Congress of Inventors Organizations (NCIO)	8306 Wilshire Blvd., Ste. 391 Beverly Hills, CA 90211 800/458-5624 www.inventionconvention.com/ncio	Inventor education programs; speakers bureau
United Inventors Association of America	1025 Connecticut Ave., Ste. 1000 Washington, D.C. 20036 www.uiausa.org	Information on Patent Reform; grant information and referrals for inventors; <i>Inventor's Digest</i> publication; active liaison with the USPTO

Trade Associations

If you manufacture and sell your invention, you most likely would benefit from membership in an appropriate trade association. We do not have space here to include the numerous trade associations in this country. If you are interested in joining a trade organization, we suggest that you refer to the *Directory of Associations*, which lists associations by category and SIC code. A copy of the directory should be available in your local public library.

I. Finding Necessary Goods and Services

Although this publication cannot include a comprehensive list of the companies you will need to do business with while developing, manufacturing, marketing, and/or selling your invention, we can provide guidance for identifying the appropriate businesses to meet your needs.

The North Carolina Business Directory, in book or CD-ROM form, is a valuable resource for locating businesses. In the *Directory*, businesses, along with their locations and phone numbers, are listed by categories; individual categories are identified by their Standard Industry Classification (SIC) code. SIC codes are the Department of Commerce's method of cataloguing the nation's industries. The *SIC Code Manual* also pairs industry categories with their codes. OSHA has a website, www.osha.gov/oshstats/sicscr.html, where you can access and search the 1987 *SIC Code Manual*.

Below are some examples of businesses, along with their official SIC code and category. Using this list, along with the SIC Manual and the most recent NC Business Directory (available at your local library), you should be able to create a list of local businesses that you can contact regarding products and services you may need.

Business Category	SIC code	Example of services, products you would need
Market Evaluators	8748	Determining the profitability of a proposed invention and/or business
Product Development & Marketing	8732-03	Prototype building
Product Development & Marketing Consultants	8748-06	Advice on bringing your invention to market
Laboratories – Testing	8734-02	Safety testing of product
Parts and Materials Suppliers	Various—look up the appropriate industry	Components for your product before or after development
Advertising Agencies	7311	Advertising once product is manufactured
Direct Mail Advertising	7331	Same
Freight Traffic Service	4731-06	Shipping product
Direct Mail Providers	4513	Contacting retailers of the product
Internet service	7374-15	Hook-up
Internet Home Page Development Consultants	7374-16	Building a home page for marketing and information purposes
Inventors	8999-19	Beware! This category includes invention promotion firms (see "Invention Promotion Firms")

The American Business Directory (AmBus) can also provide SIC-grouped businesses on a national scale. The AmBus database is available at all libraries participating in NC Live (this includes NC public libraries, UNC system libraries, community college libraries, and the 36 members of the NC Association of Independent Colleges and Universities).

As emphasized throughout this booklet, the Internet is also an excellent way to search for businesses appropriate to your needs. Online business databases can supplement your *NC Business Directory* search—*The Thomas Register of American Manufacturers* (www.thomasnet.com) and *Hoover's Standard* (www.hoovers.com).

If you are looking specifically for laboratories to test/develop your invention, you might also want to find out whether a local university offers testing services. Contact the university's Technology Transfer office or the appropriate academic department or prototyping for information. In North Carolina, Duke University, North Carolina A&T, North Carolina State University, UNC-Chapel Hill (in biomedical, chemical, and environmental engineering only), and UNC-Charlotte have engineering colleges. East Carolina University has a Department of Engineering in its College of Technology and Computer Sciences, and Western Carolina University has a Department of Engineering and Technology including a Center for Rapid Product Realization in its Kimmel School.

K. General business information and assistance resources

If you still have questions concerning how to proceed with your invention or starting a business, the following resources are available:

Small Business and Technology Development Center (SBTDC)

An *SBTDC general business counselor* can provide advice on starting a business. Below are the numbers for local SBTDC offices:

Asheville	(828) 251-6025	Greensboro	(336) 256-9300 (<i>NCA&T Office</i>)
Boone	(828) 262-2492	Greensboro	(336) 334-5724 (<i>UNCG Office</i>)
Chapel Hill	(919) 962-0389	Greenville	(252) 737-1385
Charlotte	(704) 548-1090	Hickory	(828) 345-1110
Cullowhee	(828) 227-3504	Pembroke	(910) 775-4000
Durham	(919) 530-7386	Raleigh	(919) 600-6093 (<i>NCSU Office</i>)
Elizabeth City	(252) 335-3247	Wilmington	(910) 962-3744
Fayetteville	(910) 672.1727	Winston-Salem	(336) 750-2030

If you are not sure which office to call, you may contact the SBTDC Headquarters in Raleigh at (919) 715-7272 or visit www.sbtcd.org/offices for detailed information for each office.

Small Business Center Network (SBCN)

The Small Business Centers at your local community college (business start-up information and services) www.ncsbc.net

U.S. Small Business Administration (SBA)

Charlotte Office, 704/344-6563 www.sba.gov

Local Libraries

Local public library or college/university library

Online Resources

Various websites listed in this publication

A Patent Portfolio Development Strategy for Start-Up Companies

BY RAJIV P. PATEL

FENWICK & WEST LLP

Successful high technology companies recognize that a comprehensive intellectual property portfolio can be of substantial value. One key component of the intellectual property portfolio is patents. A patent is a right granted by the government that allows a patent holder to exclude others from making, using, selling, offering to sell, or importing that which is claimed in the patent, for a limited period of time.

In view of this right many companies recognize that a well-crafted patent portfolio may be used for a variety of business objectives, such as bolstering market position, protecting research and development efforts, generating revenue, and encouraging favorable cross-licensing or settlement agreements. For companies that have developed original technology, a patent provides a barrier against a competitor's entry into valued technologies or markets. Thus, many start-up companies that have developed pioneering technology are eager to obtain patent protection. However, to develop an effective patent portfolio, a start-up company should first devise a patent portfolio strategy that is aligned with the company's business objectives.

A patent portfolio strategy may vary from company to company. Large companies that have significant financial resources often pursue a strategy of procuring and maintaining a large quantity of patents. These companies often use their patent portfolios for offensive purposes, *e.g.*, generating large licensing revenues for the company. For example, IBM generates close to \$1 billion dollars a year from licensing its patent portfolio.

In contrast, for most start-up companies, developing and building a comprehensive patent portfolio can be prohibitively expensive. However, with an understanding of some basic principles of patent strategies and early planning, a start-up company can devise and execute a patent strategy to develop a cost-effective patent portfolio. For example, a start-up company can develop an effective patent portfolio by focusing on obtaining a few quality patents that cover key products and technologies, in alignment with their business objectives.

A patent strategy involves a development phase and a deployment phase. The development phase includes

evaluation of patentable technologies and procurement of patents. A deployment phase includes the competitive analysis, licensing, and litigation of patents. For most start-ups the initial focus is on the development phase. Starting in the development phase, the patent strategy identifies the key business goals of the company. Clear business goals provide a long-term blueprint to guide the development of a valuable patent portfolio.

With the goals identified, the evaluation process begins by mining and analyzing intellectual assets within the company. In this process, a company organizes and evaluates all of its intellectual assets, such as its products, services, technologies, processes, and business practices. Organizing intellectual assets involves working with key company executives to ensure that the patent strategy closely links with the company's business objectives. Often, these individuals assist with developing a budget for the patent strategy, as well as making arrangements to get access to resources for executing the patent strategy.

Organizing intellectual assets also involves gathering key company documented materials. Examples of documented materials include business plans, company procedures and policies, investor presentations, marketing presentations and publications, product specifications, technical schematics, and software programs. It may also include contractual agreements such as employment agreements, license agreements, non-disclosure and confidentiality agreements, investor agreements, and consulting agreements. Such materials provide information used to determine ownership issues and the scope of patent or other intellectual property rights that are available for the company.

Organizing intellectual assets also includes identifying and interviewing all individuals who are involved with creating or managing the company's intellectual assets. These interviews uncover undocumented intellectual assets and may be used to evaluate patent and other intellectual property issues. For example, events and dates that may prevent patentability of some intellectual assets may be identified. Likewise, co-development efforts that may indicate joint ownership of intellectual assets may also be

identified. Identifying such issues early on helps prevent wasteful expenditures and allows for effective management of potentially difficult situations.

After organizing information about the intellectual assets, each asset should be evaluated to determine how best to protect it. This evaluation includes determining whether the intellectual asset is best suited for patent protection or trade secret protection, whether it should be made available to the public domain, or whether further development is necessary. It also involves determining whether a patent will be of value when it issues, which is typically approximately 18 to 36 months after it is filed, and whether infringement of that patent would be too difficult to detect.

The evaluation phase may also provide an opportunity to determine whether obtaining protection in jurisdictions outside of the United States is prudent. International patent treaties signed by the U.S. and other countries or regions allow for deferring actual filing of patent applications outside the U.S. for up to one year after the filing of a U.S. application. Thus, planning at this early stage may include identifying potential countries or regions to file in and then begin financially preparing for the large costs associated with such filings.

The evaluation phase also provides an opportunity to determine whether a patentability or patent clearance study is necessary. Such studies are used to determine the scope of potentially available protection or whether products or processes that include or use an intellectual asset potentially infringe third-party rights. This evaluation may also involve identifying company strengths with regard to its patent portfolio as well as potential vulnerable areas where competitors and other industry players have already established patent protection.

While the evaluation phase is in progress, the company can move into the procurement phase. In the procurement phase of the patent strategy, a start-up company builds its patent portfolio to protect core technologies, processes, and business practices uncovered during the audit phase. Typically, a patent portfolio is built with a combination of crown-jewel patents, fence patents, and design-around patents.

Crown-jewel patents are often blocking patents. One or more of these patents is used to block competitors from entering a technology or product market covered by the patent. Fence patents are used to fence in, or surround, core patents, especially those of a competitor, with all conceivable

improvements so the competitor has an incentive to cross-license its patents. Design-around patents are based on innovations created to avoid infringement of a third party patent and may themselves be patentable.

For most start-ups, costs for pursuing patent protection are a concern because financial resources are limited. Hence, most start-up companies begin the procurement phase by focusing on procuring one or more crown-jewel patents. To do this, the start-up company works with a patent attorney to review the key innovations of the company's product or services as identified during the evaluation phase. The patent attorney and start-up company consider the market for the innovation in relation to the time in which the patent would typically issue. This analysis helps identify the subject matter for the crown-jewel patents.

Once the subject matter is identified, in some instances a prior art search prior to filing provisional or utility patent applications may be conducted to determine what breadth of claim coverage potentially may be available. However, a company that considers such prior art searches should first consult with the patent attorney to understand the risks associated with them so that appropriate business decisions can be made.

Next, a strategic business decision is made as to whether to file a provisional patent application or a full utility, or non-provisional, patent application for the identified subject matter. A provisional patent application is ideally a robust description of the innovation, but lacks the formalities of a full utility patent application.

The provisional application is not examined by the U.S. Patent and Trademark Office ("USPTO") and becomes abandoned 12 months after filing. Within the 12 months, an applicant may choose to file one or more utility applications based on the subject matter disclosed in the provisional application, and therefore, obtaining the benefit of the provisional application filing date. However, the later filed utility application must be fully supported by the disclosure of the provisional application in order to claim the benefit of its earlier filing date. Under U.S. patent law, this means the provisional application must satisfy the requirements of written description, enablement, and best mode, as is required for the utility application.

If the provisional application is filed with sufficient completeness to support the claims of subsequently filed utility applications, the provisional application provides a number of benefits. First, as previously discussed, one

or more utility applications may claim the benefit of the provisional patent application filing date. The early filing date may not only protect the crown jewel subject matter, but may also protect some critical surrounding subject matter, hence increasing the overall value of the patent portfolio. Second, the provisional application provides an earlier effective prior art date against others who may be filing patent applications on similar inventions.

Third, provisional patent application filings costs are currently \$80 to \$160 versus \$370 to \$740 for a full utility application. Fourth, inventors often take it upon themselves to draft the core of a provisional application with the guidance of a patent attorney and request that the patent attorney spend time simply to review the application to advise on the legal requirements and potential pitfalls. This means that the attorney fees for a provisional patent application may be substantially less than attorney fees associated with preparing a full utility application.

Fifth, the provisional patent application precludes loss of patent rights resulting from activity and public disclosures related to the target inventions. For example, almost every country except the U.S. has an absolute novelty requirement with regard to patent rights. That is, in these countries, any public disclosure of the target invention prior to filing a patent application results in a loss of patent rights. For many start-ups this can be somewhat disconcerting. On the one hand, the start-up may want to preserve the right to pursue patent protection outside of the U.S. On the other hand, immediate business opportunities and time demands often conflict with the timely preparation and filing of a utility patent application. However, through international treaties, most countries will recognize a filing date of a provisional application filed in the U.S. Thus, the applicant may be able to file for a provisional application and convert it to a utility application that can be filed in the U.S. and other treaty countries within 12 months.

Although the provisional application provides a cost-effective tool for creating a patent portfolio, filing a provisional application does not end the portfolio development process. Once the provisional application is filed, and when finances and time permit, the company should be diligent in filing utility applications that may claim the benefit of the provisional application filing date. This is true for a number of reasons.

First, the provisional application is not examined and will go abandoned 12 months after it is filed. Therefore, the filing of the provisional application provides no more than a filing

date placeholder for the subject matter it discloses. Second, the utility application costs more than the provisional applications to prepare and file. Thus, a company must adequately budget and plan for this expense. Third, as time passes the time available for patent matters may become more difficult in view of product cycles, marketing launches, and sales events. Hence, budgeting time for planning and reviewing filings of subsequent utility applications based on a provisional application becomes important. Fourth, products and technologies continually evolve and change, often soon after the filing of a provisional application. Therefore, a company must continually revisit their patent portfolio and strategy to reassess whether the provisional application can provide sufficient protection in view of further development.

Over time, companies that value their intellectual assets set aside time, money and resources to further enhance their patent portfolio. To do this a company may move to the deployment phase. In the deployment phase, the company begins the competitive analysis process to study industry trends and technology directions, especially those of present and potential competitors. The company may also evaluate patent portfolios of competitors and other industry players.

Also in the deployment phase, the company may incorporate the licensing process. Here, the company determines whether to license or acquire patents from others, particularly where the patent portfolio is lacking protection and is vulnerable to a third-party patent portfolio. Alternatively, in the licensing process the company determines whether to license or cross-license its patent portfolio to third parties. The deployment phase may also include the litigation process. Here, the company determines whether to assert patents in a lawsuit against third party infringers.

In summary, for most start-up companies, devising a patent portfolio development strategy early on can be a wise investment to help the company develop and build a strong foundational asset on which to grow. This investment will likely reward the company with positive returns for years to come.

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It is on the web at www.fenwick.com.

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Intellectual Property 101: Patents, Trademarks, Servicemarks and Copyrights

Protect your idea, your brand and your creative work

By Scott Allen

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Ideas are a difficult thing to protect, because they are so easily imitated or copied. We don't yet live in the world of *Star Trek* where you can just have a replicator instantly make you an exact duplicate of physical things like a cup of coffee or some exotic alien delicacy, but we can easily duplicate the ideas of others, such as copying a piece of written material, using a similar brand name, or creating a product in imitation of someone else's product.

Products take time to develop and bring to market. Once a product has been developed, it can be imitated in a fraction of the time. It would be easy for other companies to create competitive products or services within a very short period of time. For example, consider the recent "employee discount" advertising campaigns from the major auto manufacturers. General Motors came up with the idea, but Ford and Chrysler had imitated it within a couple of weeks after the GM campaign started. Advertising campaign ideas generally aren't protectable intellectual property.

On the other hand, consider the innovative [Segway](#) transportation device. Once the very first one become publicly available, it would have been very easy for someone else to disassemble one, see how it was made, and start building less expensive imitations. That hasn't happened and won't happen any time soon, because the Segway is protected by a patent, and the makers of Segway would have a solid legal basis for going after such a competitor for a lot of money.

"Intellectual property" refers to those ideas that can be considered "owned" by an individual or company and are therefore protectable under the law. The intent of intellectual property law is to encourage innovation by giving the creators of new ideas ample time to profit from their ideas and recuperate their development costs.

In theory, your intellectual property is protected under the law from the moment you create it, assuming someone else hasn't created it first (and even then in some circumstances). However, making the case in court may be very difficult if all you have to go on is your own records. Intellectual property registration exists so that you can make an official record of your ideas and more easily protect them should a conflict ever arise.

The three basic forms of intellectual property protection are:

- **Patent** - Patents protect an invention that is "novel" (new and original) and "nonobvious" (to someone with technical expertise in the field of the invention). This has traditionally been primarily used for physical devices (machines, electronics, certain manufactured goods), but has recently been applied to more abstract concepts, such as computer software algorithms or business processes.
- **Trademark** - Trademarks protect your brand, i.e., the name of your company or a specific product. The scope of trademark protection is just within one field of business, i.e., a computer company could name their new computer "Nike", and it (probably) wouldn't be a trademark infringement upon the athletic shoe company.
- **Copyright** - A copyright protects the specific form in which ideas are recorded, and is the form of protections used to protect literary (books, articles, poems) and artistic (cartoons, music) works. Anything you write or records, even discussion forum posts, is immediately protected under copyright law unless you specifically place it into the public domain or some other licensing agreement (e.g., [Creative Commons](#) or the user agreement of the web site on which it's first posted).

The specific laws regarding intellectual property vary from country to country, but the basic principles are recognized internationally, and a patent, trademark or copyright filed in one country does offer you legal protection in other countries under a collection of [treaties](#) administered by the World Intellectual Property Organization.

You do not have to have proprietary intellectual property to have a successful business, but if you have spent time and money developing unique intellectual property, you definitely want to take advantage of the laws that allow you to protect those ideas from unfair competition. Take inventory of your intellectual assets and consider what forms of intellectual property protection might be right for you.

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EDUCATIONAL CONSUMER TIPS

Obtaining a Patent and Invention Development

Patenting Your Invention

The first patent law was enacted in 1790. The law now in effect is a general revision which was enacted July 19, 1952, and which came into effect January 1, 1953. It is codified in Title 35, United States Code. The law provides that an inventor may obtain a patent on any new and useful art, process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or a distinct and new variety of plant a sexual produced. The inventor may obtain a patent provided the invention was not previously known or used in this country and has not been patented or described in any printed publication in this or a foreign country more than a year prior to the application for patent, and has not been abandoned. Another provision in the patent law gives protection to any new, original and ornamental design for an article of manufacture.

The patent is issued in the name of the United States under the seal of the Patent and Trademark Office. A patent gives the inventor the right to exclude others from making, using, or selling the invention in the U.S. for the full term of the patent, which is seventeen years for the ordinary patent and fourteen for the design patent. After the patent has expired, anyone may make, use or sell the invention without permission of the patentee, provided that matter covered by other unexpired patents is not used. If you or an agent representing you describes your invention in a printed publication, or uses the invention publicly or places it on sale, you must apply for a patent within one year or you will lose your chance to obtain a patent.

To help protect an idea before patenting, it helps for the inventor to keep a step-by-step, witnessed record from the birth of the idea until the time the patent is granted. Also, inventors may file a Disclosure Document with the Patent and Trademark Office for a small fee. Disclosure Documents should be filed in duplicate, so one copy can be returned to the inventor after date stamping and numbering. These disclosures are kept in a confidential file for two years, subject to the patent application being filed. If no application is filed, the documents are destroyed. A Disclosure Document does not secure a patent right and is not a substitute for a patent application, but may serve as evidence of the conception of the described invention. A brochure describing the Disclosure Document Program may be obtained from the Patent Office (address is listed at the end of this report).

An investigation known as "Search of Prior Art" or preliminary search should be conducted by or on behalf of the inventor to determine whether an invention is likely to be patentable. The U.S. Patent Office has copies of all U.S. patents and has files and bound volumes of most foreign patents, trade and technical publications, etc. dealing with technology. Many large public libraries have copies of U.S. patents. (Inventors may conduct their own patent search. However, the quality and accuracy of the patent search determines its worth. It is usually best to employ a patent attorney or patent agent who is registered to practice before the U.S. Patent Office to conduct such searches.)

The patent application comprises a specification, oath, filing fee and drawing (when the invention can be illustrated). The specification is a written description of the invention which must conclude with one or more claims specifically defining what the inventor believes to be his/her invention. Drawing must be executed in accordance with the standards specified in the Patent Office rules. Upon request, the Patent Office itself may make drawings at cost when facilities are available. However, it is expected that applicants will furnish their own formal drawings in most instances. Directions of a general nature are available in a pamphlet issued by the Patent Office entitled, "General Information Concerning Patents." If the application is complete the Patent Office assigns a serial number and filing date to it indicating that it has been accepted for examination. Some skilled inventors prepare their own application, but usually a stronger patent can be obtained by employing a registered patent attorney or agent.

The Patent Office publishes a directory of "Attorneys and Agents Registered to Practice Before the U.S. Patent Office" arranged by states and countries. Listings are also available from local patent law associations or may be found in a local classified telephone directory. The fees charged by attorneys and agents for preparing, filing and prosecuting a patent application vary according to the time required, which depends to a large extent on the nature of the invention, and the extent and complexity of the prosecution after examination. The Patent Office does not regulate or set the fees charged by patent attorneys and agents.

There are various filing and maintenance fees for small entities (independent inventors, small businesses, or non-profit organizations) and other entities. "Patent Processing "Fees" (form PTO-442), a listing of all fees, is available from the Patent and Trademark Office and should be consulted for the current fee structure.

If a patent is challenged, the patent is presumed to be valid and the burden of proof is on the challenger - not the owner of the patent. The strength of a patent is governed by the scope of its claims and the willingness of third parties to obtain licenses or to avoid infringement of the protected subject matter.

Only attorneys and agents who are registered with and recognized by the United States Patent Office are permitted to represent you to file a patent application. The Patent Office regulations do not permit companies to offer these services directly to you. Thus, if you are interested in pursuing a patent application, you may do so on your own or you must retain a patent attorney or agent to represent you. Some invention development companies refer their clients to a patent attorney or agent.

Invention Promotion and Development

Inventors should carefully investigate before paying advance fees to individuals or companies that promise to make patent searches, obtain patents, evaluate ideas or inventions, determine marketability, or arrange for the manufacture or sale of patented products. Some individuals or companies prepare an initial evaluation which may make promising remarks of an invention's patentability, merit and salability in the marketplace. Since some of these persons sell further services for higher fees than the initial services you should realize that these persons may use an incentive to paint a positive picture to the inventor.

Regardless of who you elect to assist in developing or promoting your invention, we suggest that you obtain documentation of their track record, for instance, how many of their clients actually made money on their inventions. Be cautious if the company indicates that it has been successful in placing numerous inventions with manufacturers or that it has special relationships with major corporations, but cannot or will not identify the inventions or manufacturers or substantiate such relationships. You may also wish to check customer references provided by the company. Be wary if the company evaluates your idea without determining if it is truly marketable, technically feasible, or without estimating the cost to produce the invention.

Inventors should assure themselves that the portion of any fees they pay to any persons or companies relating to patent matters will be and/or immediately paid to the patent attorney or agent. Patent and other services offered by any patent attorney or invention development company, all fees or potential fees should be clearly understood. You should carefully read and understand the terms of any written agreement, guarantee and guarantees in writing, and, if possible, have the agreement reviewed by legal counsel. Inventors can lose money and time and patent rights of their invention if choosing to promote it without protecting the patent rights of the invention.



Chat now

It should be understood that the purchase of services relating to the development of a new product is a high risk expenditure, and there is no guarantee that a profit will result. Very few ideas or inventions are eventually produced and marketed successfully. Few inventors recover their costs of developing their inventions, and few even recover the costs of services provided by invention development firms. Inventors should also be aware that not every invention or idea is patentable, nor, even if patentable, would result in a patent that would provide the inventor with much protection against infringement.

Some states have specific laws regulating invention development companies. The laws usually require the company to report on its number and percentage of successful clients - those who have made more money from their idea than what they paid to the invention development firm. In addition, the statutes may require that a bond be posted so that if the company goes out of business or misrepresents its services, refunds could be given to clients.

Further Information

If there is a local inventors' club or society, it may be able to provide you with the experiences of its club members.

There are some state, city, and county organizations established for the purpose of promoting the growth of business and industry in their areas. Such programs are generally listed under the government sections of the telephone directory or may be listed with the Chamber of Commerce.

Contact Better Business Bureau where a specific invention development company is located and your local or state consumer protection offices for information concerning any company with which you are considering doing business. These offices can also advise you of any state regulations concerning the invention promotion industry.

Other information regarding patents and trademarks may be obtained from the Office of Information Services, Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. That office advises BBB that it does not have information on specific companies and does not make recommendations regarding invention promotion firms.

QUESTIONS AND COMMENTS

Question Submitted 3/18/2013

I want to know what patent company in Michigan that have bbb approval.

BBB's Answer:

You can go to bbb.org and search the Accredited Business Directory.

Comment Submitted 9/29/2013

I have an idea I would like to patent. I was told to write a proposal, who do I actually write the proposal to. Thank you..

Disclaimer:

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A simple guide to patents and trademarks

Patents and trademarks—otherwise known as IP (intellectual property)—and why it is so important for poor countries.

Jan 17, 2007

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What is IP (or intellectual property)?

Intellectual property is knowledge which societies have decided can be assigned specific property rights to either individuals, companies or organizations. It allows people, companies and organizations to own their creativity or innovation in the same way they can own physical property.

Intellectual property includes inventions, literary and artistic works, symbols, names, images, and designs used in commerce.

The owner or creator has the right to prevent others to use his property during a limited period of time.

What are the main types of IP?

Patent

A patent is a legal creation describing "ownership" of an invention. Patents are issued by individual governments and are meant to benefit both the inventor and the society at large. Patents provide the inventor with a temporary right to produce and sell their invention without the threat of competition. This monopoly results in higher prices which provide incentives for inventors.

Trademark

A Trademark is ownership over product names or brand identity e.g. NIKE and PUMA. This allows for a distinction to be made between different traders of goods and services

Copyright

Copyright is ownership over creative materials such as literature, art, music and films, sound recordings, software and multimedia. Copyrights usually provide the author or creator with lifetime ownership over their own materials.

Industrial design

These give ownership protection over designs for a product's appearance and can last up to 25 years.

What's wrong with the current rules on IP and why are they bad for developing countries?

Developing countries, taken as a whole, are net importers of technology and new inventions, most of which are supplied by the developed countries. Companies and organisations in developed countries own the overwhelming proportion of patent rights worldwide.

It is widely recognized that knowledge is essential for development, and that developing countries have much to gain if they are to fully exploit the many opportunities opened up by new technologies. However,

increasingly restrictive intellectual property rights are limiting the benefits that new technologies can bring to developing countries.

Fact: *Between 1991 and 2001, the net US surplus of royalties and fees (which mainly relate to IP transactions) increased from \$14 billion to over \$22 billion. In 1999, figures from the World Bank indicate a deficit for developing countries for which figures are available of \$7.5 billion on royalties and license fees.*

How can developing countries use IP to help their people and their development strategies?

The challenge is for developing countries to use Intellectual property to their own benefit. Only under 2 percent of patent applications in the US in year 1999-2001 came from developing countries.

A reason for that is the lack of capacity for most developing countries to generate their own inventions. To build their capacity, they need to be able first to use other people's inventions, hence their need to have access to cheap technology to kick start their own development. The current IP system is too rigid to cater for these development priorities and needs to be reformed.

Another reason is that the current system does not help developing countries benefit from their own assets and resources. Their traditional knowledge in medicines, their genetic resources, or the names of high-quality products are often patented by foreign companies, which capture all the gains without having to return a fair share of their profits to the origin countries and populations.

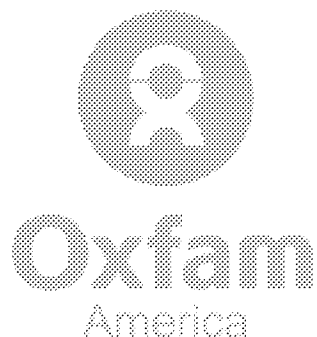
A clear illustration of this problem is Ethiopia's Sidamo coffee, which is one of the best coffees in the world. Whilst earning coffee companies higher prices due to its quality and name, it still fails to produce enough returns for coffee farmers to make a decent living. The Ethiopian government wants to trademark this and other Ethiopian coffee names, to build its coffee industry and help its own farmers. However, this trademark is being opposed in the United States by the National Coffee Association of America, of which Starbucks is a member.

Fact: *In 2001, less than 1 percent of US patents were granted to applicants from developing countries, nearly 60 percent of which were from seven of the more technologically advanced developing countries.*

R&D expenditure is heavily concentrated in developed countries, and in a few of the more technologically advanced developing countries. Few developing countries have been able to develop a strong indigenous technological capability. This means that it is difficult either for them to develop their own technology, or to assimilate technology from developed countries.

Fact: *In sub-Saharan Africa in 1998 (excluding South Africa), 35 patents were granted to residents compared to 741 for non-residents. By contrast in Korea, 35,900 patents were issued to residents, compared to 16,990 to non-residents. In the US, the corresponding figures were 80,292 and 67,228.*

A simple guide to patents and trademarks



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UNITED STATES
PATENT AND
TRADEMARK OFFICE

*A Guide to Filing
A Design Patent Application*

A Guide to Filing A Design Patent Application

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A Guide To Filing A Design Patent Application

U.S. Department of Commerce ■ Patent and Trademark Office ■ Washington, DC 20231

Definition of a Design

A design consists of the visual ornamental characteristics embodied in, or applied to, an article of manufacture. Since a design is manifested in appearance, the subject matter of a design patent application may relate to the configuration or shape of an article, to the surface ornamentation applied to an article, or to the combination of configuration and surface ornamentation. A design for surface ornamentation is inseparable from the article to which it is applied and cannot exist alone. It must be a definite pattern of surface ornamentation, applied to an article of manufacture.

In discharging its patent-related duties, the United States Patent and Trademark Office (USPTO or Office) examines applications and grants patents on inventions when applicants are entitled to them. The patent law provides for the granting of design patents to any person who has invented any new, original and ornamental design for an article of manufacture. A design patent protects only the appearance of the article and not structural or utilitarian features. The principal statutes (United States Code) governing design patents are:

- 35 U.S.C. 171
- 35 U.S.C. 172
- 35 U.S.C. 173
- 35 U.S.C. 102
- 35 U.S.C. 103
- 35 U.S.C. 112
- 35 U.S.C. 132

The rules (Code of Federal Regulations) pertaining to the drawing disclosure of a design patent application are:

- 37 CFR § 1.84
- 37 CFR § 1.152
- 37 CFR § 1.121

The following additional rules have been referred to in this guide:

- 37 CFR § 1.3
- 37 CFR § 1.63
- 37 CFR § 1.76
- 37 CFR § 1.153
- 37 CFR § 1.154
- 37 CFR § 1.155

A copy of these laws and rules is included at the end of this guide.

The practice and procedures relating to design applications are set forth in chapter 1500 of the Manual of Patent Examining Procedure (MPEP). Inquiries relating to the sale of the MPEP should be directed to the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. Telephone: 202.512.1800.

Types of Designs and Modified Forms

An ornamental design may be embodied in an entire article or only a portion of an article, or may be ornamentation applied to an article. If a design is directed to just surface ornamentation, it must be shown applied to an article in the drawings, and the article must be shown in broken lines, as it forms no part of the claimed design.

A design patent application may only have a single claim (37 CFR § 1.153). Designs that are independent and distinct must be filed in separate applications since they cannot be supported by a single claim. Designs are independent if there is no apparent relationship between two or more articles. For example, a pair of eyeglasses and a door handle are independent articles and must be claimed in separate applications. Designs are considered distinct if they have different shapes and appearances even

though they are related articles. For example, two vases having different surface ornamentation creating distinct appearances must be claimed in separate applications. However, modified forms, or embodiments of a single design concept may be filed in one application. For example, vases with only minimal configuration differences may be considered a single design concept and both embodiments may be included in a single application. An example of modified forms appears at the bottom of Page 16.

The Difference Between Design and Utility Patents

In general terms, a “utility patent” protects the way an article is used and works (35 U.S.C. 101), while a “design patent” protects the way an article looks (35 U.S.C. 171). Both design and utility patents may be obtained on an article if invention resides both in its utility and ornamental appearance. While utility and design patents afford legally separate protection, the utility and ornamentality of an article are not easily separable. Articles of manufacture may possess both functional and ornamental characteristics.

Improper Subject Matter for Design Patents

A design for an article of manufacture that is dictated primarily by the function of the article lacks ornamentality and is not proper statutory subject matter under 35 U.S.C. 171. Specifically, if at the time the design was created, there was no unique or distinctive shape or appearance to the article not dictated by the function that it performs, the design lacks ornamentality and is not proper subject matter. In addition, 35 U.S.C. 171 requires that a design to be patentable must be “original.” Clearly a design that simulates a well-known or naturally occurring object or person is not original as required by the statute. Furthermore, subject matter that could be considered offensive to any race, religion, sex, ethnic group, or nationality is not proper subject matter for a design patent application (35 U.S.C. 171 and 37 CFR § 1.3).

Invention Development Organizations

Invention Development Organizations (IDO) are private and public consulting and marketing businesses that exist to help inventors bring their inventions to market, or to otherwise profit from their ideas. While many of these organizations are legitimate, some are not. Be wary of any IDO that is willing to promote your invention or product without making a detailed inquiry into the merits of your idea and giving you a full range of options which may or may not include the pursuit of patent protection. Some IDOs will automatically recommend that you pursue patent protection for your idea with little regard for the value of any patent that may ultimately issue. For example, an IDO may recommend that you add ornamentation to your product in order to render it eligible for a design patent, but not really explain to you the purpose or effect of such a change. Because design patents protect only the appearance of an article of manufacture, it is possible that minimal differences between similar designs can render each patentable. Therefore, even though you may ultimately receive a design patent for your product, the protection afforded by such a patent may be somewhat limited. Finally, you should also be aware of the broad distinction between utility and design patents, and realize that a design patent may not give you the protection desired.

Elements of a Design Patent Application

The elements of a design patent application should include the following:

- (1) Preamble, stating name of the applicant, title of the design, and a brief description of the nature and intended use of the article in which the design is embodied;
- (2) Description of the figure(s) of the drawing;
- (3) Feature description (optional);
- (4) A single claim;
- (5) Drawings or photographs;
- (6) Executed oath or declaration.

In addition, the filing fee set forth in 37 CFR §1.16(f) is also required. If applicant is a small entity, (an independent inventor, a small business concern, or a non-profit organization), the filing fee is reduced by half.

The Preamble

The Preamble, if included, should state the name of the applicant, the title of the design, and a brief description of the nature and intended use of the article in which the design is embodied. All information contained in the preamble will be printed on the patent, should the claimed design be deemed patentable.

The Title

The Title of the design must identify the article in which the design is embodied by the name generally known and used by the public. Marketing designations are improper as titles and should not be used. A title descriptive of the actual article aids the examiner in developing a complete field of search of the prior art. It further aids in the proper assignment of new applications to the appropriate class, subclass, and patent examiner, as well as the proper classification of the patent upon allowance of the application. It also helps the public in understanding the nature and use of the article embodying the design after the patent has been published. Thus, applicants are encouraged to provide a specific and descriptive title.

The Figure Descriptions

The Figure Descriptions indicate what each view of the drawings represents, i.e., front elevation, top plan, perspective view, etc.

Any description of the design in the specification, other than a brief description of the drawing, is generally not necessary since, as a general rule, the drawing is the design's best description. However, while not required, a special description is not prohibited.

In addition to the figure descriptions, the following types of statements are permissible in the specification:

1. A description of the appearance of portions of the claimed design which are not illustrated in the drawing disclosure (i.e., “the right side elevational view is a mirror image of the left side”).
2. Description disclaiming portions of the article not shown, that form no part of the claimed design.
3. Statement indicating that any broken line illustration of environmental structure in the drawing is not part of the design sought to be patented.
4. Description denoting the nature and environmental use of the claimed design, if not included in the preamble.

A Single Claim

A design patent application may only include a single claim. The claim defines the design which applicant wishes to patent, in terms of the article in which it is embodied or applied. The claim must be in formal terms to “The ornamental design for (the article which embodies the design or to which it is applied) as shown.” The description of the article in the claim should be consistent in terminology with the title of the invention.

When there is a properly included special description of the design in the specification, or a proper showing of modified forms of the design, or other descriptive matter has been included in the specification, the words “and described” should be added to the claim following the term “shown.” The claim should then read “The ornamental design for (the article which embodies the design or to which it is applied) as shown and described.”

Drawings or Black and White Photographs

The drawing disclosure is the most important element of the application. Every design patent application must include either a drawing or a black and white photograph of the claimed design. As the

drawing or photograph constitutes the entire visual disclosure of the claim, it is of utmost importance that the drawing or photograph be clear and complete, that nothing regarding the design sought to be patented is left to conjecture. The design drawing or photograph must comply with the disclosure requirements of 35 U.S.C. 112, first paragraph. To meet the requirements of 35 U.S.C. 112, the drawings or photographs must include a sufficient number of views to constitute a complete disclosure of the appearance of the design claimed.

Drawings are normally required to be in black ink on white paper. Black and white photographs, in lieu of drawings, are permitted subject to the requirements of 37 CFR §1.84(b)(1) and §1.152. Applicant should refer to these rules, included at the end of this guide. These rules set forth in detail the requirements for proper drawings in a design patent application.

Black and white photographs submitted on double weight photographic paper must have the drawing figure number entered on the face of the photograph. Photographs mounted on Bristol board may have the figure number shown in black ink on the Bristol board, proximate the corresponding photograph.

Black and white photographs and ink drawings must not be combined in a formal submission of the visual disclosure of the claimed design in one application. The introduction of both photographs and ink drawings in a design application would result in a high probability of inconsistencies between corresponding elements on the ink drawings as compared with the photographs. Photographs submitted in lieu of ink drawings must not disclose environmental structure but must be limited to the claimed design itself.

Color Drawings or Color Photographs

The Office will accept color drawings or photographs in design patent applications only after the granting of a petition filed under 37 CFR §1.84(a)(2), explaining why the color drawings or photographs are necessary. Any such petition must include the fee set forth in 37 CFR § 1.17(h), three sets of color drawings or photographs, a black and white photocopy that

accurately depicts the subject matter shown in the color drawings or photographs, and the specification must contain the following language before the description of the drawings:

The file of this patent contains a least one drawing executed in color. Copies of this patent with color drawings will be provided by the United States Patent and Trademark Office upon request and payment of the necessary fee.

If color photographs are submitted as informal drawings and the applicant does not consider the color to be part of the claimed design, a disclaimer should be added to the specification as follows: “The color shown on the claimed design forms no part thereof.” Color will be considered an integral part of the disclosed and claimed design in the absence of a disclaimer filed with the original application. A disclaimer may only be used when filing color photographs as informal drawings, as 37 CFR §1.152 requires that the disclosure in formal photographs be limited to the design for the article claimed.

The Views

The drawings or photographs should contain a sufficient number of views to completely disclose the appearance of the claimed design, i.e., front, rear, right and left sides, top and bottom. While not required, it is suggested that perspective views be submitted to clearly show the appearance and shape of three-dimensional designs. If a perspective view is submitted, the surfaces shown would normally not be required to be illustrated in other views if these surfaces are clearly understood and fully disclosed in the perspective.

Views that are merely duplicates of other views of the design or that are merely flat and include no ornamentality may be omitted from the drawing if the specification makes this explicitly clear. For example, if the left and right sides of a design are identical or a mirror image, a view should be provided of one side and a statement made in the drawing description that the other side is identical or a mirror image. If the bottom of the design is flat, a view of the bottom may be omitted if the figure descriptions include a statement that the bottom is flat and unornamented. The term “unornamented” should not be used to describe visible surfaces that

include structure that is clearly not flat. In some cases, the claim may be directed to an entire article, but because all sides of the article may not be visible during normal use, it is not necessary to disclose them. A sectional view which more clearly brings out elements of the design is permissible, however a sectional view presented to show functional features, or interior structure not forming part of the claimed design, is neither required nor permitted.

Surface Shading

The drawing should be provided with appropriate surface shading which shows clearly the character and contour of all surfaces of any three-dimensional aspects of the design. Surface shading is also necessary to distinguish between any open and solid areas of the design. Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Lack of appropriate surface shading in the drawing as filed may render the shape and contour of the design nonenabling under 35 U.S.C. 112, first paragraph. Additionally, if the shape of the design is not evident from the disclosure as filed, addition of surface shading after filing may be viewed as new matter. New matter is anything that is added to, or from, the claim, drawings or specification, that was neither shown nor suggested in the original application (see 35 U.S.C. 132 and 37 CFR § 1.121, at the end of this guide).

Broken Lines

A broken line disclosure is understood to be for illustrative purposes only and forms no part of the

claimed design. Structure that is not part of the claimed design, but is considered necessary to show the environment in which the design is used, may be represented in the drawing by broken lines. This includes any portion of an article in which the design is embodied or applied to that is not considered part of the claimed design. When the claim is directed to just surface ornamentation for an article, the article in which it is embodied must be shown in broken lines.

In general, when broken lines are used, they should not intrude upon or cross the showing of the claimed design and should not be of heavier weight than the lines used in depicting the claimed design. Where a broken line showing of environmental structure must necessarily cross or intrude upon the representation of the claimed design and obscures a clear understanding of the design, such an illustration should be included as a separate figure in addition to the other figures which fully disclose the subject matter of the design.

The Oath or Declaration

The oath or declaration required of the applicant must comply with the requirements set forth in 37 CFR §1.63.

Disclosure Examples

So that the applicant will better understand what constitutes a complete disclosure, examples of drawing disclosures and their accompanying specifications are provided on the following pages.

Disclosure Examples

Example 1-Disclosure Of The Entire Article

I, John Doe, have invented a new design for a jewelry cabinet, as set forth in the following specification. The claimed jewelry cabinet is used to store jewelry and could sit on a bureau.

Fig. 1 is a front elevational view of a jewelry cabinet showing my new design;

Fig. 2 is a rear elevational view thereof;

Fig. 3 is a left side elevational view thereof;

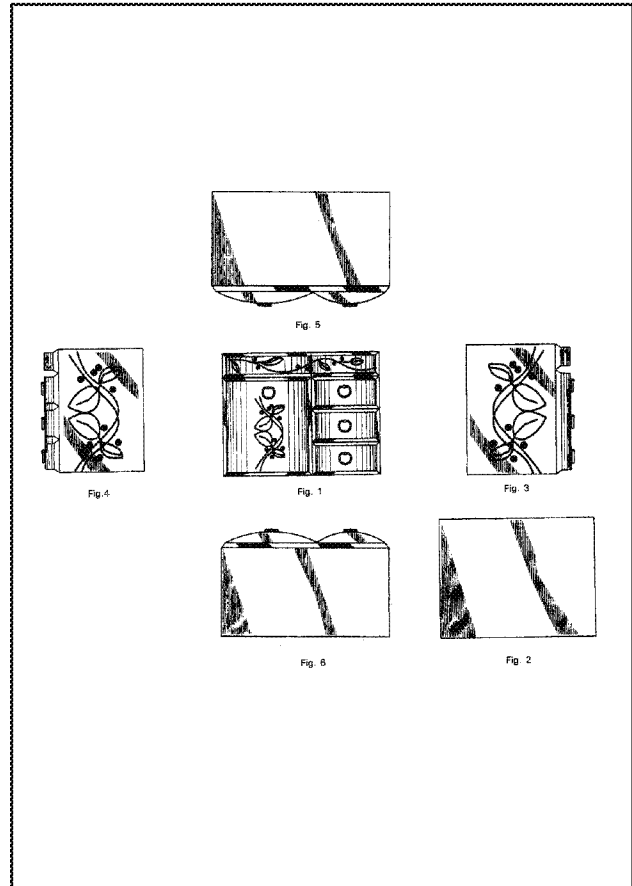
Fig. 4 is a right side elevational view thereof;

Fig. 5 is a top plan view thereof; and

Fig. 6 is a bottom plan view thereof.

I claim: the ornamental design for a jewelry cabinet as shown.

Specification



Drawing Disclosure

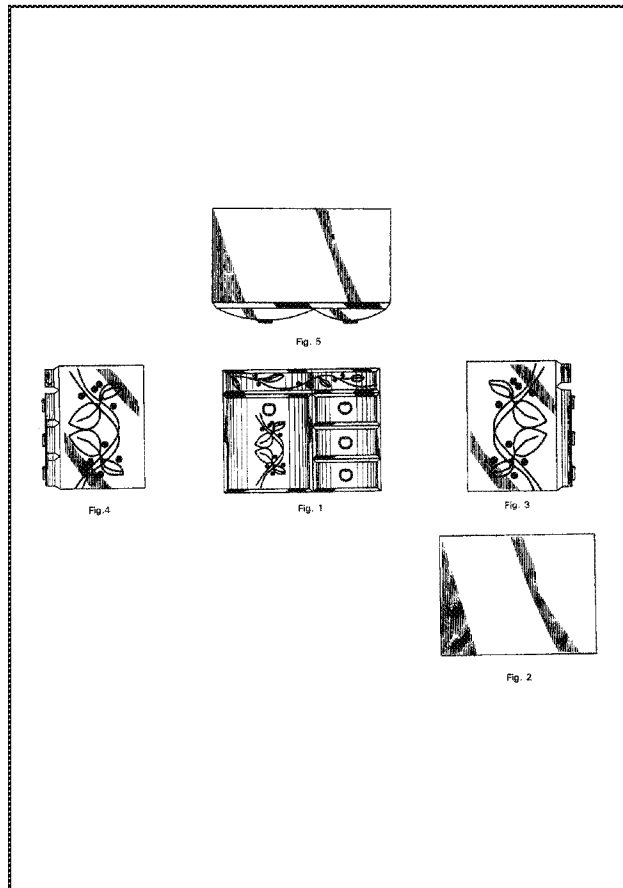
Disclosure Examples

Example 2-Disclosure of only the surfaces of an article that are visible during use (no bottom view or description necessary)

I, John Doe, have invented a new design for a jewelry cabinet, as set forth in the following specification. The claimed jewelry cabinet is used for storing jewelry and could sit on a bureau.

- Fig. 1 is a front elevational view of a jewelry cabinet showing my new design;
- Fig. 2 is a rear elevational view thereof;
- Fig. 3 is a left side elevational view thereof;
- Fig. 4 is a right side elevational view thereof;
- Fig. 5 is a top plan view thereof.

I claim: the ornamental design for a jewelry cabinet as shown.



Specification

Drawing Disclosure

Disclosure Examples

Example 3-Disclosure of only the surfaces of an article that are visible during use - The rear view disclosed by description

I, John Doe, have invented a new design for a jewelry cabinet, as set forth in the following specification. The claimed jewelry cabinet is used for storing jewelry and could sit on a bureau.

Fig. 1 is a front elevational view of a jewelry cabinet showing my new design;

Fig. 2 is a left side elevational view thereof;

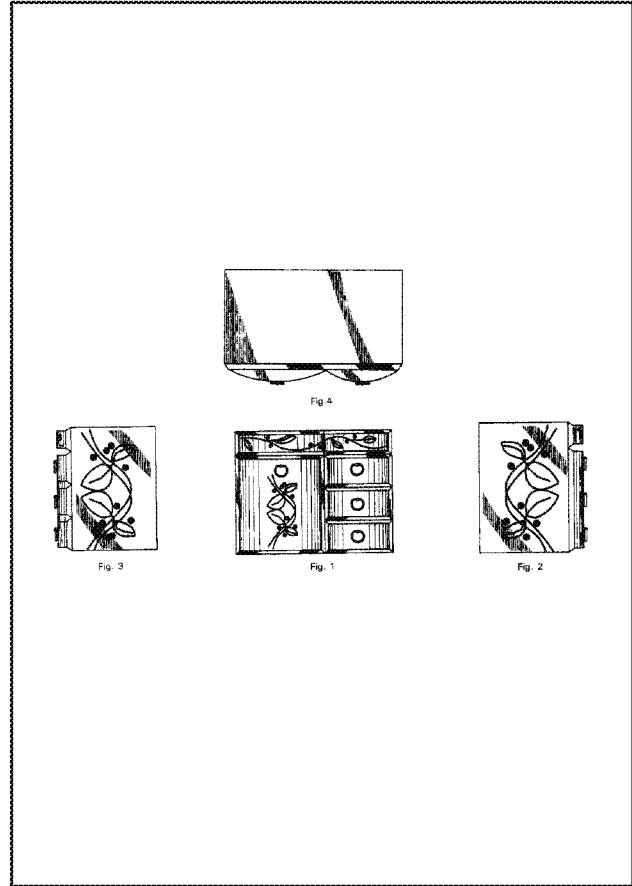
Fig. 3 is a right side elevational view thereof; and

Fig. 4 is a top plan view thereof.

The rear of the jewelry cabinet is flat and unornamented.

I claim: the ornamental design for a jewelry cabinet as shown and described.

Specification



Drawing Disclosure

Disclosure Examples

Example 4-Disclosure of a surface pattern as claimed design, applied to an article

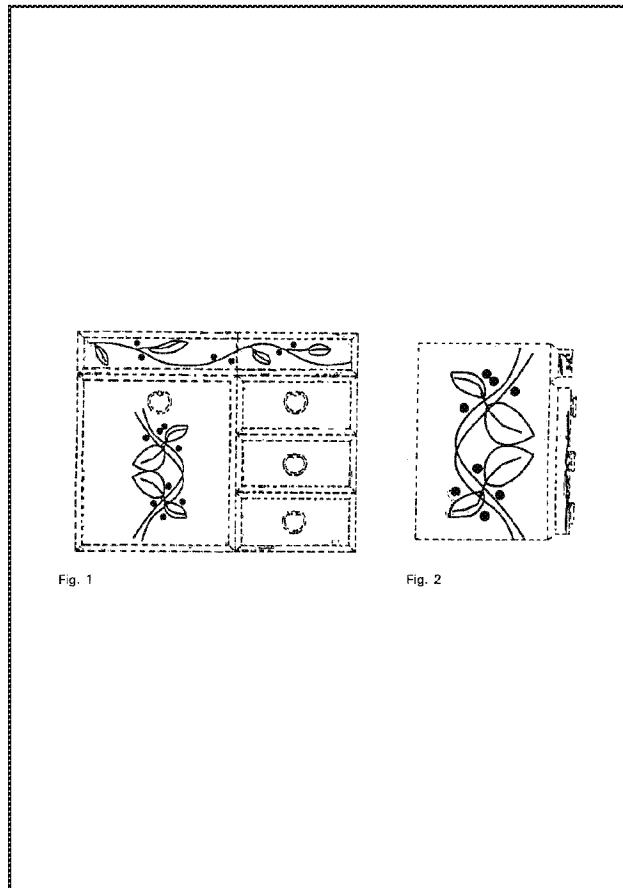
I, John Doe, have invented a new design for a surface pattern applied to a jewelry cabinet, as set forth in the following specification.

Fig. 1 is a front elevational view of a surface pattern applied to a jewelry cabinet showing my new design;

Fig. 2 is a left side elevational view thereof, the right side being a mirror image.

The jewelry cabinet is shown in broken lines for illustrative purposes only and forms no part of the claimed design.

I claim: the ornamental design for a surface pattern applied to a jewelry cabinet as shown and described.



Specification

Drawing Disclosure

The Design Patent Application Process

The preparation of a design patent application and the conducting of the proceedings in the USPTO to obtain the patent is an undertaking requiring the knowledge of patent law and rules and Patent and Trademark Office practice and procedures. A patent attorney or agent specially trained in this field is best able to secure the greatest patent protection to which applicant is entitled. It would be prudent to seek the services of a registered patent attorney or agent. Representation, however, is not required. A knowledgeable applicant may successfully prosecute his or her own application. However, while persons not skilled in this work may obtain a patent in many cases, there is no assurance that the patent obtained would adequately protect the particular design.

Of primary importance in a design patent application is the drawing disclosure, which illustrates the design being claimed. Unlike a utility application, where the "claim" describes the invention in a lengthy written explanation, the claim in a design patent application protects the overall visual appearance of the design, "described" in the drawings. It is essential that the applicant present a set of drawings (or photographs) of the highest quality which conform to the rules and standards which are reproduced in this guide. Changes to these drawings after the application has been filed, may introduce new matter, which is not permitted by law (35 U.S.C. 132). It is in applicant's best interest to ensure that the drawing disclosure is clear and complete prior to filing the application, since an incomplete or poorly prepared drawing may result in a fatally defective disclosure which cannot become a patent. It is recommended that applicant retain the services of a professional draftsman who specializes in preparing design patent drawings. Examples of acceptable drawings and drawing disclosures are included in this Guide so that applicant will have some idea of what is required and can prepare the drawings accordingly.

Filing An Application

In addition to the drawing disclosure, certain other information is necessary. While no specific format is

required, it is strongly suggested that applicant follow the formats presented to ensure that the application is complete.

When a complete design patent application, along with the appropriate filing fee, is received by the Office, it is assigned an Application Number and a Filing Date. A "Filing Receipt" containing this information is sent to the applicant. The application is then assigned to an examiner. Applications are examined in order of their filing date.

Examination

The actual "examination" entails checking for compliance with formalities, ensuring completeness of the drawing disclosure and a comparison of the claimed subject matter with the "prior art." "Prior art" consists of issued patents and published materials. If the claimed subject matter is found to be patentable, the application will be "allowed," and instructions will be provided to applicant for completing the process to permit issuance as a patent.

The examiner may reject the claim in the application if the disclosure cannot be understood or is incomplete, or if a reference or combination of references found in the prior art, shows the claimed design to be unpatentable. The examiner will then issue an Office action detailing the rejection and addressing the substantive matters which effect patentability.

This Office action may also contain suggestions by the examiner for amendments to the application. Applicant should keep this Office action for his or her files, and not send it back to the Office.

Response

If, after receiving an Office action, applicant elects to continue prosecution of the application, a timely reply to the action must be submitted. This reply should include a request for reconsideration or further examination of the claim, along with any amendments desired by the applicant, and must be in writing. The reply must distinctly and specifically point out the supposed errors in the Office action and must address every objection and/or rejection in the action. If the examiner has rejected the claim over prior art, a general statement by the applicant that the

claim is patentable, without specifically pointing out how the design is patentable over the prior art, does not comply with the rules.

In all cases where the examiner has said that a reply to a requirement is necessary, or where the examiner has indicated patentable subject matter, the reply must comply with the requirements set forth by the examiner, or specifically argue each requirement as to why compliance should not be required.

In any communication with the Office, applicant should include the following items:

1. Application number (checked for accuracy).
2. Group art unit number (copied from filing receipt or the most recent Office action).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.

It is applicant's responsibility to make sure that the reply is received by the Office prior to the expiration of the designated time period set for reply. This time period is set to run from the "Date Mailed," which is indicated on the first page of the Office action. If the reply is not received within the designated time period, the application will be considered abandoned. In the event that applicant is unable to reply within the time period set in the Office action, abandonment may be prevented if a reply is filed within six months from the mail date of the Office action provided a petition for extension of time and the fee set forth in 37 CFR § 1.17(a) are filed. The fee is determined by the amount of time requested, and increases as the length of time increases. These fees are set by Rule and could change at any time. An "Extension of Time" does not have to be obtained prior to the submission of a reply to an Office action; it may be mailed along with the reply. See insert for schedule of current fees. Note: an extension of time cannot be obtained when responding to a "Notice of Allowance."

To ensure that a time period set for reply to an Office action is not missed; a "Certificate of Mailing" should be attached to the reply. This "Certificate" establishes that the reply is being mailed on a given date. It also establishes that the reply is timely, if it was mailed before the period for reply had expired,

and if it is mailed with the United States Postal Service. A "Certificate of Mailing" is not the same as "Certified Mail." A suggested format for a Certificate of Mailing is as follows:

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Design, Commissioner for Patents, Washington, D.C. 20231, on (DATE MAILED)"

(Name - Typed or Printed)

Signature _____

Date _____

If a receipt for any paper filed in the USPTO is desired, applicant should include a stamped, self-addressed postcard, which lists, on the message side applicant's name and address, the application number, and filing date, the types of papers submitted with the reply (i.e., 1 sheet of drawings, 2 pages of amendments, 1 page of an oath/declaration, etc.) This postcard will be stamped with the date of receipt by the mailroom and returned to applicant. This postcard will be applicant's evidence that the reply was received by the Office on that date.

If applicant changes his or her mailing address after filing an application, the Office must be notified in writing of the new address. Failure to do so will result in future communications being mailed to the old address, and there is no guarantee that these communications will be forwarded to applicant's new address. Applicant's failure to receive, and properly reply to these Office communications will result in the application being held abandoned. Notification of "Change of Address" should be made by separate letter, and a separate notification should be filed for each application.

Reconsideration

Upon submission of a reply to an Office action, the application will be reconsidered and further examined in view of applicant's remarks and any amendments included with the reply. The examiner

will then either withdraw the rejection and allow the application or, if not persuaded by the remarks and/or amendments submitted, repeat the rejection and make it Final. Applicant may file an appeal with the Board of Patent Appeals and Interferences after

given a final rejection or after the claim has been rejected twice. Applicant may also file a new application prior to the abandonment of the original application, claiming benefit of the earlier filing date. This will allow continued prosecution of the claim.

Drawing Examples

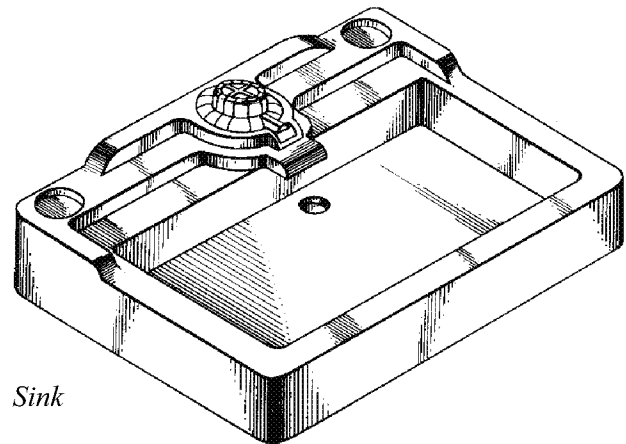
The two types of shading commonly employed in design patent application drawings are straight-line surface shading and stippling. Individually or in

combination, they can effectively represent the character and contour of most surfaces.

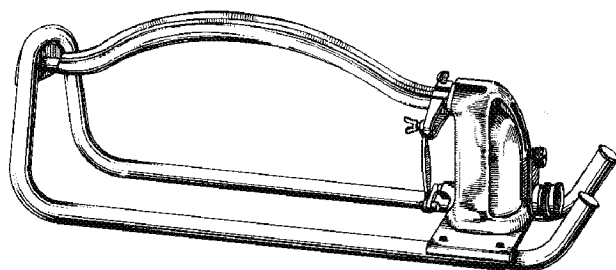
Straight-line Surface Shading



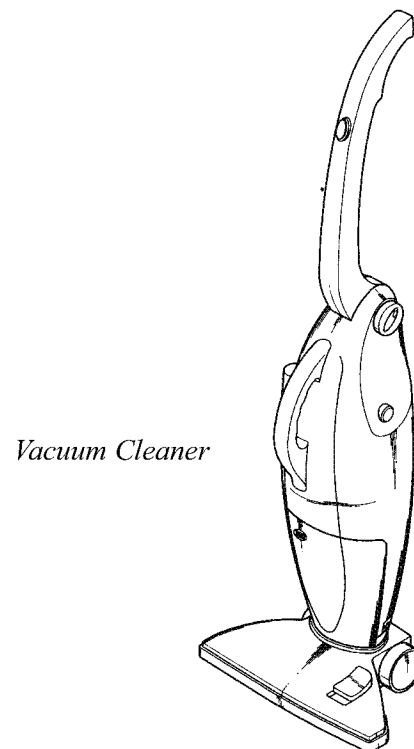
Wrist Watch



Sink



Lawn Sprinkler

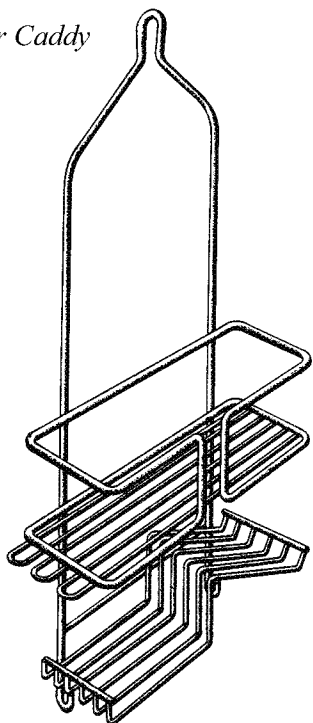


Vacuum Cleaner

Drawing Examples

Stippling

Shower Caddy



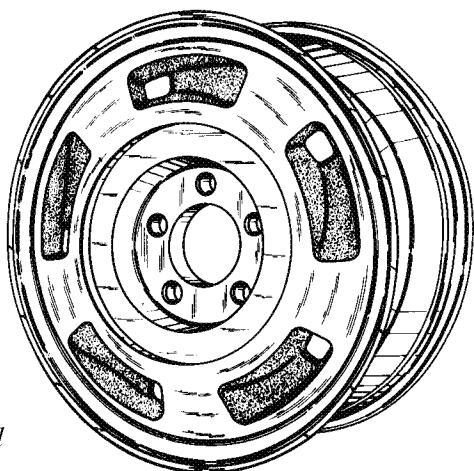
Puppet



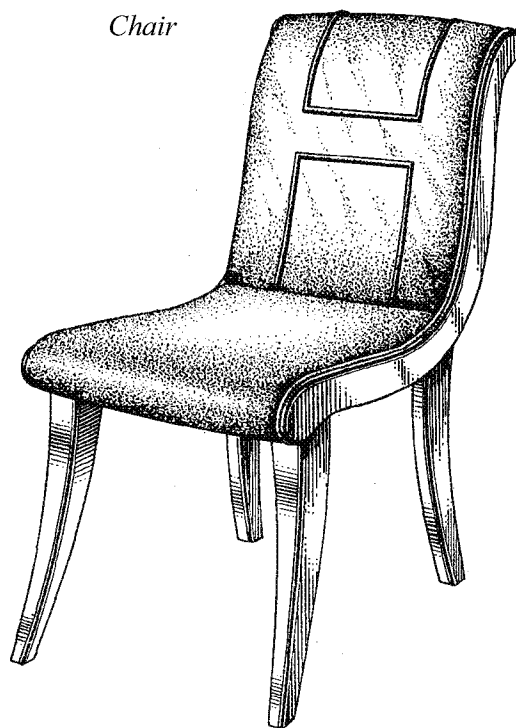
Combination of Straight Line Shading and Stippling

Note that both stippling and straight-line surface shading, while permissible on the same object to show surface contrast, should not be used together on the same surface.

Wheel



Chair

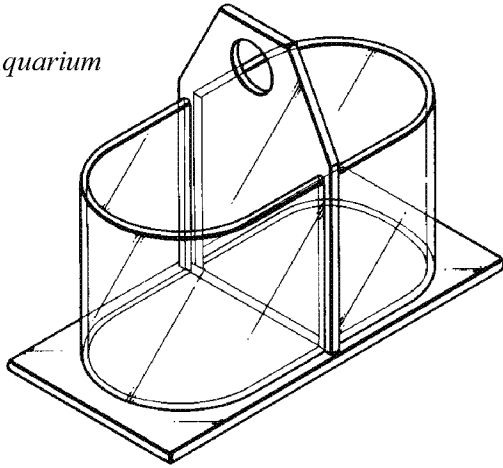


Drawing Examples

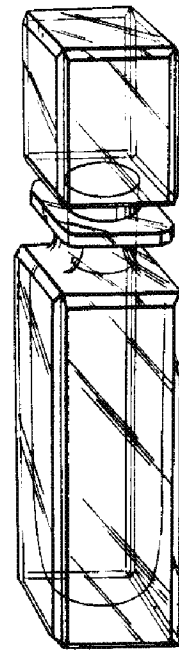
Transparent Materials

Note that elements visible behind transparent surfaces should be shown in light, full lines, not broken lines.

Aquarium



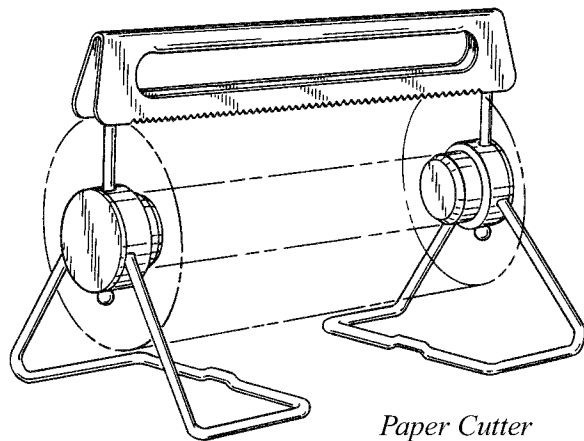
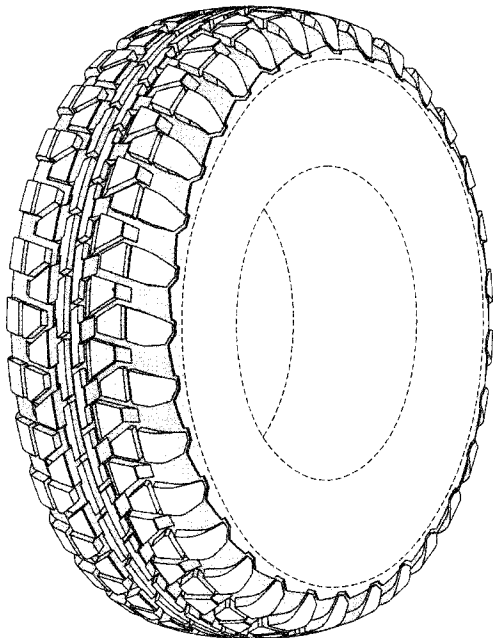
Perfume Bottle



Broken Line Disclosure

Broken lines may be used to show environment and boundaries that form no part of the claimed design.

Tire



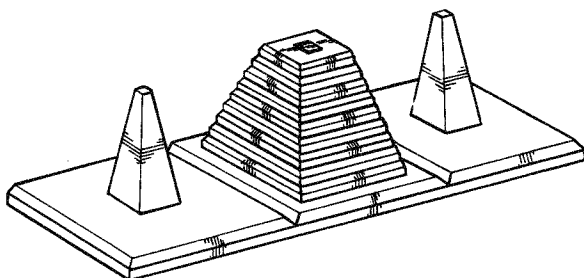
Paper Cutter

Drawing Examples

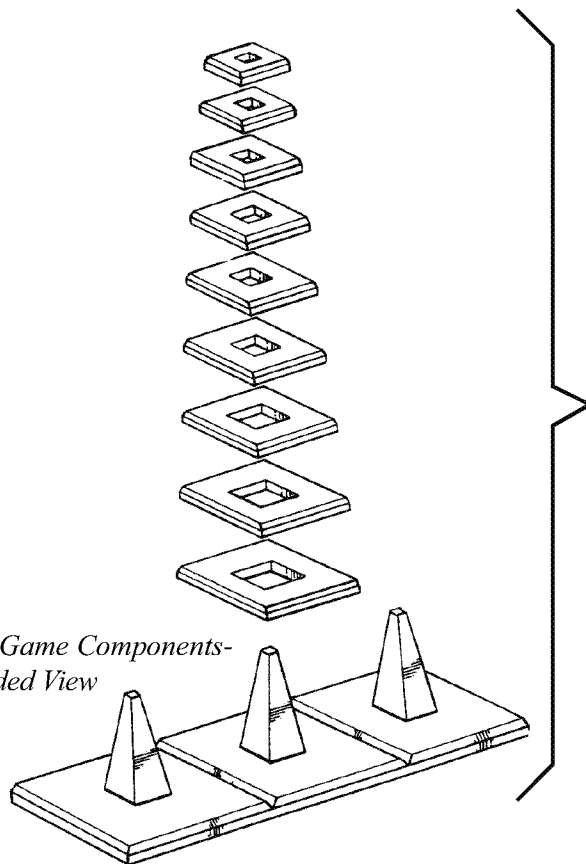
Exploded View

An exploded view is only supplementary to a fully assembled view. A bracket must be employed to show the association of elements.

Set of Game Components- Fully Assembled View

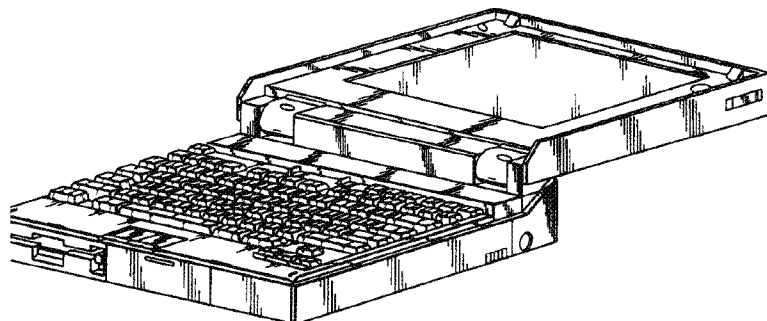


Set of Game Components- Exploded View

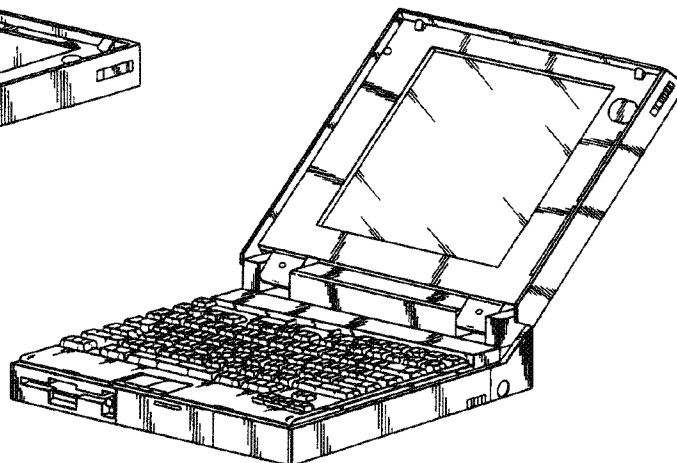


Alternate Positions

The alternate positions of a design, or an element of the design, must be shown in separate views.



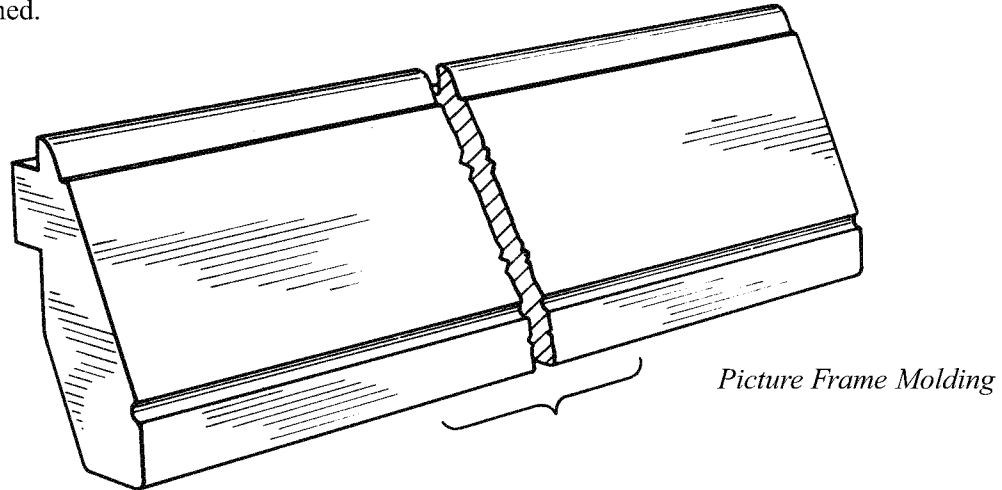
Personal Computer



Drawing Examples

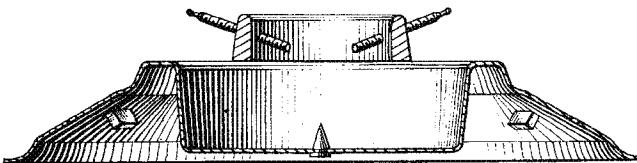
Indeterminate Length

Note the use of a separation and a bracket to indicate that, for ease of illustration, the precise length of the molding is not claimed.



Cross-sectional View

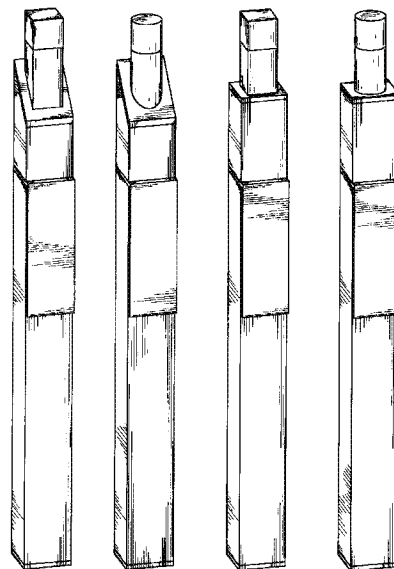
Cross-sections may be employed to clarify the disclosure and to minimize the number of views.



Christmas Tree Stand

Multiple Embodiments

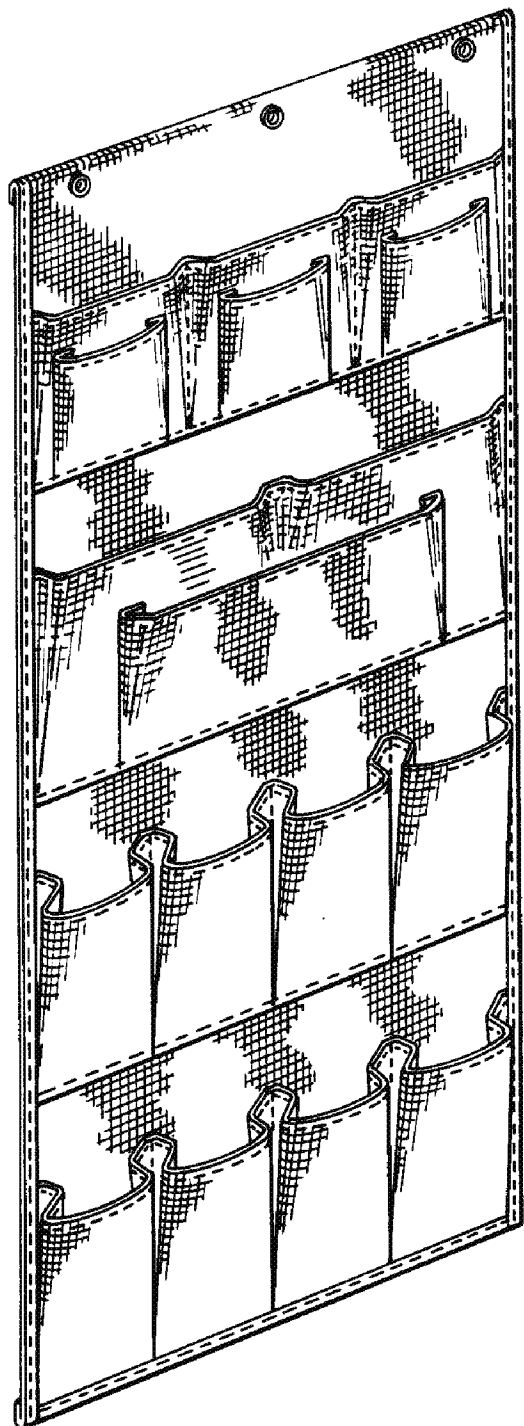
Multiple embodiments of a single concept may be filed in one design application, so long as their appearance and shape are similar, as shown below.



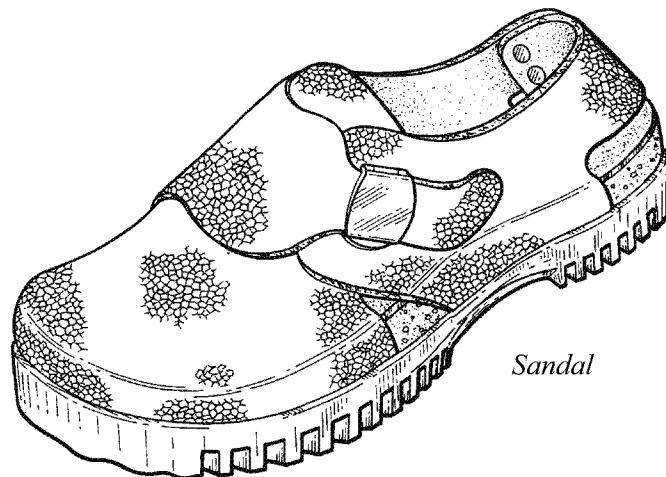
*Combined Writing Instrument And
Pocket Holder Therefor*

Drawing Examples

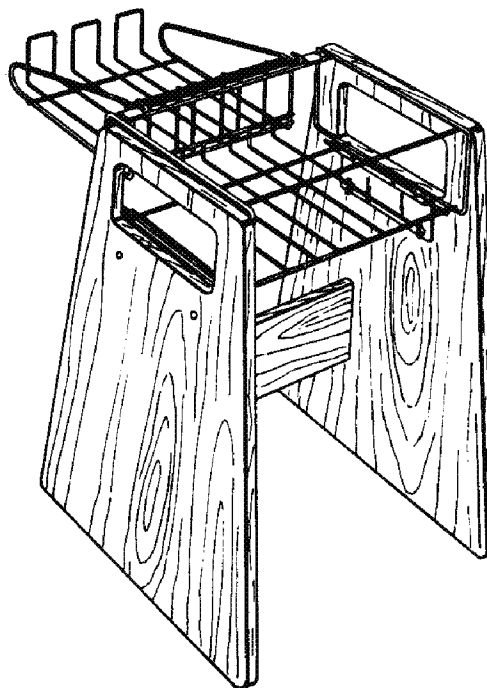
Specific Materials



Multi-Pocketed Storage Bag



Sandal



Computer Printer Stand

Symbols for Draftsmen

Graphical symbols for conventional elements may be used on the drawing when appropriate, subject to approval by the Office. The symbols that follow have been approved for such use. This collection does not purport to be exhaustive; other standard and commonly used symbols will also be acceptable provided they are clearly understood, are adequately identified in the specification as filed, and do not create confusion with other symbols used in patent drawings.

NOTES: In general, in lieu of a symbol, a conventional element, combination or circuit may be shown by an appropriately labeled rectangle, square or circle; abbreviations should not be used unless their meaning is evident and not confusing with the abbreviations used in the suggested symbols.

<p>Metal</p> <p>Elevation Section</p> <p>Transparent Material</p>	<p>Fibre, Leather, Packing</p>	<p>Section of Synthetic Resin or Plastic</p>
<p>Concrete</p>	<p>Heat or Cold Insulation</p>	<p>Liquid</p>
<p>Wood</p>	<p>Section of Sand or the Like</p>	<p>Wire or Screening</p>
<p>Refractory Material</p>	<p>Loose Packed</p> <p>Section of Sponge Rubber</p>	<p>Cloth or Fabric</p>
<p>Cork</p>	<p>Section of Rubber or Electrical Insulation</p>	<p>Adhesive</p>
<p>Elevation of Electrical Insulation</p> <p>Insulation</p>	<p>Violet or Purple</p>	<p>Blue</p>
<p>Yellow or Gold</p>	<p>Green</p>	<p>Black</p>
<p>Orange</p>	<p>Red or Pink</p>	<p>Gray or Silver</p>
<p>Brown</p>		

Patent Laws That Apply to Design Patent Applications

35 U.S.C. 102 Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States,

or

(c) he has abandoned the invention,

or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States,

or

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent

by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

or

(f) he did not himself invent the subject matter sought to be patented,

or

(g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103 Conditions for patentability; non-obvious subject matter

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) (1) Notwithstanding subsection (a), and upon timely election by the applicant for patent to proceed under this subsection, a biotechnological process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if-

(A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date;

and

(B) the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.

(2) A patent issued on a process under paragraph (1)-

(A) shall also contain the claims to the composition of matter used in or made by that process,

or

(B) shall, if such composition of matter is claimed in another patent, be set to expire on the same date as such other patent, notwithstanding section 154.

(3) For purposes of paragraph (1), the term "biotechnological process" means-

(A) a process of genetically altering or otherwise inducing a single- or multi-celled organism to-

(i) express an exogenous nucleotide sequence,

(ii) inhibit, eliminate, augment, or alter expression of an endogenous nucleotide sequence,

or

(iii) express a specific physiological characteristic not naturally associated with said organism;

(B) cell fusion procedures yielding a cell line that expresses a specific protein, such as a monoclonal antibody;

and

(C) a method of using a product produced by a process defined by subparagraph (A) or (B), or a combination of subparagraphs (A) and (B).

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112 Specification

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

A claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form.

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

35 U.S.C. 132 Notice of rejection; reexamination

(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.

(b) The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent

reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1) of this title.

35 U.S.C. 171 Patents for designs

Whoever invents any new, original, and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.

The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.

35 U.S.C. 172 Right of priority

The right of priority provided for by subsections (a) through (d) of section 119 of this title and the time specified in section 102(d) shall be six months in the case of designs. The right of priority provided for by section 119(e) of this title shall not apply to designs.

35 U.S.C. 173 Term of design patent

Patents for designs shall be granted for the term of fourteen years from the date of grant.

Patent Rules That Apply to Design Patent Applications

37 CFR 1.3 *Business to be conducted with decorum and courtesy*

Applicants and their attorneys or agents are required to conduct their business with the Patent and Trademark Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner and will be returned by the Commissioner's direct order. Complaints against examiners and other employees must be made in correspondence separate from other papers.

37 CFR 1.63 *Oath or declaration*

(a) An oath or declaration filed under § 1.51(b)(2), as a part of a nonprovisional application must:

(1) Be executed, i.e., signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing;

(2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial;

(3) Identify the country of citizenship of each inventor;

and

(4) State that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed;

(2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration;

and

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

(c) Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath, or declaration must also identify:

(1) The mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail, of each inventor;

and

(2) Any foreign application for patent (or inventor's certificate) for which a claim for priority is made pursuant to § 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing.

(d) (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;

(iii) The specification and drawings filed in the continuation or divisional application

contain no matter that would have been new matter in the prior application;

and

(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.

(2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c);

and

(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

(4) Where the power of attorney (or authorization of agent) or correspondence address was changed during the prosecution of the prior application, the change in power of attorney (or authorization of agent) or correspondence address must be identified in the continuation or divisional application. Otherwise, the Office may not recognize in the continuation or divisional application the change of power of attorney (or

authorization of agent) or correspondence address during the prosecution of the prior application.

(5) A newly executed oath or declaration must be filed in a continuation or divisional application naming an inventor not named in the prior application.

(e) A newly executed oath or declaration must be filed in any continuation-in-part application, which application may name all, more, or fewer than all of the inventors named in the prior application.

37 CFR 1.76 Application data sheet

(a) *Application data sheet.* An application data sheet is a sheet or sheets that may be voluntarily submitted in either provisional or nonprovisional applications, which contains bibliographic data, arranged in a format specified by the Office. If an application data sheet is provided, the application data sheet is part of the provisional or nonprovisional application for which it has been submitted.

(b) *Bibliographic data.* Bibliographic data as used in paragraph (a) of this section includes:

(1) *Applicant information.* This information includes the name, residence, mailing address, and citizenship of each applicant (§ 1.41(b)). The name of each applicant must include the family name, and at least one given name without abbreviation together with any other given name or initial. If the applicant is not an inventor, this information also includes the applicant's authority (§§ 1.42, 1.43, and 1.47) to apply for the patent on behalf of the inventor.

(2) *Correspondence information.* This information includes the correspondence address, which may be indicated by reference to a customer number, to which correspondence is to be directed (see § 1.33(a)).

(3) *Application information.* This information includes the title of the invention, a suggested classification, by class and subclass, the Technology Center to which the subject matter of the invention is assigned, the total number of drawing sheets, a suggested drawing figure for publication (in a nonprovisional application), any docket number assigned to the application, the type of application (e.g., utility, plant, design, reissue, provisional), whether the application

discloses any significant part of the subject matter of an application under a secrecy order pursuant to § 5.2 of this chapter (see § 5.2(c)), and, for plant applications, the Latin name of the genus and species of the plant claimed, as well as the variety denomination. The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure.

(4) *Representative information.* This information includes the registration number of each practitioner having a power of attorney or authorization of agent in the application (preferably by reference to a customer number). Providing this information in the application data sheet does not constitute a power of attorney or authorization of agent in the application (see § 1.34(b)).

(5) *Domestic priority information.* This information includes the application number, the filing date, the status (including patent number if available), and relationship of each application for which a benefit is claimed under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and § 1.78(a)(2) or § 1.78(a)(4), and need not otherwise be made part of the specification.

(6) *Foreign priority information.* This information includes the application number, country, and filing date of each foreign application for which priority is claimed, as well as any foreign application having a filing date before that of the application for which priority is claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and § 1.55(a).

(7) *Assignee information.* This information includes the name (either person or juristic entity) and address of the assignee of the entire right, title, and interest in an application. Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office.

(c) *Supplemental application data sheets.*

Supplemental application data sheets:

(1) May be subsequently supplied prior to payment of the issue fee either to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67;

and

(2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed.

(d) *Inconsistencies between application data sheet and oath or declaration.* For inconsistencies between information that is supplied by both an application data sheet under this section and by an oath or declaration under §§ 1.63 and 1.67:

(1) The latest submitted information will govern notwithstanding whether supplied by an application data sheet, or by a § 1.63 or § 1.67 oath or declaration, except as provided by paragraph (d)(3) of this section;

(2) The information in the application data sheet will govern when the inconsistent information is supplied at the same time by a § 1.63 or § 1.67 oath or declaration, except as provided by paragraph (d)(3) of this section;

(3) The oath or declaration under § 1.63 or § 1.67 governs inconsistencies with the application data sheet in the naming of inventors (§ 1.41(a)(1)) and setting forth their citizenship (35 U.S.C. 115);

(4) The Office will initially capture bibliographic information from the application data sheet (notwithstanding whether an oath or declaration governs the information). Thus, the Office shall generally not look to an oath or declaration under § 1.63 to see if the bibliographic information contained therein is consistent with the bibliographic information captured from an application data sheet (whether the oath or declaration is submitted prior to or subsequent to the application data sheet). Captured bibliographic information derived from an application data sheet containing errors may be recaptured by a request therefor and the

submission of a supplemental application data sheet, an oath or declaration under § 1.63 or § 1.67, or a letter pursuant to § 1.33(b).

37 CFR 1.84 Standards for drawings

(a) *Drawings*. There are two acceptable categories for presenting drawings in utility and design patent applications.

(1) *Black ink*. Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings;

or

(2) *Color*. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

- (i) The fee set forth in § 1.17(h);
 - (ii) Three (3) sets of color drawings;
 - (iii) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing;
- and
- (iv) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the

Office upon request and payment of the necessary fee.

(b) *Photographs*.

(1) *Black and white*. Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), autoradiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

(2) *Color photographs*. Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a)(2) and (b)(1) of this section.

(c) *Identification of drawings*. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

(d) *Graphic forms in drawings*. Chemical or mathematical formulae, tables, and waveforms may be submitted as drawings and are subject to the same requirements as drawings. Each chemical or mathematical formula must be labeled as a separate figure, using brackets when necessary, to show that information is properly integrated. Each group of waveforms must be presented as a single figure, using a common vertical axis with time extending along the horizontal axis. Each individual waveform discussed in the specification must be identified with a separate letter designation adjacent to the vertical axis.

(e) *Type of paper.* Drawings submitted to the Office must be made on paper, which is flexible, strong, white, smooth, non-shiny, and durable. All sheets must be reasonably free from cracks, creases, and folds. Only one side of the sheet may be used for the drawing. Each sheet must be reasonably free from erasures and must be free from alterations, overwritings, and interlineations. Photographs must be developed on paper meeting the sheet-size requirements of paragraph (f) of this section and the margin requirements of paragraph (g) of this section. See paragraph (b) of this section for other requirements for photographs.

(f) *Size of paper.* All drawing sheets in an application must be the same size. One of the shorter sides of the sheet is regarded as its top. The size of the sheets on which drawings are made must be:

- (1) 21.0 cm. by 29.7 cm. (DIN size A4), or
- (2) 21.6 cm. by 27.9 cm. (8 1/2 by 11 inches).

(g) *Margins.* The sheets must not contain frames around the sight (i.e., the usable surface), but should have scan target points (i.e., cross hairs) printed on two cater-corner margin corners. Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch), thereby leaving a sight no greater than 17.0 cm. by 26.2 cm. on 21.0 cm. by 29.7 cm. (DIN size A4) drawing sheets, and a sight no greater than 17.6 cm. by 24.4 cm. (6 15/16 by 9 5/8 inches) on 21.6 cm. by 27.9 cm. (8 1/2 by 11 inch) drawing sheets.

(h) *Views.* The drawing must contain as many views as necessary to show the invention. The views may be plan, elevation, section, or perspective views. Detail views of portions of elements, on a larger scale if necessary, may also be used. All views of the drawing must be grouped together and arranged on the sheet(s) without wasting space, preferably in an upright position, clearly separated from one another, and must not be included in the sheets containing the specifications, claims, or abstract. Views must not be connected by projection lines and must not contain centerlines. Waveforms of electrical signals may be connected by dashed lines to show the relative timing of the waveforms.

(1) *Exploded views.* Exploded views, with the separated parts embraced by a bracket, to show the relationship or order of assembly of various

parts are permissible. When an exploded view is shown in a figure, which is on the same sheet as another figure, the exploded view should be placed in brackets.

(2) *Partial views.* When necessary, a view of a large machine or device in its entirety may be broken into partial views on a single sheet, or extended over several sheets if there is no loss in facility of understanding the view. Partial views drawn on separate sheets must always be capable of being linked edge to edge so that no partial view contains parts of another partial view. A smaller scale view should be included showing the whole formed by the partial views and indicating the positions of the parts shown. When a portion of a view is enlarged for magnification purposes, the view and the enlarged view must each be labeled as separate views.

(i) Where views on two or more sheets form, in effect, a single complete view, the views on the several sheets must be so arranged that the complete figure can be assembled without concealing any part of any of the views appearing on the various sheets.

(ii) A very long view may be divided into several parts placed one above the other on a single sheet. However, the relationship between the different parts must be clear and unambiguous.

(3) *Sectional views.* The plane upon which a sectional view is taken should be indicated on the view from which the section is cut by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight. Hatching must be used to indicate section portions of an object, and must be made by regularly spaced oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. Hatching should not impede the clear reading of the reference characters and lead lines. If it is not possible to place reference characters outside the hatched area, the hatching may be broken off wherever reference characters are inserted. Hatching must be at a substantial angle to the surrounding axes or principal lines, preferably 45°. A cross section must be set out and drawn to show all of the materials as they are shown in the view from

which the cross section was taken. The parts in cross section must show proper material(s) by hatching with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. The various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section. The hatching of juxtaposed different elements must be angled in a different way. In the case of large areas, hatching may be confined to an edging drawn around the entire inside of the outline of the area to be hatched. Different types of hatching should have different conventional meanings as regards the nature of a material seen in cross section.

(4) *Alternate position.* A moved position may be shown by a broken line superimposed upon a suitable view if this can be done without crowding; otherwise, a separate view must be used for this purpose.

(5) *Modified forms.* Modified forms of construction must be shown in separate views.

(i) *Arrangement of views.* One view must not be placed upon another or within the outline of another. All views on the same sheet should stand in the same direction and, if possible, stand so that they can be read with the sheet held in an upright position. If views wider than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the top of the sheet, with the appropriate top margin to be used as the heading space, is on the right-hand side. Words must appear in a horizontal, left-to-right fashion when the page is either upright or turned so that the top becomes the right side, except for graphs utilizing standard scientific convention to denote the axis of abscissas (of X) and the axis of ordinates (of Y).

(j) *Front page view.* The drawing must contain as many views as necessary to show the invention. One of the views should be suitable for inclusion on the front page of the patent application publication and patent as the illustration of the invention. Views must not be connected by projection lines and must not contain centerlines. Applicant may suggest a single view (by figure number) for inclusion on the front page of the patent application publication and patent.

(k) *Scale.* The scale to which a drawing is made must be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction. Indications such as “actual size” or “scale 1/2” on the drawings are not permitted since these lose their meaning with reproduction in a different format.

(l) *Character of lines, numbers, and letters.* All drawings must be made by a process, which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thickness may be used in the same drawing where different thicknesses have a different meaning.

(m) *Shading.* The use of shading in views is encouraged if it aids in understanding the invention and if it does not reduce legibility. Shading is used to indicate the surface or shape of spherical, cylindrical, and conical elements of an object. Flat parts may also be lightly shaded. Such shading is preferred in the case of parts shown in perspective, but not for cross sections. See paragraph (h)(3) of this section. Spaced lines for shading are preferred. These lines must be thin, as few in number as practicable, and they must contrast with the rest of the drawings. As a substitute for shading, heavy lines on the shade side of objects can be used except where they superimpose on each other or obscure reference characters. Light should come from the upper left corner at an angle of 45°. Surface delineations should preferably be shown by proper shading. Solid black shading areas are not permitted, except when used to represent bar graphs or color.

(n) *Symbols.* Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols, which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols, which are not universally recognized, may be used, subject to approval by the Office, if they are not likely to be

confused with existing conventional symbols, and if they are readily identifiable.

(o) *Legends.* Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

(p) *Numbers, letters, and reference characters.*

(1) Reference characters (numerals are preferred), sheet numbers, and view numbers must be plain and legible, and must not be used in association with brackets or inverted commas, or enclosed within outlines, e.g., encircled. They must be oriented in the same direction as the view so as to avoid having to rotate the sheet. Reference characters should be arranged to follow the profile of the object depicted.

(2) The English alphabet must be used for letters, except where another alphabet is customarily used, such as the Greek alphabet to indicate angles, wavelengths, and mathematical formulas.

(3) Numbers, letters, and reference characters must measure at least .32 cm. (1/8 inch) in height. They should not be placed in the drawing so as to interfere with its comprehension. Therefore, they should not cross or mingle with the lines. They should not be placed upon hatched or shaded surfaces. When necessary, such as indicating a surface or cross section, a reference character may be underlined and a blank space may be left in the hatching or shading where the character occurs so that it appears distinct.

(4) The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.

(5) Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.

(q) *Lead lines.* Lead lines are those lines between the reference characters and the details referred to. Such lines may be straight or curved and should be as short as possible. They must originate in the immediate proximity of the reference character and extend to the feature indicated. Lead lines must not cross each other. Lead lines are required for each reference character except for those, which indicate the surface

or cross section on which they are placed. Such a reference character must be underlined to make it clear that a lead line has not been left out by mistake. Lead lines must be executed in the same way as lines in the drawing. See paragraph (l) of this section.

(r) *Arrows.* Arrows may be used at the ends of lines, provided that their meaning is clear, as follows:

(1) On a lead line, a freestanding arrow to indicate the entire section towards which it points;

(2) On a lead line, an arrow touching a line to indicate the surface shown by the line looking along the direction of the arrow;

or

(3) To show the direction of movement.

(s) *Copyright or Mask Work Notice.* A copyright or mask work notice may appear in the drawing, but must be placed within the sight of the drawing immediately below the figure representing the copyright or mask work material and be limited to letters having a print size of .32 cm. to .64 cm. (1/8 to 1/4 inches) high. The content of the notice must be limited to only those elements provided for by law. For example, “©1983 John Doe” (17 U.S.C. 401) and “*M* John Doe” (17 U.S.C. 909) would be properly limited and, under current statutes, legally sufficient notices of copyright and mask work, respectively. Inclusion of a copyright or mask work notice will be permitted only if the authorization language set forth in § 1.71(e) is included at the beginning (preferably as the first paragraph) of the specification.

(t) *Numbering of sheets of drawings.* The sheets of drawings should be numbered in consecutive Arabic numerals, starting with 1, within the sight as defined in paragraph (g) of this section. These numbers, if present, must be placed in the middle of the top of the sheet, but not in the margin. The numbers can be placed on the right-hand side if the drawing extends too close to the middle of the top edge of the usable surface. The drawing sheet numbering must be clear and larger than the numbers used as reference characters to avoid confusion. The number of each sheet should be shown by two Arabic numerals placed on either side of an oblique line, with the first being the sheet number and the second being the total number of sheets of drawings, with no other marking.

(u) *Numbering of views.*

(1) The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear.

(2) Numbers and letters identifying the views must be simple and clear and must not be used in association with brackets, circles, or inverted commas. The view numbers must be larger than the numbers used for reference characters.

(v) *Security markings.* Authorized security markings may be placed on the drawings provided they are outside the sight, preferably centered in the top margin.

(w) *Corrections.* Any corrections on drawings submitted to the Office must be durable and permanent.

(x) *Holes.* No holes should be made by applicant in the drawing sheets.

(y) *Types of drawings.* See § 1.152 for design drawings, § 1.165 for plant drawings, and § 1.174 for reissue drawings.

37 CFR 1.121 Manner of making amendments in application.

(a) *Amendments in applications, other than reissue applications.* Amendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

(b) *Specification other than the claims and listings provided for elsewhere (§§ 1.96 and 1.825).*

(1) *Amendment by instruction to delete, replace, or add a paragraph.* Amendments to the specification, other than the claims and listings provided for elsewhere (§§ 1.96 and 1.825), may be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a deleted paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) Any replacement or added paragraph(s) in clean form, that is, without markings to indicate the changes that have been made;

and

(iii) Another version of any replacement paragraph(s), on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of the paragraph(s). The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added paragraph or a deleted paragraph as it is sufficient to state that a particular paragraph has been added, or deleted.

(2) *Amendment by replacement section.* If the sections of the specification contain section headings as provided in §§ 1.77(b), 1.154(b), or § 1.163(c), amendments to the specification, other than the claims, may be made by submitting:

(i) A reference to the section heading along with an instruction to delete that section of the specification and to replace such deleted section with a replacement section;

(ii) A replacement section in clean form, that is, without markings to indicate the changes that have been made;

and

(iii) Another version of the replacement section, on one or more pages separate from the amendment, marked up to show all changes relative to the previous version of the section. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system.

(3) *Amendment by substitute specification.* The specification, other than the claims, may also be amended by submitting:

(i) An instruction to replace the specification;

(ii) A substitute specification in compliance with § 1.125(b);

and

(iii) Another version of the substitute specification, separate from the substitute specification, marked up to show all changes relative to the previous version of the specification. The changes may be shown by brackets (for deleted matter), or underlining (for added matter), or by any equivalent marking system.

(4) *Reinstatement*: Deleted matter may be reinstated only by a subsequent amendment presenting the previously deleted matter.

(c) *Claims*.

(1) *Amendment by rewriting, directions to cancel or add*: Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., “amended”, “twice amended,” or “new”).

(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., “amended”, “twice amended”, etc. The parenthetical expression “amended”, “twice amended”, etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

(3) A clean version of the entire set of pending claims may be submitted in a single amendment paper. Such a submission shall be construed as directing the cancellation of all previous versions of any pending claims. A marked up version is required only for claims being changed by the current amendment (see paragraph (c)(1)(ii) of this section). Any claim not accompanied by a marked up version will constitute an assertion that it has not been changed relative to the immediate prior version.

(d) *Drawings*. Application drawings are amended in the following manner: Any change to the application drawings must be submitted on a separate paper showing the proposed changes in red for approval by the examiner. Upon approval by the examiner, new drawings in compliance with § 1.84 including the changes must be filed.

(e) *Disclosure consistency*. The disclosure must be amended, when required by the Office, to correct inaccuracies of description and definition, and to secure substantial correspondence between the claims, the remainder of the specification, and the drawings.

(f) *No new matter*. No amendment may introduce new matter into the disclosure of an application.

(g) *Exception for examiner's amendments*: Changes to the specification, including the claims, of an application made by the Office in an examiner's amendment may be made by specific instructions to insert or delete subject matter set forth in the examiner's amendment by identifying the precise point in the specification or the claim(s) where the insertion or deletion is to be made. Compliance with paragraphs (b)(1), (b)(2) or (c)(1) of this section is not required.

(h) *Amendments in reissue applications*. Any amendment to the description and claims in reissue applications must be made in accordance with § 1.173.

(i) *Amendments in reexamination proceedings*: Any proposed amendment to the description and claims in patents involved in reexamination proceedings in both ex parte reexaminations filed under § 1.510 and inter partes reexaminations

filed under § 1.913 must be made in accordance with § 1.530(d)-(j).

(j) *Amendments in provisional applications:* Amendments in provisional applications are not normally made. If an amendment is made to a provisional application, however, it must comply with the provisions of this section. Any amendments to a provisional application shall be placed in the provisional application file but may not be entered.

37 CFR 1.152 *Design drawings*

The design must be represented by a drawing that complies with the requirements of § 1.84 and must contain a sufficient number of views to constitute a complete disclosure of the appearance of the design. Appropriate and adequate surface shading should be used to show the character or contour of the surfaces represented. Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Broken lines may be used to show visible environmental structure, but may not be used to show hidden planes and surfaces that cannot be seen through opaque materials. Alternate positions of a design component, illustrated by full and broken lines in the same view are not permitted in a design drawing. Photographs and ink drawings are not permitted to be combined as formal drawings in one application. Photographs submitted in lieu of ink drawings in design patent applications must not disclose environmental structure but must be limited to the design claimed for the article.

37 CFR 1.153 *Title, description and claim, oath or declaration*

(a) The title of the design must designate the particular article. No description, other than a reference to the drawing, is ordinarily required. The claim shall be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described. More than one claim is neither required nor permitted.

(b) The oath or declaration required of the applicant must comply with § 1.63.

37 CFR 1.154 *Arrangement of application elements in a design application*

(a) The elements of the design application, if applicable, should appear in the following order:

- (1) Design application transmittal form.
- (2) Fee transmittal form.
- (3) Application data sheet (see § 1.76).
- (4) Specification.
- (5) Drawings or photographs.
- (6) Executed oath or declaration (see § 1.153(b)).

(b) The specification should include the following sections in order:

- (1) Preamble, stating the name of the applicant, title of the design, and a brief description of the nature and intended use of the article in which the design is embodied.
- (2) Cross-reference to related applications (unless included in the application data sheet).
- (3) Statement regarding federally sponsored research or development.
- (4) Description of the figure or figures of the drawing.
- (5) Feature description.
- (6) A single claim.

(c) The text of the specification sections defined in paragraph (b) of this section, if applicable, should be preceded by a section heading in uppercase letters without underlining or bold type.

37 CFR 1.155 *Expedited examination of design applications*

(a) The applicant may request that the Office expedite the examination of a design application. To qualify for expedited examination:

- (1) The application must include drawings in compliance with § 1.84;
- (2) The applicant must have conducted a pre-examination search; and
- (3) The applicant must file a request for expedited examination including:
 - (i) The fee set forth in § 1.17(k);

and

(ii) A statement that a pre-examination search was conducted. The statement must also indicate the field of search and include an information disclosure statement in compliance with § 1.98.

(b) The Office will not examine an application that is not in condition for examination (e.g., missing basic filing fee) even if the applicant files a request for expedited examination under this section.

Sample Specification

I, (Name) _____ have invented a new design for a

(Title) _____ as set forth in the following specification:

FIG. 1 is a _____ view of a _____ showing my new design;

FIG. 2 is a _____ view thereof;

FIG. 3 is a _____ view thereof;

FIG. 4 is a _____ view thereof;

FIG. 5 is a _____ view thereof; and

FIG. 6 is a _____ view thereof.

I claim: The ornamental design for a _____ as shown.

**Applicants are referred to the Disclosure Examples on Pages 9-13, to determine the proper wording and number of Figure Descriptions appropriate to their disclosure. Questions regarding a design patent application and its forms may be directed to Jim Gandy, Design Patent Practice Specialist at 703.305.3264.*



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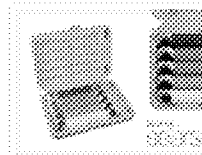
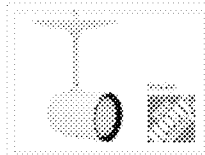
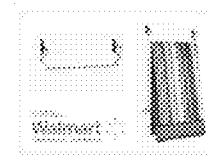
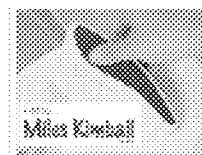
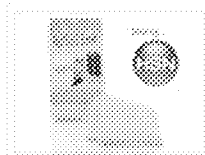
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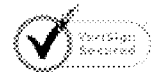
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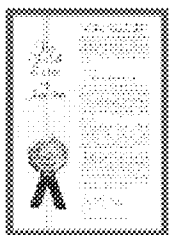
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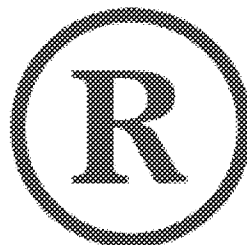
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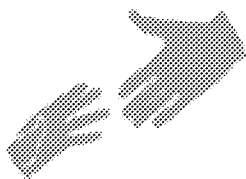
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Tools, FAQs

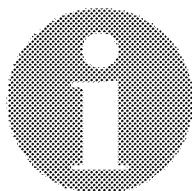
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Inventors Assistance

Local Assistance, Customer Service

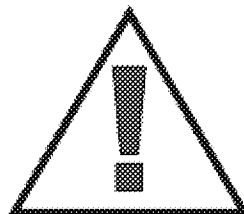
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Education and Information

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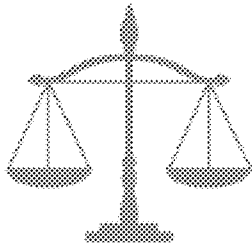
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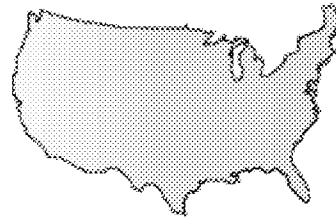
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Current Events

Conferences, Conventions

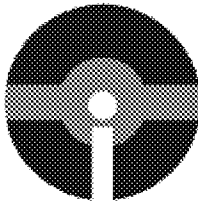
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To begin, let's start with a definition of a Trademark or "mark". A trademark is a word, symbol, design, combination of letters or numbers or other device which identifies and distinguishes products and services in the marketplace. Once developed through advertising, marketing, trade shows, and other means, trademarks become one of your most valuable assets. Your customers identify your firm with your trademark.

To illustrate, the registered marks Pepsi[®], Porsche[®], and Lexus[®] each bring to mind certain "quality" products to potential purchasers. Consequently, these trademarks are some of the most valuable assets of these companies and they should protect them with a vengeance.

[Back to the top](#)

Creating Your Trademark

Registering your mark at the State, U.S. Federal, or international level provides the maximum legal protection for the name of your company or product. Consequently, an important goal in selecting your trademark is to create one with the highest potential for becoming registered. With millions of trademarks already registered in the world, creating a name for your product or service, or designing a logo not already in use is becoming increasingly more difficult and more necessary.

When creating a trademark, people often focus on the marketing aspect, spending weeks or months developing a catchy name. However, a registered trademark may already exist that is confusingly similar to the one you choose. Also, unregistered marks (known as Common Law marks) can cause problems since even though they are not registered, they are still legally protectable.

Creation is the stage when a trade mark, service mark, symbol or other device identifying your product or service is developed for use in the marketplace. There are guidelines to consider when creating a trademark, such as avoiding generically descriptive terms (such as Guns Magazine for a gun magazine) or misleading terms, and watching for foreign translations. (For example, the car name "Nova" translates as "no go" in Spanish - not a great advertisement) Once you have some preliminary ideas for potential trade marks, you should consult a Registered Patent Attorney who can provide helpful guidelines as to how to make your proposed mark distinctive and increase its potential registrability. [Back to the top](#)

The Trademark Search - Look Before You Leap

Once you have determined the mark you feel best suits your product or firm, you should have a search conducted to ascertain if the mark is available. There are many firms offering such services in the price range from \$10 to \$500. As with everything, you generally get what you pay for as the cheap searches use staff untrained in the nuances of Trade and Service mark law. The more expensive searches may be overkill or just a non technical law firm marking up a search they had to purchase since they could not do it themselves.

TRICKY PROCEDURE

The Patent Office can turn your Trademark Application down for many reasons that are not well understood unless you have dealt in this area before. A Patent Attorney who has filed and prosecuted a large number of trademarks will be a much better source for an opinion about the registerability of your trademark and you should consider this before having a search performed. If the person or firm running the search does not know the statutory reasons for disqualification of a trademark, why are you paying them?

If you are running your own search, are you familiar with the factors which may cause a refusal? Our office will consider the normal "confusingly similar" standard for rejection as well as other factors that include:

1. Matter which is merely the generic name of the goods on which it is used cannot be registered.
2. The proposed mark consists of or comprises immoral, deceptive, or scandalous matter;
3. The proposed mark may disparage or falsely suggest a connection with persons (living or dead), institutions, beliefs, or national symbols, or bring them into contempt or disrepute;
4. The proposed mark consists of or comprises the flag or coat of arms, or other insignia of the United States, or of any State or municipality, or of any foreign nation;
5. The proposed mark consists of or comprises a name, portrait or signature identifying a particular living individual, except by that individual's written consent; or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow;
6. The proposed mark so resembles a mark already registered in the Patent and Trademark Office (PTO) that use of the mark on applicant's goods or services are likely to cause confusion, mistake, or deception;
7. The proposed mark is merely descriptive or deceptively mis-descriptive of applicant's goods or services;
8. The proposed mark is primarily geographically descriptive or deceptively geographically mis-descriptive of applicant's goods or services;

If your not familiar with the many nuances and difficulties that you might encounter in a trademark application, make sure the person you hire is familiar and experienced in this area. This process takes 6 months to a year and you can't buy back all the lost time if your trademark is rejected, or, worse yet, you are infringing.

Our offices offer a 24 hour turn around on most Trademark Searches if requested.



FAQs

Patents

What is a patent?

According to the United States Patent and Trademark Office (USPTO), the right conferred by the patent grant is “the right to exclude others from making, using, offering for sale, or selling” an invention in the United States or “importing” the invention into the United States. The United States Patent and Trademark Office (USPTO) grant three different types of patents: Utility Patents, Design Patents, and Plant Patents. The most common patent granted to Harvard is a Utility Patent, which is defined as any new and useful process, machine, article of manufacture, composition of matter, or any new and useful improvement thereof. For example, a new drug for the treatment of cancer would be considered a composition of matter and therefore filed as a utility patent.

Am I an inventor on a patentable invention?

In broad terms, an inventor is one who has made a substantial intellectual contribution to an invention. The OTD does not grant patents nor decide inventorship of patentable inventions but does evaluate patentable opportunities and work with outside counsel in filing and prosecuting patents. A patent examiner at the USPTO determines the patentability of inventions and is responsible for granting patents. Inventorship is determined by a patent attorney according to United States patent law.

Why is it important to be mindful of public disclosure when filing for a patent?

To ensure eligibility for U.S. patent rights covering your work, a patent application must be filed within one year of publication. To maintain patent rights in the rest of the world, a patent application must be filed prior to publication. Therefore, if you are interested in developing your new inventions commercially, please contact OTD immediately if and when you are about to disclose new ideas or research results through the following: 1) submission of a pre-publication manuscript, 2) submission of a meeting abstract, 3) any kind of seminar (large or small) or other presentation.

Are patents pursued for all inventions?

At times, OTD may conclude that the cost of pursuing a patent application is not justified. OTD may also decide not to pursue patenting when there is extensive prior art, the resulting patent protection would be narrow, enforcement of the patent would be difficult, or the relevant industry is unlikely to be receptive to licensing. In those cases, rights to sponsored inventions are handled according to the

provisions of the sponsored agreement (e.g., for government sponsored inventions, rights are returned to the government). Alternatively, if the inventor is interested in developing and commercializing the technology, OTD may consider releasing the invention to the inventors or to license the invention to an inventor or inventors on reasonable terms and conditions.

Who decides whether to file a patent application?

Generally, the Director of Business Development is responsible for filing a patent on an invention, working in coordination with OTD's Director of Intellectual Property.

Do OTD use inside or outside patent counsel?

OTD retains outside patent counsel to prepare and prosecute patent applications. However, outside patent counsel are closely managed and supervised by OTD's Director of Intellectual Property and the relevant Director of Business Development, who ensure that the work product is of high quality.

Does OTD file foreign patents?

Yes, when appropriate, at the discretion of the Director of Business Development and the Director of Intellectual Property.



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A "registered trademark", or ®, refers to a name, slogan or logo that has been officially registered with the United States Patent and Trademark Office - USPTO. Each State also offers trademark protection from their Secretaries of State offices.

Registering a trademark is greatly beneficial to any business because it publicly states that your trademark is registered with the USPTO, where people can find you and avoid using your intellectual property.

By registering a trademark you will gain exclusive rights to your name, slogan or logo AND a broader array of potentially similar uses - in sound, appearance and meaning within your industry, than if you merely use your intellectual property without a trademark, or otherwise known as having first use Common Law rights.

Prior to filing for a Federal trademark, comprehensive research of existing and pending State trademarks, USPTO Federal trademarks and Common Law uses and analysis of each is needed to ensure that you are not infringing upon another company's trademark or Common Law rights. You need to know if your name, slogan and/or logo is truly legally available BEFORE you file.

The USPTO and every State limits their research to their own databases only. Your intellectual property may turn out to be clear from their own limited research, and it will take the USPTO up to 6 months to do their research, State internal research varies widely - but this is far from what you need. You need to know if your proposed name, slogan or logo is legally clear today, before use, before filing, for a trademark. Only comprehensive research will determine legal availability.

In the USA, there are 2 million Federal trademarks, 1 million State trademarks and 13 million Common Law uses. So, simply filing a Federal trademark, without comprehensive research means your name will never be researched against 14 million out of 16 million names, slogans and logos that exist before you start your business. You need to comprehensively research your intellectual property BEFORE actual commercial use and filing at the USPTO.

There is a marketing advantage to having a trademark too! Businesses that show the Federal trademark ® symbol for their name, logo or slogan are widely considered to be more credible,

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If you have an existing Trademark or just Common Law rights merely by using your business name, slogan or logo over time - be aware that you will give rights to another business simply by doing nothing for 5 years. Acquiescence happens by doing nothing, and not enforcing your rights over a 5 year period. To prevent this disaster, we urge periodic comprehensive research or our year round monitoring service. We offer both. Call us to discuss!

Having a trademark will achieve added protection against other companies' future names, slogans or logos that are conflicting or even merely similar in sound, appearance or meaning, as well as ownership rights as protected by the USPTO. Having a trademark makes it much easier to protect your intellectual property, when you can simply show your registered or pending USPTO trademark.

A trademark is like having a silent attorney actively protecting your intellectual property 24 hours a day! Trademarks last 5 years, and are indefinitely renewable in the 5th year, then the 10th year, then every 10 years after that. You still need to actively

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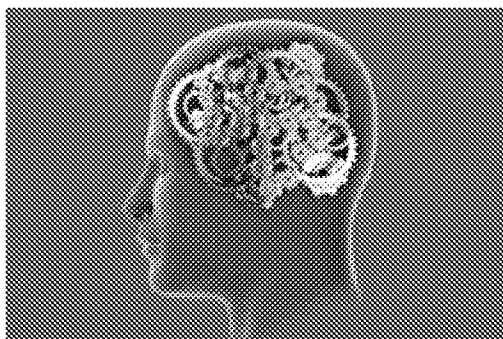
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From helping to develop patent portfolios to devising prosecution strategies to protect intellectual property assets worldwide, Ropes & Gray IP attorneys provide unrivaled counsel on patent and trademark procurement to clients ranging in size from small start-up companies to large, established domestic and international corporations.

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“We are very pleased with the quality of work and responsiveness of the IP group at Ropes. Their experience and attention to detail are major factors.”

— INTELLECTUAL PROPERTY CLIENT,
CHAMBERS USA

OVERVIEW

Clients needing to protect their IP assets work with a team of attorneys at Ropes & Gray that has successfully handled every conceivable issue a business or individual could face.

Our IP practitioners are qualified to practice before the USPTO and the EPO and have experience prosecuting patent applications in approximately 70 countries each year. In addition, our attorneys and in-house patent agents and technical advisors, many of whom hold advanced science and engineering degrees, have a deep understanding of diverse and complex technologies.

Comprehensive Capabilities

We assist clients with all aspects of the patent and trademark process, including:

- Conducting interviews with inventors, designers and other creators to help them decide which intellectual property to protect
- Formulating protection strategies to suit our clients' business and research objectives at home and abroad
- Drafting applications, keeping in mind the jurisdictional requirements around the work so that a cohesive, cross-border portfolio strategy can be implemented
- Negotiating with patent and trademark offices around the world, supported by more than 100 international patent agents

We also work with clients on all aspects of patent portfolio development, including:

- Life cycle management
- Creating strategies to maximize exclusivity – both patent and regulatory , including follow-on biologics and biosimilar consideration

“This group is held in high regard for litigation and rights management, and is a favorite for due diligence work.”

— *CHAMBERS USA*

“They had an understanding of our issues and I found the guidance excellent.”

— INTELLECTUAL PROPERTY CLIENT,
CHAMBERS USA

- Routinely working with the firm’s litigators to develop portfolios that are defensible and with the firm’s transactional attorneys to develop portfolios that can be effectively monetized

EXPERIENCE

With more than 200 IP attorneys, 40 patent agents and technical advisors, and 34 paralegals, we assist our clients in strategically managing large, multinational patent portfolios. We have more than 150 advanced degrees, including 46 Ph.D.s in science and engineering from top universities, including MIT, Harvard, Carnegie Mellon, Yale, the California Institute of Technology and the University of Tokyo.

Our experience in patent procurement includes:

- Handling a large, international patent portfolio for a mid-sized biotechnology company focusing on antibody therapeutics. The portfolio includes over 50 families of applications including patents related to three products currently under development.
- Assisting a private, venture-backed biotechnology company in developing an international patent portfolio with broad claims to protein engineering technology. This portfolio was a key asset in the company’s recent \$400 million acquisition by a pharmaceutical company.
- Helping a pharmaceutical client devise prosecution strategy and, in some instances, draft responses, briefs and/or petitions on its behalf.
- For more than a decade, working with a publicly traded biotechnology company (later acquired by a larger company) to develop and implement a strategy for building a large, worldwide patent portfolio covering the company’s core technology platform for producing antibody therapeutics.
- For more than 25 years, acting as counsel to one of the largest and oldest biopharmaceutical companies, assisting the company’s scientists and business managers in developing an IP strategy, and obtaining patents protecting the company’s products, including three that each have worldwide sales of over \$1 billion.
- Representing the biotech division of a large orthopedic company for more than 15 years, including assisting the company in patenting the results of its research in the area of bone growth – patents that now protect the company’s first biotech product.
- For more than 15 years, serving as counsel to a major rational drug design company, having designed, drafted, prosecuted and defended its patent portfolio. Several of these small molecule patents are directed to aspects of the company’s commercial products and late-stage clinical candidates.

AWARDS

What others say about Ropes & Gray’s IP practice:

- *Chambers Global: The World’s Leading Lawyers for Business 2006-2013* –

IP group internationally recognized, with multiple attorneys ranked as leaders in the field.

- *Chambers USA: America's Leading Lawyers for Business 2007-2012* – IP group recognized nationally, and in New York, California and Massachusetts.
- *PLC Which Lawyer 2012* – Ropes & Gray ranked in California, Illinois, Massachusetts, New York and nationwide, with six partners listed as leading IP attorneys.
- *The Best Lawyers in America 2013* – IP group recognized, with multiple attorneys listed.
- *The International Who's Who of Patent Lawyers* – Four Ropes & Gray partners named to its elite list for 2012.
- *U.S. News World Reports – Best Lawyers “Best Law Firms” Report 2013* – Nationally recognized and highly ranked in copyright law, information technology law, trademark law, patent law, patent litigation and IP litigation.
- *Euromoney's Guide to the World's Leading Patent Law Experts* – Twelve attorneys from the IP group were listed in the most recent edition – the most of any firm in the United States.

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10.03 Inventions, Patents, Copyrights, Trademarks and Other Intellectual Properties

I. Purpose Statement:

Whereas the University of Northern Iowa (UNI) is strongly committed to the discovery of new knowledge and to economic development and technology transfer for the State of Iowa; and whereas UNI has a unique role in contributing to the economic vitality of the state through education of its citizens and providing expertise to Iowa's communities, businesses and emerging growth sectors of the economy. The following policy is adopted to encourage and support creative activity by employees and students for the public benefit and shall be deemed to be a part of the conditions of employment of every employee of the University and a part of the condition of enrollment and attendance at the University for every student

II. Definitions

As used in this policy, the following terms have the meanings indicated:

Author - University personnel, singly or as a group, who produce written, visual, recorded or other materials which may be protected by intellectual property law.

Development Costs - Development costs include all costs, expenses and losses paid or incurred in connection therewith, including, but not limited to, all direct costs and expenses, indirect costs and expenses as allocated and determined by the University or the UNI Research Foundation, all attorney's fees and other costs and expenses of obtaining, securing and protecting patents, copyrights, trademarks, trade secrets, and other intellectual property.

Disclosure - A detailed, complete and accurate description of material information relating to an item of intellectual property.

Equity - Common or preferred stock or other security, or the market value thereof, less any debt incurred; the net market value of a business or property; funds provided to a business through sale or transfer of stock.

Intellectual Property - Inventions, copyrights and copyrightable material, patents, trademarks and trade secrets and other forms or types of intellectual property which may emerge in the future.

Intellectual Property Officer (IPO) - The person or persons appointed by the President to facilitate the development and legal protection of intellectual property on behalf of the University.

Inventions - All devices, discoveries, processes, methods, uses, products or combinations thereof, or other similar intellectual properties, whether or not patented or patentable at any time under the U.S. Patent Act law or any international patent agreement as now existing or hereafter written, amended or supplemented.

Inventor - University personnel, singly or as a group, who conceive and demonstrate proof-of-concept, reduce to practice, or otherwise establish the novelty and utility of an invention, as defined above.

Net Proceeds - The gross receipts derived from trademarks, materials, inventions, discoveries and/or intellectual properties, including but not limited to, rents, royalties, dividends, earnings, gains and sale proceeds less development costs.

Permanent Standing Sub-Committee - Committees existing as part of the Intellectual Properties Committee with Sub-Committee Chairs having specialized expertise in copyright, trademarks and patents.

Provisional disclosure - A partial description of an invention or other item of intellectual property which, after consultation with the IPO an inventor or author may submit for establishing priority or for other legal or procedural consideration. A provisional disclosure may be brought before the Committee at the discretion of the inventor and IPO.

Research Foundation - The University of Northern Iowa Research Foundation (UNIRF) is the incorporated unit through which university intellectual properties are owned and managed, and fees, royalties, and other forms of income, but not including equity from intellectual properties are received, disbursed and managed in accordance with the formula set forth below

Trade Secret - Any information, device, method, formula, etc., whether or not copyrightable or patentable, which is not generally known or accessible apart from the University, and which gives competitive advantage to its owner.

Trademarks - Distinctive marks of authenticity such as words, letters, symbols, designs, etc., identifying the

source, producer or distributor of goods or services.

University Facilities - All University buildings, laboratories, classes, equipment, supplies, and/or services.

University Personnel - All members of the faculty, staff, and students, without exception.

University Sponsoring Unit (USU) - The college(s), or administrative unit outside the college, or the applicable divisional Vice Presidential office which contributes the financial support for personnel time, procurement and/or prototype development of the intellectual property. The Dean of a college upon approval by UNIRF may designate a unit within that college as the USU for a specific Intellectual Property.

Written Materials - All literary, dramatic and musical material or works, and all other works such as, but not limited to, software, web-based instructional tools and programs, on-line original or proprietary data bases and other information resources, lab manuals, study guides and architectural designs published or unpublished, copyrighted or copyrightable at any time under the Federal Copyright Act as now existing or hereafter written, amended or supplemented.

III. Policy and Policy Administration:

1. All matters relating to inventions, patents, copyrights, trademarks and other intellectual properties with which the University of Northern Iowa is in any way concerned will be administered by the President of the University or such person or entity as the President may designate. Funding for intellectual property matters, e.g., patent searches and applications, may need to be obtained from external sponsors, for which the University may enter into special license/use agreements, or from the University Research Foundation.
2. The President may appoint an Intellectual Property Officer(s), Intellectual Property Committee and such Standing Sub-Committees as needed to execute, encourage, and support activities pertaining to all University intellectual property.
 1. The Committee and Sub-Committees will be composed of the Associate Provost for Sponsored Programs, University Intellectual Property Officer(s), the Director of Business and Community Services, a representative of the Research Foundation, and up to seven members from the University faculty and/or staff. University's designated legal counsel will serve as an ex-officio committee member. Committee members will serve at the pleasure of the President. Sub-Committee Chairs may, at their discretion, request that up to three faculty and/or staff serve on the Standing Committee, with the normal term of appointment to be staggered three-year terms. All members shall serve without additional compensation. The President will appoint a member to serve as Chair for each respective sub-committee.
3. The University Intellectual Property Committee (IPC) will have the following responsibilities:
 1. To support, promote, and encourage University personnel in the development of marketable copyrightable, patentable, or other proprietary intellectual properties; promote the patenting or other means of legal protection of inventions; and encourage personnel in the creation and disclosure of intellectual property.
 2. To evaluate inventions and discoveries for marketability, patentability, and, where desirable, to consult such expertise as the Committee may require to examine the merits of each potentially patentable invention.
 3. To recommend to the UNI Research Foundation and/or such person or entity as the President may designate applications for trademarks and patents.
 4. To recommend to the UNI Research Foundation the appropriate patent, trademark, trade secret, and other intellectual property and related rights or equities to be held by the UNI Research Foundation in an invention, and to review agreements with cooperating organizations, with respect to patent rights or equities.
 5. In the absence of overriding obligations to outside sponsors of research, recommend to the UNI Research Foundation the release of intellectual property rights to the inventor(s) in those circumstances where the UNI Research Foundation elects not to file a patent application or where no further research or development of that intellectual property will be conducted involving University support or facilities. When the IPC and UNI Research Foundation determine not to file a patent application or to cease further development efforts the UNI Research Foundation shall cede all rights and interest in the intellectual property to the inventor(s), with the exception that it may reserve the right to retain a non-divisible, non-distributable 10% share of future royalties or other earnings on subsequent sale or licensure of the invention. (See: [insert link](#) >)
 6. After consultation with the IPO and legal counsel, recommend to the UNI Research Foundation to cease maintenance of a patent in its portfolio. Upon approval of such recommendation, the IPO shall, 60 days prior to the due date of the next maintenance fee payment, notify the inventor(s) of UNI Research Foundation's intention to abandon its ownership interest in the patent; and shall grant the inventor(s) first right of refusal to secure undivided ownership of the patent, contingent upon the inventor(s)'s payment of legal and maintenance fees. The UNI Research Foundation may reserve the right to retain a 10% share of future royalties or other earnings on subsequent sale or licensure of the patent.
 7. To recommend to the UNI Research Foundation and/or such person or entity as the President may designate licenses and related agreements entered into with other parties concerning patent, trademark, copyright and related intellectual property right.
 8. To review the procedures for the collection of royalties and fees and their distribution, and make recommendations to the UNI Research Foundation and/or such person or entity as the President may designate for modification of such procedures.
 9. To review situations of possible infringement of copyright, patent and trademark rights held by the University or UNI Research Foundation, and in association with the University and/or UNI Research Foundation's designated legal counsel, to recommend to the University and/or UNI Research Foundation negotiations, litigation, and settlement of matters arising therefrom.
 10. To assist UNI Research Foundation in negotiation with cooperating organizations concerning prospective rights to patentable inventions, discoveries, or copyrightable materials made as a result of research carried out under grants, contracts or other agreements to be funded in whole or in part by such cooperating organizations, and assist UNI Research Foundation in negotiating institutional patent, copyright, or other agreements with Federal agencies or other organizations regarding the disposition of those intellectual property rights.
 11. To recommend to the UNI Research Foundation, IPO, or President appropriate exemptions from this policy.
 12. To make such reports and recommendations to the University President and/or UNI Research Foundation as the President may direct.

IV. Inventions - Duty to Disclose

1. An agreement to assign inventions and patents to the UNI Research Foundation, except for those resulting from permissible consulting activities

without the use of University facilities, shall be mandatory for all University personnel, for persons not employed by the University but who use University facilities in the development of intellectual property, and for those who receive grant or contract funds through the University. Exemption: from such agreements to assign may be authorized in those circumstances where the mission of the University is better served by such action, provided that the overriding obligations to other parties are met and such exemptions are not inconsistent with other Board of Regents' or University policies (for example, students, merely because of enrollment at the University, will not be subject to this policy except for these copyrights, see below).

- University personnel and all those using University facilities in the development of intellectual property shall properly disclose, in a reasonable and prompt manner, the conception and/or reduction to practice of potentially patentable or otherwise legally securable inventions in keeping with the time restrictions of U.S. patent or trademark law. Such disclosure shall be made to the Intellectual Properties Officer. Persons making disclosures shall execute such declarations, assignments or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights.

V. Licensing and distribution of royalties for patents and other intellectual property

1. Licensing

The President of the UNI Research Foundation or designee will, upon signature, grant written license agreements, on behalf of the UNI Research Foundation following review by IPO and approval by legal counsel.

2. Distribution of royalties

Subject to restrictions arising from overriding obligations of the University pursuant to grants, contracts or other agreements with outside organizations, the UNI Research Foundation agrees, for and in consideration of, the assignment of patent or other intellectual property rights, to pay annually to the named inventor(s), the inventor(s)' heirs, successors or assignees, a royalty share of the net proceeds received by the UNI Research Foundation for each patent or other intellectual property right assigned to the UNI Research Foundation, as shown below. In situations where additional costs are known to be forthcoming, for example when patent maintenance fees will be due, funds sufficient for payment may be withheld from distribution by the UNI Research Foundation. Where there are two or more inventors, each inventor shall share equally in the inventor's share of net proceeds, unless all inventors previously have agreed in writing to a differing distribution of such share. Modifications to existing patents and new patents that modify existing license agreements will be treated as a component of the existing patent and/or license agreement and therefore will not result in further inventor's share claims. Distribution of the inventor's share of net royalties shall be made at least annually. In the event of any litigation, actual or imminent, or any other action to maintain or protect its rights and interest in a patent or other intellectual property, the UNI Research Foundation may withhold distribution of all or any portion of net royalty or other proceeds from the patent or intellectual property in question until resolution of the matter. Of the remaining net proceeds, the shares shall be distributed as indicated in the table below. The UNI Research Foundation will not be responsible for interest payment on royalty income disbursed on or after the agreed date of disbursement.

3. Use of proceeds

Proceeds from inventions which are held by the UNI Research Foundation shall be used for the support of University research, technology deployment and scholarly activities; however, exceptions may be granted by the University President or President's designee.

The following distribution table applies only to licensing fees, royalties, and other income realized from patents or other intellectual property held by the UNI Research Foundation. Unless otherwise stipulated, income from sale of equities and other assets related to or deriving from intellectual property is not subject to distribution under this formula.

Total Net Royalty Per Invention	Inventor(s)' Share	UNI Research Foundation	University Sponsoring Unit Share
(\$)	(%)	(%)	(%)
First \$100,000	50%	25%	25%
<i>(after patent prosecution and maintenance costs are recovered by UNIRF or the USU, whichever party expended those costs.)</i>			
>\$100,000	40%	30%	30%

This distribution shall apply to all inventors who submit intellectual property disclosures on or after the effective date of this revised policy. Distribution of revenues of previous disclosures shall be governed by the distribution formula in force at the time of the disclosure.

VI. Copyrights

1. Ownership and disposition of copyrightable materials.

Copyright ownership and the rights thereof are terms provided by Federal law. The University believes that its copyright policy objectives will best be attained within the context of the Federal law by defining the equities of ownership of copyrightable material in terms of the following categories. Copyright ownership of all materials, which are developed with the use of University facilities, shall reside with the University or the UNI Research Foundation as allowed and provided by law, except as follows:

- The University will not assert ownership of copyrightable materials produced by faculty members as a part of their normal, individual teaching or scholarly activities at the University unless University ownership is specifically provided for in a related agreement.
- Copyright ownership of all materials which are developed in the course of, or pursuant to, sponsored research or other agreement(s) will be

determined in accordance with the terms of those agreement(s) or Federal or State law directly applicable to the agreement. In the absence of such agreement terms, or Federal/State law, except as provided under F.(1.)(a.) above, the copyright will be the property of the University to the extent allowed by law.

3. In the case of theses, the author(s) of a thesis shall own the thesis copyright but must, as a condition of a degree award, grant royalty-free permission to the University to reproduce and publicly distribute copies of the thesis.
2. Revenues received through the licensing of copyrights shall be shared as defined by the distribution for patent royalties.

VII. Trademarks

All trademarks held by or pertaining to the University are the exclusive property of the University. No steps shall be taken by University personnel for securing trademarks by usage or registration with respect to the University or any products resulting from the University's name or scholarly, research, athletic or other activities, except with the approval of the President, or President's designee after consultation with the University Intellectual Property Committee and the appropriate standing sub-committee. Applications for trademarks will be pursued on behalf of the University by the chair of the Permanent Standing Sub-committee on Trademarks with the approval of the Intellectual Property Officer. Revenues received through the licensing of trademarks shall be shared as determined by the President.

VIII. Other Intellectual Property

Other forms of intellectual property, including those which may emerge in the future, shall be administered by the President or President's designee after consultation with the Intellectual Property Committee in accordance with applicable law and policy governing the University's interests in inventions and patents.

IX. Making Scientific and Other Research Available to the Interested Public

Consistent with the purpose of this Policy as outlined in Section A, the scientific and other research which results in the securing of intellectual property rights for the benefit of UNI and the UNI Research Foundation under this Policy shall be made available to faculty, staff and students of the university, and to members of the general public, but only after all necessary steps have been taken to secure full legal rights to the inventions, patents, copyrights, trademarks, or other intellectual property which are subjects of this Policy. Once those rights have been secured, copies of the scientific and other research materials shall be placed in the University of Northern Iowa Library, where such material will be available to the members of the general public.

APPENDIX A

Procedures of the Intellectual Property Officer, Intellectual Property Committee, and Inventors

The Intellectual Property Officer and Intellectual Property Committee may:

1. After specific approval of the Intellectual Property Committee, waive University or UNI Research Foundation rights to an invention or other intellectual properties;
2. Recommend that patent, copyright, and license applications be submitted on behalf of UNI the UNI Research Foundation and/or the author(s) or inventor(s), and encourage the submission of trademark license applications;
3. Recommend copyright registration on behalf of the University; patents on behalf of the UNI Research Foundation and/or the author(s) or inventor(s) respectively; and encourage trademark registration on behalf of the University;
4. Recommend written license agreements on behalf of the University and/or UNI Research Foundation following approval by legal counsel in regard to patents, trade secrets, and copyrights; and encourage and support trademark license agreements.
5. Recommend purchase of licenses for non-University copyrighted material or patented inventions for University use and/or sub-license following approval by legal counsel;
6. Recommend licensure of the University's or UNI Research Foundation's copyrighted materials, trademarks and patented inventions;
7. Recommend on behalf of the University and/or inventor(s) or author(s) any agreements as may be appropriate following approval by legal counsel;
8. Obtain and maintain documentation as necessary in all matters concerning the management of intellectual properties;
9. Recommend royalty division agreements with the inventor(s) or author(s) on behalf of the UNI Research Foundation;
10. Seek out and recommend appropriate patent management and license marketing organizations, recommend to the UNI Research Foundation working contracts between such organizations and the UNI Research Foundation and, after consultation with the Intellectual Property Committee, transmit reports of invention(s) to such organizations;
11. Facilitate communication and cooperation between all parties involved; and at the behest of the University President facilitate compliance with the terms and conditions of this policy; and
12. Prepare and submit a semi-annual report on the University patent, copyright, trademark and license activities and finances to the University President, and prepare such other reports and perform such other functions as may be requested by the President or the UNI Research Foundation.
13. The IPC will make a decision to file a full disclosure with the Research Foundation within 3 months from the date of receipt of the complete disclosure. In certain cases, the IPC may also elect to file an expedited full disclosure which may be authorized for immediate transfer to the Research Foundation upon a majority affirmative vote of the members.

Procedure for Inventors

1. University personnel and contractors covered by intellectual property agreements are required to report intellectual property discoveries to the IPO.
2. The inventor and IPO (on behalf of the University and UNI Research Foundation) will sign a confidentiality agreement.
3. The inventor shall submit the "Intellectual Property Disclosure" to the IPO.
4. The Inventor will assist the IPO in conducting a patent abstract search.

5. The IPO and inventor will prepare a summary of the invention and relevant legal, marketing, and other information that may be of use to the IPC in determining how to proceed with securing and developing the invention. In certain cases an inventor, with approval of the IPO, may elect to file a Provisional Disclosure; a provisional disclosure may be activated at any time upon request of the inventor, the IPO, or the IP Committee, provided that requirements for adequate documentation and legal authorization have been met.
6. The IPC may invite the inventor to make an oral presentation to the IPC, in executive session, at the next meeting after the Intellectual Property Disclosure is received by the IPO.
7. At the time of transfer, the inventor will assign all rights to the invention to the University of Northern Iowa Research Foundation.

Procedures for Committee Meetings and Disclosures

1. Meetings

1. **Frequency:** Quarterly, and when called by the Chair of the committee.

2. **Agenda:**

1. General meeting(s). Policy matters including activity report, financial report and general business.
2. Executive Session(s) (as needed for specific Standing Sub-Committees). Presentation of disclosures by inventors; committee discussion of disclosures and actions to take regarding past disclosures; and confidential licensing agreements.

2. Budget

Budget will be derived from funds advanced by the UNI Research Foundation on an annual basis and other funds sources identified by the University. The Chair of the committee and the Intellectual Property Officer (IPO) or designee will have signature authority for expenses directly related to legal services and other costs associated with preparation or development of approved disclosures.

Academic Affairs Council, approved 2009 Intellectual Property Committee, approved April 29, 2009. President's Cabinet, approved June 9, 2009.



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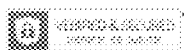
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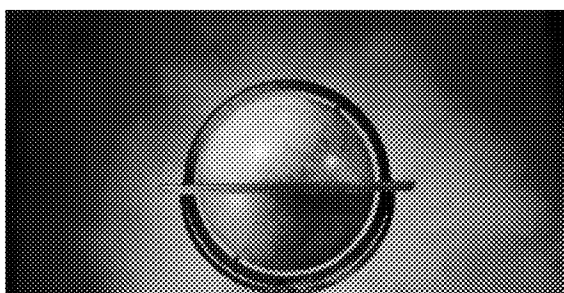
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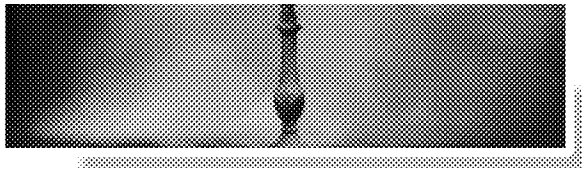
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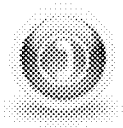


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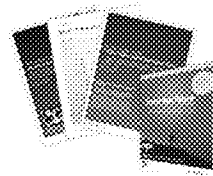


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Request Patently Brilliant's **FREE** Info and learn why "**Getting a patent ISSUED is the ISSUE.**" Discover insider secrets how most companies only help FILE PATENTS that expire worthless and NEVER ISSUE. Trust Patently Brilliant's full service, in-house legal, engineering & marketing team.

Patently Brilliant helps new inventors navigate their way from a rough sketch to a patent, to a prototype, to the marketplace. With in-house **Patent Attorneys/Agents, Engineers, and Marketing Experts**, we're the perfect resource to give the first-time inventor their best chance!

Inventors should be aware that bringing an invention from an idea to a marketed product takes time, costs money and should be considered a high risk venture. Patently Brilliant offers guidance but no one can guarantee success.

Your Invention May Be Our Next Success Story!

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VIDEO: Inventor Geraldo on why he chose Patently Brilliant

Meet Our Founder



Robert Montgomery has been helping inventors since the mid-1980s. The most important lesson for every serious inventor is to develop a coordinated plan of attack that includes **legal, technical** and **marketing**.



How Patently Brilliant Is Different:

Considering a self-help legal website? If you know exactly what you're doing, that might be a way to go—but to avoid costly pitfalls, team up with the *only* company who has in-house:

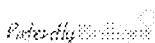
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Why Patently Brilliant?

Everything you need to patent, develop and sell your invention under 1 roof.

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Free Invention Idea Review	✓	✓	✓	✓
Design and Marketing	✓	✓	✗	✓
Prototype Development	✓	✓	✗	✓
Fixed Price Patent Services	✓	✓	✗	✗
Licensed Patent Pros	✓	✗	✓	✗
Engineering Feasibility Study	✓	✗	✗	✗
Engineers In-House	✓	✗	✗	✓
Custom Commercialization	✓	✗	✗	✗
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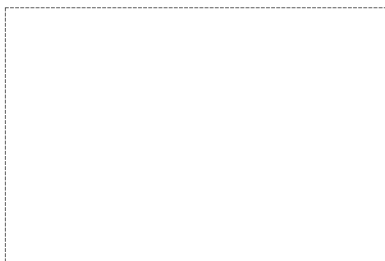
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Need idea help? Idea4Invention.com is a one-stop site to help innovators get their invention ideas realized. We work with the top companies in the industry to help you prepare, package and license your ideas.

Believe it or not, the process of turning an idea that exists only in your mind into a real-life product can be complicated. At Idea4Invention.com, we can help you better understand the process, so you can take the necessary steps toward making your idea a reality.

From learning the difference between Patents, Trade Secrets, Copyrights and Trademarks to creating a prototype and putting your finished product out on the open market, we can help. The invention process can be difficult without the proper guidance and support – even some of the world’s most recognized inventors have failed a time or two.

With Idea4Invention.com, you can get the invention assistance you need. To get started, answer the questions on the left. They’ll help our partner companies and invention investors gain a better understanding of your product, so they can make more insightful recommendations to help you on your journey.



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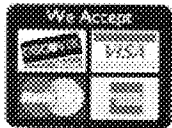
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Getting Started - Info For New Inventors

The patent process can seem like an overwhelming task for the new inventor. Here are a few tips to help you get started:

1. Work with a registered patent attorney. This will insure your idea is handled with strict confidentiality and the expertise of a person who has years of experience with the patent process.
2. Put your idea down on paper. A confidential disclosure and record of invention form is included in our free [brochure](#).
You may also choose our free no obligation [online submission form](#). Upon receipt we will email you the attorney's evaluation and price quote for writing of the patent application.
3. Have a patent search conducted. A search is optional but it will determine if your idea has already been patented or is already in the public domain.
4. Proceed with the patent application process. The attorney will work with you until every detail is to your liking. Once completed the application is sent to the United States Patent and Trademark Office where it will await review by a patent examiner.

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Types Of Intellectual Property

Patents:

Areas Covered: whoever invents or discovers any new and useful process, machine, manufacture or composition of matter or any new and useful improvement thereof may obtain a patent.

Average Cost:

- **Utility Patent: \$7,650** (internet, electronic, chemical and business methods are normally higher). This includes filing fee, professional drawings & technical specifications. An optional patent search is available (suggested & advisable) for an additional **\$750**. Additional Fees: amendments (if required), printing, issue, publication and maintenance fees for 3, 7 & 11 years after issue. Not included is the cost of enforcement.
- **Design Patent: \$1,670** (a design patent only protects the appearance of an item)
- ***Additional Fees [Click Here](#)**

Typical Items That May Be Protected:

- **Utility Patent:** tools, devices, machines, computer programs, games, processes, formulas, internet, electronic, chemical and business methods, etc.
- **Design Patent:** shapes of articles, dolls, characters, etc.

Duration of Patent:

- **Utility Patent:** 20 years from filing.
- **Design Patent:** 14 years from date granted.

Area of Coverage:

- **USA** and/or Country of Grant
- **PCT:** (Patent Cooperative Treaty - Available For Multi-Country Filing)

Renewable: No

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Copyrights

Areas Covered: artistic works that typically appeal to the senses such as sight and sound.

Average Cost: **\$430** including filing fee. Copyright search not necessary. Not included is cost of enforcement.

***Additional Fees Click Here**

Typical Items That May Be Protected: books, songs, dolls, plays, poems, sculptures, paintings, photographs, computer programs, written materials, etc.

Duration of Copyright: life of author plus 70 years

Area of Coverage: Worldwide for participating countries.

Renewable: No

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Trademarks

Areas Covered: sources of goods or services

Average Cost: \$1,075 including filing fee. An optional Trademark search is available (and advisable) for an additional **\$1,100**. Not included is cost of enforcement. Add **\$475** for each additional class.

***Additional Fees Click Here**

Typical Items That May Be Protected: names, logos, designs, **Internet domain names**, etc.

Duration of Trademark: 10 years

Area of Coverage: Country of Registration

Renewable: Yes

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Types Of Intellectual Property

	Utility Patent (functional)(1)(2)(3)(a)(b)	Design Patent (appearance)(1)(3)	Copyrights(3)	Trademarks (3)(c)(e)(f)
#	Whoever invents or discovers any new and useful process, machine, manufacture or composition of matter or any new and useful improvement thereof may obtain a patent	Whoever invents or discovers any new and useful process, machine, manufacture or composition of matter or any new and useful improvement thereof may obtain a patent	Artistic works that typically appeal to the senses such as sight and sound	Source of goods or services
Typical items that may be protected	tools, devices, machines, computer programs, games, processes, formulas, internet, electronic, chemical and business methods etc.	shapes of articles, dolls, characters, etc.	books, dolls, plays, poems, sculptures, paintings, photographs, computer programs, software, written materials, etc.	names, logos, designs, internet domain names, etc.
Duration of protection	20 years from filing	14 years from date granted	Life of author plus 70 years	10 years
Area of coverage	Country of filing	Country of filing	Worldwide	Country of filing
Renewable	No	No	No	Yes
Average fee (varies according to complexity)	\$7,650 and includes filing fee, professional patent drawings and technical specifications	\$1,670 and includes filing fee, professional patent drawings and technical specifications	\$430 and includes filing fee	\$1,075 and includes filing fee
Average cost of optional search	\$750 (d)	\$750 (d)	Not Necessary	\$1,100

***** Additional fees: - (Subject to Patent Office adjustments)**

- Amendment (s) (if required)- \$ 0 to 3500 (each) - issue and printing fees-\$1685 utility, \$1,305 design
 - For personal interviews, phone interviews and amendments our firm engages the following highly qualified personnel who are all registered to practice before the US Patent and Trademark Office: Michael I Kroll, Registration #26,755; Leonard Belkin, Registration #18,063; Edwin D. Schindler, Registration #31,459; and Joseph C. Merek, Registration #57,953
- Maintenance fees due (year after issue): 3 to 3 1/2-\$925; 7 to 7 1/2-\$1800; 11 to 11 1/2--\$2755
- Patent enforcement not included.

Additional notes:

- Above typical fees subject to conformation after receipt of client's disclosure.
- Internet, electronic, chemical and business methods are normally higher.
- Add \$475 for each additional class.

- d. Most patent applications are unpublished (confidential) and therefore not searchable unless they are published and accordingly unpublished (confidential) applications are not available when a search is performed.
- e. For Intent To Use applications each 6 month extension prior to filing a Statement Of Use (5 extensions permitted) add \$475; to file a Statement of Use add \$550.
- f. For both Actual Use and Intent To Use applications.

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Patents Obtained By

law offices of **MICHAEL I. KROLL**, Registered Patent Attorney, U.S. Patent Registration # 26,755

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<u>DATE</u>	<u>PATENT#</u>	<u>STATE</u>	<u>INVENTOR</u>	<u>TITLE</u>
10/28/13	ALLOWED	MI	M. Dandridge	Insulative Battery Warmer 2025
10/04/13	ALLOWED	NC	A. Mendez	Gun Rail Article 2024
09/16/13	ALLOWED	CO	J. Tafoya	Forced Air Thermal Evaporator tafoya,j-2cip 2023
08/30/13	ALLOWED	NC	M. Leonard	Detachable Ignition System For Internal Combustion Engines 2022
08/26/13	ALLOWED	WA	E. Taneda	Surface Cleaning System et-2 2021
08/12/13	ALLOWED	WI	G. Davig	Remote Interactive Sexual Stimulation Device 2020
07/23/13	ALLOWED	FL	G. Dornfeld	Wireless Motorized Wheel System For Ladders dornfeld,g-2 2019
07/22/13	ALLOWED	NV	A. Kelly	Body Spritzer Formulation & Application ak-3 2018
07/15/13	ALLOWED	MS	B. Marble	Secure Self Adhering IV Catheter Assembly bm-1 2017
11/12/13	8,579,800	Columbia	Emura/Torres	Systematic Chromoendoscopy and Chromocolonoscopy torres,r-2 2016
10/22/13	8,561,719	NJ	W. Shoaf	Computerized Boring System w Bore Head Sensors shoaf,w-2 2015
10/22/13	8,561,238	AL	R. Inget	Hitch Receiver Mounted Tailgate Ramp 2014
10/15/13	8,559,624	HI	E. Zajac	Cyphometry w Ciferglifs Chaotiglyphs & Word Auras 2013
10/08/13	8,549,687	NY	M. Alexander	Multi-Function Hand Tool alexander,m-2 2012
09/10/13	8,529,481	NY	W. Lois	<u>Appendage Covering System</u> wl-5 2011
09/03/13	8,523,574	Canada	T. Juranka	Microprocessor Based Vocabulary Game tj-22010
09/03/13	8,523,125	NY	C. Jardine	Mountable Soap Dish 2009
08/13/13	8,506,100	NY	J. Parendamano	Hat Brim w Rearview Mirrors 2008
08/13/13	8,505,954	NY	R. Haley	Rotative Anti-Theft Bar Lock For Tractor Trailers haley,r-1 2007
07/30/13	8,496,537	NJ	M. Shao	Golf Putting Training Device 2006
07/30/13	8,496,483	NY	G. Walters	Educational Toy w/ Interchangeable Spheres walters,g-2 2005
07/30/13	8,496,039	NY	V. Barresi	Privacy Glass Cover Door Blind 2004
07/30/13	8,495,897	NJ	T. Koc	Overhead Door Lock 2003
07/30/13	8,495,828	CA	Feldman/Gray	Canvas Stretching Locking Pliers 2002
07/30/13	8,495,827	NY	M. Aydin	Pants Pressing Machine w Laser Alignment ma-2cip 2001

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07/09/13	8,479,787	NY	Sahadeo/Mesiha	Motor Vehicle Snow & Ice Cover sahadeo,l-1 2000
07/09/13	8,479,462	NY	Sahadeo/Mesiha	Window Insulation Impermeable Sheet sahadeo,l-2 1999
06/18/13	D684,551	CA	P. Nguyen	Wafer Polishing Pad Holder pn-11 1998
06/18/13	8,466,796	NY	Mejia/Rodriguez	Blood Alcohol Indicator Device 1997
06/18/13	8,464,365	NY	Numm/Trapani	Breakaway Sports Pants w Separable Zippers dn-1cip 1996
06/04/13	8,454,019	CA	F. Stuempfl	American Conspiracy Board Game 1995
06/04/13	8,453,442	IA	M. Tran	Underwater Air Power Generator 1994
06/04/13	8,453,274	VT	L. Olmstead	Gel Enclosed Bedpan 1993
06/04/13	8,453,265	FL	Forte/Geraci	Apparel Attachable Detachable Display Frame forte,m-1cip 1992
05/07/13	8,436,485	NY	L. Smith	Smith Engine ls-3 1991
04/30/13	8,429,827	GA	F. Wetzell	Electronic Cooking Utensil w/ Time & Status Indicator 1990
04/09/13	8,414,367	CT	Virag/Patrick	Window Mounted AC Safety Net 1989
04/09/13	8,414,361	CA	Nguyen/Tran	Silicon Carbine Templates nguyen, p-7 1988
04/02/13	8,407,853	TX	J. Baxt	<u>High Place Vacuum Cleaner Attachment</u> 1987
04/02/13	8,407,827	CA	A. Friedman	Spatially Reactive Water System af-1 1986
03/26/13	D678745	CA	P. Nguyen	Spinning Insert Polishing Pad pn-10 1985
03/12/13	8,394,042	WI	M. Mirza	Portable Sequential Compression Device mm-1 1984
03/05/13	8,388,168	NY	S. Li	Solar Extendable Tray Mailbox li,s-2 1983
02/19/13	8,380,298	NY	T. Chi	Magnetic Acupuncture Needle tc-1 1982
02/19/13	8,376,699	WI	M. Hallett	Vortex Hydro Turbine mh-1 1981
02/19/13	8,375,545	HI	H Sim	Adjustable Automotive Suspension Tool hs-3cip 1980
02/19/13	8,375,517	NY	T. Johnsen	Hinge w/ Horizontal & Vertical Adjustments johnsen,t-1 1979
01/29/13	8,359,862	KS	D. Sellin	Steam Turbine Engine 1978
01/15/13	8,353,282	Germany	R. Fischer	Disposable Stove Top Cover rf-2 1977
01/01/13	8,344,893	NY	SM Drammeh	Hygienic Assurance System 1976

11/20/12	<u>8,313,112</u>	NY	J. Lyon	Sand Sled 1975
10/30/12	<u>8,298,162</u>	Italy	A. Del Giglio	Shock Wave Skin & Adipose Tissue Treatment 1974
10/30/12	<u>8,296,882</u>	MD	F. Esposito	Pet Safety Guard For Beds 1973
10/23/12	<u>8,292,099</u>	VA	M. Wahlstrom	Compartmentalized Baby Bottle 1972
10/02/12	<u>8,276,871</u>	NJ	V. DeRienzo	Universal Turntable For Christmas Tree Stands 1971
08/07/12	<u>8,234,804</u>	NY	J. Rush	<u>Laser Etched Article w Illuminable Housing</u> 1970
08/07/12	<u>8,234,721</u>	NY	J. Cestare	Headgear w Integrated Game Netting 1969
07/24/12	<u>8,226,540</u>	NY	T. Chi	Acupuncture Needle With Magnetized Handle tc-3 1968
07/24/12	<u>8,225,806</u>	RI	A. Simonelli	Umbrella Having Deployment Retainers as-2 1967
07/17/12	<u>8,220,364</u>	AZ	J. Mecham	Extending Usable Life Of Safety Razors 1966
07/03/12	<u>8,210,382</u>	NY	T. Gigger	Lock For Home Heating Oil Fuel Port 1965
07/03/12	<u>8,209,875</u>	KY	D. Harris	Precision Shaft Alignment System dh-2 1964
06/19/12	<u>8,201,684</u>	NY	T. Torrellas	Reusable Garment Bag 1963
06/19/12	<u>8,201,294</u>	NY	H. Lee	Triple Helix Horizontal Spanning Structure 1962
06/12/12	<u>8,198,761</u>	PA	R. Sanford	<u>Magnet Drive Motor</u> 1961
06/12/12	<u>8,197,178</u>	NY	F. Chen	Windmill Application To Harvest Energy On Ships fc-1 1960
06/05/12	<u>8,193,440</u>	Saudi Arabia	H. Hajjar	Hybrid Electric Generator 1959
05/22/12	<u>8,182,315</u>	CA	P. Nguyen	Chemical Mechanical Polishing Pad pn-6 1958
05/15/12	<u>8,177,061</u>	CA	R. Sandberg	Ski Cover For A Snowmobile Ski 1957
05/08/12	<u>8,176,022</u>	NJ	K. Garcia	Dynamic Locking Protocol W Shared Memory 1956
05/08/12	<u>8,175,713</u>	Switzerland	J. Cywinski	Electro-Stimulation To Pump Blood From Legs je-4 1955
05/08/12	<u>8,171,872</u>	FL	R. Jenkins	Interactive Submersible Tow Craft rj-2 1954
03/20/12	<u>8,136,486</u>	WA	P. Von Beck	Spark Timing Control For Use With Biofuel / Gas 1953
03/13/12	<u>8,134,246</u>	NY	W. Lois	Wind Driven Generator wl-7 1952
03/06/12	<u>8,127,385</u>	NY	E. Goutevenier	Infant Head Rest & Angular Support Pillow eg-2 1951
02/28/12	<u>8,123,587</u>	NY	C. Liegey	Convertible Bra 1950
02/28/12	<u>8,122,558</u>	NM	M. Gary	Personal Hygiene Device 1949
02/21/12	<u>8,118,694</u>	MA	L. Oliveira	Arrow Tip w/ Retractable Blade Members 1948
02/21/12	<u>8,118,182</u>	NY	R. Licari	Ergonomic Beverage Container 1947
02/14/12	<u>8,113,587</u>	NY	M. Zarinfar	Portable Lift Chair 1946
01/24/12	<u>8,100,378</u>	NY	P. Casini	Coupling System For Concrete Support Columns pc-2 1945
01/03/12	<u>8,087,843</u>	NY	Ottaviani/Spinelli	Liquid Dentrifice Dispensing Toothbrush 1944
11/29/11	<u>8,066,118</u>	ID	M. Van Tassell	Using Nonwoven Towels For Dairy Industry Use 1943
11/22/11	<u>8,061,548</u>	FL	J. Peggs	Segregation Disk For Collapsible Container jp-2 1942
11/22/11	<u>8,061,068</u>	CA	S. Donovan	Nursing Bra Breast Feeding Indicator 1941
10/18/11	<u>8,037,978</u>	HI	D. Boren	Eddy Current Braking System db-1 1940
10/04/11	<u>8,028,555</u>	NY	A. Lurie	Pre-Assembled Cam Lock Assembly 1939
09/27/11	<u>8,025,131</u>	HI	D. Boren	Eddy Current Braking System For Trolley db-2 1938
09/13/11	<u>8,016,079</u>	IN	D. Huls	Fold Out Pivotal Sawhorse 1937
08/30/11	<u>8,006,416</u>	NY	M. Aydin	Pants Pressing Machine ma-1 1936
07/05/11	<u>7,972,048</u>	MA	S. Lamborn	Window Mounted Solar Powered Night Light 1935
06/21/11	<u>7,964,787</u>	FL	D. Jaisinghani	Hybrid Solar Power Generator dj-3 1934
06/14/11	<u>7,959,588</u>	CA	M. Wolpa	Pressureable Compression Wrap 1933
06/07/11	<u>7,956,271</u>	NY	A. Jonas	<u>Musical Rhythmic Teaching Block System</u> 1932
05/03/11	<u>7,934,662</u>	FL	R. Jenkins	Thermostatic Water Mixing Unit 1931
04/26/10	<u>7,931,340</u>	MA	W. Reddick	Tetraframe Component of Furniture 1930
04/19/11	<u>7,927,680</u>	TX	D. Marshall	Temporary Facial Decal 1929
04/19/11	<u>7,926,773</u>	AZ	T. Duke	Clamps For Motor Vehicle Frame Straightener td-2 1928
04/05/11	<u>7,918,650</u>	NJ	E. Papp	<u>Electric Generating System</u> 1927
03/29/11	<u>7,913,975</u>	MS	T. Haynes	Mechanized Container & Hamper Stacker th-2 1926
03/29/11	<u>7,913,883</u>	NY	S. Kaufman	<u>Hygienic Disposable Dentrifice Applicator</u> sk-4 1925
03/08/11	<u>7,900,494</u>	CA	I. Chavez	Trailer Bed Frame Straightener 1924
01/18/11	<u>7,870,834</u>	FL	D. Cundiff	Rotatable Workpiece Painter's Stand 1923
01/18/11	<u>D630,821</u>	CA	S. Anderson	Blouse 1922
01/11/11	<u>7,868,743</u>	NY	C. Brown	Alarm Termination Floor Apparatus 1921
01/11/11	<u>7,866,958</u>	PA	A. Patel	<u>Solar Powered Fan</u> 1920
01/11/11	<u>7,866,500</u>	FL	J. Peggs	Collapsible Polymeric Bellows Storage Tube 1919
01/11/11	<u>7,866,097</u>	CT	C. Moyher	Radon Venting Concrete Forms cm-2 1918
01/04/11	<u>7,862,841</u>	NV	M. Boyd	Multiple Serving Container 1917
01/04/11	<u>7,862,285</u>	GA	M. Dove	Compressor Trolley 1916
01/04/11	<u>7,861,552</u>	HI	S. Hughes	Insulated Food Carrier & Organizer 1915
12/21/10	<u>7,854,077</u>	CA	M. Jauregui	Shoe Having Configurable Message Board 1914
12/14/10	<u>7,850,538</u>	Korea	H. Yoon	Golf Club Having Two Divergent Faces 1913
11/30/10	<u>7,844,316</u>	FL	C. Botero	EKG Cable cb-2 1912
11/30/10	<u>7,841,269</u>	MI	K. Jacobs	<u>Defense Barrier For Motor Vehicles</u> 1911

11/09/10	<u>7,828,614</u>	NC	W. Cribbs	<u>Piggyback Auxiliary Motor Bracket</u> 1910
11/09/10	<u>7,827,937</u>	AL	D. Walter	Marine Life From Habitat dw-3 1909
10/26/10	<u>D625,896</u>	Canada	J. Flaksman	Food Wrap df-1 1908
10/26/10	<u>7,818,907</u>	MO	F. Warrington	Ornamental Sun Visor Cover 1907
09/28/10	<u>7,803,027</u>	FL	H. Detweiler	Watercraft Paddle Propulsion System 1906
08/31/10	<u>7,785,541</u>	NY	D. Fiorello	Laser Targeted Remote Bee Nest Destroyer 1905
08/24/10	<u>7,783,400</u>	NY	P. Zimler	Smart Car Ice & Snow Eliminator 1904
08/24/10	<u>7,780,640</u>	FL	J. Amador	Spill Proof Catheter Collector Bag 1903
08/24/10	<u>7,780,394</u>	PA	S. Becker	Lift Platform For Vehicle Hitch Receivers sb-2 1902
08/17/10	<u>D621,867</u>	CA	D. Kutzner	Sunglasses dk-1 1901
07/27/10	<u>7,762,982</u>	CA	D. Shah	Breast Implant Fill Device 1900
07/20/10	<u>7,757,456</u>	MI	W. Fontecchio	Snow Retention System 1899
07/13/10	<u>7,754,138</u>	Japan	A. Kashiwase	Manufacturing Stackable Containers 1898
07/13/10	<u>7,753,284</u>	NY	A. Raitzes	Buoyant Straw Device 1897
07/06/10	<u>7,748,583</u>	NY	D. Woltman	Article Holster 1896
06/15/10	<u>7,735,277</u>	AR	C. Everhart	Simulated Brick Building Panel 1895
06/08/10	<u>7,730,564</u>	KY	M. Moore	Display For Dolls & Stuffed Animals mm-2 1894
06/01/10	<u>7,727,609</u>	NY	D. Crasno	InterLocking T-Foam Impact Barrier Wall 1893
06/01/10	<u>7,725,958</u>	NY	M. Gilmore	<u>Shoulder Strap Retainer</u> 1892
04/27/10	<u>7,705,736</u>	NY	J. Kedziora	Data Logging System For Animal Research 1891
04/27/10	<u>7,703,822</u>	NY	A. Giacalone	Combination Rake & Shovel Tool 1890
04/27/10	<u>7,703,622</u>	FL	M. Bynoe	Compartmentalized Containers 1889
04/20/10	<u>7,699,414</u>	NJ	R. Shevrin	Drawer Cover To Prevent Jams 1888
04/06/10	<u>7,690,725</u>	NY	C. Rawlings	<u>Retractable Furniture Saver Cover</u> cr-1 1887
03/30/10	<u>7,685,754</u>	FL	R. Torres	Storm & Hurricane Signage 1886
03/23/10	<u>7,683,771</u>	NY	B. Loeb	Configurable Control Panel / Dashboard Display bl-3 1885
03/09/10	<u>7,673,585</u>	NY	A. Emmi	<u>Decorative Cat Litter Box Enclosure</u> 1884
02/16/10	<u>7,663,859</u>	Zambia	M. Patel	Electrostatic Footwear 1883
02/16/10	<u>7,663,281</u>	AK	J. Nau	<u>Magnetic Field Generating Device</u> 1882
02/09/10	<u>7,659,808</u>	NC	Cooper/Bayer	Automotive Messaging Display Unit 1881
01/26/10	<u>7,653,585</u>	NY	E. Guerra	Real Estate Commission Bid System 1880
01/19/10	<u>7,648,473</u>	NY	J. Peruvingal	Traction Extension Table 1879
01/19/10	<u>7,648,449</u>	FL	R. Detert	Aquatic Exercise Device 1878
01/19/10	<u>7,648,050</u>	CT	S. Ehlers	Fluoride Dispenser 1877
12/22/09	<u>7,634,845</u>	HI	H. Sim	Automotive Suspension Tool hs-2 1876
12/15/09	<u>7,632,221</u>	NC	S. Kolander	Cable Cross Trainer Apparatus 1875
12/15/09	<u>7,631,870</u>	WA	D. Bennett	Holy Bible Learning Activity 1874
12/15/09	<u>7,631,377</u>	MI	A. Sanford	Bed Ventilator Unit 1873
11/17/09	<u>7,618,288</u>	NY	F. DiFusco	Quick Connect Spring-Clamp Light Bulb Socket fd-3 1872
11/17/09	<u>7,618,085</u>	GA	G. Bean	Fifth Wheel Trailer Housing Boat gb-2 1871
11/17/09	<u>7,617,840</u>	WI	R. Zinda	Self Packing Non Leak Hose Storage System 1870
11/10/09	<u>7,614,100</u>	WA	W. Barrington	Utility Blanket w/ Securing Strap 1869
10/27/09	<u>7,608,171</u>	Canada	S. Otukol	<u>Filtration System & Process</u> 1868
10/27/09	<u>7,607,272</u>	WA	S. Woolworth	Drywall Expansion Joint 1867
10/20/09	<u>7,604,290</u>	NY	R. Giordano	Cooler Bench Seat 1866
09/29/09	<u>7,594,335</u>	MS	M. Schmitz	Bow Sighting Device 1865
09/01/09	<u>7,582,205</u>	NE	A. Fiscella	Brine Mixing Apparatus 1864
08/18/09	<u>7,575,448</u>	TX	J. Whittington	Welding Ground Clamp jw-3 1863
08/18/09	<u>7,575,356</u>	Canada	W. Bouchard	Birthday Cake Costume Jewelry 1862
08/18/09	<u>7,575,178</u>	Canada	Loewen/Gaida	Heat Recovery Apparatus 1861
08/04/09	<u>7,568,560</u>	NJ	W. Lin	Brake Rotor 504 1860
07/21/09	<u>7,563,237</u>	IL	J. Murphy	Cranial Correction Orthoses 1859
07/21/09	<u>7,562,777</u>	TX	N. Seenivasan	Flotation Cell Injector ns-3 1858
07/21/09	<u>7,562,690</u>	NJ	J. Loweth	Suspended Bed Tent 1857
06/30/09	<u>7,555,405</u>	AZ	J. Antanies	Computerized Chart For Data Analysis 1856
06/23/09	<u>7,549,787</u>	CT	L. Blaymore	Lock Mechanism For Fluorescent Lamp Sockets lb-3 1855
06/09/09	<u>D594,040</u>	IN	S. Cadwallader	Turbo Pump Dispersion Blade sc-2 1854
06/09/09	<u>7,545,627</u>	NY	J. Lantigua	Lapdesk Dual Interface Computer jl-2 1853
06/09/09	<u>7,544,331</u>	AL	R. Pettaway	Vehicle Lighter Air Freshener 1852
06/09/09	<u>7,544,271</u>	TX	N. Seenivasan	Open Flootation De-Inking Module ns-1 1851
06/09/09	<u>D593,891</u>	NY	J. Di Grazia	Personalized Tag Bracelet jd-2 1850
05/26/09	<u>7,538,300</u>	IN	Tippmann/Lehman	Polygonal Cooking Apparatus 1849
05/26/09	<u>7,537,674</u>	TX	N. Seenivasan	Closed Flootation De-Inking Module ns-2 1848
05/26/09	<u>7,537,250</u>	CT	J. Gustafson	Cabinet Child Safety Lock 1847
05/26/09	<u>7,537,226</u>	FL	H. Collazo	<u>Light Truck Support Lift</u> 1846

05/26/09	<u>7,536,970</u>	LA	McCoy/Hiller	<u>Portable Hydraulic Master Ratchet</u> 1845
05/12/09	<u>7,532,258</u>	NY	M. Galgano	<u>Video Controller w/ Speaker & Volume Control</u> 1844
04/28/09	<u>7,523,949</u>	NY	S. Gallfin	<u>Combo Baggage Tote & Posture Chair</u> 1843
04/21/09	<u>7,520,408</u>	NJ	A. Smith	<u>Dripless Hot Glue Gun</u> 1842
04/14/09	<u>7,517,290</u>	NC	J. Springer	<u>Practice Device For Softball Pitchers</u> 1841
04/07/09	<u>7,513,711</u>	AL	D. Walter	<u>Artificial Marine Reef Inducement Structure dw-2</u> 1840
02/03/09	<u>7,485,309</u>	HI	Wijitphan/Bougnarith	<u>Stimulate Resin Formation on Aquilaria's Trunk</u> 1839
01/20/09	<u>7,479,076</u>	CA	J. Verga	<u>One Touch Tennis Ball Retriever</u> 1838
01/13/09	<u>7,476,318</u>	CA	J. Tibban	<u>Drilling Mud Tank jt-2</u> 1837
01/13/09	<u>7,476,043</u>	FL	A. Rivas	<u>Fingertip Writing Instrument</u> 1836
01/13/09	<u>7,475,580</u>	CA	D. Page	<u>Pipe Bending Clinometer</u> 1835
01/13/09	<u>7,475,575</u>	NY	Greenfield/Monoson	<u>Theft Prevention Security Device jg-6</u> 1834
01/06/09	<u>7,473,213</u>	ME	T. Kallenbach	<u>Wrist Saver Exercise Handle</u> 1833
01/06/09	<u>7,472,917</u>	NE	K. Loudon	<u>Wheel Barrow Coupling Trailer</u> 1832
12/23/08	<u>7,468,562</u>	Canada	M. Barbic	<u>Intermittant Electrical Charging AC/DC Driving System</u> 1831
12/16/08	<u>7,464,982</u>	NY	Lin, Jin, Zhao	<u>Vehicle Protecting Cover Device</u> 1830
12/09/08	<u>D582,569</u>	GA	J. Moreau	<u>Sheet Piling jm-5</u> 1829
12/02/08	<u>7,458,558</u>	NJ	P. Toth	<u>Controlled Method & Apparatus For Releasing Pressure</u> 1828
11/25/08	<u>7,455,348</u>	MN	D. Grover	<u>Cab Top Carrier For Fifth Wheel/Tow Vehicles</u> 1827
11/18/08	<u>7,451,962</u>	PA	K. Kennedy	<u>Anchoring Turnbuckle Expander/Contractor</u> 1826
11/18/08	<u>7,451,875</u>	PA	K. Norris	<u>Nesting System For Storing Containers</u> 1825
11/11/08	<u>D580,329</u>	TX	B. Kerr	<u>Snake Head Vehicle Exhaust Tip bk-2</u> 1824
11/11/08	<u>7,449,995</u>	NC	E. Clanton-Holloway	<u>Oil Change Meter</u> 1823
11/11/08	<u>7,448,095</u>	NY	I. Araeliaho	<u>Time Tub</u> 1822
10/21/08	<u>7,438,148</u>	NY	D. Crea	<u>Motorized Child Riding Toy With Remote</u> 1821
10/14/08	<u>7,434,348</u>	OR	M. Welch	<u>Fishing Pole Strike Alert</u> 1820
10/07/08	<u>7,431,231</u>	HI	T. Saiki	<u>Portable Shredding Device</u> 1819
09/23/08	<u>7,426,899</u>	AZ	R. Heva	<u>Flag Raising Guiding Device</u> 1818
09/16/08	<u>D576,935</u>	TX	B. Kerr	<u>Skull Motor Vehicle Exhaust Tip bk-3</u> 1817
08/26/08	<u>7,416,250</u>	NY	R. DiFilippo	<u>Motorcycle Seat Cover</u> 1816
08/26/08	<u>7,415,932</u>	CA	V. Ngo	<u>Portable Article Support Structure</u> 1815
08/19/08	<u>7,413,456</u>	NY	F. DiFusco	<u>Quick Connect Light Bulb Socket fd-2</u> 1814
08/19/08	<u>7,413,381</u>	FL	D. Fuscone	<u>Septic System Drain Field db-2</u> 1813
08/12/08	<u>7,409,773</u>	SC	C. Gioia	<u>Tile Angle Measurement Device cg-2</u> 1812
08/05/08	<u>7,406,769</u>	NY	R. Toussaint	<u>Pipe Cutting Apparatus</u> 1811
07/08/08	<u>7,395,805</u>	AK	S. MacMurray	<u>Single Cycle Rotary Engine</u> 1810
07/01/08	<u>7,393,116</u>	TN	S. Holmes	<u>Plant & Room Illumination Apparatus</u> 1809
06/24/08	<u>7,389,739</u>	FL	D. Smith	<u>Tailgate Position Indication Marker</u> 1808
06/24/08	<u>D571,686</u>	TN	C. Gaines	<u>Religious Cross</u> 1807
06/17/08	<u>7,387,480</u>	GA	G. Bean	<u>Pro Angler Equipment Trailer gb-1</u> 1806
06/17/08	<u>7,387,225</u>	WA	M. Fox	<u>Garment Attachable Elastomeric Lanyard</u> 1805
06/10/08	<u>7,386,227</u>	CT	D. Henderson	<u>Method For Photographic Illumination</u> 1804
05/27/08	<u>7,376,982</u>	West Indies	V. Pencheon	<u>Toilet Bowl Venting Apparatus vp-3</u> 1803
05/20/08	<u>7,376,909</u>	NY	T. Coyle	<u>Digital Calendar</u> 1802
05/13/08	<u>7,370,779</u>	NY	R. Dunkirk	<u>Coat Hanger Extension Sleeve</u> 1801
05/13/08	<u>7,370,725</u>	NJ	G. Dornfeld	<u>Motorized Rungless Ladder</u> 1800
04/29/08	<u>7,363,760</u>	OR	C. McCrea	<u>Thermodynamic Free Walking Beam Engine</u> 1799
04/29/08	<u>7,363,722</u>	NY	D. Brinkmoeller	<u>Support Apparatus For Dimensional Lumber</u> 1798
04/22/08	<u>7,360,281</u>	FL	MacCartey/Vaught	<u>Tie Wrap w/Cutting Device</u> 1797
04/15/08	<u>7,357,527</u>	ID	T. Meyers	<u>Solar Sign Light</u> 1796
04/01/08	<u>7,350,520</u>	IL	L. Richard-Bey	<u>Nebulizer Delivery Device</u> 1795
04/01/08	<u>7,350,337</u>	NE	G. Orosz	<u>Tile Protector Platform</u> 1794
04/01/08	<u>7,350,244</u>	CA	A. Handley	<u>Detachable Shower Liner</u> 1793
03/25/08	<u>7,347,573</u>	OH	G. Isler	<u>Portable, Foldable Mirror</u> 1792
03/18/08	<u>7,344,209</u>	HI	T. Miyashiro	<u>One-Way Drawer Stop tm-1</u> 1791
03/11/08	<u>7,343,261</u>	WI	C. Kell	<u>Underwater Sensor Transmitter Probe ck-6</u> 1790
03/11/08	<u>7,340,929</u>	MA	E. Christopoulos	<u>Axially Rotative Rekeyable Lock</u> 1789
03/04/08	<u>7,339,492</u>	PA	M. Alexander	<u>Multi-Media Wireless System ma-1</u> 1788
03/04/08	<u>7,339,462</u>	NY	C. Diorio	<u>Reverse Gear Volume Reducer</u> 1787
03/04/08	<u>7,338,050</u>	CA	R. Tellez	<u>Expansion Joint Gasket</u> 1786
03/04/08	<u>7,337,577</u>	CA	J. Ramirez	<u>Fishing Pole Strike Indicator jr-3</u> 1785
02/26/08	<u>7,335,134</u>	IN	R. LaVelle	<u>Exercise & Game Controller</u> 1784
02/26/08	<u>7,334,768</u>	HI	S. Lum	<u>Collapsible Music Book Stand</u> 1783
02/26/08	<u>7,334,425</u>	FL	E. Johnson	<u>Rotative Tri-Module Refrigerator</u> 1782
02/26/08	<u>7,334,358</u>	MA	C. Whyte	<u>Portable Dredging Equipment</u> 1781

02/26/08	<u>7,334,307</u>	IL	T. Helenowski	Disposable Set Screw System th-2 1780
02/05/08	<u>7,325,803</u>	CA	A. Miranda	Soccer Strategy Board Game 1779
02/05/08	<u>7,325,362</u>	AL	D. Rowland	Steel Roof Truss System 1778
01/22/08	<u>7,320,419</u>	NY	S. Finamore	Hanger With Roller Beads 1777
12/25/07	<u>7,311,681</u>	NJ	C. Vaccarella	Motor Vehicle Massage Seat 1776
12/18/07	<u>7,309,275</u>	CA	J. Morales	Brassiere Incorporating Thermal Gel 1775
11/27/07	<u>7,302,037</u>	IL	T. Helenowski	Rotating Gamma Camera th-1 1774
11/27/07	<u>7,301,532</u>	PA	J. Dobry	Digital Display Keyboard 1773
11/27/07	<u>7,300,172</u>	OR	J. Lefler	Illuminable Attachment Vacuum Wand 1772
11/27/07	<u>7,300,057</u>	NY	J. Franklin	Spin-A-Play Game 1771
11/20/07	<u>7,296,580</u>	VT	D. Sbardella	Hair Styling Apparatus 1770
11/20/07	<u>7,296,353</u>	NC	B. Jackson	Package Opener 1769
11/20/07	<u>7,296,303</u>	NY	D. Samet	Garment With Pet Carrying Pouch 1768
11/06/07	<u>7,291,175</u>	NY	D. Gordon	Metatarsal Phalangeal Implant 1767
11/06/07	<u>7,290,815</u>	TX	J. Whittington	Hoist Sling jw-2 1766
10/30/07	<u>7,287,781</u>	OH	B. Hathaway	Interactive Sports Calendar 1765
10/30/07	<u>7,287,657</u>	CA	E. Rodriguez	Triple Seal Disposable Baby Bottles 1764
10/30/07	<u>7,287,527</u>	OH	P. Piper	Compressed Gas BB Airgun pp-2 1763
10/23/07	<u>7,285,077</u>	NY	M. Marx	Dumbbell Workbench 1762
10/23/07	<u>7,284,732</u>	NY	V. Lopa	Non-Lift Bag Holder Frame 1761
10/09/07	<u>7,278,803</u>	GA	J. Moreau	Corrugated Retaining Wall Panel jm-4 1760
09/25/07	<u>7,273,443</u>	AZ	J. Martinez	Skate Rail Assembly 1759
09/25/07	<u>7,273,197</u>	NY	K. Huggins	Shopping Cart & Baby Stroller Stand 1758
09/25/07	<u>7,273,153</u>	HI	B. Kuniyoshi	Baseball Bat & Helmet Rack 1757
09/25/07	<u>7,273,069</u>	MD	B. Nelson	Pressure Activated Shutoff Valve 1756
09/18/07	<u>7,270,337</u>	PA	R. Carotenuto	Pivot Plate For Snowboards 1755
09/18/07	<u>7,270,293</u>	FL	J. Karoly	Spindle Support Bracket jk-2 1754
09/18/07	<u>7,270,077</u>	TX	R. Beck	Avalanche Survival Kit 1753
09/18/07	<u>7,269,909</u>	NJ	J. Barbieri	Rafter Layout Tool 1752
09/04/07	<u>7,264,599</u>	NY	S. Milligan	Massaging Bathing Shoe 1751
09/04/07	<u>7,264,371</u>	NY	B. Seagriff	Illuminable Mountable Storage Receptacle 1750
08/28/07	<u>7,260,862</u>	NY	T. Defilippis	Baby Bottle & Nipple Cleaning Apparatus 1749
08/21/07	<u>7,258,191</u>	WI	D. Rammer	Bumper Air Bag System 1748
08/14/07	<u>7,255,198</u>	MI	J. Lo	Tripod Extension Stepladder 1747
08/07/07	<u>7,252,669</u>	NY	J. McIntyre	Fixator Pin Cap 1746
08/07/07	<u>7,252,047</u>	AL	D. Baucom	Wave-Forming Apparatus For Boats 1745
08/07/07	<u>7,251,907</u>	OR	L. Bondarchuk	Air Ventilated Shoes 1744
07/31/07	<u>7,250,869</u>	NY	L. Davis	Child Carseat Alert System 1743
07/31/07	<u>7,250,852</u>	WI	C. Kell	Handheld Tire Sensor ck-5 1742
07/31/07	<u>7,249,570</u>	NY	J. Roberson	Disposable Non-Skid Absorbent Pad 1741
07/17/07	<u>7,244,199</u>	NY	R. Romano	Portable Street Hockey Backstop 1740
07/03/07	<u>7,239,509</u>	IL	M. Roeske	Modular Computer Components 1739
07/03/07	<u>7,237,784</u>	FL	J. Monteleone	Rotating Skateboard 1738
07/03/07	<u>7,237,776</u>	NY	Y. Ngoto	Game Board 1737
07/03/07	<u>7,237,278</u>	VA	D. Scott	Potty Training Device 1736
06/19/07	<u>7,232,288</u>	CA	J. Tibban	Hydraulic Submersible Mud Pump 1735
06/19/07	<u>7,232,176</u>	West Indies	P. Dopwell	All Vision Sun Visor 1734
06/19/07	<u>7,231,884</u>	WY	C. Rang	Pennant Display 1733
06/19/07	<u>7,231,683</u>	NY	L. Cruz	Window Cleaning Apparatus 1732
06/12/07	<u>7,229,082</u>	NY	R. Wilmarth	Wheeled Golf Bag Carrier 1731
06/12/07	<u>7,228,636</u>	NY	D. Moore	Pivoting Rafter Square w/Insignia dm-2 1730
06/05/07	<u>7,227,475</u>	NY	G. Provenzano	Geographical Advertising System gp-1 1729
05/29/07	<u>7,222,454</u>	CA	C. Chen	Apparatus For Watering A Houseplant 1728
05/22/07	<u>7,219,777</u>	NJ	W. Lin	Reinforced Brake Rotor 502 1727
05/22/07	<u>7,219,633</u>	WA	R. McLeod	Rotating Cylinder Engine 1726
05/22/07	<u>7,219,383</u>	NY	A. Ambrosini	Process For Creating Athletic Shoes 1725
05/15/07	<u>7,216,658</u>	CA	A. Navarro	Portable Vehicle Shelter 1724
05/01/07	<u>7,210,637</u>	CA	J. Johnson	Selectively Configurable Mixing Apparatus 1723
04/24/07	<u>7,207,953</u>	CA	I. Goicaj	Massage Therapy Vest 1722
04/24/07	<u>7,207,902</u>	OR	T. Hamlin	Locating & Recording Position Of Golf Ball 1721
04/10/07	<u>7,200,885</u>	NY	J. Thomas	Apparatus For Cutting & Sealing Braided Hair 1720
04/03/07	<u>7,198,182</u>	CT	J. Schulman	Advertising Paper Clothes Hanger js-1 1719
03/13/07	<u>RE39511</u>	NY	R. Parisi	Infant Eye Trainer For A Baby Bottle 1718
03/06/07	<u>7,186,174</u>	NY	A. Arnold	Sanding Block Holder 1717
03/06/07	<u>7,185,741</u>	NJ	Y. Rozenfeld	Zero Step System For Stairs 1716

02/27/07	<u>7,183,746</u>	NY	D. Carter	Cart Charge System 1715
02/20/07	<u>7,181,300</u>	NY	G. Robbins	Single Use Media Device 1714
02/20/07	<u>7,178,932</u>	MT	M. Buckman	Welding Helmet 1713
02/20/07	<u>7,178,798</u>	NY	T. Funk	Cutting Board 1712
02/20/07	<u>7,178,707</u>	NY	S. Bokina	Surgical Tape Dispenser 1711
02/13/07	<u>7,177,589</u>	OH	W. Lynch	Satellite Entertainment Receiver System 1710
02/13/07	<u>7,174,669</u>	WA	T. Kallas	Fishing Lure With Bait Cavity 1709
02/13/07	<u>7,174,649</u>	KY	D. Harris	Precision Shaft Alignment System dh-1 1708
02/06/07	<u>7,173,881</u>	NY	F. Freudenberg	Silent Morning Alarm 1707
02/06/07	<u>7,172,539</u>	NY	A. Bythewood	Abdominal Exercising Support Apparatus 1706
01/30/07	<u>7,169,068</u>	NY	S. Marangoni	Racquet-String Alignment Pick 1705
01/30/07	<u>7,168,258</u>	Kuwait	O. Al-Khateeb	<u>Real Temperature Output Air Conditioner oa-4</u> 1704
01/30/07	<u>D536,029</u>	HI	G. Ching	Ukulele 1703
01/23/07	<u>7,165,772</u>	FL	L. Camacho	Self-Locking Seal Ring 1702
01/16/07	<u>7,163,508</u>	CO	K. Washington	<u>Lubricating Sexual Aid</u> 1701
01/16/07	<u>7,163,252</u>	CA	C. Neault	Solar Shield Sun Visor 1700
01/09/07	<u>7,159,328</u>	NH	P. Duda	Measurement Gauge Incorporating A Level 1699
01/09/07	<u>7,159,257</u>	Canada	L. Struthers	Disposable Protective Sheet For Furniture 1698
01/02/07	<u>7,156,435</u>	NY	C. Mourelatos	Snow Shovel 1697
12/26/06	<u>7,153,057</u>	NJ	A. Lucas	Securable Temporary Manhole Cover 1696
12/26/06	<u>7,152,927</u>	CA	L. Halstrom	<u>Ratcheted Headrest For A Recliner</u> 1695
12/26/06	<u>7,152,279</u>	NY	P. Elliott	Towel Attachment Device pe2 1694
12/19/06	<u>7,151,356</u>	Canada	J. Chen	Retractable Cord Power Adapter & Battery Pack 1693
12/19/06	<u>7,150,688</u>	DE	W. Coulbourn	<u>Extendable Retractable Barrier</u> 1692
12/12/06	<u>7,147,345</u>	SC	S. Toney, Jr.	Themes For Flashlight Inserts 1691
12/12/06	<u>7,147,335</u>	FL	R. Dickinson	<u>Lateral Rear Viewing Mirror</u> 1690
12/12/06	<u>7,147,213</u>	NY	M. Amendola	Gate Stop 1689
12/12/06	<u>7,147,125</u>	FL	D. Slovak	Collapsible Transparent Cooler ds-2 1688
12/12/06	<u>7,146,985</u>	FL	A. Harris	<u>Curling Iron Shield</u> 1687
12/12/06	<u>7,146,764</u>	FL	G. Naumovitz	Rattle Cage Fishing Lure 1686
12/05/06	<u>7,146,184</u>	NY	A. Tsitsiashvili	Cellular Phone w/Cosmetic Pack 1685
12/05/06	<u>7,143,795</u>	MI	R. Davis	Coping Saw Attachment For Cut-Off Tools 1684
11/21/06	<u>7,138,038</u>	TX	J. Britton	Expandable Anode Pod 1683
11/21/06	<u>7,137,843</u>	IL	S. Munoz	Outdoor Electrical Protection System 1682
11/21/06	<u>7,137,419</u>	IL	D. Reeves	Used Cooking Oil Processing Apparatus 1681
11/14/06	<u>7,134,784</u>	NY	J. Marin	Rotating Bezel Watch 1680
11/07/06	<u>7,131,703</u>	CT	C. Sheridan	<u>Restraining Child Safety Vest For Vehicles</u> 1679
11/07/06	<u>7,131,545</u>	AK	T. Grogan	Glass Rack 1678
11/07/06	<u>7,131,155</u>	GA	J. Fernandez	Diaper Changing Bench For Public Use 1677
10/24/06	<u>7,124,793</u>	AK	R. Jensen	Portable Planer For A Single Use Stand 1676
10/17/06	<u>7,121,700</u>	RI	J. Scanlon	Vehicle Advertising Sign Illumination Apparatus 1675
10/17/06	<u>7,121,567</u>	HI	A. Gaea	<u>Bicycle w/Front & Rear Rotative Wheel Frames</u> 1674
10/17/06	<u>7,121,172</u>	NY	J. Daniels	Dual-Headed Ratcheting Basin Wrench 1673
10/17/06	<u>7,121,027</u>	NY	M. Sadallah	<u>Decorative Trash Receptacle System</u> 1672
10/17/06	<u>7,121,024</u>	NY	S. Clevenberg	Creaser Steam Iron 1671
10/17/06	<u>7,120,952</u>	HI	B. Bass	Incontinence Protective Device 1670
10/10/06	<u>7,120,247</u>	MT	R. Wade	Headband w/Cellular Phone Attachments 1669
10/10/06	<u>7,118,489</u>	CA	B. Hubley	Golf Swing Training Device 1668
10/03/06	<u>7,115,158</u>	TX	S. Landrum	Fan w/Heating & Cooling Blades & Air Purification Device 1667
10/03/06	<u>7,115,044</u>	NJ	G. Faltin	Magnetic Module Golf Practice Device 1666
10/03/06	<u>7,114,882</u>	CA	Yon	<u>Planetary Transport System</u> 1665
10/03/06	<u>7,114,593</u>	AZ	T. Duke	Apparatus For Holding & Retaining Motor Vehicle 1664
10/03/06	<u>7,114,592</u>	FL	J. Gibson	Ladder w/Magnetic Tool Holder Plate 1663
09/26/06	<u>7,112,343</u>	TN	R. Shoemake	<u>Immune System Reconstructor Composition</u> 1662
09/26/06	<u>7,111,631</u>	CA	R. Breeze	Portable Flushing Apparatus For Motor Vehicles 1661
09/19/06	<u>7,109,453</u>	CT	K. Nadolski	<u>Microwave Hot Water System</u> 1660
09/19/06	<u>7,108,718</u>	NY	P. Li	Gold Eyelid Weight Implant pl-2 1659
09/19/06	<u>7,108,228</u>	FL	M. Marshall	<u>Hydrogen-Fueled Spacecraft</u> 1658
09/12/06	<u>7,104,669</u>	NY	O. Mogilevsky-Piankov	Decorative Display of Environmental Elements 1657
09/05/06	<u>7,100,283</u>	NJ	G. Grdodian	<u>Shaving System</u> 1656
08/29/06	<u>7,097,007</u>	NJ	W. Lin	Vented Slot Brake Rotor 501 1655
08/15/06	<u>7,090,446</u>	NY	D. Chen	Optical Lens Drill Press 1654
08/15/06	<u>7,090,313</u>	TX	J. McMurray	Musical Instrument Display Case 1653
08/08/06	<u>7,086,748</u>	NY	I. Elembaby	Light Unit For Cellular Phone 1652
08/01/06	<u>7,083,044</u>	CA	R. Kilian	Deep-Set Paint Pan w/A Form Fitted Lid 1651

07/18/06	<u>7,079,019</u>	NY	K. Ruggiero	Registration & Inspection Alarm Apparatus 1650
07/18/06	<u>7,077,368</u>	FL	J. Karoly	Spindle Support Stand 1649
07/18/06	<u>7,077,251</u>	DC	R. Gaither	<u>Designer Cover For Luggage</u> 1648
07/11/06	<u>7,073,527</u>	FL	J. Teiga	Assignable Pressure Governor Valve 1647
07/11/06	<u>7,073,225</u>	MI	S. Ford	Plaque Eradicating System 1646
07/04/06	<u>7,070,561</u>	NY	A. Ansari	Adjustable Weighted Vaginal Speculum 1645
06/27/06	<u>7,066,757</u>	CA	A. Renigfo	Enveloping Pin Electrical Contact System 1644
06/27/06	<u>7,066,618</u>	IL	H. Little	Drip Edging & Gutter Mounting For Lights 1643
06/27/06	<u>7,066,347</u>	FL	D. Slovak	One Piece Transparent Cooler ds-1 1642
06/27/06	<u>7,065,944</u>	MS	T. Steele	Leaf Blower Dispersing Applicator 1641
06/20/06	<u>7,063,140</u>	AZ	R. Woo	Multiple Climate Air System 1640
06/13/06	<u>7,062,365</u>	CA	W. Fei	Personal Computer For Automobiles 1639
06/06/06	<u>7,055,717</u>	WA	M. Koh	Disposable Pill Dispensing Chute Liner 1638
06/06/06	<u>7,055,420</u>	NY	W. Lois	Friendly Fire Avoidance/Self-Defense System wl-4 1637
05/30/06	<u>7,051,524</u>	MI	B. Kraft	<u>Venturi Device</u> 1636
05/30/06	<u>7,051,472</u>	GA	J. Kelly	<u>Multi-Sensor Animal Trap</u> 1635
05/30/06	<u>7,051,377</u>	MT	D. Milner	<u>Glove With Article Locking Member</u> 1634
05/23/06	<u>7,049,709</u>	AL	C. Boggs	<u>Drive Train Disabling Device cb-3</u> 1633
05/23/06	<u>7,048,372</u>	Netherlands	H. Cohen	Magnetically Mounted Eyeglass Lenses 1632
05/23/06	<u>7,047,871</u>	TX	B. Christoffel	Electric Toaster w/Expanding Tray Walls 1631
05/16/06	<u>7,046,143</u>	Kuwait	O. Al-Khateeb	<u>Image Data Analysis Security Camera oa-3</u> 1630
05/16/06	<u>7,046,123</u>	FL	R. Goldberg	<u>Parking Meter Key Chain Timer</u> 1629
05/16/06	<u>7,044,891</u>	Puerto Rico	J. Rivera	<u>Video Bike</u> 1628
05/16/06	<u>7,043,869</u>	TX	J. Hubbard	Modular Portable Multi Rod Fishing Stand 1627
05/09/06	<u>7,040,676</u>	NY	K. Melfi	Strike Plate Chamber For A Dead Bolt 1626
05/02/06	<u>7,037,206</u>	NY	J. Fliedner	Billiards Rack 1625
05/02/06	<u>7,036,948</u>	GA	B. Wyatt	Illuminated Electrical Outlet & Switch 1624
05/02/06	<u>7,036,929</u>	HI	W. Harvey	Disposable Corrective Optical Film 1623
05/02/06	<u>7,036,449</u>	CA	K. Sutter	<u>Man-Made Island Resort Complex</u> 1622
05/02/06	<u>7,036,235</u>	NY	L. Cohen	Vertical Alignment Device 1621
04/11/06	<u>7,025,416</u>	FL	O. Ramirez	Resin Chair With Removable Desk Top 1620
04/04/06	<u>7,022,048</u>	NY	J. Fernandez	<u>Video Fitness Machine</u> 1619
04/04/06	<u>7,021,851</u>	SC	P. King	Toothbrush Incorporating Dentrifrice Dispenser 1618
04/04/06	<u>7,021,249</u>	TX	J. Christison	Hydrogen Fuel Addition For Engine 1617
04/04/06	<u>7,021,247</u>	NY	E. Seeno	Ornamental Behavioral Modification Collar 1616
04/04/06	<u>7,020,899</u>	CA	F. Carlopio	<u>Fluid Impervious Cast Protector</u> 1615
03/28/06	<u>7,019,669</u>	RI	R. Carr	Trail Safe Alert System 1614
03/21/06	<u>7,014,485</u>	FL	H. Kowalik	Method For Concealing Motorcycle Wires 1613
03/14/06	<u>7,011,435</u>	NY	L. Blaymore	Remote Control For Stage Lighting 1612
03/14/06	<u>7,011,427</u>	NY	G. Baez	<u>Safety Light Tube</u> 1611
03/14/06	<u>7,011,320</u>	NY	R. Gomez	Motorcycle Carriage 1610
03/07/06	<u>7,008,086</u>	WI	C. Kell	Flashing Light For Ice Fishing Tips 1609
02/28/06	<u>7,003,831</u>	NY	E. Goutevenier	Secured Position Pillow 1608
02/21/06	<u>7,000,984</u>	MD	L. Ward	<u>Beach Towel Car Seat Cover</u> 1607
02/21/06	<u>7,000,532</u>	NY	J. Imperato	Portable Trash Compactor 1606
01/31/06	<u>6,990,806</u>	MI	J. Kinsel	<u>Exhaust Header For Internal Combustion Engine</u> 1605
01/03/06	<u>6,983,170</u>	NY	J. Stulberger	<u>Mobile Cellular Telephone</u> 1604
12/27/05	<u>6,980,634</u>	NY	J. Davis	Telephone Circuit Controller Apparatus 1603
12/27/05	<u>6,978,596</u>	CA	A. Lee	Transitional Modular Italian Charm Link 1602
12/20/05	<u>6,976,286</u>	NY	E. Sanabria	<u>Motorized Self-Draining Utility Bucket</u> 1601
12/06/05	<u>6,971,382</u>	NY	A. Corso	Trachea Tube Method & Device 1600
11/29/05	<u>6,968,978</u>	RI	W. Matthews	Wall Mountable Dispenser For Collapsible Tubes 1599
11/22/05	<u>6,968,243</u>	MD	J. Oh	Competition Judging System 1598
11/22/05	<u>6,966,779</u>	St. Croix	D. Bachelor	<u>Educational Audio/Visual Clock</u> 1597
11/22/05	<u>6,966,158</u>	HI	E. Christensen	Universal Window/Door Frame 1596
11/15/05	<u>6,965,319</u>	OK	H. Crichlow	Energy Management System Using Internet 1595
11/15/05	<u>6,964,492</u>	MI	R. Nicklowitz	Illuminable Container 1594
11/08/05	<u>6,963,652</u>	VA	J. Colombo	Low Frequency Generator 1593
11/01/05	<u>6,959,814</u>	OH	J. Hyman	Portable Insulin Caddy 1592
10/25/05	<u>6,958,687</u>	FL	D. Smith	<u>Motor Vehicle U-Turn Signal</u> 1591
10/18/05	<u>6,955,401</u>	NY	J. Shoulberg	Collapsible Rocker Chair 1590
09/27/05	<u>6,950,033</u>	NJ	L. Guyre	Door Bolt Alarm 1589
09/27/05	<u>6,948,601</u>	IL	E. Fisher	Retractable Ergonomic Handle Having A Ball & Socket Mechanism 1588
09/20/05	<u>6,945,815</u>	WA	J. Mullally	Quick Connect Electrical Outlet 1587
09/20/05	<u>6,945,425</u>	OR	S. Kim	Self-Buoyant Straw System 1586

09/20/05	<u>6,945,158</u>	CA	M. Virtue	Irrigation System 1585
09/20/05	<u>6,944,904</u>	NY	G Williams	<u>Chalkboard Cleaning Apparatus</u> 1584
09/13/05	<u>6,942,377</u>	WA	R. Goldstein	<u>Thermoactive Beverage Stirrer</u> 1583
09/13/05	<u>6,942,264</u>	HI	R. Mendez	<u>Disposable Pet Waste Receptacle</u> 1582
09/13/05	<u>6,941,607</u>	NY	M. Berglass	<u>Novelty Jewelry Toothbrush</u> 1581
09/06/05	<u>6,941,181</u>	NY	T. Mathurin	<u>Voice Activated Portable Audio/Video</u> 1580
09/06/05	<u>6,940,432</u>	CA	V. Hall	<u>Subliminal Recording Device</u> 1579
09/06/05	<u>6,939,245</u>	NJ	R. Mullarkey	<u>Training Aid For Golfers</u> 1578
09/06/05	<u>6,938,906</u>	NY	P. Black	<u>Baby Stroller w/Engageable Locking Device</u> 1577
09/06/05	<u>6,938,605</u>	Kuwait	O. Al-Khateeb	<u>Oil Cooling System oa-2</u> 1576
08/30/05	<u>6,935,911</u>	FL	K. Stewart	<u>Aquatic Alarm Security & Rescue Station</u> 1575
08/30/05	<u>6,935,492</u>	NY	B. Loeb	<u>Flexible Mixing Pouch w/Aseptic Chambers</u> 1574
08/30/05	<u>6,935,078</u>	SC	F. Benkel	<u>Anchor Fastener Clip</u> 1573
08/09/05	<u>6,927,682</u>	WA	J. Touhey	<u>Digital Vehicle Service Indicator</u> 1572
08/09/05	<u>6,926,371</u>	Bahamas	P. Gagnon	<u>Detachable Spindle For Trailer Axles</u> 1571
08/02/05	<u>6,924,838</u>	NY	C. Nieves	<u>Grenade Cam</u> 1570
08/02/05	<u>6,924,469</u>	CA	M. Strong	<u>Remotely Operated Microwave Oven</u> 1569
07/05/05	<u>6,913,385</u>	NY	S. Sagos	<u>Swimming Pool Storage Device</u> 1568
06/21/05	<u>6,908,404</u>	CA	A. Gard	<u>Caddy</u> 1567
06/21/05	<u>6,908,375</u>	TX	A. Kadhim	<u>Apparatus For Preparing Meats</u> 1566
06/14/05	<u>6,905,275</u>	NY	M. Del Valle	<u>Pen Card</u> 1565
06/14/05	<u>6,905,233</u>	CA	W. Blumenfeld-Kesler	<u>Light Guard</u> 1564
06/07/05	<u>6,903,142</u>	NY	C. Stauber	<u>Sorting Solid Waste For Recycling</u> 1563
06/07/05	<u>6,902,146</u>	CA	S. Elliott	<u>Catheter Valve To Prevent Bladder Atrophy</u> 1562
06/07/05	<u>6,901,934</u>	NY	D. Tran	<u>Designing & Displaying Artificial Nails</u> 1561
05/31/05	<u>6,900,738</u>	OK	H. Crichlow	<u>Method For Internet Customer Service</u> 1560
05/31/05	<u>6,899,724</u>	FL	W. Johnson	<u>Circular Bulb Portable Feet Tanning Device</u> 1559
05/31/05	<u>6,899,239</u>	Canada	J. Gray	<u>Sealable Baby Bottle Liner</u> 1558
05/24/05	<u>6,897,575</u>	CA	X. Yu	<u>Wind Power Apparatus For Electric Vehicles</u> 1557
05/24/05	<u>6,896,155</u>	UT	W. Jones	<u>Shower Curtain w/Dispensing Pockets</u> 1556
05/17/05	<u>6,892,488</u>	NY	R. Serravalle	<u>Illuminating Recoil Guide Rod</u> 1555
05/03/05	<u>6,886,796</u>	MI	D. Elander	<u>Elastic Cord Storage Device</u> 1554
05/03/05	<u>6,886,647</u>	NJ	B. Gontca	<u>Axle-Driven Generator System For Electric Vehicles</u> 1553
04/19/05	<u>6,880,546</u>	NY	L. Koncek	<u>Barbecue Grill With Ash Discharge</u> 1552
04/19/05	<u>6,880,259</u>	NY	E. Schultz	<u>Picture Leveling/Positioning Template</u> 1551
04/12/05	<u>6,878,425</u>	HI	K. Gomes	<u>Tinted Polarized Window Film</u> 1550
04/12/05	<u>6,878,032</u>	MI	D. Paquette	<u>Warming Device For Game Calls</u> 1549
04/12/05	<u>6,877,876</u>	NJ	S. Steinhilber	<u>Variable Beam Illumination Device</u> 1548
04/05/05	<u>6,874,888</u>	FL	W. Dudai	<u>Polarized Contact Lenses</u> 1547
04/05/05	<u>D503,544</u>	IN	R. Scanlan	<u>Hat Rack</u> 1546
04/05/05	<u>6,874,168</u>	AK	L. Kuhuski	<u>Buttocks Padded Pants & Numbered Apparel</u> 1545
03/29/05	<u>6,871,362</u>	AL	L. Zell	<u>Pool Cover Spool</u> 1544
03/22/05	<u>6,869,351</u>	WI	C. Kell	<u>Tray For Tenderizing And Marinating Meats</u> 1543
03/22/05	<u>6,868,986</u>	HI	C. Arnold	<u>Bottled Water Pump</u> 1542
03/15/05	<u>6,866,054</u>	OH	J. Collins	<u>Portable Table Top Tent</u> 1541
03/08/05	<u>6,864,787</u>	MI	S. Veach	<u>Front Safety Brake Lights</u> 1540
03/08/05	<u>6,864,784</u>	NY	B. Loeb	<u>Vehicle Speed & Safety Warning System</u> 1539
03/08/05	<u>6,864,487</u>	HI	G. McMurtry	<u>Environmental Sampler For Mass Spectrometer</u> 1538
03/08/05	<u>6,863,353</u>	GA	G. Buckner	<u>Wheel Cover Device</u> 1537
03/01/05	<u>6,861,970</u>	IL	M. Garland	<u>Wearable Vibrating Radar Detection Device</u> 1536
03/01/05	<u>6,860,682</u>	CA	M. Le Picq	<u>Electric Drill Guide Apparatus</u> 1535
03/01/05	<u>6,860,311</u>	IL	R. Minor	<u>Telescopic Door & Panel Forming Apparatus</u> 1534
03/01/05	<u>6,860,304</u>	NY	B. Dalrymple	<u>Two Sided Traction Belt For Tires</u> 1533
03/01/05	<u>6,859,939</u>	CA	R. Osburn	<u>Inflatable Restraint Device</u> 1532
02/22/05	<u>6,857,955</u>	NY	S. Held	<u>Ventilation Extension Kit</u> 1531
02/22/05	<u>6,857,240</u>	NC	L. MacAlister	<u>Cinderblock Alignment Clip</u> 1530
02/22/05	<u>D502,228</u>	NY	A. Lucas	<u>Doll</u> 1529
02/15/05	<u>6,855,062</u>	NY	K. Truong	<u>Reconfigurable Maze</u> 1528
02/15/05	<u>6,854,628</u>	CA	J. Stehr	<u>Handlebar Timing Device</u> 1527
02/08/05	<u>6,851,201</u>	NY	C. Gioia	<u>Drywall T-Square</u> 1526
01/25/05	<u>6,847,352</u>	NY	J. Lantigua	<u>Stress Relieving Mouse</u> 1525
01/25/05	<u>6,845,737</u>	NC	L. Austin	<u>Combination Ball & Dog Leash</u> 1524
01/25/05	<u>6,845,527</u>	NY	G. Kohn	<u>In-Wall Plumbing Trap & Waste Line</u> 1523
01/18/05	<u>6,844,014</u>	NY	S. Rafkin	<u>Herbal Healing Lotion For Veterinary Use</u> 1522
01/18/05	<u>6,843,578</u>	NJ	J. Cheung	<u>Electro-Luminescent Footwear/Clothing</u> 1521

01/18/05	<u>6,842,914</u>	LA	F. Broadway	<u>Protective Impact-Absorbing Helmet</u> 1520
01/18/05	<u>6,842,910</u>	CA	C. Martinez	<u>Convertible Cape</u> 1519
01/11/05	<u>6,840,636</u>	FL	C. Colvin	Solar Diffusion Loss Compensator & Collimator 1518
01/04/05	<u>6,838,480</u>	LA	M. Wharton	Topical Anesthetic For Humans & Animals 1517
01/04/05	<u>6,837,860</u>	FL	L. Auletta	Cranial Base Massage Unit 1516
01/04/05	<u>6,837,186</u>	CA	K. Terao	<u>Exercise Treadmill For Dogs</u> 1515
12/28/04	<u>6,834,776</u>	FL	L. Corvese	Tennis Ball Retrieving Device 1514
12/14/04	<u>6,830,085</u>	NJ	T. Majewski	Fuel Tank Inlet Extension 1513
12/07/04	<u>6,828,908</u>	MS	R. Clark	<u>Locator System</u> 1512
12/07/04	<u>6,827,652</u>	TX	J. Castro	Illuminable Billiard Cue Stick 1511
12/07/04	<u>6,827,243</u>	NY	M. Nuzzolese	<u>Portable Liquid Dispensing Kit</u> 1510
11/30/04	<u>6,824,327</u>	AL	D. Walter	Artificial Barrier Reef 1509
11/23/04	<u>6,822,197</u>	CO	B. Mattfield	<u>Electronically Heated Paint Scraper</u> 1508
11/23/04	<u>6,822,156</u>	CA	A. Lazarus	Acoustic Guitar 1507
11/23/04	<u>6,820,828</u>	WA	A. Greenwalt	Circle Irrigation Chemical Application 1506
11/23/04	<u>6,820,573</u>	CT	J. McMullin	Pet Carousel 1505
11/16/04	<u>6,817,444</u>	NY	G. Shinas	Suspended Work Platform 1504
11/16/04	<u>6,817,443</u>	PA	M. Metz	<u>High Rise Emergency Escape Apparatus</u> 1503
11/09/04	<u>6,814,261</u>	FL	N. Gebayrel	<u>Mouthwash Dispenser</u> 1502
11/02/04	<u>6,811,403</u>	CA	B. Camarena	Biodegradable Material With Exciteable Images 1501
11/02/04	<u>6,811,036</u>	NY	V. Vaiano	<u>Drinking Straw With Filtration System</u> 1500
10/26/04	<u>6,808,081</u>	NY	A. Citro	Refuse Or Recycling Pail 1499
10/26/04	<u>6,807,689</u>	TN	J. Royko	Whirlpool Conversion Kit 1498
10/19/04	<u>6,805,072</u>	NY	A. DeSano	Container Time Indicator 1497
10/19/04	<u>6,805,031</u>	NY	M. Stellato	<u>Finger Shield For Slicing Vegetables</u> 1496
10/12/04	<u>6,802,636</u>	CA	R. Bailey	<u>Illuminated Recreational Board</u> 1495
10/12/04	<u>6,802,088</u>	CA	D. Gruner	Comfort Bed Bath 1494
10/05/04	<u>6,799,695</u>	NY	M. Borrero	Sanitary Napkin Dispensing Device 1493
10/05/04	<u>6,799,515</u>	MT	J. Lynn	Luminous Double Faced Picture Display 1492
09/28/04	<u>6,797,261</u>	CA	L. Le	Plasticiser Nails 1491
09/28/04	<u>6,796,890</u>	NY	E. Goldrick	<u>Extendable Wet Saw Water Shield</u> 1490
09/28/04	<u>6,796,077</u>	VA	B. Dupree	Illuminative Fishing Lure w/Hook Guard 1489
09/21/04	<u>6,793,229</u>	NY	R. Nadal	Glider Wheelchair 1488
09/07/04	<u>6,788,200</u>	FL	M. Jamel	Footwear With GPS 1487
08/31/04	<u>6,783,315</u>	FL	R. Senechal	Pivoting Loading Platform For Vehicles 1486
08/31/04	<u>6,783,259</u>	NY	A. Macedonio	Apparatus for Recreating & Illuminating an Image 1485
08/24/04	<u>6,779,220</u>	NY	C. Raffa	<u>Cylindrical Hair Brush Cleaner</u> 1484
08/17/04	<u>6,776,708</u>	CA	R. Daoutis	<u>Smoke Extraction System</u> 1483
08/17/04	<u>6,776,414</u>	ME	P. Messac	Original Universal Board 1482
08/17/04	<u>6,776,136</u>	WA	S. Kazempour	Elliptical Rotary Engine 1481
08/17/04	<u>6,775,852</u>	HI	D. Alvarez	Urine Collecting Device 1480
08/10/04	<u>6,772,770</u>	FL	A. Williams	Floss Toothbrush For Adults And Children 1479
08/10/04	<u>6,773,188</u>	HI	P. Tamaye	Flower Pot Pens 1478
08/03/04	<u>6,770,000</u>	TN	B. Shelley	Golf Alignment Paddle 1477
08/03/04	<u>6,769,691</u>	NY	A. Kim	Financial Investment Education & Entertainment 1476
08/03/04	<u>6,769,572</u>	IL	A. Cullotta	<u>Custom Color Spray Paint Cans</u> 1475
07/27/04	<u>6,769,012</u>	NJ	S. Liu	Managing Message Transactions Within A Virtual Mailbox 1474
07/20/04	<u>6,765,483</u>	Pakistan	S. Naqvi	Locking & Unlocking Brake Lights 1473
07/20/04	<u>6,765,155</u>	SD	A. Gray	Fish Measuring And Weighing Device 1472
07/20/04	<u>6,764,100</u>	NY	R. Miro	Stationery Organizer 1471
07/20/04	<u>6,764,055</u>	NJ	D. Lee	Book Holding Device w/Multi Positional Support 1470
07/13/04	<u>6,761,730</u>	FL	W. Johnson	Portable Feet Tanning Device 1469
07/06/04	<u>6,758,170</u>	HI	S. Walden	Multi-Cycle Trainable Piston Engine 1468
07/06/04	<u>6,757,914</u>	HI	G. Kobashikawa	Adjustable Glare Shield For Brim Caps 1467
06/29/04	<u>6,755,418</u>	IL	W. Jackson	What's For Dinner Board Game 1466
06/22/04	<u>6,752,470</u>	AZ	L. Brown	<u>Quick Chains Traction Device</u> 1465
06/22/04	<u>6,752,164</u>	CA	W. Park	Room Tent 1464
06/22/04	<u>6,751,805</u>	TN	K. Auston	<u>Rider Down Emergency Identification Card</u> 1463
06/15/04	<u>6,749,249</u>	CA	W. Lang	Pickup Truck Cap Lift System 1462
06/15/04	<u>6,748,832</u>	NC	F. Maxwell	<u>Universal Lug Wrench</u> 1461
05/25/04	<u>6,741,166</u>	NY	A. Sanchez	Security For Automobile Electronic Accessories 1460
05/25/04	<u>6,740,017</u>	NY	R. Pino	<u>Indoor Walking Workout Facility</u> 1459
05/18/04	<u>6,736,758</u>	NV	C. Reddy	Variable Torsion Converter 1458
05/18/04	<u>D490,038</u>	FL	J. Macaluso	Motor Vehicle Exhaust Tip 1457
05/11/04	<u>6,733,669</u>	NY	B. Crick	Water Filter Bottle 1456

05/11/04	<u>6,733,367</u>	CA	P. Nguyen	<u>Method & Apparatus For Polishing Silicon Wafers</u> pn-4 1455
05/11/04	<u>6,733,095</u>	NY	L. Rieb	Vitamin Storage Organizer 1454
05/11/04	<u>6,732,985</u>	IL	D. Cantrell	<u>Beach Utility Pole</u> 1453
05/04/04	<u>6,729,441</u>	CA	B. Nahlen	Extension Ladder Safety Adapter 1452
05/04/04	<u>6,729,035</u>	NY	V. Carrillo	Clear Ruled Tile Template 1451
04/27/04	<u>6,725,489</u>	AL	L. Zell	<u>Automatic Pool Cleaner Accessory</u> 1450
04/27/04	<u>6,725,555</u>	NY	D. Moore	Pivoting Rafter Square 1449
04/20/04	<u>6,722,066</u>	NJ	J. Cheung	Single & Multiple Illuminated Images jc-4 1448
04/20/04	<u>6,722,046</u>	IL	B. Evenson	<u>Portable Forward Cutting Power Saw</u> 1447
04/13/04	<u>6,721,431</u>	MI	D. Johnson	Prismatic Loudspeaker/Microphone Array 1446
04/13/04	<u>6,719,817</u>	MD	D. Marin	Cavitation Hydrogen Generator 1445
04/13/04	<u>6,718,865</u>	PA	D. Monteleone	<u>Grill Space Saver</u> 1444
04/13/04	<u>6,718,559</u>	NY	H. Davidson	Motorcycle Helmet Snap-On Decorative Device 1443
04/06/04	<u>6,716,250</u>	CA	R. Ganjianpour	Modular Femoral Prosthesis 1442
04/06/04	<u>6,715,757</u>	IL	G. Snyder	<u>Coin Transfer Device For Slot Machines</u> 1441
03/30/04	<u>6,711,849</u>	NY	M. Moretti	Adjustable Chum Bucket 1440
03/23/04	<u>6,711,547</u>	GA	J. Glover	Medical Processing Device 1439
03/16/04	<u>6,705,743</u>	NY	I. Elembaby	Display Light Apparatus 1438
03/16/04	<u>6,705,572</u>	CA	K. Christopher	Emergency Low Altitude Parachute 1437
03/16/04	<u>6,705,334</u>	NJ	M. Altobelli	<u>Scriptured Outdoor Furniture</u> 1436
03/09/04	<u>6,703,562</u>	CA	J. Pacheco	Wall Socket Paint Shield 1435
03/09/04	<u>6,702,382</u>	AL	M. Hoover	Rocker Recliner Lift System 1434
03/09/04	<u>6,702,160</u>	KY	R. Griffith	No Spill Container 1433
03/02/04	<u>6,698,651</u>	NC	J. Green	Slidable Tray Mailbox Insert 1432
02/24/04	<u>6,696,924</u>	VT	T. Socinski	Hand Held Drug-Nutrient-Mineral Monitoring Device 1431
02/24/04	<u>6,695,796</u>	FL	D. Solmor	<u>Chiropractic Massage Device</u> 1430
02/24/04	<u>6,695,692</u>	HI	R. York	Curb Mount Skylight & Solar-Fan 1429
02/24/04	<u>6,695,289</u>	HI	E. Mickael	Scissor Jack With Limit Switches 1428
02/24/04	<u>6,694,688</u>	IL	R. Crepas	Covering System For Surfaces 1427
02/10/04	<u>6,688,557</u>	IN	R. Broerman	Airflow Diverter For Aircraft 1426
02/10/04	<u>6,688,426</u>	NY	H. Mikros	Wheel Extension For Ladders 1425
02/03/04	<u>D486,239</u>	OR	M. Kell	Double Drive Through Espresso Unit 1424
01/27/04	<u>6,681,965</u>	TX	T. Tran	<u>Decorative Wire Ribbon Bow</u> 1423
01/27/04	<u>6,681,904</u>	FL	R. Hosford	Golf Cart Anti-Theft Device 1422
01/20/04	<u>6,678,915</u>	CT	P. Ravenell	Heated Windshield Wiper Blades 1421
01/13/04	<u>D485,222</u>	TX	B. Kerr	Motor Vehicle Exhaust Tip 1420
01/13/04	<u>6,676,687</u>	AZ	D. Stoppler	Foot Tanning Apparatus 1419
01/13/04	<u>6,675,538</u>	NJ	S. Candio	Amusement Maze 1418
12/30/03	<u>6,668,407</u>	SC	R. Reitzel	Audio Pillow With Sun Shield 1417
12/23/03	<u>6,666,948</u>	CA	P. Nguyen	<u>Silicon Wafer Polisher</u> pn-2 1416
12/09/03	<u>6,660,250</u>	AK	P. Higgins	Tooth Cleaning Composition And Applicator 1415
12/09/03	<u>6,659,777</u>	FL	T. Rondeau	Automobile Activity Screen 1414
12/09/03	<u>6,659,488</u>	NY	B. Beresnitzky	Tricycle 1413
12/02/03	<u>6,656,064</u>	IL	M. Zielinski	Hockey Station And Slat Apparatus 1412
12/02/03	<u>6,655,799</u>	NY	D. Chen	Clip-On Lenses With Magnetic Coupling 1411
12/02/03	<u>6,655,091</u>	HI	M. Iwasaki	Shutter Assembly 1410
11/25/03	<u>6,652,305</u>	NY	F. DiFusco	Socket For Standard Screw Based Light Bulb 1409
11/25/03	<u>6,651,970</u>	FL	R. Scott	Multi-Functional Cutting Board 1408
11/25/03	<u>6,651,907</u>	NY	J. Rodd	<u>Water Container w/Interior Pump</u> 1407
11/18/03	<u>6,649,009</u>	NY	J. Kim	Process For Creating Jewellery 1406
11/18/03	<u>6,647,765</u>	WI	E. Downing	Cleaning Detection Device 1405
11/11/03	<u>6,645,173</u>	NJ	B. Liebowitz	Dripless Eardrop Applicator 1404
11/11/03	<u>6,645,049</u>	CA	P. Nguyen	<u>Polishing Holder For Silicon Wafers & Method Of Use Thereof</u> pn-3 1403
11/11/03	<u>6,644,833</u>	Australia	L. Fu	Illuminating Novelty Cleansing Bar 1402
11/11/03	<u>6,644,557</u>	NY	R. Jacobs	Access Controlled Thermostat System 1401
11/04/03	<u>6,641,225</u>	NY	F. Amodio, Jr.	Decorative Tire Sidewall Shield 1400
10/28/03	<u>6,638,074</u>	NJ	G. Fisher	Electric Socket With Rotating Receptacle 1399
10/28/03	<u>6,637,829</u>	SC	V. Jenkins	<u>Decorative Jeweled Wheel Cover</u> 1398
10/28/03	<u>6,637,160</u>	NY	B. Brooks	Telescopic Enclosure 1397
10/28/03	<u>6,637,077</u>	FL	D. Doty	Adjustable Strap 1396
10/21/03	<u>6,635,038</u>	HI	A. Scovel	<u>Disposable Incontinence Device</u> 1395
10/21/03	<u>6,634,620</u>	HI	H. Sim	Vehicle Control Arm Tool 1394
10/14/03	<u>6,631,828</u>	CA	T. Reardon	Golf Ball & Tee Placement Unit 1393
10/14/03	<u>6,631,712</u>	NY	L. Koncelik, Jr.	Aquatic Barbecue Ash Extinguisher & Remover 1392

09/30/03	<u>6,627,284</u>	CA	S. Naidj	Raised Adhesive Decorative Wall & Ceiling Device 1391
09/30/03	<u>6,626,704</u>	IL	D. Pikel	Acoustic Adapter Device 1390
09/23/03	<u>6,622,947</u>	CA	J. Rivera	Rain Shower Head Device 1389
09/16/03	<u>6,619,610</u>	NY	N. Genovese	Portable Anchoring Boot 1388
09/09/03	<u>6,615,793</u>	NY	V. Usack	Valveless Revolving Cylinder Engine 1387
09/02/03	<u>6,612,905</u>	CA	P. Nguyen	Silicon Wafer Polishing Holder pn-1 1386
09/02/03	<u>6,612,532</u>	OK	B. Paulus	Suspended Note Clip 1385
09/02/03	<u>6,612,273</u>	VT	P. Schumacher	Compression Chamber For Two-Cycle Engine 1384
08/19/03	<u>6,606,773</u>	NY	A. Mascolo	Pool Cover Installation Bar 1383
08/12/03	<u>6,604,931</u>	SC	R. Durrant	Bi-Axial Rotational Molding Oven 1382
08/12/03	<u>6,604,790</u>	FL	S. Murkey, Sr.	Tandem Movie Lounge 1381
08/05/03	<u>6,602,544</u>	NY	V. Piselli	Mineral Compound Textile Material 1380
08/05/03	<u>6,602,072</u>	FL	D. Burney	Disposable High Volume Aspirator 1379
08/05/03	<u>6,601,587</u>	SC	C. Shaw	Toenail Clipper Extension Device 1378
07/29/03	<u>6,598,948</u>	NY	J. Harmon	Shoe Storage Device 1377
07/29/03	<u>6,598,770</u>	CA	L. Bolts	Beverage Container Belt 1376
07/29/03	<u>6,598,262</u>	NY	M. Farina	High Pressure Printing Press Cleaner 1375
07/22/03	<u>6,594,833</u>	OK	V. Timoshenko	Sofa Bed w/Bedding Compartment 1374
07/15/03	<u>6,592,026</u>	NY	M. Zilardi	Biological Safety Mailbox 1373
07/08/03	<u>6,591,249</u>	CA	R. Vokar	Internet Credit Card Verification Process 1372
07/08/03	<u>6,588,803</u>	FL	R. Vila	P-Trap Dishwasher Waste Port 1371
07/08/03	<u>6,588,617</u>	NJ	M. Majcen	Rotative Closure For Beverage Containers 1370
07/01/03	<u>6,584,636</u>	TX	J. Schlem	Footwear Cleaning Apparatus 1369
06/24/03	<u>6,581,887</u>	NY	M. Lapidez	Rotatable Television Mounting Assembly 1368
06/17/03	<u>6,580,367</u>	WA	J. Roach	Vehicle Information Dispatch System 1367
06/17/03	<u>6,578,671</u>	CA	R. Shen	System For Automated Exchange of Merchandise 1366
06/17/03	<u>6,578,590</u>	HI	D. Leblond	Rotative Cleaning & Sanitizing Device 1365
06/17/03	<u>6,578,214</u>	TN	P. Pefoulidis	Sport Beds 1364
06/10/03	<u>6,578,140</u>	DE	C. Policard	Dual Operating Internet Compter 1363
06/10/03	<u>6,575,822</u>	NY	G. Lowe	Sanding Glove 1362
06/03/03	<u>6,572,482</u>	FL	T. Lewis, Jr.	Radio Frequency Controlled Tethered Aircraft 1361
06/03/03	<u>6,572,365</u>	CA	J. Byxbye	Automatic Candle Snuffer 1360
06/03/03	<u>6,572,189</u>	NY	L. Blaymore	Pivoting & Sliding Infant Car Seat 1359
06/03/03	<u>6,572,128</u>	HI	H. Graf	Ratchet Propulsion System For Scooters 1358
06/03/03	<u>6,571,981</u>	CA	J. Rohlfs	Disposable Sipper Cups 1357
05/27/03	<u>6,568,643</u>	NY	P. Black	Adjustable Bottle Holder 1356
05/27/03	<u>6,568,026</u>	OH	L. Roy	Portable Back Pack Vacuum 1355
05/20/03	<u>6,565,363</u>	WI	E. Downing	Magnetic Modular Jack 1354
05/20/03	<u>6,565,243</u>	NY	J. Cheung	Lighted Wheel 1353
05/20/03	<u>6,564,403</u>	PA	L. Titus	Baby Bumper Pad 1352
05/13/03	<u>6,561,240</u>	CA	A. Ma	Purse Organizer 1351
05/13/03	<u>6,561,137</u>	IL	C. Oakman	Animal Containment & Tracking Device 1350
05/13/03	<u>6,561,117</u>	WI	C. Kell	Accessory Mounting Track For Watercraft 1349
05/06/03	<u>6,558,618</u>	PA	J. Dent	Anti-Infection Formulation & Delivery Method 1348
05/06/03	<u>6,557,994</u>	CA	J. Rose	Frameless Glasses Attaching To Body Piercing Studs 1347
04/29/03	<u>6,553,598</u>	PA	G. Sansotta	Golf Ball Cleaner 1346
04/22/03	<u>6,550,294</u>	NY	A. Garguilo	Manhole Security Device 1345
04/08/03	<u>6,543,068</u>	NC	A. Penninger	Home Health Care Bed Bath 1344
04/01/03	<u>6,540,702</u>	CA	M. Sarango	Breast Compressing Device 1343
04/01/03	<u>6,539,991</u>	FL	J. Ackerman	Paint Can Spill Guard 1342
04/01/03	<u>6,539,962</u>	CA	D. Paper	Holding Tank Cleaning Device 1341
04/01/03	<u>6,539,553</u>	OR	M. Day	Hat w/Adjustable Band & Ornaments 1340
03/11/03	<u>6,530,631</u>	MA	R. Brown	Mobile Workstation Storage Device 1339
03/04/03	<u>6,527,126</u>	NJ	M. Hepler	Coffee Filter Restraint & Flavor System 1338
02/25/03	<u>6,525,329</u>	NY	D. Berman	Device For Detecting Currency 1337
02/25/03	<u>6,523,295</u>	NC	J. Midgley	Behavior Modification For Handguns 1336
02/18/03	<u>6,522,253</u>	NY	K. Saltz	Luggage Locking & Locating Device 1335
02/18/03	<u>6,520,394</u>	TX	C. Ulibarri	Pilot Pad 1334
02/11/03	<u>6,517,026</u>	NY	L. Smith	Vertical Take-Off & Landing Vehicle 1333
02/04/03	<u>6,513,998</u>	MI	E. Barry	Scouring Gloves 1332
02/04/03	<u>6,513,954</u>	PA	G. Ebersole	Rainbow Projection Light 1331
02/04/03	<u>6,513,453</u>	MS	L. Johnson	Extruding Poultry Litter For Feed & Bait 1330
01/21/03	<u>6,508,699</u>	NY	F. Santoriello	Apparatus For Rinsing & Scraping Mollusks 1329
01/21/03	<u>6,508,191</u>	DE	R. Spoljaric	Aqua Turbo Generator 1328
01/07/03	<u>6,503,590</u>	CA	T. Luu	Method & Material For Packaging 1327

01/07/03	<u>6,503,458</u>	NC	W. Ogle	<u>Air Purifier</u> 1326
01/07/03	<u>6,503,258</u>	Brazil	L. Filho	Unitary Anstomotic Device 1325
01/07/03	<u>6,502,349</u>	Canada	C. Richet	Lawn & Garden Edging Device 1324
12/31/02	<u>6,499,939</u>	WI	E. Downing	Water Wheel 1323
12/31/02	<u>6,499,218</u>	Portugal	M. Rocha	Four Sided Dual Blade Shaver 1322
12/17/02	<u>6,496,563</u>	NY	C. Mackon	X-Ray Tube Driver 1321
12/17/02	<u>6,494,551</u>	AZ	J. Barkeley	Pinched Rail Drawer Guide System 1320
12/03/02	<u>6,488,559</u>	WA	P. Hintz	<u>Bug-Like Flipping Toy</u> 1319
12/03/02	<u>6,488,146</u>	NY	M. Dotsikas	Disposable Medicant & Fluid Container 1318
11/19/02	<u>6,482,428</u>	NY	P. Li	Weighted Eyelid Implant pt-1 1317
11/12/02	<u>6,477,800</u>	FL	S. Payne	<u>Bumpers For Utility Poles</u> 1316
11/05/02	<u>6,476,565</u>	TX	M. Kaminski	Remote Powered Light Bulb 1315
11/05/02	<u>6,475,115</u>	NY	T. Candito	Computer Exercise System 1314
11/05/02	<u>6,474,097</u>	NY	F. Treppedi	<u>Compartmented Mobile Cooler</u> 1313
11/05/02	<u>6,473,971</u>	AZ	A. Ordaz	<u>Disposable Beard & Mustache Razor</u> 1312
10/29/02	<u>6,471,402</u>	LA	J. Burns	Stacking Element w/Storage Bags 1311
10/29/02	<u>6,471,209</u>	PA	J. Barshinger	Racing Car Board Game 1310
10/29/02	<u>6,471,066</u>	WI	E. Downing	<u>Trash Bag Patch</u> 1309
10/22/02	<u>6,467,379</u>	NY	A. Wizman	<u>Self-Adjusting Socket</u> 1308
09/24/02	<u>D463,515</u>	PA	A. Kulp	Ball 1307
09/24/02	<u>6,454,434</u>	HI	R. Hee	Flashlight w/External Battery 1306
09/10/02	<u>6,447,353</u>	FL	J. Henry	Toddler/Adult Float Jacket 1305
09/03/02	<u>6,445,290</u>	NY	S. Fingal	Remote Control Monitoring Device 1304
09/03/02	<u>6,444,287</u>	IL	M. Kalb	Heat Blocker 1303
09/03/02	<u>6,443,800</u>	NV	T. Rice	Musical Adapter For Baby Bottles 1302
09/03/02	<u>6,443,655</u>	NY	R. Bennett	Flood Barrier 1301
09/03/02	<u>6,443,543</u>	NY	W. Chiang	Mobile Personal Computer 1300
09/03/02	<u>6,443,476</u>	MD	R. Molock, Jr.	Truck Wheel Cover 1299
09/03/02	<u>6,443,169</u>	NY	F. Ferreira	<u>Maintaining A Pumping Conduit Inclined</u> 1298
08/27/02	<u>6,439,635</u>	GA	Hardy/Patterson/Smith	Hydraulic Seat Lift For Vehicle 1297
08/27/02	<u>6,439,492</u>	HI	D. Leiggi	<u>Vehicular Fluid Absorbent Pad</u> 1296
08/13/02	<u>6,433,683</u>	MD	C. Robinson	Wireless Video Alarm System 1295
08/13/02	<u>6,431,513</u>	CA	H. Rosen	Magnetic Self-Stick Pad 1294
07/30/02	<u>6,425,862</u>	NY	N. Brown	<u>Interactive Furniture For Dieters</u> 1293
07/30/02	<u>6,425,666</u>	NY	A. Marglin	Film Delivery & Recovery Stabilization System 1292
07/16/02	<u>6,421,081</u>	NY	B. Markus	Real Time Video For Vehicles 1291
07/16/02	<u>6,419,231</u>	FL	J. Rivera	Vocabulary Board Game 1290
07/09/02	<u>6,415,994</u>	AL	C. Boggs	Rotational Nozzle Atomizer 1289
07/09/02	<u>6,415,955</u>	NY	D. Ostreicher, M.D.	Plaster Ejecter Gun & Disposable Cartridge 1288
07/02/02	<u>6,413,142</u>	NY	V. Weastler	Expandable Doll 1287
07/02/02	<u>6,413,010</u>	HI	M. Coleman	<u>Traffic Directional Mat</u> 1286
06/25/02	<u>6,409,338</u>	NC	F. Jewell	<u>Air-Generating Audible Spectacles</u> 1285
06/25/02	<u>6,408,862</u>	South Africa	R. Van Rooyen	Centrifugal Paint Roller Cleaner 1284
06/11/02	<u>6,402,336</u>	AL	D. Reese	<u>Lights In A Blanket</u> 1283
06/11/02	<u>6,402,221</u>	NC	E. Ogunjobi	<u>Motor Vehicle Extendable Sun Visor</u> 1282
06/04/02	<u>6,398,663</u>	CA	T. Lin	Golf Position Indicating Device 1281
06/04/02	<u>6,397,484</u>	MA	D. Greene	Laser-Emitting Plumb-Bob 1280
05/21/02	<u>6,391,074</u>	FL	J. McCrary	Grease Stopper 1279
05/14/02	<u>6,388,612</u>	HI	T. Neher	Global Cellular Position Tracking Device tn3 1278
05/14/02	<u>6,386,702</u>	CA	K. Maloncon	Fully Adjustable Glare Reduction Glasses 1277
05/14/02	<u>6,386,406</u>	MI	D. Moses	Garment Hanger 1276
05/07/02	<u>6,384,724</u>	NY	A. Landais	Smoke Alarm 1275
05/07/02	<u>6,384,295</u>	IL	W. Wehde	Medical Bandages 1274
05/07/02	<u>6,383,045</u>	NY	R. Eckardt	Marker Buoy 1273
05/07/02	<u>6,382,730</u>	TX	A. Closner	<u>Seat Belt Shoulder Harness Retainer</u> 1272
05/07/02	<u>6,382,582</u>	NY	N. Brown	<u>Safety Tree</u> 1271
05/07/02	<u>6,382,409</u>	NY	A. Scala	Contact Lens Case With Time Tracking Structure 1270
04/30/02	<u>6,381,484</u>	NY	S. Ayanruoh	Palm Sized Medical Examination Device 1269
04/30/02	<u>6,378,831</u>	AL	J. Copeland, Jr.	<u>Air-Guard Corner And Edge Protector</u> 1268
04/30/02	<u>6,378,262</u>	NY	R. Mercadante	Telescoping Louvered Window Insert 1267
04/23/02	<u>6,376,000</u>	NY	P. Waters	Method Of Creating Painted Chocolate 1266
04/23/02	<u>6,375,138</u>	CA	R. Balchan	Stanchion Clamp Apparatus 1265
04/16/02	<u>6,372,786</u>	LA	M. Wharton	Topical Anesthetic For Humans & Animals 1264
04/16/02	<u>6,372,275</u>	LA	M. Hulin	Drying Apparatus For Boiled Seafood 1263
04/16/02	<u>6,371,866</u>	HI	D. Rivera	<u>Compact Golf Club Set</u> 1262

04/16/02	<u>6,371,757</u>	Barbados	Broome-Webster	Kiln Fuel System 1261
04/16/02	<u>6,371,502</u>	MI	Howlett/Timmreck	Improved Human Powered Wheelchair 1260
04/16/02	<u>6,371,105</u>	TX	C. Merritt	Stove Burner Shield 1259
04/09/02	<u>6,367,661</u>	NY	V. Valente	Cup Cake Hopper 1258
04/09/02	<u>6,367,393</u>	NY	D. Kasten	Drawstring Table 1257
04/09/02	<u>6,367,116</u>	IL	W. Debartolo	Glove With Visor Wiper 1256
03/26/02	<u>6,363,324</u>	CO	D. Hildebrandt	Vehicle Location System 1255
03/26/02	<u>6,362,778</u>	HI	T. Neher	Personal Location Detection System tn2 1254
03/26/02	<u>D454,999</u>	NY	R. Villafana	Ribbon Rose Rosary 1253
03/19/02	<u>6,357,899</u>	KY	J. Craven	Trailer Hitch Attachment With Illuminated Logo 1252
03/19/02	<u>6,357,169</u>	TN	J. Gouge	Bait Saver Bucket 1251
03/12/02	<u>6,354,046</u>	TX	M. Swearingen	Skylight Membrane With Diverter 1250
02/12/02	<u>6,345,807</u>	VA	J. Cacciatore	Small Vehicle Lift 1249
02/05/02	<u>6,343,692</u>	NY	D. Park	Golf Club Shaft Protector 1248
01/29/02	<u>6,342,028</u>	NY	J. DeSane	Magnetic Counter For Exercise Equipment 1247
01/29/02	<u>6,342,016</u>	HI	C. Parker	Waterfall Diverter 1246
01/29/02	<u>6,341,590</u>	Mexico	R. Barrera	Rotary Engine 1245
01/29/02	<u>6,341,425</u>	WI	P. Kahle	Cordless Electric Fillet Knife 1244
01/22/02	<u>6,340,336</u>	CA	M. Loconte	Golf Putter 1243
01/22/02	<u>6,340,234</u>	NY	M. Brown	Welders Helmet Illuminated Lens 1242
01/15/02	<u>6,339,680</u>	HI	J. Mauvais	Selectable Multi-Lens Disposable Camera 1241
01/15/02	<u>6,339,384</u>	NY	Valdez-Rodriguez	Toll Booth Credit Device 1240
01/15/02	<u>6,338,871</u>	HI	A. Shin	Colored Silica Sand 1239
01/15/02	<u>6,338,677</u>	CA	S. White	Vent Control System 1238
01/15/02	<u>6,338,623</u>	SC	R. Durrant	Rotational Molding Oven 1237
01/15/02	<u>6,338,570</u>	Mexico	Santacruz-Olivares	Thermoelectric Cooling Stirrer 1236
01/15/02	<u>6,338,350</u>	CA	P. Ewen	Portable Eyeglass Washing System 1235
01/15/02	<u>6,338,214</u>	AK	R. Held	Modular Sign Display 1234
01/01/02	<u>6,335,753</u>	NY	A. McDonald	Wireless Communication Video Telephone 1233
12/25/01	<u>D452,362</u>	NY	L. Mastroianni	Laced Shoe 1232
12/11/01	<u>6,328,292</u>	CA	S. Jarstad	Adjustable Pneumatic Spring 1231
12/11/01	<u>6,328,131</u>	NY	B. Backus	Roll-Up Tree Seat 1230
12/04/01	<u>D451,554</u>	NY	T. Fasano	Sign Insert 1229
12/04/01	<u>6,326,764</u>	HI	C. Virtudes	Portable Solar-Powered CD Player & Generator 1228
11/27/01	<u>6,323,761</u>	NY	S. Son	Vehicular Security Access System 1227
11/27/01	<u>6,322,845</u>	NC	M. Dunlow	Producing Pelletized Fuzzy Cottonseed 1226
11/27/01	<u>6,322,456</u>	CA	B. Benggon	Golf Swing Guide 1225
11/20/01	<u>6,318,567</u>	CT	J. Braley	Under Cabinet Culinary Instrument Rack 1224
11/13/01	<u>6,314,591</u>	MT	P. Schildt	Toilet For Blind & Physically Challenged 1223
11/06/01	<u>6,313,371</u>	HI	B. Conant	Flatulence Deodorizer 1222
10/23/01	<u>6,307,686</u>	FL	J. Ferraro	Power Lens 1221
10/16/01	<u>6,301,863</u>	FL	E. Liebrecht	Multi-blade Circumrotational Trimmer 1220
10/09/01	<u>6,300,324</u>	NY	S. Partelow	Tick Repelling Formulation 1219
10/09/01	<u>6,298,809</u>	AL	C. Boggs	Emergency Cooling & Refilling System 1218
10/02/01	<u>6,296,261</u>	NJ	R. Degoma, M.D.	Wheeled Bed Brake Assisted Steering System 1217
10/02/01	<u>6,295,653</u>	NY	M. Puleo	Improved Frontal & Peripheral View Helmet 1216
10/02/01	<u>D448,821</u>	NY	A. Castoro	Doll 1215
09/25/01	<u>6,294,205</u>	CA	B. Hollenbeck	Botanical Composition For Soothing Skin 1214
09/18/01	<u>D448,061</u>	CA	M. Leard	Revolver Speed Loader 1213
08/28/01	<u>6,281,678</u>	OR	G. Auville	Eddy Current Test Device 1212
08/28/01	<u>6,280,367</u>	NY	C. Arsenault	Abdominal Muscles Exerciser 1211
08/28/01	<u>6,279,321</u>	WY	J. Forney	Electricity Generating & Potable Water System 1210
08/14/01	<u>6,275,333</u>	AK	W. Shaffer	Display Window Magnification Device 1209
08/14/01	<u>6,274,814</u>	NY	S. Iavarone	Decorative Conduit Raceway Covering 1208
08/14/01	<u>6,274,787</u>	WI	E. Downing	Transparent Wound Bandage 1207
08/14/01	<u>6,273,779</u>	FL	F. Boulaire	Rolling Toy 1206
08/07/01	<u>6,269,980</u>	IN	D. Roudall	Portable Beverage Dispenser 1205
08/07/01	<u>6,269,949</u>	NY	R. Gottlieb	Rotatable Handle Stackable Beverage Container 1204
08/07/01	<u>6,269,502</u>	HI	P. Extrom	Combination Pacifier, Pacifier Holder & Blanket 1203
07/24/01	<u>6,264,072</u>	KS	S. Johannes	Paint Can Funnel Attachment 1202
07/17/01	<u>6,262,660</u>	NY	E.&C. Segale	Child Proximity Transmitter 1201
07/17/01	<u>6,260,989</u>	NY	J. Ingraselino	Confetti Sprayer & Descending Illuminated Ball 1200
07/17/01	<u>6,260,871</u>	NY	Y. Liu	Tangential Wheel Suspension System 1199
07/10/01	<u>6,257,560</u>	NJ	K. Kim	Fountain Humidifier and Air Cleanser 1198
07/10/01	<u>6,256,840</u>	NY	P. Elliott	Swing Towel 1197