

Patents Briefing



BROWN

Historical

- 500 BCE monopoly, given by his ruler to a Greek chef, for a recipe
- U.S. codification first made in 1790: *Congress shall have the power...To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.* Article 1, Section 8, Clause 8 U.S. Constitution

Definition

- The grant from a government to an inventor of the exclusive rights and privileges (monopoly) to make, sell, or use a patentable invention for a limited time in a specific geographical area

Significance of patents

- Incentive for further invention
- Establishes a property right so an invention can be transferred, sold, or licensed
- Benefits society- protection and exclusivity exchanged for publication of the idea

Not patentable across the world

- Abstract ideas (without structure)
- Laws of nature and abstract scientific principles
- Natural phenomena
- Mathematical algorithms without useful, concrete, and tangible result (recent court interpretation)

Length of time across the world

- 20 years depending on application date and processing time; no renewal

Requirements across the world

- Process, machine, article of manufacture, composition of matter, or improvement on an existing idea
- Novel (new solution to a technical problem)
- Non-obvious (to a person skilled in the area of the technology – “skilled in the art”)
- Useful (capable of industrial application)

Kinds of U.S. patents

- **Utility** (most common); includes business methods, software, and firmware
- **Plant** – asexually reproduced (no seeds) (Pl prefix to the number)
- **Design** – ornamental/aesthetic design claim for a manufactured item (D prefix to the number)

Format of U.S. Patent

- Front Page – inventor(s) and assignee details, classifications, application details, references cited, and abstract
- Drawings
- Specifications – background, summary, brief description of the drawings, and detailed description of the preferred embodiments (best mode(s) to practice the invention by those skilled in the art.)
- Claims – what is patented and protected against infringement

Responsibility of inventor

- Be aware of prior art (patent and non-patent literature)
- Document dates and work
- Reduce to practice with diligence

Business and inventions

- Intellectual capital – proprietary know-how
- Protection of intellectual property – business objective
- Defense against competition