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ATTORNEYS AT LAW

## Introduction to US Patent Law

Falcon High School  
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## DISCLAIMER!

- This may be boring
- You may not learn anything
- If you learn something, it'll probably be enough to make you dangerous
- This is **NOT** legal advice

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## Can I Patent a Trademark For a Copyright?

**NO**, because:  
Terms *patent*, *trademark* and *copyright* are not synonyms, but distinct intellectual property rights

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## IDEAS AND CONCEPTS

- Are *not protectable* in and of themselves
- Legal protection extends to the *tangible expression* of ideas and concepts
- This tangible expression is known as *Intellectual Property* ("IP")



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## INTELLECTUAL PROPERTY

- **What?**
  - *Tangible Expression* of creative human endeavor
  - *Protected* by
    - *Patents*
    - *Trademarks*
    - *Copyrights*
    - *Trade Secrets*

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## Intellectual Property...

- **Transportation Analogy**
  - Cars drive on land 
  - Ships sail on water 
  - Planes fly in air 
  - Hydroplanes travel on water and in air 





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## Patents...

- **How Long?**
  - **Utility:** 20 years from filing date
  - **Design:** 14 years from grant date
  - **Plant:** 20 years from filing date

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## Patents...

- **Public Domain?**
  - **Expiration** of grant

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## Patents...

- **Marking?**
  - U.S. Patent No. 6,565,059 (utility)
  - U.S. Patent No. D253,194 (design)
  - U.S. Patent No. PP13,360 (plant)
  - U.S. Pat. Pend. (pending application)

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## Patents...

- **Acquisition of Rights?**
  - Upon **grant**
  - US Patent & Trademark Office
  - **Registration required**

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## Patents...Practice Pointers

- **Disclosure** can be **fatal**
  - On sale bar (1 year grace period)
  - America Invents Act (March 2013)
- **Provisional Patent**
  - Priority date placeholder
  - No rights
- **DIY** can be dangerous

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## QUESTIONS

- **ANSWERS**
  - The Answer to Life, the Universe and Everything is **"42"**
    - Douglas Adams, *Life, the Universe and Everything* (*Hitchhiker's Guide to the Galaxy* Trilogy)
  - **"It Depends"**
    - Universal legal answer