



# Intellectual Property Strategy: Presentation to MST 550/551

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November 16, 2007

# Overview

- IP Fundamentals
  - Patents 
  - Trademarks ®
  - Copyrights ©
  - Trade Secrets 
- IP Strategy For Entrepreneurs
  - Top Ten Strategies

# IP Fundamentals

- What is protected
- How to get them
- How to take care of them

# Patents

 <p>The United States of America</p>	 <small>USPTO 01/01/02</small>
	<small>(21) United States Patent Meyer</small> <small>(11) Patent No. US 6,741,681 B2 (22) Date of Patent: May 25, 2004</small>
<b>The Director of the United States Patent and Trademark Office</b>	
<i>Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.</i>	
Therefore, this	
<b>United States Patent</b>	
<i>Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America for the term set forth below, subject to the payment of maintenance fees as provided by law.</i>	
<i>If this application was filed prior to June 8, 1995, the term of this patent is the longer of seventeen years from the date of grant of this patent or twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.</i>	
<i>If this application was filed on or after June 8, 1995, the term of this patent is twenty years from the U.S. filing date, subject to any statutory extension. If the application contains a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121 or 365(c), the term of the patent is twenty years from the date on which the earliest application was filed, subject to any statutory extensions.</i>	
 <small>Acting Director of the United States Patent and Trademark Office</small>	



# What is protected

- New, useful and non-obvious processes, machines, articles of manufacture, or compositions of matter
- A legal right to exclude others from making, using, offering to sell, selling and/or importing a claimed invention, for a limited time



# How to get them

- **File** application in U.S. P.T.O.
- File provisional application (optional)
- File foreign application (optional)



## How to take care of them

- File within 1 year of public use/sale
- Properly name all inventors
- Don't commit inequitable conduct
- Don't misuse
- Mark products as appropriate
- Pay maintenance fees

# Trademarks





## ® What is protected

- Name, logo or trade dress used by business to uniquely identify the source of products and/or services, and to distinguish its products or services from those of other entities, *i.e., brands*

## ® How to get them

- **Use** them to identify & differentiate your business/products/services
- Register with U.S. P.T.O. or other body (optional)
- Intent to use application (optional)

# How to take care of them

- Use continuously
- License carefully
- Monitor and enforce
- Mark with ® or ™

# Copyrights



## © What is protected

- Original works of authorship
- **Fixed** in tangible medium of expression
- Do *not* protect ideas

## © How to get them

- Create work in a fixed form
- Register with U.S. Copyright Office (optional)

# © How to take care of them

- Register with U.S. Copyright Office (optional)
- Mark with © (optional)

# Trade Secrets







# What is protected

- Information that is:
  - Valuable because not generally known to others
  - Has been maintained as secret under the circumstances



## How to get them

- Create the information (no need to fix form) and
- **Keep it secret**



# How to take care of them

- Take all reasonable steps to keep secret



# IP Strategy For Entrepreneurs

## Top Ten Strategies



1: Consider Your IP as a  
Capital Asset

## 2: Know IP Fundamentals

Patents, trademarks, copyrights and  
trade secrets

- What is protected
- How to get them
- How to take care of them

# 3: Know Your Own IP

Baseline and periodic audits

# 4: Educate Your Employees About IP

Employees are the creators, users  
and protectors of your IP



# 5: Formulate an IP Policy

# 6: Think Strategically

Stake out your territory, for now  
and the future

# 7: Think Defensively

Patents as a hedge against  
infringement risks

# 8: License Carefully

A license is a relationship

# 9: Use IP Ownership Agreements

The default is state law

# 10: Get Good Information and Advice

U.S. Patent and Trademark Office  
(<http://www.uspto.gov>)

U.S. Copyright Office ([http://  
www.copyright.gov](http://www.copyright.gov))

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