

Patents Basics

Yehuda Binder

(For copies contact: elissa@openu.ac.il)

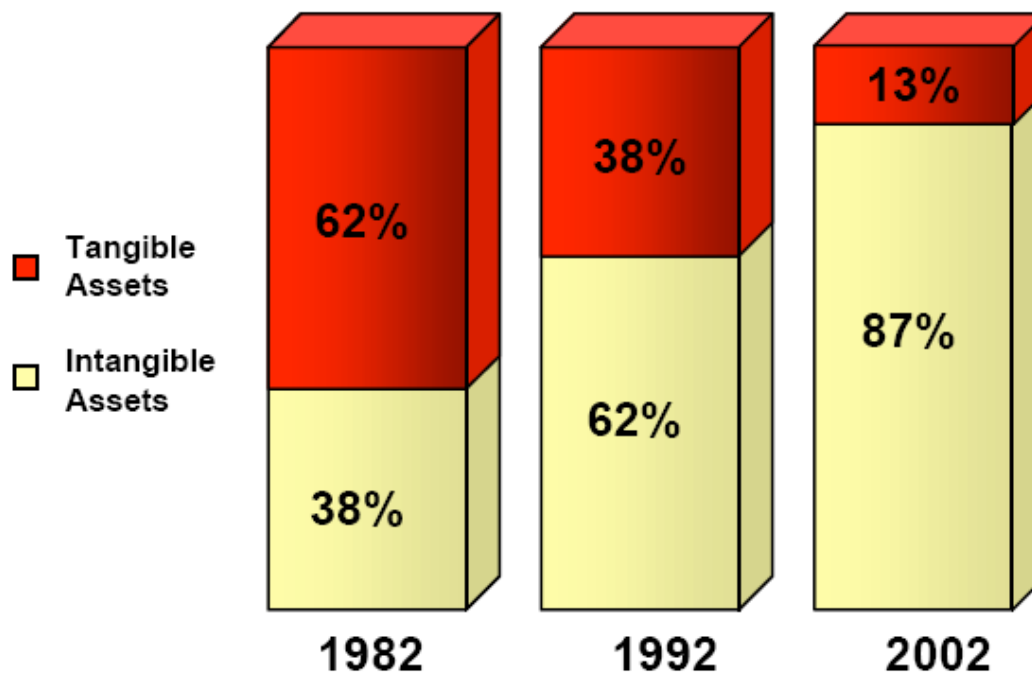
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"After fire and the wheel, it was only logical to invent the patent attorney."

Intellectual Property Value

Intangible Assets as a % of S&P 500
Market Capitalization



Source: Brookings Institute

Intellectual Property Rights

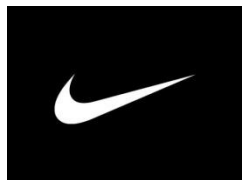
- **Trademarks**
- **Copyrights**
- **Trade Secrets**
- **Patents**



Trademarks



- Identify a source of goods or services
- Even if the source is not known



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Trade Secrets



- Any information including a formula, pattern, compilation, program, device, method, technique, or process, that:
 - (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and
 - (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.



Customers List

```

0012 Private Function CheckLine(ByVal sLine As String) As Boolean
0013 Dim iChar As Integer
0014 Dim sChar As String
0015 Dim sPreChar As String
0016
0017 ' Starts with line if it is a comment
0018 If Left(sLine, 1) = "#" Then
0019     CheckLine = True
0020     Exit Function
0021 End If
0022
0023 ' Starts with ' if it is a comment
0024 If Left(sLine, 1) = "'" Then
0025     CheckLine = True
0026     Exit Function
0027 End If
0028
0029 ' Contains any and in a comment, no test if it is a comment or in the
0030 ' body of a string
0031 If InStr(sLine, " ") > 0 Then
0032     CheckLine = True
0033     Exit Function
0034 End If
0035
0036 ' For iChar = 1 To Len(sLine)
0037     sChar = Mid(sLine, iChar, 1)
0038     ' If we find " or ' then an other number of " characters in front
0039     ' means it is the start of a comment and odd number means it is
0040     ' part of a string
0041     If sChar = "" Or sPreChar = "" Then
0042         Exit Function
0043     ElseIf sChar = " " Or sPreChar = " " Then
0044         CheckLine = True
0045         Exit Function
0046     ElseIf sChar = " " Or sPreChar = " " Then
0047         CheckLine = True
0048         Exit Function
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0227         CheckLine = True
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0230         CheckLine = True
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0232     ElseIf sChar = " " Or sPreChar = " " Then
0233         CheckLine = True
0234         Exit Function
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0236         CheckLine = True
0237         Exit Function
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0239         CheckLine = True
0240         Exit Function
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0264         Exit Function
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0279         Exit Function
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0377         CheckLine = True
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0425         CheckLine = True
0426         Exit Function
0427     ElseIf sChar = " " Or sPreChar = " " Then
0428         CheckLine = True
0429         Exit Function
0429
    
```

Source Code



FinStats Annual		Q1-2007		Q2-2007		Q3-2007		Q4-2007		Q1-2008		Q2-2008		Q3-2008		Q4-2008	
Revenue	1,234,567	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345	312,345
Expenses	876,543	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567	234,567
Profit	358,024	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778	77,778

Financials

Intellectual Property Rights

- Trademarks
- Copyrights
- Trade Secrets
- Patents

Types of Patents

- **Plant Patent**
- **Design Patent**
- **Utility Patent**



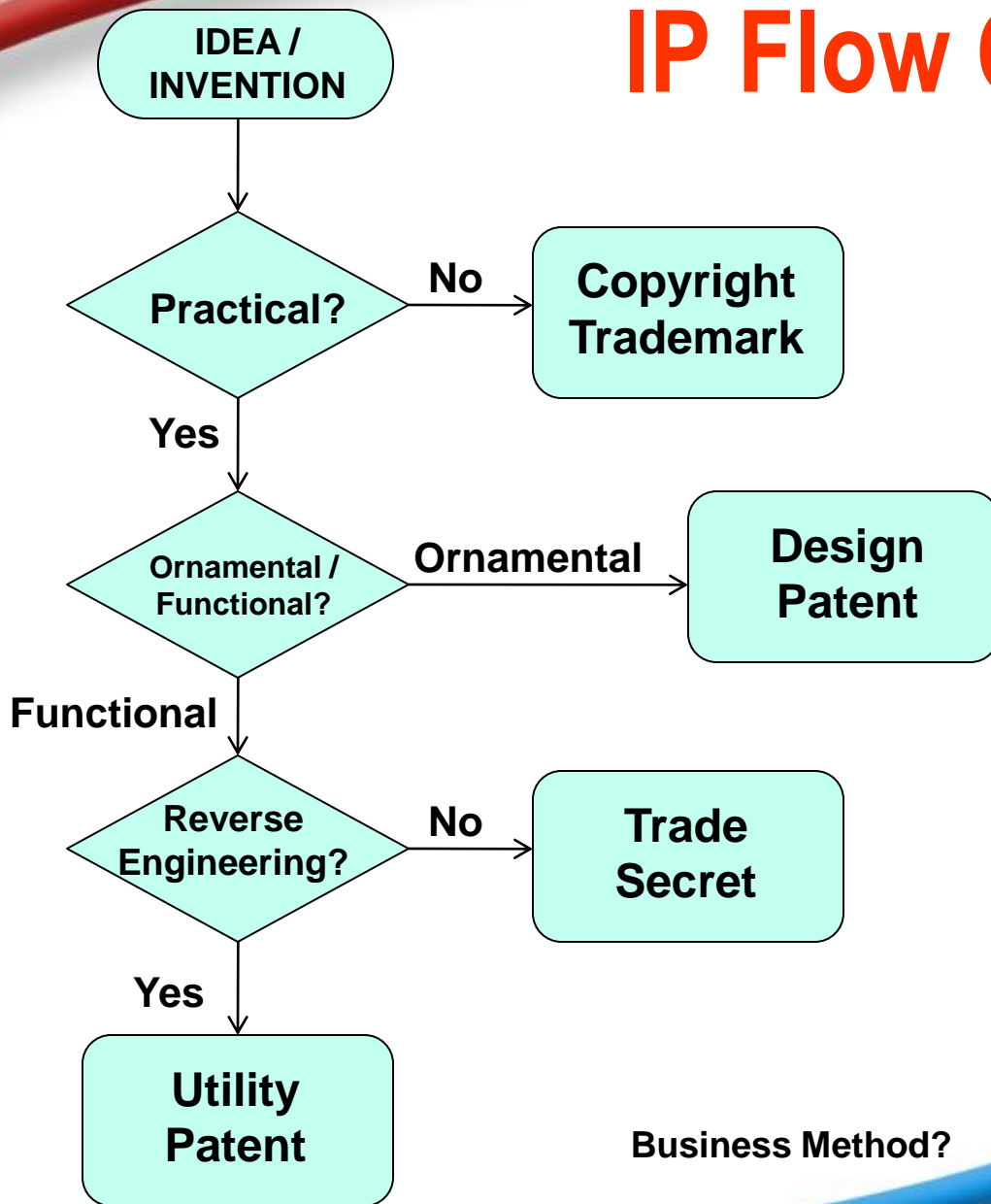
Intellectual Property Rights

- **Copyrights**
- **Trademarks**
- **Trade Secrets**
- **Patents**
 - » **Plant**
 - » **Design**
 - » **Utility**





IP Flow Chart



Business Method?

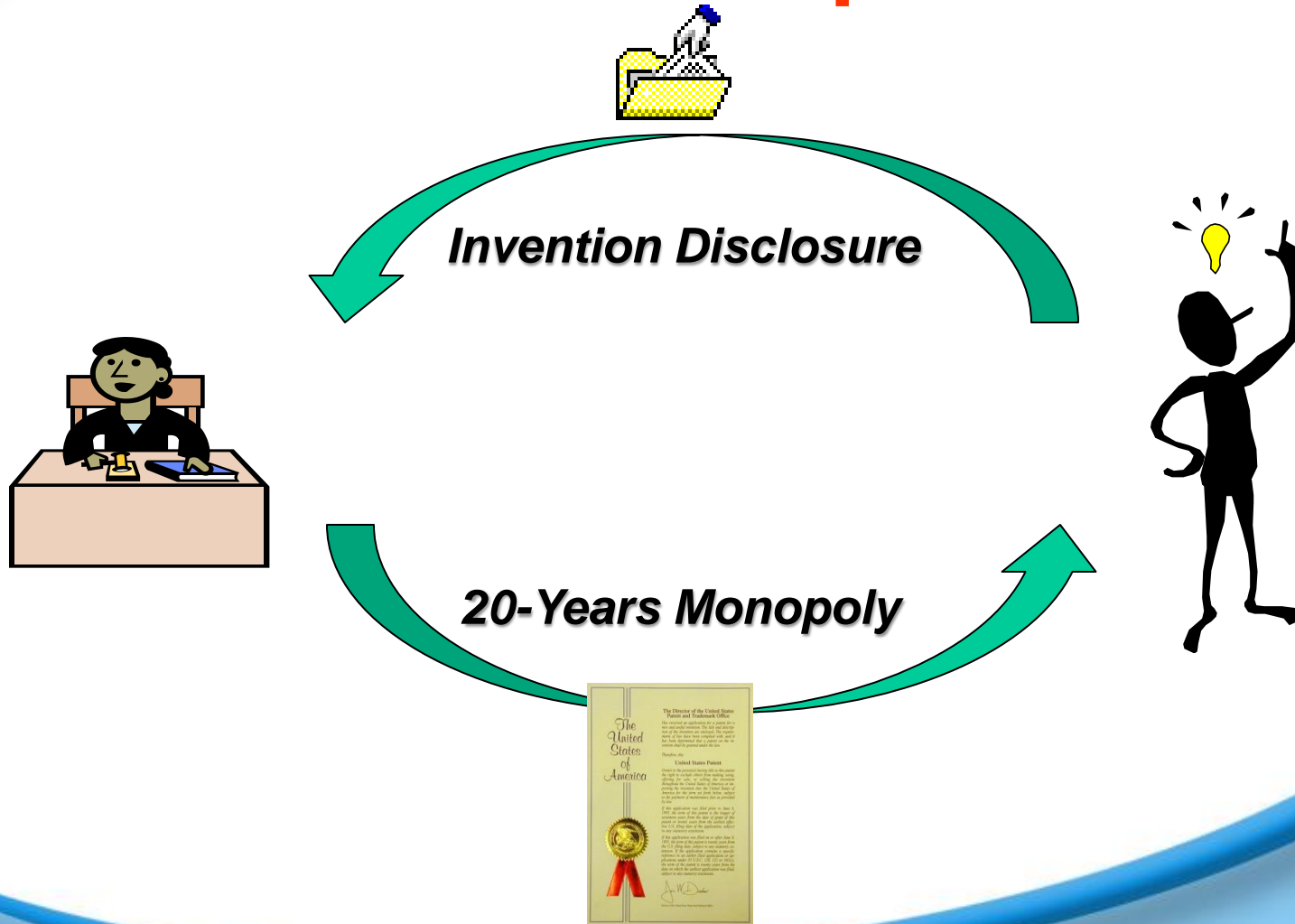
Intellectual Property Rights

- **Copyrights**
- **Trademarks**
- **Trade Secrets**
- **Patents**

- » **Plant**
- » **Design**
- » **Utility**



Patent = Compromise



Disclosure

- **Enablement**: A patent application must disclose the claimed invention in sufficient detail for **Person Having Ordinary Skill In The Art (PHOSITA)** to carry out that claimed invention.

(א) הפירוט יכלול שם שיש בו כדי לזהות את האמצאה, את תיאורה, עם שרטוטים לפי הצורך, וכן תיאור דרכי הביצוע של האמצאה שעל פיו יוכל בעל המקצוע לבצע.

telephone signals, but the initial application does not recite the device of claim 17.

It thus can be seen that, the technical solution of claim 17 is not literally recited in the description and claims of the initial application, nor can it be determined directly or unambiguously from the contents literally recited in the initial description and claims and from the drawings. Therefore, claim 17 does not comply with the provisions of Article 33 of the CPL.

3. The additional technical features of claims 2-7, 14, 15, 18-21 and 28 are not literally recited in the description and claims of the initial application, nor can they be determined directly or unambiguously from the contents literally recited in the initial description and claims and from the drawings. Therefore, claims 2-7, 14, 15, 18-21 and 28 do not comply with the provisions of Article 33 of the CPL.

4. The additional technical features of claims 8 and 22 are not literally recited in the description and claims of the initial application. The initial application merely

The examination is being carried out on the **following application documents:**

Description, Pages

1, 2, 9-17	as published			
5-8	as annexed to the Int. Prel. Examination Report			
3, 4, 4a, 18	received on	29.03.2007	with letter of	29.03.2007

Claims, Numbers

1-29	received on	29.03.2007	with letter of	29.03.2007
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Drawings, Sheets

1/14, 5/14-14/14	as published			
2/14-4/14	received on	29.03.2007	with letter of	29.03.2007

This communication is in response to the applicant's letter dated 29.03.07.

1. Some amendments introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 123(2) EPC. The amendments concerned are the following:

The expression "**an outlet cavity**" has been introduced in independent claim 1, third and last lines. However, this expression is not present in the original application, which merely explains that the outlet is normally mechanically attached to, or mounted in, the wall (page 2, first paragraph) and that outlet 75/90 mechanically mounts to an interior wall of a building (page 11, paragraph 2 and page 13, paragraph 2).

In order to overcome this objection, it is suggested to use the original wording of the application.

In view of this serious problem, it is not at present practicable to carry out a full examination of the application with respect to Articles 52 to 56 EPC. However, in order to speed up the procedure, the following preliminary comments can be made:

2. In reply to the previous official communication, the applicant has filed a new set of claims. Independent claim 1 has been written in the two-part form with those features

DETAILED ACTION

1. The examiner notes US patent to Staber et al. (6137866) which discloses a network device (splitter) implemented in a configurable wall faceplate mounted adaptor.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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.

3. The following claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 6**, it recites a permanent or detachable connection implemented with a snap lock or tab. It is not clear how a snap lock or a tab could be permanent or releasable.

As per **claim 7**, it recites a permanent or detachable connection implemented with a securing strap or band. It is not clear how a securing strap or band could be permanent or releasable.

As per **claim 17**, it is not clear which appliance is being referred to. The examiner assumes the second word appliance is changed to “power supply”.

Clarification/correction is requested.

- 4.1 Independent claim 1 is not in the **two-part form** in accordance with Rule 43(1) EPC, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 43(1)(a) EPC) and with the remaining features being included in the characterising part (Rule 43(1)(b) EPC).

If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefor should be provided. In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of claims are already known in combination from the document D1 (see the Guidelines, C-III, 2.3.2).

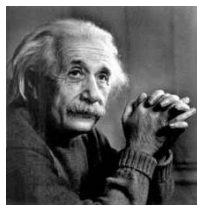
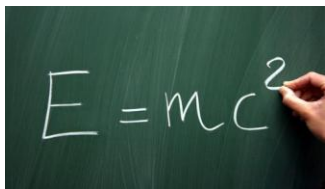
- 5.2 The features of the claims should be provided with **reference signs** placed in parentheses to increase the intelligibility of the claims (Rule 43(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.19).
- 5.3 In claim 1, it is first mentioned "*a first module*" followed by "*said first device*". The same applies for "*a second module*" followed by "*said second device*": the choice of the terms should be consistent.

- 5.4 The subject-matter described from page 10, line 23 to end of page 11c and from page 18, line 23 to end of page 19 does not fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 84 EPC). The inconsistency should be removed by deleting this subject-matter from the description and the drawings or by indicating in the description that the embodiments concerned do not form part of the invention but represent background art that is useful for understanding the invention (see Guidelines C-III, 4.3(iii)).

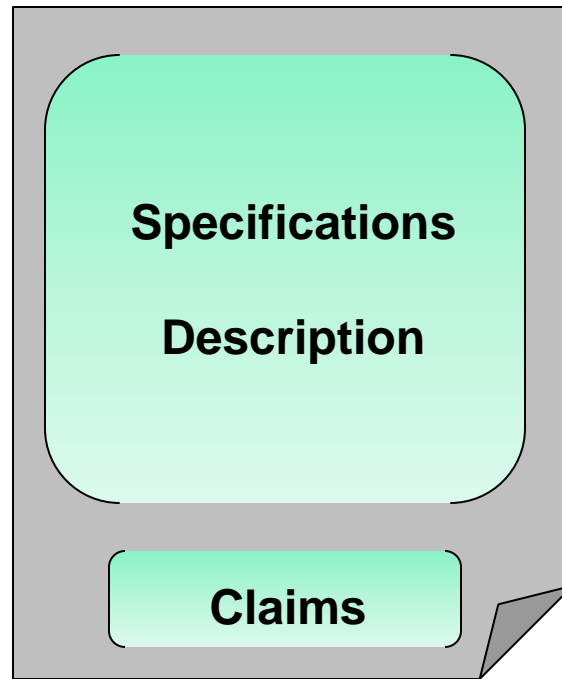
- 5.5 To meet the requirements of Rule 42(1)(b) EPC, the **document D1** should be **identified** in the description and the relevant background art disclosed therein should be briefly discussed.
- 5.6 When filing amended claims the applicant should take care that the features known in combination in **document D1** should be placed in the **preamble** of such a claim in

Patentable Subject Matter

- Anything under the sun (that can be) made by man
- Process, machine, product or composition of matter
- NOT natural phenomenon or physical laws



Utility Patent



Utility Patent

Apparatus

- A device/system for XXX, comprising:
 - Item A
 - Item B
 - Item C
 -

Method

- A method for XXX, comprising:
 - Step A
 - Step B
 - Step C
 -

59. A device for coupling digital data between first and second coaxial cables, each coaxial cable being connected for carrying an analog signal frequency multiplexed with a bi-directional digital data signal, wherein, the digital data signal carried in each coaxial cable is in a digital data frequency band and the analog signal carried in each coaxial cable is in an analog signal frequency band distinct from the digital data frequency band of the digital data signal carried in the same coaxial cable, said device comprising:

- a first coaxial connector for connecting to the first coaxial cable;
- a second coaxial connector for connecting to the second coaxial cable;
- a first filter coupled between said first and second coaxial connectors and operative for substantially passing only signals in the digital data frequency bands and for substantially stopping signals in the analog signal frequency bands, for passing digital data signals between the first and second coaxial cables; and
- a single enclosure housing said first high pass filter and said coaxial connectors.

14. A device for estimating the number of wire pairs connected to a single connection point, each wire pair has a similar nominal characteristic impedance Z_0 and the wire pairs are all connected to the single connection point, said device comprising:

- a port for connecting to the connection point,
- a lumped impedance measuring unit coupled to said port for instantaneously measuring the connection point lumped impedance Z ,
- a Z_0/Z calculator coupled to the lump impedance measuring unit for estimating the connected wire pairs count to be Z_0/Z ; and
- an output for indicating the estimate of the number of wire pairs connected to the single connection point.

1. A method for estimating the number of wire pairs connected to a single connection point, where each wire pair has a similar nominal characteristic impedance Z_0 , the method comprising:

connecting a characteristic impedance measuring device to the single connection point;

measuring, at the connection point, the lumped impedance Z presented by the wire pairs adjacent the connection point;

calculating Z_0/Z to provide an estimate of the number of wire pairs connected to the single connection point; and providing an output indicating the estimate of the number of wire pairs connected to the single connection point.

[54] METHOD AND SYSTEM FOR CALIBRATING A CRYSTAL OSCILLATOR

[76] Inventor: Yehuda Binder, 30 Yeshurun Street, Hod Hasharon 45200, Israel

[21] Appl. No.: 795,525

[22] Filed: Feb. 5, 1997

[51] Int. Cl.⁶ H03B 5/32

[57] ABSTRACT

A method and system are provided for calibrating a batch of devices each containing a circuit for producing a control signal for producing a desired output frequency, said control signal having a magnitude which varies as a predetermined function of ambient temperature in order to compensate for temperature variations in the ACO output frequency, said function being based on data stored in a memory of the TCO and which must be individually calibrated for each TCO, said method comprising the steps of:

24. A method for calibrating a batch of at least one temperature controlled oscillator (TCO) each containing an analog controlled oscillator (ACO) which is responsive to a control signal for producing a desired output frequency, said control signal having a magnitude which varies as a predetermined function of ambient temperature in order to compensate for temperature variations in the ACO output frequency, said function being based on data stored in a memory of the TCO and which must be individually calibrated for each TCO, said method comprising the steps of:

- (a) subjecting all of the TCOs in the batch to a controlled environment wherein said ambient temperature may be varied,
- (b) connecting a frequency source to the TCOs for producing an accurate frequency,
- (c) selecting a "calibration mode" of operation wherein said function is determined for a measured ambient temperature and the data corresponding thereto is stored in the memory and wherein there are performed the following steps for each TCO in the batch:
 - (i) determining the value of the required control signal for producing an output signal of the desired output frequency,
 - (ii) storing the respective value of the control signal or a function thereof in the memory of each device, and
 - (iii) repeating steps (i) and (ii) in respect of different temperatures until each value is stored in the memory; and
- (d) selecting a "compensation mode" of operation wherein data is extracted from the memory and used in conjunction with a measured ambient temperature for adjusting the control signal.

44. A temperature compensation oscillator (TCO) for generating a desired frequency which is stabilized over a predetermined temperature range, said TCO comprising:

- a compensation circuit for compensating for changes in temperature in accordance with a pre-stored compensation function,
 - a dedicated aging calibration circuit for determining the storing at least one value for operating in conjunction with the compensation circuit so as to compensate for aging of the oscillator, and
 - a selector means coupled to the compensation circuit and to the dedicated aging calibration circuit for selecting a corresponding compensation mode or aging calibration mode of operation;
- the compensation circuit comprising:
- a signal controlled oscillator (ACO) having an output frequency controllable by an analog control signal V_c ,
 - a temperature sensor for sensing the ambient temperature of the ACO and producing a corresponding analog temperature signal, and
 - a transducer means responsive to the temperature signal for producing the control signal V_c ;
- the aging calibration circuit comprising:
- reference signal coupling means for coupling thereto an external signal having an accurate reference frequency,
 - control means coupled to the reference signal coupling means and to the ACO for determining an offset correction value or a function thereof which operates in conjunction with the compensation circuit so as to produce the control signal V_c corresponding to the measured ambient temperature of the ACO,
 - storage means for storing said offset correction value or said function thereof, and
 - offset correction means coupled to the storage means and to the compensation circuit and being responsive to said control signal V_c for operating the compensation circuit in accordance with said offset correction value or a function thereof.

Definition of a Patent

- A patent is a grant by a government to a ‘first to file’ inventor to exclude others from making, importing, selling, offering to sell or using a single patented invention for a limited period.



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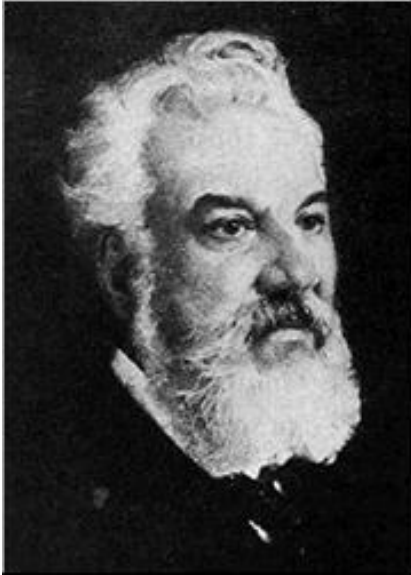
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**תביעה נגד ג'ילט בסכום של 2.5 מיליון שקל
שני ישראלים טוענים כי החברה שיווקה מוצר כמעט זהה לפטנט
ייחודי רשום שפיתחו למחזיק מכשיר גילוח**

שני תובעים ישראלים הגישו לבית המשפט המחוזי בתל אביב תביעה של 2.5 מיליון שקל נגד חברת ג'ילט וחברת פרוקטר
אנד גמבל, בטענה להפרת פטנט רשום בסכיני הגילוח של החברה.

ומשווקים היום פטנט ייחודי רשום לטענת התובעים, אליהו וגבריאל ישראל באמצעות עו"ד יותם וירז'נסקי, הם פיתחו
למחזיק מכשיר גילוח. לפי התביעה, הם פתחו במו"מ עם ג'ילט לבחינת אפשרות לשיתוף פעולה בין הצדדים בנוגע למוצר
זהה, אלא שלא הגיעו להבנה, ולאחר מכן החלו הנתבעות לשווק מוצר כמעט זהה, העולה כדי הפרת פטנט.

התובעים טוענים כי פנו לג'ילט לשם פתיחת המו"מ כבר ב-1995, וצירפו לפנייה שרטוטים המתארים את ההמצאה. עם זאת,
לאחר חמש שנים, כשהתברר לנתבעות שלתובעים אין פטנט רשום בארה"ב, הופסק המו"מ. לטענתם, ב-2009 חזרו שוב
התובעים לג'ילט והציעו שיתוף פעולה, אולם החברה ענתה להם כי אין לה צורך לפתח מוצר דומה.



Alexander Graham Bell

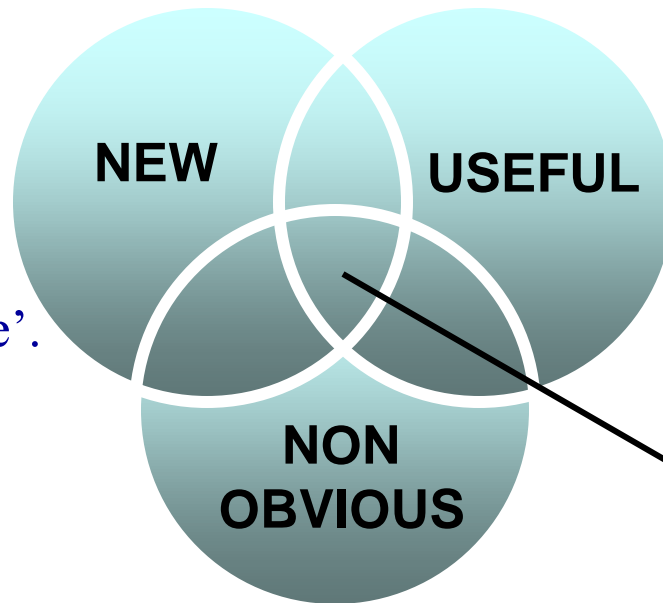


Elisha Gray

February 14, 1876

Patentability

- Public disclosed.
- Worldwide.
- By anyone / inventor.
- Prior to 'Priority Date'.



- ANY useful benefit

**Patentable
Invention**

- Anyone skilled in the art

• Economics, stupidity, implementing.... – NOT RELEVANT !!!!

Patentability

. אמצאה כשירת פטנט - מהי? (תיקון: תש"ס)

אמצאה, בין שהיא מוצר ובין שהיא תהליך בכל תחום טכנולוגי, שהיא חדשה, מועילה, ניתנת לשימוש תעשייתי ויש בה התקדמות המצאתית - היא אמצאה כשירת פטנט.

4. אמצאה חדשה - מהי?

אמצאה, נחשבת לחדשה, אם לא נתפרסמה בפומבי, בין בישראל ובין מחוצה לה, לפני תאריך הבקשה -

(1) על ידי תיאור, בכתב או במראה או בקול או בדרך אחרת, באופן שבעל-מקצוע יכול לבצע אותה לפי פרטי התיאור;

(2) על ידי ניצול או הצגה, באופן שבעל-מקצוע יכול לבצע אותה לפי הפרטים שנודעו בדרך זו.

5. התקדמות המצאתית - מהי?

התקדמות המצאתית היא התקדמות שאינה נראית כעניין המובן מאליו לבעל-מקצוע ממוצע על סמך הידיעות שכבר נתפרסמו, לפני תאריך הבקשה, בדרכים האמורות בסעיף 4.

United States Patent

Jivoin

[15] 3,641,884

[45] Feb. 15, 1972

[54] MANUFACTURING FLEXIBLE DRINKING STRAWS

[72] Inventor: Anton Jivoin, 4307 N. Hamlin St., Chicago, Ill. 60625

[22] Filed: July 7, 1969

[21] Appl. No.: 839,299

2,391,915	1/1946	McLaughlin.....	93/94 X
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2,631,645	3/1953	Friedman.....	93/84 TW
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3,291,009	12/1966	Davis.....	93/80
3,339,004	8/1967	Nardone.....	264/293
3,409,224	11/1968	Harp.....	93/94 X
3,530,556	9/1970	Hole.....	93/94 X

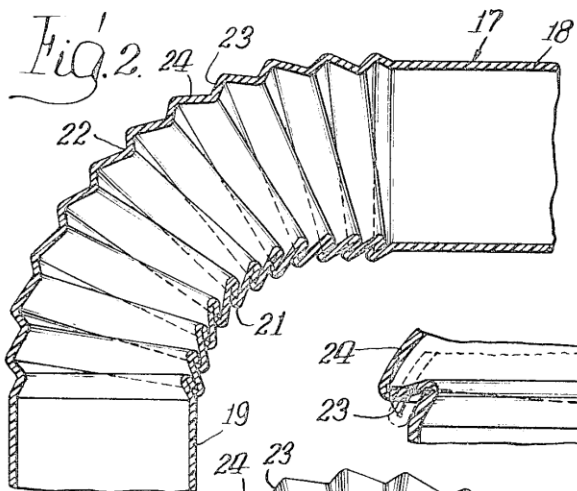


Fig. 5.

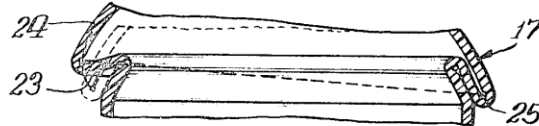


Fig. 3.

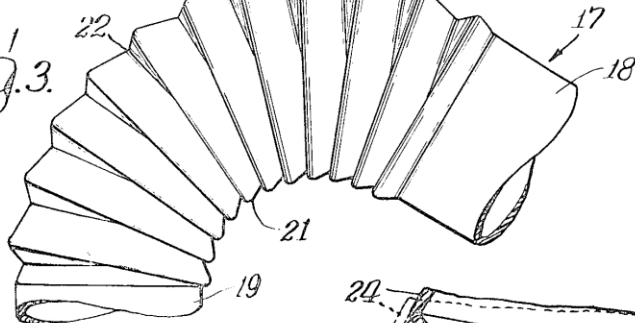


Fig. 6.



Fig. 1.

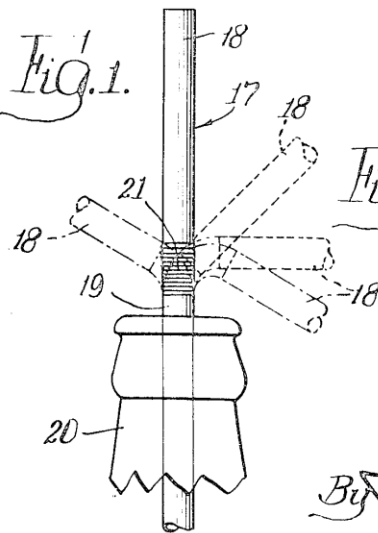
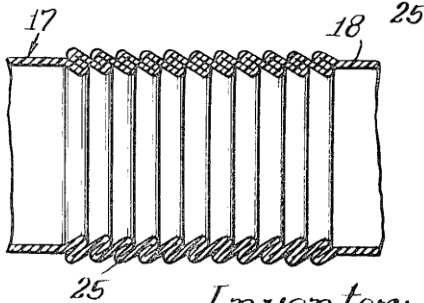
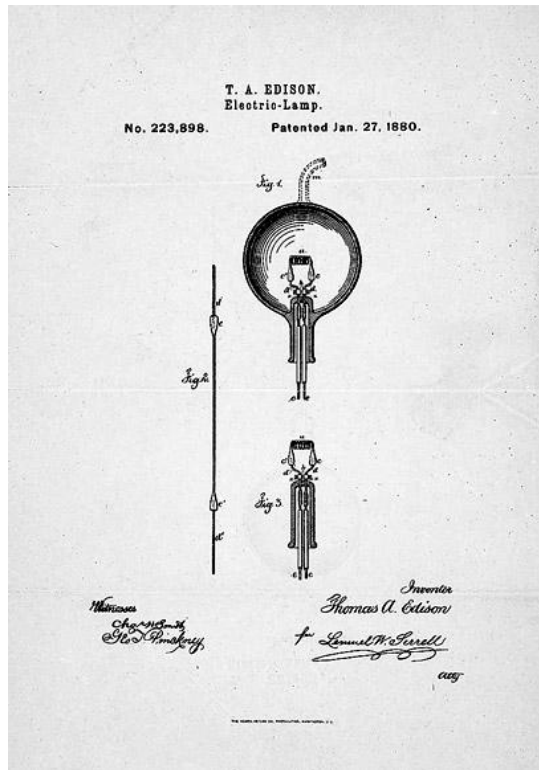


Fig. 4.



Inventor:
Anton Jivoin,
By Andrew F. (Nietzsch) City.

Patentability



Does not have to be a 'light bulb' **invention !!!**

Patentability

United States Patent Office

3,150,641
Patented Sept. 29, 1964

1

3,150,641
DUST COVER FOR DOG
Scroun Kesh, 18982 Ardmore, Detroit 35, Mich.
Filed Sept. 4, 1963, Ser. No. 306,437
1 Claim. (Cl. 119-160)

This invention relates to domestic pets and has particular reference to the care and well-being of dogs and

2

are heat-sealed, or otherwise secured together along their outer peripheries as at 10, to provide a substantially airtight cover for the animal. The cover 7 has a tail portion 11, leg portions 12, 13, 14, and 15, and a head portion 16, which terminates in a face opening 17, which is provided with an elastic edge 18. A slide fastening element, or "zipper" 19, closes the opening in the back portion 19A of the device, and extends from the elastic headband

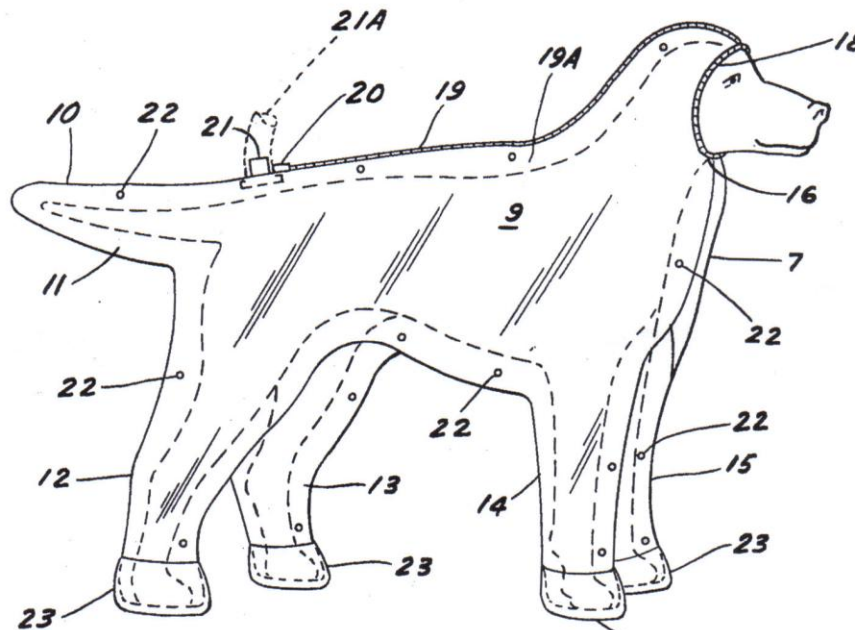


FIG. 1

Patentability

United States Patent [19]
Hartman

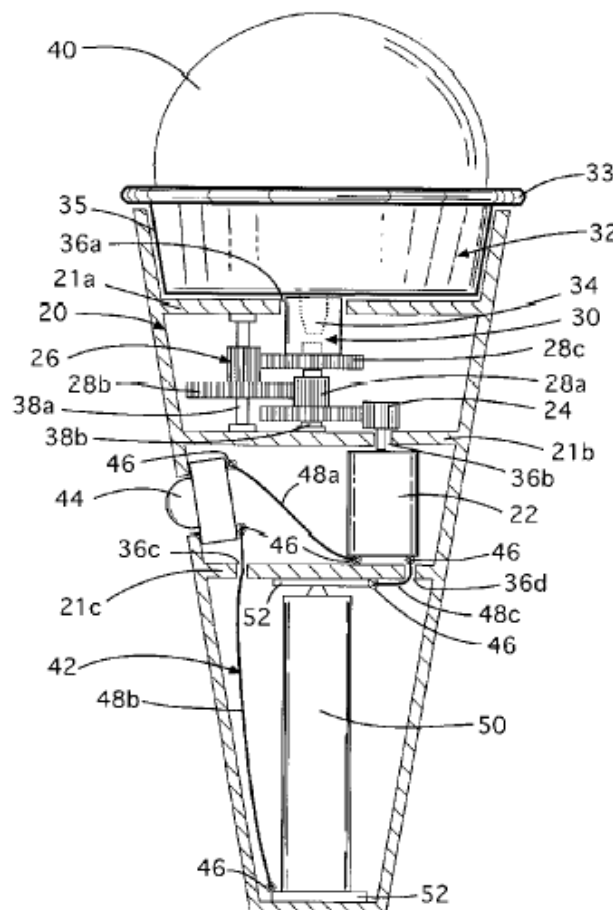
[11] **Patent Number:** **5,971,829**
 [45] **Date of Patent:** **Oct. 26, 1999**

[54] **MOTORIZED ICE CREAM CONE**

[76] **Inventor:** **Richard B. Hartman**, P.O. Box 228,
 Issaquah, Wash. 98027

[21] **Appl. No.:** **09/036,398**

[22] **Filed:** **Mar. 6, 1998**



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Patentability

(12) **United States Patent**
Magdi

(10) **Patent No.:** US 6,826,983 B1
 (45) **Date of Patent:** Dec. 7, 2004

(54) **LIGHT BULB CHANGER**

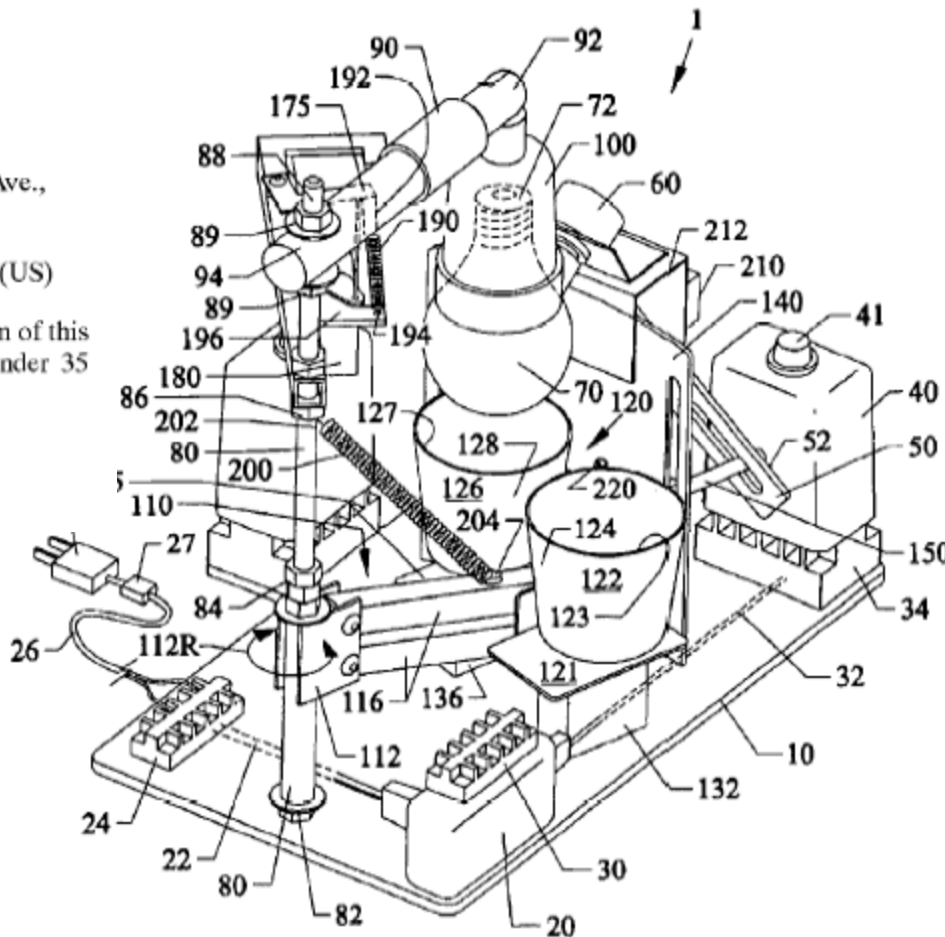
(75) **Inventor:** Thomas Magdi, 888 Hamilton Ave.,
 Rockledge, FL (US) 32955

(73) **Assignee:** Thomas Magdi, Rockledge, FL (US)

(*) **Notice:** Subject to any disclaimer, the term of this
 patent is extended or adjusted under 35
 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 10/361,528

(22) **Filed:** Feb. 10, 2003



Patentability

(12) **United States Patent**
Agulnik

(10) **Patent No.:** **US 6,612,440 B1**
 (45) **Date of Patent:** **Sep. 2, 2003**

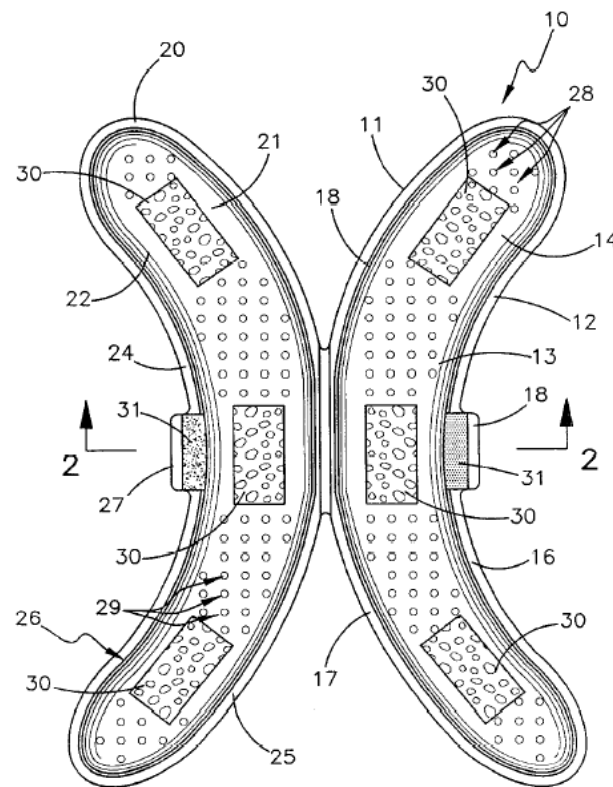
(54) **BANANA PROTECTIVE DEVICE**

(76) **Inventor:** **David B. Agulnik**, P.O. Box 19137 4th Ave. Postal Outlet, Vancouver BC (CA), V6K 4R8

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 75 days.

(21) **Appl. No.:** **09/780,001**

(22) **Filed:** **Feb. 9, 2001**



Patentability

(12) **United States Patent**
Wilson

(10) **Patent No.:** US 7,386,902 B2
(45) **Date of Patent:** Jun. 17, 2008

(54) **PILLOW WITH BREASTS**

(76) **Inventor:** Juanita M. Wilson, 13502 Hoffman Ct., Bowie, MD (US) 20715-6024

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 98 days.

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(21) **Appl. No.:** 11/355,084

(22) **Filed:** Feb. 16, 2006

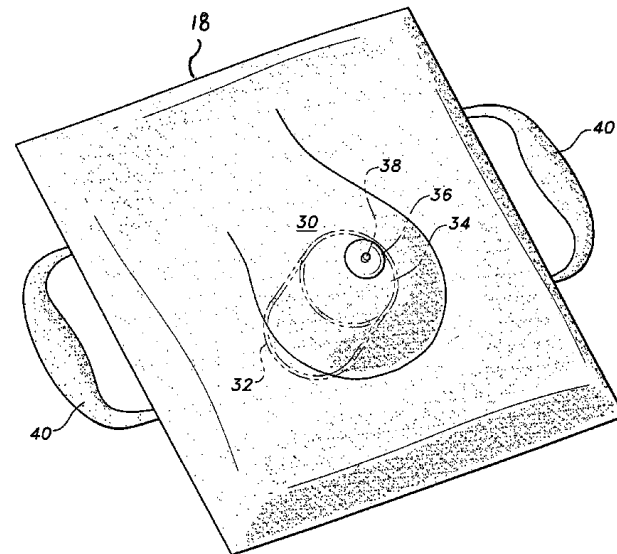
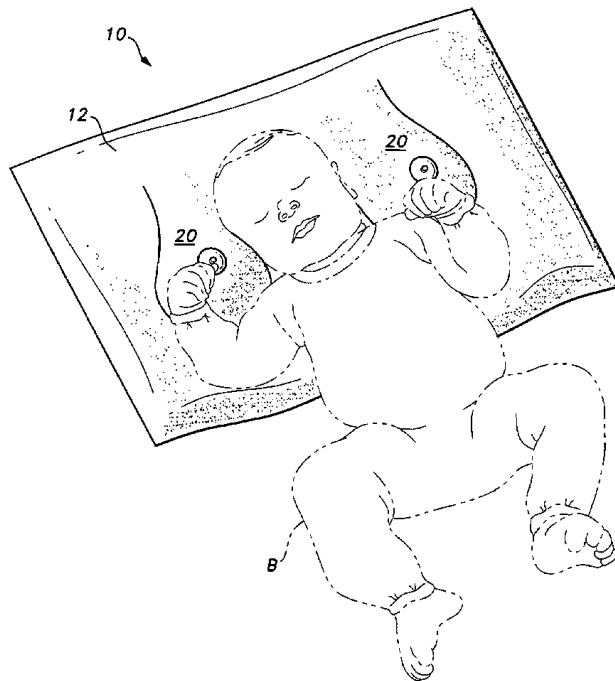
(65) **Prior Publication Data**

US 2007/0094799 A1 May 3, 2007

Related U.S. Application Data

(60) **Provisional application No.** 60/596,890, filed on (27, 2005.

(51) **Int. Cl.** A47C 2/10 (2006 01)



Patentability

United States Patent [19]
Kreiss

[11] **4,044,405**
 [45] **Aug. 30, 1977**

[54] **TARGET IN A BOWL OR URINAL TO ATTRACT THE ATTENTION OF URINATING HUMAN MALES**

[76] **Inventor:** Joel S. Kreiss, Washington Valley Road, Martinsville, N.J. 08836

[21] **Appl. No.:** 652,816

[22] **Filed:** Jan. 27, 1976

[57] **ABSTRACT**

A target fixedly connected to a urinal or toilet to attract the attention of human males.

