

MUCH SHELIST

Issues in Intellectual Property Licensing



INTELLECTUAL PROPERTY TOOLS FOR PROTECTION

PATENTS

TRADE SECRETS

TRADEMARKS

COPYRIGHTS



Patents

GIVES ONE THE RIGHT TO EXCLUDE OTHERS FROM MAKING THE INVENTION BUT DOES NOT GIVE YOU SUCH RIGHTS

**What is an invention?
Can anyone define 'Invention'?
Many rules on what is not an invention**

A patent:

- **Must have utility-must do something**
- **Must not be anticipated by prior art-described in a single document**
- **Must not be obvious to a person of ordinary skill in the art**

Types of patents:

Utility- apparatus, method, processes, articles of manufacture, composition of matter
- Life span-20 years from initial filing date

Design-protects new original , and ornamental designs for articles of manufacture
-Life span of 14 years from issuance

Plant Protects new and distinct varieties of asexually-reproduced plants
- Life span-20 years from initial filing date



The patent contract

- Claims define the metes and bounds of the invention
 - Patent gives the owner the right to exclude others from practicing the invention:
 - Make
 - Use
 - Sell



Provisional Patent Application Practice

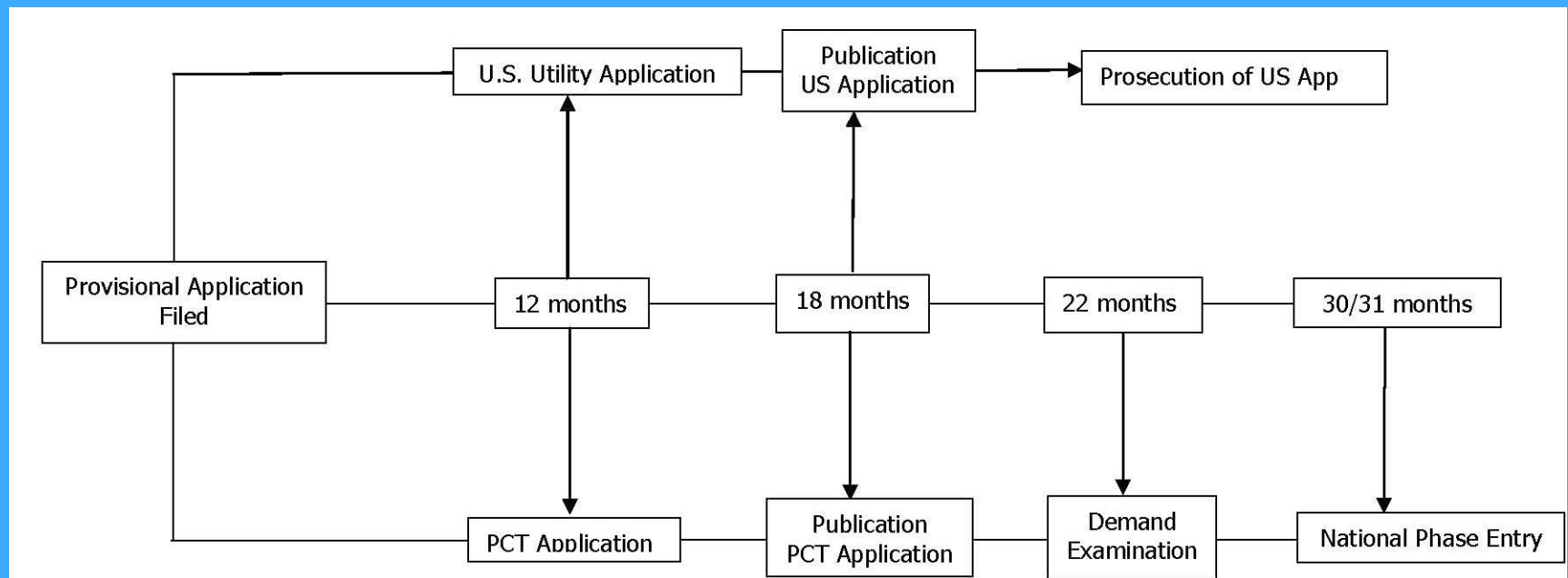
First to Invent
(Not first to file)

The sooner the better

Provisional Application is a disclosure of the invention including a description and drawings without any claims



PCT TIME LINE PROVISIONAL PRACTICE



RED FLAGS

- ONE YEAR FROM PUBLICATION, USE OR SALE (OFFER FOR SALE)
- FOREIGN PROTECTION-ABSOLUTE NOVELTY **DIVULGATION**-PATENT COOPERATION TREATY (“PCT”)



INVENTION DISCLOSURE FORM

ABC CORPORATION INVENTION DISCLOSURE FORM

FOR PATENT DEPARTMENT USE ONLY

Invention Record No.	Title
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INVENTION RECORD

Date	Project No.	Division Group
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This form is for the reporting any new invention or idea which might be patentable. Submit this to your Department Head or Supervisor, who will forward it to the Patent Law Department. ABC Corporation., Chicago, Illinois. Its purpose is to direct attention to and make a record of new inventions. The Patent Department will acknowledge receipt of this form.

Title of Invention:

Inventor(s) (See Instruction 1.) Note: Instructions referred to by number are printed on the Instruction Page.

(1) Name	Employee No./Social Security No.
Residence	Citizenship
(2) Name	Employee No./Social Security No.
Residence	Citizenship
(3) Name	Employee No./Social Security No.
Residence	Citizenship
(4) Name	Employee No./Social Security No.
Residence	Citizenship



Utility Patent

United States Patent [19]

[11] 4,281,778

Stull

[45] Aug. 4, 1981

[54] **LOCKING CLOSURE CAP**

[76] Inventor: **Morton Stull**, Split Rock Rd.,
Boonton Township, Morris County,
N.J. 07005

[21] Appl. No.: **113,433**

[22] Filed: **Jan. 18, 1980**

[51] Int. Cl.³ **B65D 25/42; B65D 55/02**

[52] U.S. Cl. **222/546; 222/543;**

[58] **Field of Search** **222/546; 215/214; 215/330**
222/153; 543; 546;
215/330; 214; 216

[56] **References Cited**

U.S. PATENT DOCUMENTS
3,240,405 3/1966 Abbott 222/546 X
3,826,394 7/1974 Stull 222/546 X
4,127,221 11/1978 Vere 222/543 X

FOREIGN PATENT DOCUMENTS
480990 12/1969 Switzerland 222/546

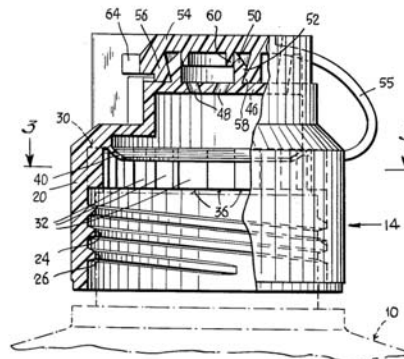
Primary Examiner—Robert J. Spair
Assistant Examiner—Frederick R. Handren
Attorney, Agent, or Firm—H. Gibner Lehmann, K.
Gibner Lehmann

[57] **ABSTRACT**

A closure cap construction for a dispensing container,

the cap portion thereof being of the type intended to be held permanently captive on the container and having a dispensing orifice permitting selective discharge of the container contents. The cap portion comprises a body having an internal, double-helical screw thread adapted to engage a corresponding screw thread on the neck of the container. In addition, the body has an internal, downwardly facing shoulder from which there extends a series of molded, integral locking ratchet teeth. The upper ends of the teeth are joined to the shoulder so that the latter provides a stiffening effect which minimizes undesirable flexing or deformation of the teeth. The opposite or lower ends of the teeth are exposed and unconnected, and are intended to by-pass a series of cooperable locking ratchet teeth on the container neck. Also, the root diameters of both the internal thread and the cap locking teeth are substantially the same, which simplifies the molding of the cap. In addition, due to the fact that the ratchet teeth of the cap are disposed above the level of the internal cap threads, the locking teeth do not interfere with the threads as the latter are being "started"; this arrangement reduces the manufacturing cost in that it facilitates the use of high-speed, automatic capping equipment after the filling of the containers with the intended product.

18 Claims, 6 Drawing Figures



Design Patent

United States Patent Office Des. 212,412
Patented Oct. 15, 1968

212,412

COLLAPSIBLE TUBE

Patrick G. Hanlon, 1016 S. Coy,
Kansas City, Kans. 66101

Filed July 17, 1967, Ser. No. 7,835

Term of patent 14 years
(Cl. D9-194)

Fig. 1



Fig. 2



Fig. 3



FIG. 1 is a front elevational view of a collapsible tube showing my new design, the rear elevation being identical thereto.

FIG. 2 is a side elevation thereof; the side opposite being identical thereto, and

FIG. 3 is a plan view of the cap end thereof.

I claim:
The ornamental design for a collapsible tube, substantially as shown and described.

References Cited

UNITED STATES PATENTS

D. 170,395	9/1953	Brav	-----	D9-254
2,218,092	10/1940	Nitardy,		
3,212,679	10/1965	Schmidt, Jr.		

OTHER REFERENCES

Packaging, February 1965, p. 8, "Swedish Packing Prize" shown in upper left panel.

EDWIN H. HUNTER, *Primary Examiner*.
W. E. HERRMANN, *Assistant Examiner*.



Trade Secrets

DOES NOT PROTECT AGAINST INDEPENDENT DEVELOPMENT OR REVERSE ENGINEERING

- Must have reasonable efforts by the owner to maintained confidentiality
- Must be sufficiently secret to derive economic value from not being generally known
- Illinois Trade Secret Act
- life span –forever, or until it is made public without an obligation of confidentiality
- Confidentially Agreements –mutual NDA



TRADEMARKS

- **Any word, name, symbol, or device used to identify and distinguish the goods or services of one seller from another**
- Trademarks denote the source of a good or service
- Association marks and trade dress registered marks

“Look before you leap”-conduct a search over the internet at <http://www.uspto.gov/main/trademarks.htm>

Check state registrations, get opinion from counsel

File ITU (Intent to Use) trademark application-national protection from date of filing





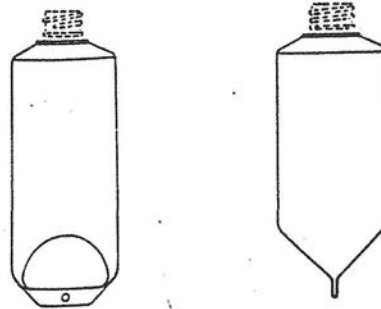
Int. Cl.: 20

Prior U.S. Cl.: 2

Reg. No. 1,466,354

United States Patent and Trademark Office Registered Nov. 24, 1987

TRADEMARK
PRINCIPAL REGISTER



HANLON CHEMICAL CO., INC. (KANSAS CORPORATION), DBA CONTAINER SUPPLY CO.
1016 SO. COY
KANSAS CITY, KS 66105

FOR: PLASTIC CONTAINERS FOR COMMERCIAL USE, IN CLASS 20 (U.S. CL. 2).
FIRST USE 7-0-1967; IN COMMERCE 7-0-1967.

THE MARK COMPRISES THE CONFIGURATION OF THE CONTAINERS INCLUDING A BOTTOM WITH A V-SHAPED PROFILE AND ELLIPTICAL CONVERGING END PANELS.

SEC. 2(F).

SER. NO. 613,966, FILED 8-11-1986.

DAVID A. GUTH, EXAMINING ATTORNEY

EXHIBIT
A



 **NCIIA**
Invention to Venture

212,412

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Kansas City, Kans. 66101

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Fig. 1.



Fig. 2.



Fig. 3.

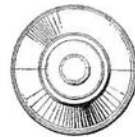


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[45] **Aug. 4, 1981**

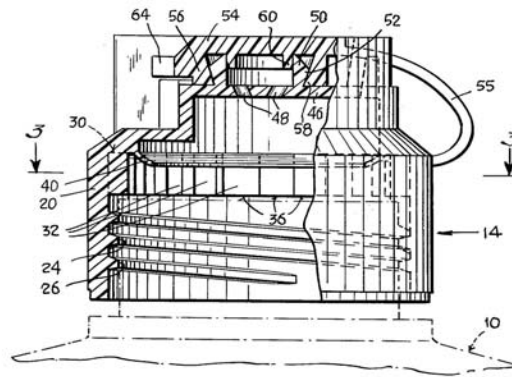
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 [76] Inventor: **Morton Stull**, Split Rock Rd.,
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 [58] Field of Search **222/153; 543, 546;**
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Attorney, Agent, or Firm—H. Gibner Lehmann; K. Gibner Lehmann

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18 Claims, 6 Drawing Figures



COPYRIGHTS

COPYRIGHTS PROTECT THE EXPRESSION OF THE IDEA, NOT THE IDEA

- **A COPYRIGHT PROTECTS ORIGINAL WORKS OF AUTHORSHIP**
 - **PROTECTS THE RIGHT TO COPY, DISTRIBUTE, PERFORM, MAKE DERIVATIVES-BOOK-MOVIE**
 - **WORK FOR HIRE DOCTRINE**
 - **REVISIONARY RIGHTS AFTER 35TH YEAR TO 40TH YEAR, IF ASSIGNED, AUTHOR OR HIS (HER) IMMEDIATE FAMILY HAS RIGHT TO TAKE BACK.**
- **Put a copyright notice on all literature, software, designs, articles, papers – Desirable but not absolutely essential since copyright comes into being upon creation**
- **“©” or “Copyright” (Year of publication or creation) (claimant)**
Must register the copyright if you want to enforce in court



Conclusion

- **An invention should not be disclosed without first obtaining a confidentiality agreement.**
- **Make a documented description of your invention witnessed by a person who understands it.**
- **If you wish to protect your invention, file a provisional or non-provisional patent application. If you must show or divulge your idea or invention, disclose it only to those individuals who are under an agreement of confidentiality.**



M U C H *S H E L I S T*

**INVENTION TO VENTURE
URBANA**



Issues in Intellectual Property Licensing

Panel Discussion

