

**A BEGINNER'S
GUIDE TO
UNDERSTANDING
INTELLECTUAL
PROPERTY**



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WHAT IS INTELLECTUAL PROPERTY?

- ▶ It's called **IP** for short
- ▶ It's any work or invention that's the result of creativity
- ▶ It can be technology
- ▶ It can be a book, play, poem or other writing
- ▶ It can be software
- ▶ It can be a brand name or a design
- ▶ It can be a secret process for making something
- ▶ It can be anything that results from your mind's creativity

HOW DO YOU PROTECT IP

1. PATENTS

2. TRADE SECRETS

3. COPYRIGHTS

4. TRADEMARKS



PATENTS

FOR INVENTIONS THAT ARE NOVEL AND NON-OBVIOUS

Different kinds of patents:

- ▶ Utility
- ▶ Design
- ▶ Plant

Patents give you the right to exclude others from making, using, offering for sale, or selling your invention or importing your invention into the U.S.



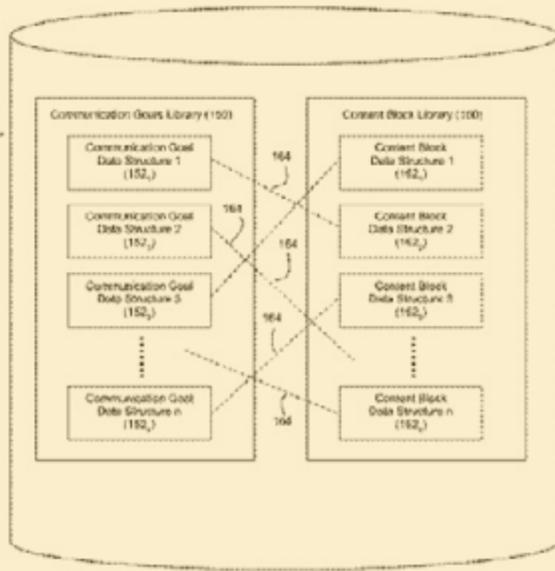
UTILITY PATENT



DESIGN PATENT



PLANT PATENT



(12) **United States Patent**
Birnbaum et al.

(10) **Patent No.:** **US 9,720,899 B1**
(45) **Date of Patent:** ***Aug. 1, 2017**

(54) **AUTOMATIC GENERATION OF NARRATIVES FROM DATA USING COMMUNICATION GOALS AND NARRATIVE ANALYTICS**

(56) **References Cited**

(71) Applicant: **Narrative Science Inc.**, Chicago, IL (US)

(72) Inventors: **Lawrence Birnbaum**, Evanston, IL (US); **Kristian J. Hammond**, Chicago, IL (US); **Nathan Drew Nichols**, Chicago, IL (US); **Andrew R. Paley**, Chicago, IL (US); **Shingo Murata**, Chicago, IL (US); **Pia Opulencia**, Chicago, IL (US)

(73) Assignee: **NARRATIVE SCIENCE, INC.**, Chicago, IL (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 126 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: **14/521,264**

(22) Filed: **Oct. 22, 2014**

(51) **Int. Cl.**

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U.S. UTILITY PATENT

IN GENERAL, A UTILITY PATENT PROTECTS A DEVICE, SYSTEM, OR HOW SOMETHING IS DONE OR WORKS

- ▶ To get a utility patent, you must show you invented a new or improved product, process or machine.
- ▶ In the U.S., you apply to the the federal government ("the Patent Office") to get a patent.
- ▶ Utility patents typically expire 20 years after they are filed. (In certain circumstances, expiration may occur after 20 years to account for delays in Patent Office.)
- ▶ Must pay periodic maintenance fees to keep U.S. utility patents in force.

APPLYING FOR A UTILITY PATENT IN THE U.S.

TWO TYPES OF APPLICATIONS:

- ▶ Provisional
- ▶ Non-provisional

Provisional

- ▶ No required form
- ▶ "placeholder" for non-provisional
- ▶ Good for a year
 - ▶ They are automatically abandoned if you don't file a non-provisional within a year

Non-provisional

- ▶ Must adhere to specific Patent Office rules
- ▶ Examined by a "patent examiner" who knows the technology
- ▶ Patent examiner searches for "prior art" (i.e. other people's inventions that came before yours)
- ▶ Patent examiner may allow, reject your application or require other changes
- ▶ If patent examiner rejects your application, you can appeal

U.S. DESIGN PATENTS



PROTECTS HOW SOMETHING LOOKS (ORNAMENTAL DESIGNS)

Term of Protection

- ▶ If filed before May 13, 2015, 14 years from issuance
- ▶ If filed on or after May 13, 2015, 15 years from issuance
- ▶ No maintenance fees required
- ▶ Application is mostly made up of drawings

U.S. PLANT PATENTS

- ▶ For new varieties of asexually reproduced plants that are not tuber propagated plants (i.e. plants such as potatoes where the part of the plant you eat does the reproduction)
- ▶ Expire 20 years from filing
- ▶ No maintenance fees required



TRADE SECRETS

SOMETHING THAT DERIVES ITS VALUE BY BEING A SECRET

Examples:

- ▶ Coca-Cola formula
- ▶ Customer lists
- ▶ Krispy Kreme Doughnuts recipe
- ▶ Kentucky Fried Chicken recipe
- ▶ Listerine formula
- ▶ McDonald's Big Mac Special Sauce recipe



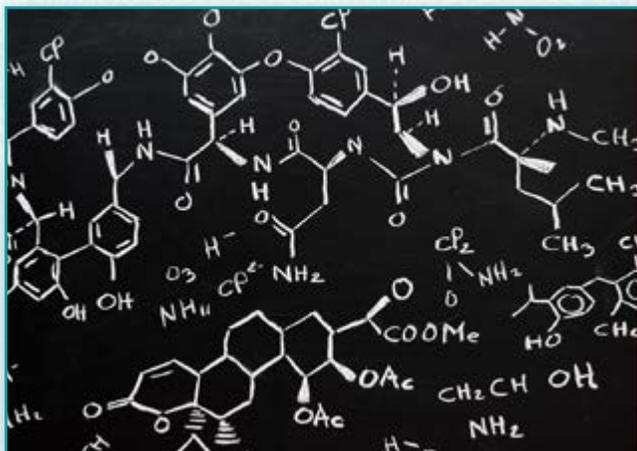
**MUST KEEP IT SECRET to keep it protected
IF YOU MAKE IT PUBLIC, IT WON'T BE A TRADE SECRET!**



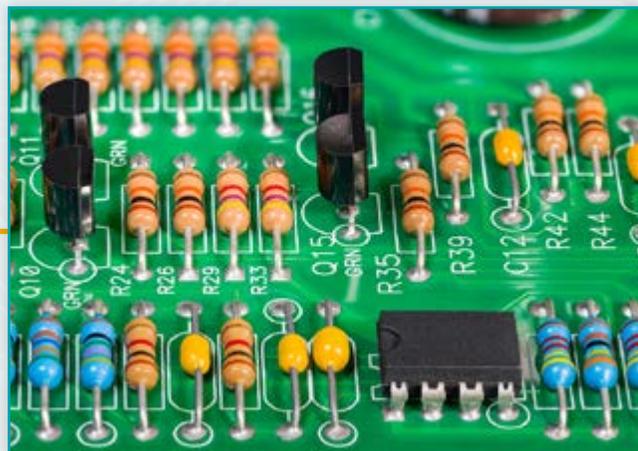
MAKING A CHOICE

PATENT OR TRADE SECRET?

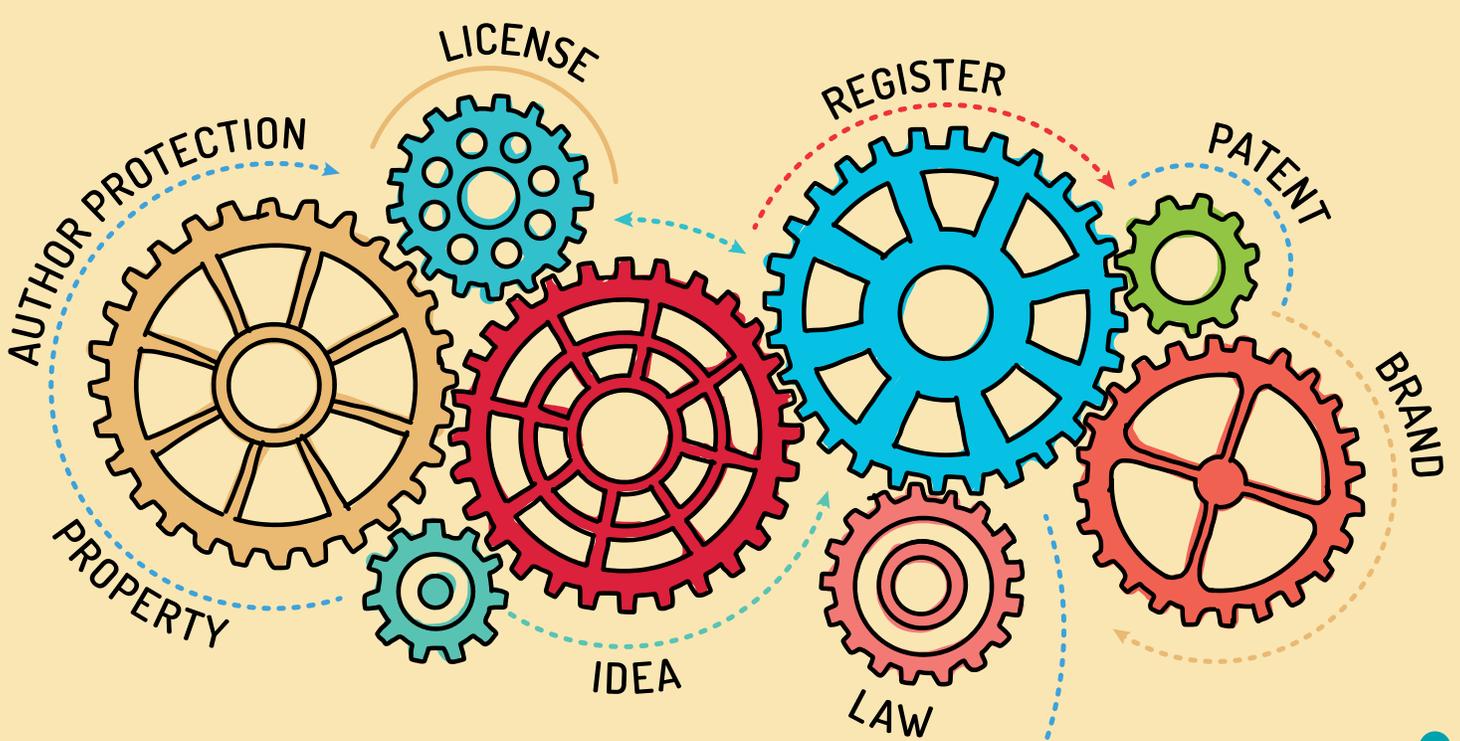
- ▶ Remember, if you make it public, it won't be a trade secret.
- ▶ But if you want to patent it, you have to explain how it works in your patent, so it becomes public when your patent is made public
- ▶ Thus you have to make a choice
- ▶ What choice is best depends on your particular invention/idea



TRADE SECRET



PATENT



COPYRIGHTS



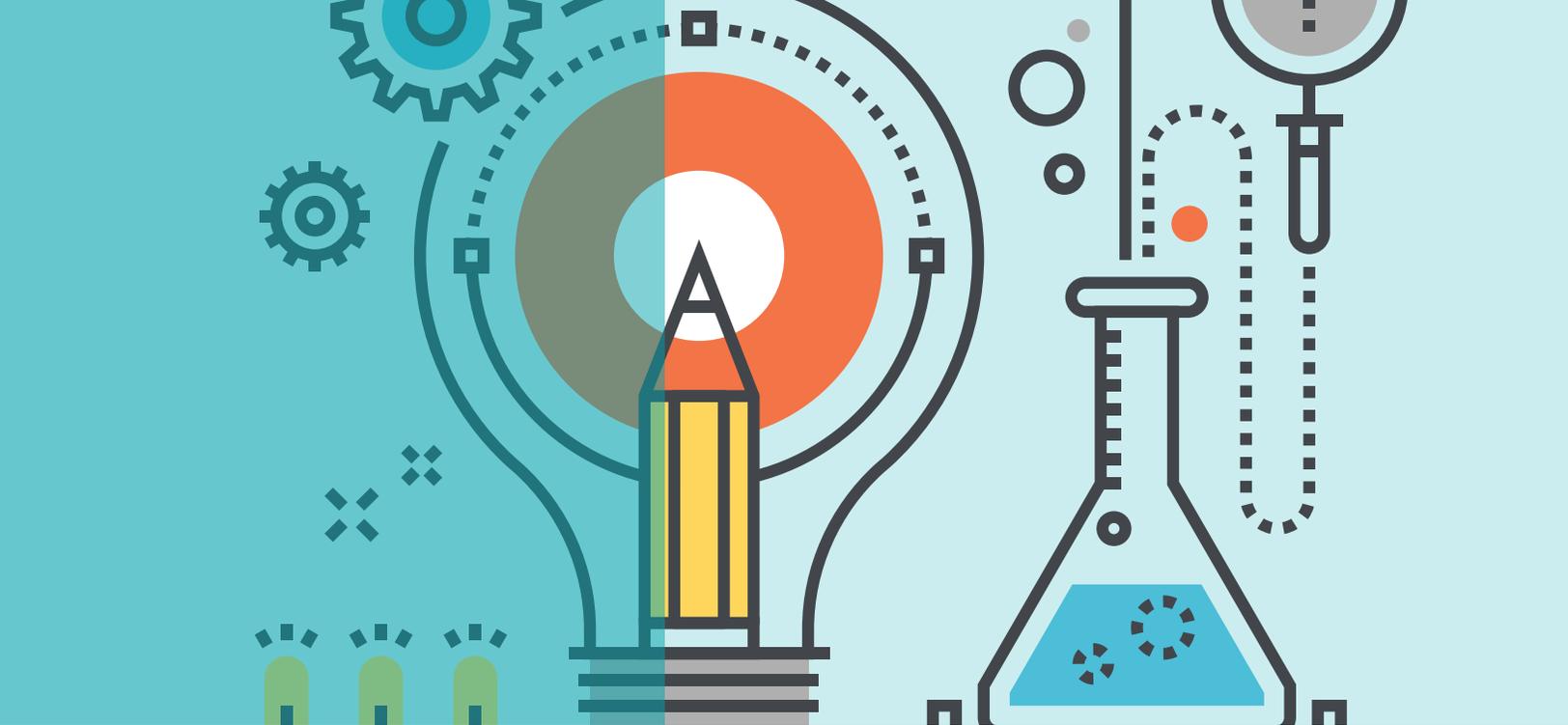
Protects original works of authorship,
for example:

- ▶ Books
- ▶ Poems
- ▶ Software
- ▶ Songs
- ▶ Architecture
- ▶ Movies
- ▶ Pictures

Does NOT protect facts,
ideas, but may protect how
you express facts/idea

If someone else copies your
copyrighted work, they
infringe. But if they come up
with it on their own without
copying you, they haven't
infringed.

You have to register your
work with the U.S. Copyright
Office before you can sue
someone for copying it.



TRADEMARKS

WORDS, SYMBOLS, DESIGNS, ETC. THAT IDENTIFY AND DISTINGUISH THE SOURCE OF A PRODUCT OR SERVICE.



For example:

- ▶ "Instagram", "iPhone", "YouTube", "Spotify"
- ▶ Must function as a brand identifier to be a trademark
- ▶ Generic names - "chair", "computer", "car" - cannot be trademarks
- ▶ The "tm" symbol [™] means trademark
- ▶ The "R" symbol [®] means your trademark is registered with the United States Patent and Trademark Office

TM





WE HANDLE THE FULL BREADTH OF **IP ISSUES** FACED BY CLIENTS WORLDWIDE.

Thompson Coburn's Intellectual Property practice group is focused on counseling businesses with respect to their intellectual property and information technology needs.

With our guidance, clients can establish, protect and enhance the value of their IP portfolios. Our client roster is diverse, ranging from start-up ventures to established industry leaders. We provide legal services relating to patent, trademark, copyright and trade secret protection, as well as Internet and new media, e-commerce, software licensing, unfair competition and false advertising. We also have experience in all aspects of the emerging technology spectrum. We litigate IP matters in courts throughout the country and before governmental agencies. Our mission is to give our intellectual property clients the highest quality, most responsive and most cost-effective legal counsel possible.

Many of our IP attorneys have advanced degrees, scientific research experience and practical business experience in advanced technology industries—backgrounds that enable them to understand and appreciate the significance of technical innovations quickly and to focus on satisfying the clients' legal needs.



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