

TOOLS TO SAVE YOUR MIND

How to Recognize, Capture, and Profit from Intellectual Property

Prepared for:

NHJES Conference

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Maine Cernota & Rardin

Topics

I. Introduction

II. Tools:

Patents, Trademarks, Trade Secrets, & Copyrights

III. Protecting: What, When, Why, & How

IV. Bonuses, Royalties, & Ownership

V. Infringementless

VI. Qs

I. Introduction



**DEATH BY
POWERPOINT**

I. Introduction



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CALIFORNIA 3647 Whitworth Drive Dublin CALIFORNIA 94568

I. Introduction

- Not Legal Advice
- Not Confidential
- Interstitial Questions Encouraged

I. Introduction



Lab

vs.



Law

- Scholarly Publications
- Peer Review
- Laws of NATURE
- Gov. Filings
- Confidentiality
- Laws of MAN

'Learned Hand'

II. Tools

I. Patents

II. Trademarks

III. Copyrights

IV. Trade Secrets

II. Tools

I. Patents

- Not ticket to ride | Diploma to defend
- *Utility* = Ideas | *Design* = Appearance
- *Provisional* placeholder
- Resources:

U.S.P.T.O. <http://www.uspto.gov/inventors/>

Patent it Yourself <http://www.nolo.com/products/patent-it-yourself-pat.html>

BIG Idea Group <http://www.bigideagroup.net/faq/>

Free Patents Online <http://www.freepatentsonline.com/search.html>

Google Advanced Patent Search http://www.google.com/advanced_patent_search

mcr-ip.com <http://www.mcr-ip.com/>

'nose of wax'

II. Tools

II. Trademarks


- A word / phrase / design identifying a product or service
- To protect the public (not you)
- State / Federal / World
- Markings TM ®

'genericide'

'naked license'

II. Tools

III. Copyrights

- Protects the *expression* of an *original* work of authorship or art
- Concrete Blueprints vs. Ideas
- Registration (pre-suit, 3 mo., 5yrs.)
- Up to 125 years
- Marking © 

II. Tools

IV. Trade Secrets



Patent – You own the horse.

Trade Secret – You own the fence.

III. Protecting

I. What

II. When

III. Why

IV. How

'Gebrauchsmuster'

III. Protecting

I. What? 'POSITA'

UNITED STATES PATENT OFFICE.

HENRY MUNK, OF FREMONT, OHIO.

CIGAR-LIGHTER AND PERFUMERY-EJECTOR COMBINED.

SPECIFICATION forming part of Letters Patent No. 348,409, dated August 31, 1886.

Application filed October 12, 1885. Serial No. 119,706. (No model.)



WITNESSES

Howard J. Edmunds
John M. Hill

INVENTOR

Henry Munk
J. C. Munn

To all whom it may concern:

Be it known that I, HENRY MUNK, a citizen of the United States of America, residing at Fremont, in the county of Sandusky and State of Ohio, have invented certain new and useful Improvements in Perfumery-Ejectors, of which the following is a specification, reference being had therein to the accompanying drawings.

My invention, which is designed principally for the use of those who retail cigars, combines in the one and the same ornamental device a tray for holding cigar-lighters, a lamp for lighting them, and a perfumery-sprayer for ejecting upon the cigar, or, it may be, upon the person or hand of the person lighting it, a richly-perfumed spray, to enhance the odor and the consequent value of the cigar, while refreshing with perfume the person of the purchaser thereof; and it consists of the peculiar structure, combination, and arrangement of the parts, as hereinafter more fully shown and described.

In the accompanying drawings, Figure 1 is a sectional view of my invention. Fig. 2 is a plan view thereof; and Fig. 3 is a detail view.

In the construction of my cigar-lighter and perfumery-sprayer I construct a suitable statuette, A, and in the right hand thereof is secured a tray, B, for containing a number of cigar-lighters or "tapers" B', and in the left hand of said statuette is arranged a lighted lamp, C, which lamp may be supplied with alcohol, the purpose of which is obvious.

The perfumery-sprayer consists in part of the holder D, which is a cylindric water-tight vessel having a spout-tube, a, to which tube b is attached.

I do not limit myself to any precise form of construction of the perfumery-sprayer, as it is obvious that any similar device to that shown may be used to the same effect.

The tube b, which may be made of rubber or other suitable flexible material, has secured thereto at its terminal point the metallic tube H, which is curved to a right angle near its small exit-orifice, through which the perfume is thrown in the form of spray. This tube, which is conveyed from the holder beneath the counter or stand, whereon is disposed the above-described statuette, is extended through a vertical aperture provided in the leg and upper part of the body of said statuette and terminates in the metallic tube, whose exit-orifice (one or more of which orifices may be formed therein) is placed between the lips of the statuette. In this connection it may be stated that one or more sprayers may be employed to contain a different quality of perfume.

Having thus fully described my invention, what I claim, and desire to secure by Letters Patent, is—

As a new article of manufacture, the cigar-lighter and perfume-sprayer, consisting of a statuette holding in one hand a lighted lamp and in the other a tray, and a perfumery-sprayer connected by a tube passing through the body of the statuette, with the mouth of said statuette for ejecting a spray, substantially as shown, and for the purpose stated.

In testimony whereof I affix my signature in presence of two witnesses.

HENRY MUNK.

Witnesses:

J. L. GREENE,
 H. R. FINEFROCK.

III. Protecting

II. When?



III. Protecting

III. Why?

- Profit, Sell
- Freedom to Operate
- License, X-license
- Right to Exclude
- Affects Customers
- Affects Competitors
- Affects Creditors
- Affects Investors

'submarine patent'

III. Protecting

IV. How?

- Witnessed Notebooks
- Anticipating Disclosures
- Employment Agreements
- NonDisclosure Agreements (NDAs)
- **FILING** / Recording / Hiding

'flash of genius'

IV. Bonuses, Royalties, & Ownership

I. Bonuses

II. Royalties

III. Ownership

IV. Bonuses, Royalties, & Ownership

I. Bonuses

- Policy (w/target #)
- Disclosure Forms
- Reward (\$1k to \$2k?)
- Assignment
- Review (multi-reps)
- File Application

'peppercorn'

IV. Bonuses, Royalties, & Ownership

II. Royalties

Individual

➤ Avoid Manufacturing

➤ Faster Return

➤ Fewer Profits

Company

➤ Leverage Volume

➤ Save Capital

➤ Lose Exclusivity

IV. Bonuses, Royalties, & Ownership

III. Ownership



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V. Infringementless

(How to remain so)

US

- Searches
- Strong Protection
- License

THEM

- Police
- Pursue
- (Cross) License

Tools Recap

- I. Patents (Provisional, Utility, Design)
- II. Trademarks (Avoid consumer confusion)
- III. Copyrights (To 125 yrs original expression)
- IV. Trade Secrets (Corral, not horse)

REWARD!



VI. Q&A



Thank You

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- The End -