



# Patents

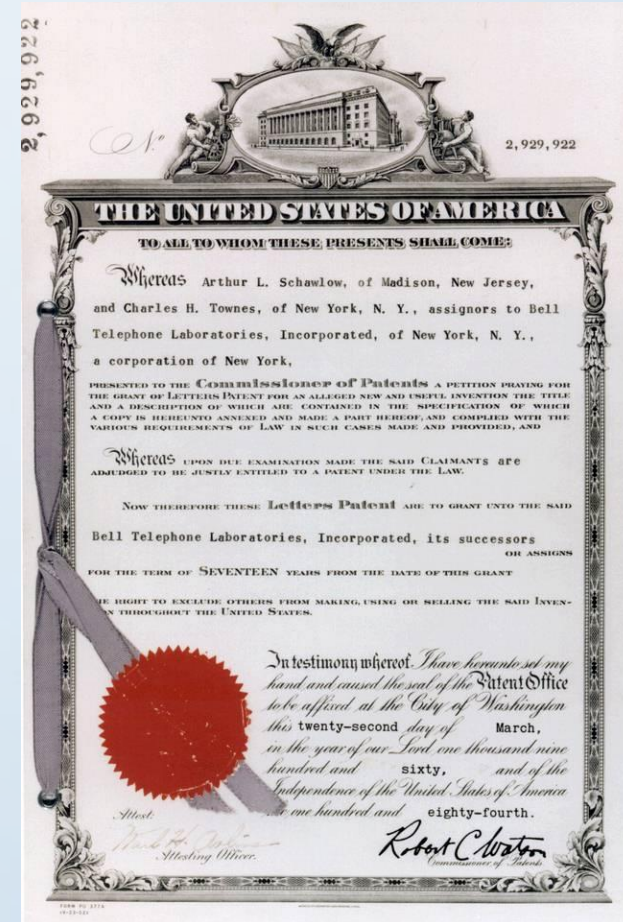
Law 115 | Week 7 | Lecture 14  
Rachael Vaughn

# Agenda

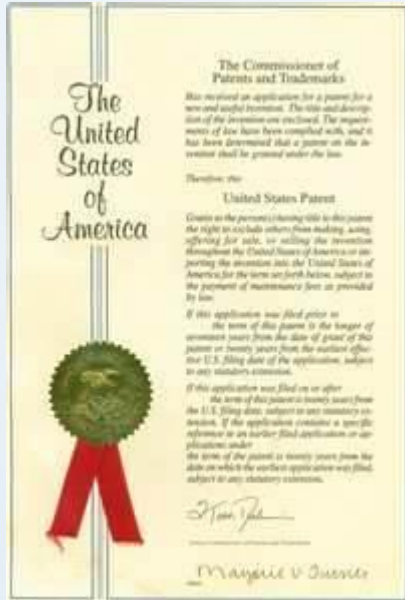
1. Parts of a Patent
2. What Does a Patent Get You
3. Infringement
4. Another Example
5. Defenses
6. Patent Trolls
7. NPR Discussion

# Parts of a Patent

- 1) Title
- 2) Cross reference to related application
- 3) Background of invention
- 4) Summary of invention
- 5) Brief description of drawings
- 6) Detailed description
- 7) Claims
- 8) Abstract
- 9) Federal Funding



# What Does a Patent Get You



A U.S. patent provides the owner of the patent (“patentee”) with the exclusive right to...

- Make the claimed invention
- Use the claimed invention
- Sell or offering to sell the claimed invention
- Import the claimed invention into the US

The term of a utility patent is **20 years**; the term of a design patent is **14 years**. Renewal fees must be paid throughout the life of the patent.

# What Does a Patent Get You

A patent **does not** provide the owner with the right to practice the claimed invention.

- Steve Jobs has been quoted to claim that Apple filed over 200 patents to protect different aspects of the iPhone
- Apple may also have paid license fees to third parties to use their technologies to make the iPhone product

When developing and releasing a new product, doing a patent search is often useful





# Infringement

When someone exercises an exclusive right without a license from the patentee = infringement



- But remember that only a patent claim can be infringed.
- **All Elements Rule:** The accused infringer must practice each *element* of the claimed invention.

# Another Example



After suffering life threatening injuries, Tony Stark obtains a copycat version of Extremis from TechTheft Inc. and injects himself to avoid certain death.

Maya Hansen, a scientist at Futurepharm Corporation, invents the Extremis serum, which directs the human body to repair itself and heal all wound tissue.

**Claim 1:** A compound for healing wounds comprising: antibacterial agent X; and secret compound Y.

**Claim 2:** A method for healing wounds comprising the step of injecting the compound described in claim 1 immediately before death.

# Defenses

- Experimental Use (limited)
- Inequitable Conduct
- Exhaustion
- Patent Misuse
- Invalidity
- Licensed Use



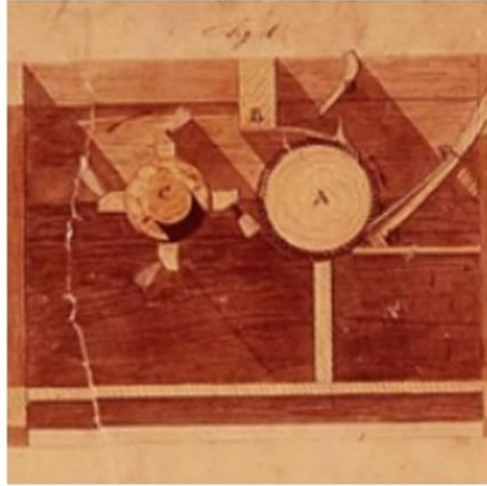


# Patent Trolls

- **Patent troll** is a pejorative term used for a person or company who enforces patents against one or more alleged infringers in a manner considered aggressive or opportunistic with no intention to manufacture or market the patented invention.
- Otherwise known as an **NPE** (non-practicing entity)



# NPR Discussion



## 441: When Patents Attack!

JUL 22, 2011

Why would a company rent an office in a tiny town in East Texas, put a nameplate on the door, and leave it completely empty for a year? The answer involves a controversial billionaire physicist in Seattle, a 40 pound cookbook, and a war waging right now, all across the software and tech industries. ([Transcript](#))

1. Do you think the current patent law incentivizes innovation?
2. If not, what do you think is wrong?
3. How would you change patent law (or IP law generally) to address these concern?