Patents and Trademarks Primer - Massachusetts Library Conference

Paulina Borrego
Patents and Trademarks, Oh My!
A Patent and Trademark Primer

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PTRC Librarian
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Massachusetts Library Association
Conference
Tuesday 22 May 2018
Framingham, MA
UMass Amherst Libraries Patent & Trademark Resource Center (PTRC)

Paulina Borrego
Science & Engineering Librarian
Patent & Trademark Resource Center Librarian
Patent & Trademark Resource Centers
What is a U.S. Patent?

- A limited time property right ...
- The right to exclude others ...
- Rights are granted in exchange ...
Utility Patents
- Machine
- Process
- Article of Manufacture
- Composition of Matter
- Novel
- Useful
- Not Obvious

Design Patents
Ornamental design for an article of manufacture

Plant Patents
Asexual reproduction of any distinct and new variety of plant*
On September 16, 2011, President Barack Obama signed the Smith-Leahy America Invents Act into law at Thomas Jefferson High School in Arlington, Virginia. The America Invents Act is the broadest, most sweeping reform to the patent system since at least the Patent Act of 1952.
USPTO Patent Application Fees
Effective January 14, 2017

Patent Fees
The fees subject to reduction upon establishment of small entity status (37 CFR 1.27) or micro entity status (37 CFR 1.29) are shown in separate columns. The $400/$200 non-electronic filing fee (fee codes 1090/2090/3090 or 1690/2690/3690) must be paid in addition to the filing, search and examination fees, in each original nonprovisional utility application filed in paper with the USPTO. The only way to avoid payment of the non-electronic filing fee is by filing your nonprovisional utility application via EFS-Web. The non-electronic filing fee does not apply to reissue, design, plant, or provisional applications.

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<thead>
<tr>
<th>Patent Application Filing Fees</th>
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<tr>
<td>Fee Code</td>
<td>37 CFR</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
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<tr>
<td>1011/2011/3011</td>
<td>1.16(a)</td>
</tr>
<tr>
<td>1011/4011/3011</td>
<td>1.16(a)</td>
</tr>
<tr>
<td>1012/2012/3012</td>
<td>1.16(b)</td>
</tr>
<tr>
<td>1017/2017/3017</td>
<td>1.16(b)</td>
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<tr>
<td>1013/2013/3013</td>
<td>1.16(c)</td>
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<tr>
<td>1005/2005/3005</td>
<td>1.16(d)</td>
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Patent Search Tools
Patent Searching – points to consider:

Much of patent searching depends on a number of factors to consider:

• how authoritative do you want the search to be
• how up to date do you want the information to be
• how much time do you have to spend on this search
• your comfort level with using a computer and search systems
• the invention – is it innovative technology or does it require searching patents prior to 1975
• your knowledge of U.S. patent classification and the recent change from USPC to CPC (you will need to search both systems)
• do you need to search just patents or also patent applications
Anatomy of a U.S. Utility Patent

**Inventor**

**Title of the invention**

**Assignee/Owner**

**Application number and date**

**Application filed**

**U.S. Patent Classification**

**Field of search**

**Drawing**

**Terra**

**References**

**Abstract**

**Document number**

**Date of issue**

**References**

**Patent number**

**Patent examiner**

**Patent attorney**

**Abstract**

**Specification**

**Claims**

**Types of U.S. patents**

- Utility patent
- Design patent
- Plant patent

**Columns and line numbers**

**Document number and date**

**Drawing sheets**

**Specification**

**Claims**

- Paragraphs located at end of the specification that define the scope of protection of a patent. The phrases "invention" or "what is claimed" precedes the numbered claims. The claims define the legal boundaries of the invention as the way property rights are defined for the physical boundaries of an area of land.

**Claims**

- Paragraphs located at end of the specification that define the scope of protection of a patent. The phrases "invention" or "what is claimed" precedes the numbered claims. The claims define the legal boundaries of the invention as the way property rights are defined for the physical boundaries of an area of land.

**Types of U.S. patents**

- Utility patent
- Design patent
- Plant patent
Patent Search Tools
USPTO Patent Full-Text and Image Database (PatFT)
Inventors are encouraged to search the USPTO’s patent database to see if a patent has already been filed or granted that is similar to your patent. Patents may be searched in the USPTO Patent Full-Text and Image Database (PatFT). The USPTO houses full text for patents issued from 1976 to the present and PDF images for all patents from 1790 to the present.

1. Searching Full Text Patents (Since 1976)
   Customize a search on all or a selected group of elements (fields) of a patent.
   • Quick Search
   • Advanced Search
   • Patent Number Search

2. Searching PDF Image Patents (Since 1790)
   Searches are limited to patent numbers and/or classification codes for pre-1976 patents.
   • View Patent Full-Page Images
   • How to View Patent Images

Search for Full-Text and Image versions of patent applications. Customize searches on all fields of a patent application in the AppFT for Full-Text searches.
   • Quick Search
   • Advanced Search
   • Publication Number Search

Searches are limited to patent numbers and/or classification codes for Full-Page images.
Patent Resources

• Local Patent & Trademark Resource Centers (PTRC) - in MA: UMass Amherst Libraries and Boston Public Library

• Inventors Assistance Center USPTO (United States Patent & Trademark Office)

• Patent Pro Bono program for independent inventors and small businesses USPTO (United States Patent & Trademark Office)

• Patent Pro Bono program for independent inventors and small businesses USPTO (United States Patent & Trademark Office) – Certificate Training Course (40 minute Adobe presentation)

• Pro Se Assistance Program USPTO (United States Patent & Trademark Office) / UMass Amherst Patent Virtual Assistance Pilot Program for Pro Se Inventors

• Law School Clinic Certification Program USPTO (United States Patent & Trademark Office)

• Videos USPTO (United States Patent & Trademark Office / YouTube Channel)
Trademarks
# USPTO Trademark Fees

<table>
<thead>
<tr>
<th>Trademark application forms (select one to start) — →</th>
<th>TEAS Plus form</th>
<th>TEAS Reduced Fee form</th>
<th>TEAS Regular form</th>
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<tbody>
<tr>
<td>Filing fee <em>per class of goods/services</em></td>
<td>$225</td>
<td>$275</td>
<td>$400</td>
</tr>
<tr>
<td>E-mail address required for USPTO application-related correspondence?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Additional submissions, like responses to Office actions, must be filed online?</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Goods/services listing must be selected from the USPTO Trademark Identification (ID) Manual?</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Full filing fee paid upfront (per class for all classes listed on the application)?</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Certain statements regarding the mark be provided in the application as filed, if applicable (e.g., translation statement, claim of ownership, color claim and description)?</td>
<td>Yes - see TMEP §819.01</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

https://www.uspto.gov/trademarks-application-process/filing-online
Term Limits for Patents and Trademarks
Welcome to the Trademark Electronic Search System (TESS). This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a likelihood of confusion refusal.

WARNING: Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click TESS TIPS for detailed information on these and other important search topics.

Select A Search Option

- Basic Word Mark Search (New User)
  This option cannot be used to search design marks.

- Word and/or Design Mark Search (Structured)
  This option is used to search word and/or design marks. NOTE: You must first use the Design Search Code Manual to look up the relevant Design Codes.

- Word and/or Design Mark Search (Free Form)
  This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. NOTE: You must first use the Design Search Code Manual to look up the relevant Design Codes.

Additional Search Options

- Browse Dictionary (Browse Dictionary)
  This option browses all fields in the database unless you limit to a particular field. Results are returned in a dictionary-style (alphabetic) format.

- Search OIS Publication Date or Registration Date (Search OIS)
  This option searches the Official Gazette for marks published or registered on a particular date.

Logout: Please logout when you are done to release system resources allocated for you.
TESS = Trademark Electronic Search System
TABLE OF CATEGORIES

01 Celestial bodies, natural phenomena, geographical maps
   This category includes objects that appear in the sky, including clouds, stars, moons, sun, planets and constellations. Additional
   countries and continents are also in 01.
02 Human beings
   This category includes representations of men, women and children regardless of the activity they are engaged in or how they are
   presented.
03 Animals
   This category includes most animals, except mythical animals. Animals found here include mammals, birds, lizards, snakes.
   Category 03.
04 Supernatural beings, mythological or legendary beings, fantastic beings or unidentified beings
   This category includes beings such as devils, angels, leprechauns, witches, and super heroes. Designs that are part human and
   part animal are also in this category.
05 Plants
   This category includes almost every type of plant such as flowers, trees, leaves, vegetables, and fruits. Also, decorations made
   from flora.
06 Scenery
   This category includes mountains, lakes, waterfalls, beaches, forests and volunteers. Also, desert scenery and urban scenery such
   as buildings.
07 Dwellings, buildings, monuments, stadiums, fountains, structural works and building materials
   This category includes almost any structure that is built by man. All dwellings from cottages to skyscrapers are in 07. Interior and
   exterior.
08 Foodstuff
   This category includes goods that are edible such as meat, dairy products, sandwiches, and baked goods. It does not include the
   sale of food.
09 Textiles, clothing, headwear, footwear and sewing accessories
Trademark ID Manual of Goods and Services

Quick Tips - Getting Started with ID Manual

1. Search
   - Enter your search terms in the search box, and press the "Search" icon.
   - Need more search options? Use the Advanced Search feature to see all the filters you can apply.

2. View Results
   - The results of your search will be displayed in a table of Trademark ID Manual information.

3. Sort on Columns
   - Click on the table column headers to sort your results.
   - Want to Show or Hide columns? Use the "..." button in the upper-right side of the results table.

Resources

- Searching the ID Manual
  Helpful tips and information about searching through the ID Manual system.

- Guidance for Users
  Information regarding ID Manual features, classification and identification practice, and tips relating to specific goods and services.

- Watch Our Filing Basics Video
  Need more information on how to identify your goods or services? This informative video explains it all.

- See the Goods & Services Video
  Need more information on how to identify your goods or services? This informative video provides answers.
Find all the Trademarks for items of clothing having some type of fox design
<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Word Mark</td>
<td>BLAC FOX TAILS</td>
</tr>
<tr>
<td>Goods and Services</td>
<td>IC 025: US 022 629; G &amp; S: Baseball caps and hats; Hooded pullovers; Hooded sweatsuits; Hoodies; Long-sleeved shirts; Short-sleeve shirts; Short-sleeve shirts; Socks; Sweatpants; Sweatsuits; T-shirts; Tank tops; Underwear; Hooded sweatsuits</td>
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<td>(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS</td>
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<td>00 91 11 - Foxes</td>
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<tr>
<td>Serial Number</td>
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<tr>
<td>Filing Date</td>
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</tr>
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<td>1B</td>
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<tr>
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<td>1B</td>
</tr>
<tr>
<td>Published for Opposition</td>
<td>July 4, 2017</td>
</tr>
<tr>
<td>Owner</td>
<td>(APPLICANT) Eric Belizaire DBA Blac Fox Tails INDIVIDUAL UNITED STATES 1379 Blue Hill Ave Mattapan MASSACHUSETTS 02126</td>
</tr>
<tr>
<td>Attorney of Record</td>
<td>Loleta Darden</td>
</tr>
<tr>
<td>Description of Mark</td>
<td>Color is not claimed as a feature of the mark. The mark consists of a black fox sitting on its hind haunches with white eyes, a white nose, and a white tip tail extending away from its body with the words &quot;BLAC FOX TAILS&quot; underneath the tail of the fox.</td>
</tr>
<tr>
<td>Type of Mark</td>
<td>TRADEMARK</td>
</tr>
<tr>
<td>Register</td>
<td>PRINCIPAL</td>
</tr>
<tr>
<td>Live/Dead Indicator</td>
<td>LIVE</td>
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• Videos USPTO (United States Patent & Trademark Office / YouTube Channel) Also in Spanish 🌟

• Pro Se Assistance Program USPTO (United States Patent & Trademark Office)

• Law School Clinic Certification Program USPTO (United States Patent & Trademark Office)
Marijuana Trademarks

Though cannabis is legal for recreational or medicinal use in 29 states, it remains illegal under federal law.

As a result, the U.S. Patent and Trademark Office will not register trademarks for marijuana retailers or for products that contain cannabis.
Available for programs

Presentations (selected) (5)

- A Patent Primer for Researchers: What you need to know...
  University of Massachusetts Lowell (2018)
  Paulina Borrego
  Presentation to University of Massachusetts Lowell graduate students and faculty. Presented on Wednesday, April 18, 2018.
  [Download]

- Patents of Northfield Massachusetts Inventors
  Northfield Senior Center (2017)
  Paulina Borrego
  Presentation on Patents of Northfield Inventors given at the Northfield Senior Center on 26 May 2017.
  [Download]

- World of Plant Patents
  Armeria Garden Club (2016)
  Paulina Borrego
  Plant Patent presentation for the Armeria Garden Club on 28 September 2016 at the Henniker Public Library in Massachusetts.
  [Download]

Presentations

- Patent & Trademark Primer for Entrepreneurs and Businesses
  South Hadley Public Library (2017)
  Paulina Borrego
  Presentation on Patent & Trademark Primer for Entrepreneurs and Businesses given at the South Hadley Public Library on 14 September...
  [Download]

- Patent and Trademark Resource Center (PTRC) Outreach Best Practices
  UMass PTRC Annual Training Seminar (2017)
  Paulina Borrego
  Images and advice for PTRC outreach best practices compiled during summer project spring 2019.
  [Download]

Patent Coloring Books (5)

- Summertime Fun Patents Coloring Book
  (2018)
  Paulina Borrego
  Coloring book containing a selected page from ten different U.S. patents or patent applications pertaining to the theme of Summertime.
  [Download]

- Valentine’s Day Patents Coloring Book
  (2019)
  Paulina Borrego
  Coloring book containing a selected page from ten different U.S. patents or patent applications pertaining to the theme of Valentine’s Day.
  [Download]

- Spooky Halloween Patents Coloring Book
  (2017)
  Paulina Borrego
  Coloring book containing a selected page from thirteen different U.S. patents or patent applications pertaining to the theme of Halloween.
  [Download]
Thank-you
Questions and comments welcome

Paulina Borrego
UMass Amherst Science & Engineering Librarian
Patent & Trademark Resource Center Librarian
pborrego@library.umass.edu

U.S. Plant Patent 550 / October 13th 1942 / Rose Plant