PTRC Resources at Sacred Heart University’s Ryan Matura Library: Trademarks & Patents

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PTRL Resources at Sacred Heart University’s Ryan Matura Library: Trademarks & Patents

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Part I: Trademarks

- Trademarks identify the source of goods & services.
- This helps consumers make informed choices and ensures that business people who have made substantial investments in advertising, etc. are protected.
- Accordingly trademarks must be distinctive.

The Federal Agency Regulating Trademarks in the United States is the USPTO (http://www.uspto.gov)

Some Westport, Connecticut Trademarks
An applicant for a United States Trademark must comply with a number of Statutory Requirements, including:

- The applicant **must be using the mark in commerce** or have a bona fide intent to use the mark in commerce.
- The applicant **must identify goods and services the mark will be used for** (a separate fee and specimen is required for each class of goods/services).

See the Trademark Manual of Examining Procedure (TMEP) at § 818 Application Checklist.

Honey-B-Anise™, Henry Thayer Co., P.O. Box 56, Westport CT 06880.
There are a number of Grounds for Refusing Registration, including:

- The subject matter does not function as a mark.
- The proposed mark is the generic name for the goods or services.
- The proposed mark so resembles a previously registered mark as to be likely to cause confusion or mistake, or to deceive.
- The proposed mark is primarily merely a surname.

TMEP § 818 Application Checklist.

Old Mill Pet Products, 228 Saugatuck Avenue, Westport CT 06880.
The TMEP is an Authoritative Source for Information on Trademark Policy:

http://www.uspto.gov/trademarks/resources/

TMEP Ch. 800 – Application Requirements.
While we use the term “trademark” to refer to marks generally, we should note that:

- Trademarks identify the source of **goods**.
- Service marks identify the source of **services**.
- There are also **certification marks**. These certify the “‘regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of ... goods or services or that the work or labor on the goods or services was **performed by members of a union or other organization.‘”

TMEP 1306.01 (Definition of Certification Mark) (quoting the Section 45 of the Trademark Act, 15 U.S.C. §1127).

Imposter LLC, 7 Primrose Lane, Westport CT 06880 (Mark certifies that products do not contain any animal fur)
There are also Collective Membership Marks:

- **Collective marks** are trademarks or service marks used by members of an association, union, cooperative, etc. to identify their goods or services and distinguish them from those of nonmembers.

- IJO is owned by the Independent Jewelers Organization.

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TMEP 1302 (Collective Marks, Generally).

IJO, Independent Jewelers Organization, LLC, 25 Seir Hill Road, Norwalk CT 06850.
A Trademark is any Device used in Commerce to Identify & Distinguish Goods (including such non–traditional devices as colors, scents, sounds, textures, three–dimensional objects, motion, & holograms).
USPTO Trademark Records include the words, design elements, goods & services associated with a mark as well as other useful information:

**Word Mark**  SKEETER
**Goods and Services**  IC 030, US 046, G & S: Cookies, brownie bars, breakfast cereal bars, cereal-based energy bars, muffins, pudding, candy bars, gummy candies, crackers being peanut-free
**Mark Drawing Code**  (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
**Design Search Code**  03 09.02 - Badgers; Beavers; Chipmunks; Ferrets; Groundhogs; Minks; Mongoose; Opossums; Otters; Possums; Raccoons; Sables; Skunks; Squirrel beavers, sables, minks and the like; Weasels; Wolverines; Woodchuck 03 09.26 - Costumed small mammals, rodents, kangaroos, wallabies 05 07.05 - Nuts (edible), With shells 07 13.03 - Advertising, signs, mounted or with posts or standards, Street signs (mounted on posts) 24 17.16 - Prohibition symbol, Universal prohibition symbol
**Serial Number**  85518856
**Filing Date**  January 17, 2012
**Current Basis**  1B
**Original Filing Basis**  1B
**Published for Opposition**  January 1, 2013
**Owner**  (APPLICANT) Skeeter Snacks LLC LIMITED LIABILITY COMPANY DELAWARE Suite 206 136 Main Street Westport CONNECTICUT 06880
**Attorney of Record**  Ronald S. Kadden
**Description of Mark**  The color(s) light gray, dark gray, brown, red, black, white, and blue is/are claimed as a feature of the mark. The mark consists of the term "SKEETER" white teeth and white eyes having black pupils, holding a sign with a brown handle and a red prohibition symbol superimposed on a brown peanut again
**Type of Mark**  TRADEMARK
**Register**  PRINCIPAL
**Live/Dead Indicator**  LIVE
These Trademark Records are publicly accessible. You can use them to conduct a preliminary search to determine if a prospective mark closely resembles an existing mark.

Search for Design Code 03.09.02 and “Snacks” for Goods & Services

Our search produced 43 Results

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The Design Code for Animals is .03. The Design Code for Small mammals, rodents, kangaroos and wallabies is 03.09.

03.09.02 Squirrels, chipmunks, skunks, raccoons, badgers, woodchucks, beavers, sables, minks and the like are 03.09.02
Using the Trademark Electronic Search System (TESS)

- To access TESS: http://www.uspto.gov [note: not https://] and click on Trademarks. Then click on either “Search Trademarks” or TESS under tools.
- Or you can go to http://www.uspto.gov/trademarks/index.jsp and click TESS under the Tools menu:
- TESS searches the full text of trademark records from 1984 to the present.
To conduct a preliminary search using TESS, search words connected with the mark and/or design elements connected with the mark, in combination with goods and services connected with the mark. This type of search can be conducted using the **Word and/or Design Mark Search** (Structured search), or—if you would like to use more than two search terms—the **Free Form search**.

You may need to look up design codes using the **Design Search Code Manual**.

The Basic Index [BI] is a good choice for searching the word components of mark. The Basic Index combines the word mark fields and the pseudo mark field. The pseudo mark field contains spellings that are phonetically the same or very similar ("two by four" and 2 X 4).
The Goods and Services Field [GS]

- Corresponds to the written descriptions of goods and services in the trademark record. You can locate search terms for goods and services using the Goods and Services ID Manual.
Applications to register a trademark with the USPTO must identify the goods and services that will be used in connection with the mark by submitting a detailed description of those goods and services. The ID Manual contains the acceptable descriptions which have been compiled to date.
Using the Goods & Services Manual

Perform a keyword search:

**Trademark ID Manual**

Refine Search: HAMBURGERS

![Trademark search results](image)

OR, browse the content:

![Trademark contents](image)
Search the Design Code Manual, if your mark contains:

1. Word marks conveying a strong visual image, or
2. Designs or logos without text.
We are happy to meet with you to walk you through the basic steps to conducting a preliminary trademark search.

- A preliminary search is great first step to ensure that your mark is distinct from other federally registered marks.
- Other resources on the USPTO site help you understand application procedures and trademark policy.
- A more comprehensive “clearance search” would cover the USPTO database as well as:
  - Pending applications; State and/or foreign trademark registries;
  - State entity name registries;
  - Internet domain registries;
  - TTAB references; and
  - Uses on Internet, trade magazines, etc.
  - These often cost $400 to $800, or more for complicated searches.

Consultations are free. We cannot help you file an application.
Part II: Patents

What is a patent?

- A patent is a type of property right. A patent obtained in the U.S. gives the patent holder the right, for a limited time, to exclude others from making, using, offering to sell, selling, or importing into the U.S. the subject matter that is within the scope of protection granted by the patent.
- The USPTO determines whether a patent should be granted in any particular case. It is up to the patent holder to enforce his or her own rights if the USPTO does grant a patent.
Patent No.: 8,539,722

(12) United States Patent
Buckenmaier

(54) ROOF WATER DISPERSAL SYSTEM

(71) Applicant: Erwine T. Buckenmaier, Westport, CT (US)

(72) Inventor: Erwine T. Buckenmaier, Westport, CT (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 13/573,589

(22) Filed: Sep. 26, 2012

The Inventor is Erwine T. Buckenmaier
Patent Documents include drawings, an abstract, & a specification:

**ABSTRACT**

A roof water dispersal system includes a plurality of longitudinally extending dispersal elements mounted near the edge of a roof structure for receiving and dispersing streams of roof run-off water. The dispersal elements are spaced apart from each other and assembled into a unit to receive streams of roof run-off water, and to disperse the run-off water into droplets or mist to eliminate the erosive effect on the terrain beneath the roof structure which is generally associated with conventional rain gutters. The unit is movable in an upward direction relative to the mounting surface into a retracted storage position, and is vertically movable relative to the roof edge for adjusting the distance between the roof edge and the dispersal elements.

17 Claims, 3 Drawing Sheets
A Specification must a be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, to make and use the same.

ROOF WATER DISPERSAL SYSTEM

The present application claims the benefit of U.S. Provisional Patent Application No. 61/626,367 filed on Sep. 27, 2011 pursuant to 35 U.S.C. 119(e).

BACKGROUND OF THE INVENTION


The disclosures of the aforementioned 5 United States patents are expressly incorporated by reference herein.

The roof water dispersal systems disclosed by U.S. Pat. Nos. 5,261,195; 5,261,196; and 5,579,611 include dispersal units formed from a plurality of longitudinally extending dispersal elements or slats which are oriented to extend laterally in a direction substantially parallel to the drip edge of a roof structure. The roof water dispersal assemblies include one or more transverse cross members which intersect and support the lateral slats from below (U.S. Pat. Nos. 5,261,195 and 5,261,196) or from above (U.S. Pat. No. 5,579,611) at a substantially perpendicular orientation for maintaining a pre-

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US 8,539,722 B2

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The roof water dispersal systems disclosed by U.S. Pat. Nos. 5,261,195; 5,261,196; and 5,579,611 are fixedly mounted relative to the drip edge of a roof. Accordingly, the vertical distance between the drip edge of the roof and the lateral slats or dispersal elements is fixed and non-adjustable. Additionally, the angle of the dispersal unit relative to the mounting surface is fixed and non-adjustable.

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It is the primary object of the present invention to provide a roof water dispersal system, of the type disclosed by U.S. Pat. Nos. 5,261,195; 5,261,196; and 5,579,611, in which the vertical distance between the dispersal elements or slats and the drip edge of the roof is selectively adjustable.

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It is a further object of the present invention to provide a roof water dispersal system of the type disclosed by U.S. Pat. Nos. 5,261,195; 5,261,196; and 5,579,611 in which the angle of the roof water dispersal unit relative to the mounting surface is selectively adjustable so as to be upwardly movable into a retracted storage position.

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Although conventional roof gutters are known to be rotatable, such roof gutters are rotatable only in a downwardly direction relative to the mounting surface for the primary purpose of facilitating the cleaning of the roof gutters to remove leaves and other debris accumulated in the channels. See, for example, U.S. Pat. No. 5,355,460 which provides means for tilting a gutter in a downward direction for the purpose of cleaning the gutter. See also U.S. Pat. No. 4,813,190 which also discloses a system for tilting the channel of a roof gutter in a downward direction for the purpose of both removing debris from the gutter and for moving the downwardly directed roof gutter into a position beneath the overhang of a roof for storage and winter protection. These prior art references are designed to tilt the gutter only in a downward direction to enable gravitational forces to assist in the
The Heart of a Patent are the Claims at the end of the Specifications. The Claims define the scope of patent protection:

The invention claimed is:

1. A roof water dispersal system comprising at least one substantially longitudinally extending dispersal element oriented relative to the edge of a roof so as to receive roof run-off water thereon, a supporting element for supporting said at least one dispersal element relative to the edge of the roof, and means for selectively moving said at least one dispersal element between an extended operating position and a retracted storage position, wherein said means for selectively moving said at least one dispersal element between said extended operating position and said retracted storage position comprises an adapter element, said adapter element having a front wall with a substantially longitudinally extending slot defined in a portion thereof, and a rear wall with a substantially longitudinally extending slot defined in a portion thereof, said slots in said front and rear walls of said adapter element being dimensioned so as to receive at least a portion of said supporting element for said at least one dispersal element when said dispersal element is moved from said extended operating position into said retracted storage position.

2. The roof water dispersal system as claimed in claim 1, wherein said means for moving said dispersal element from said extended operating position into said retracted storage position is arranged to permit movement of said at least one dispersal element only in an upward direction.

3. The roof water dispersal system as claimed in claim 1, wherein said portion of said supporting element received in said slot in said rear wall of said adapter element defines a flange for removably retaining said supporting element in said slot in said rear wall of said adapter element when said at least one roof water dispersal element is in said retracted storage position.

4. The roof water dispersal system as claimed in claim 1, wherein a portion of said front wall of said adapter element is notched to receive a portion of said supporting element when said at least one dispersal element is in said retracted storage position of the roof includes an adapter element, said adapter element comprising a rear wall defining a substantially longitudinally extending mounting slot defined along at least a portion of said rear wall for mounting the adapter element to at least two separate positions at two different vertical distances from the roof edge, said adapter further including structure for retaining thereon said supporting element for said at least one dispersal element.

8. The roof water dispersal system as claimed in claim 7, wherein said adapter element defines a substantially closed channel having a closed bottom portion.

9. The roof water dispersal system as claimed in claim 5, wherein said means for selectively adjusting the vertical distance between said at least one dispersal element and the edge of the roof includes an adapter element, said adapter element comprising a rear wall defining a substantially longitudinally extending mounting slot defined along at least a portion of said rear wall for mounting the adapter element to at least two separate positions at two different vertical distances from the roof edge, said adapter further including structure for retaining thereon said supporting element for said at least one dispersal element.

10. The roof water dispersal system as claimed in claim 9, wherein said adapter element defines a substantially closed channel having a closed bottom portion.

11. The roof water dispersal system as claimed in claim 5, wherein said means for selectively adjusting the vertical distance between said at least one dispersal element and the edge of the roof comprises an adapter element, said adapter element including a rear wall defining at least two openings therein for mounting the adapter element to at least two separate positions at different vertical distances from the edge of the roof, said adapter further including structure for retaining thereon said supporting element for said at least one dispersal element.

12. The roof water dispersal system as claimed in claim 11,
As a first step in determining if prior art exists; and
As a way for patrons to educate themselves about a relevant class, or relevant classes, of inventions;
We do not, however, conduct searches for patrons or give an opinion about the adequacy of their searches.
We encourage patrons to keep their invention confidential.
We show them a sample search (or searches) that we have familiarized ourselves with before the consultation so that they can conduct their own search with confidence.
Process for obtaining a patent, a flow chart outlined on the USPTO’s website:
http://www.uspto.gov/patents/process/index.jsp
There are three types of patents:

- **Utility patents** may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof.

- **Design patents** may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture.

- **Plant patents** may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.
Searching for Patents

Step 1: describe invention, formulate keywords
  ◦ Is the invention a product? Is it a process, a way of making something or performing a function?
  ◦ What is it made of? How is it used?

Step 2: look up keywords in the U.S. Patent Classification System (USPC)
  ◦ [http://www.uspto.gov/web/patents/classification/uspcindex/indextouspc.htm](http://www.uspto.gov/web/patents/classification/uspcindex/indextouspc.htm)
  ◦ If you cannot locate your keywords, you can 1. scan class titles & descriptions to determine where the invention may fit or, 2. run a keyword search in the patent database & scan retrieved patents for their classifications (note that you cannot pull up pre–1976 patents via a keyword search, these are searchable only by Issue Date, Patent Number, and Current US Classification.)
Classes & Subclasses

- **Step 3**: Locate classifications in Class Schedule – click on the hyperlinked classification number from the USPC OR [http://www.uspto.gov/web/patents/classification](http://www.uspto.gov/web/patents/classification)

- **Step 4**: Read class & subclass definitions to get a sense of the scope of the relevant classifications
  - Click on the class or subclass number for full definitions
  - Or you can click on the hyperlinked description & then clicking “Show Definition View” from the pop up window
**Step 5:** Once you have identified the relevant classes & subclasses, retrieve & review the patents associated with them, do this by clicking the small red “P” next to the class or subclass

- This will pull up a list of patents that match that class/subclass (starting with most recent)
- Full text will not be available for pre-1976 patents, but you can view the patent as a PDF file (requires Adobe Acrobat reader)

**Step 6:** Review patents & patent applications thoroughly
Examining a Patent & Reviewing Patent Citations

- **Step 7**: Review references cited and field of search entries in relevant patent documents
Field Searching for Patents

- Note that patents from 1790 through 1975 are searchable only by Issue Date, Patent Number, and Current US Classification (not keyword).
- **Quick Search** page allows you to use two-term Quick search queries.
- **Advanced Search** page allows you to make a query of the US Patent Full Text Database using command line search syntax (basically a more detailed, more refined search).
PubWest & PubEast

- PubWest, available in the PTRC room at the SHU Library, is the public version of the Web-based Examiners Search Tool.

- PubEast, a different version of the Web-based Examiners Search Tool (more user friendly search interface), has recently been introduced to PTRC libraries and it will eventually replace PubWest.
  - Both have search features that expedite searching and include full-text access to U.S. patents from 1920 to today in addition to dedicated databases for searching non-U.S. patents and published patent applications.
The USPTO’s Inventors Assistance Center (IAC) provides patent information and services to the public. The IAC is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.
- You can reach the IAC at 800-PTO-9199.

**Intellectual Property and Entrepreneurship Law Clinic** at the Univ. of CT, School of Law
- The Clinic has advised clients regarding numerous legal issues, including patent searches and applications; trademark clearances and applications; copyright and trademark licensing; and nondisclosure, consulting, and employee agreements.
- You can contact the clinic at iplawclinic@law.uconn.edu.

See our online research guide (libguide) at http://libguides.sacredheart.edu/inventorresources for more help for inventors.
References

- U.S. Trademark Reg. Nos. 0850902 (Spirit of Ecstasy) and 1063799 (classic grill).
- Video Clip posted on YouTube under the caption “NBC Chime.” www.youtube.com/watch?v=rP6Z86iDFjU.
- **Westport Connecticut Trademarks used in our Presentation:**
  - Old Mill Pet Products, 228 Saugatuck Avenue, Westport CT 06880
  - Skeeter Snacks LLC, 136 Main Street, Westport CT 06880
  - BookGirl.TV eChook Digital Publishing LLC, Box 408, Westport CT 06880
  - Juice Publishing, LLC, 80 Compo Road North, Westport CT 06880
  - Soluxe, Inc., 225 Main Street, Westport CT 06880
  - Honey-B-Anise™, Henry Thayer Co., P.O. Box 56, Westport CT 06880
  - Imposter LLC, 7 Primrose Lane, Westport CT 06880
- **Norwalk Connecticut Trademarks used in our Presentation:**
  - IJO™, Independent Jewelers Organization, LLC, 25 Seir Hill Road, Norwalk CT 06850
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