



Intellectual Property

Law Office of Michael Huey, LLP

Intellectual Property Attorney

Patent, Trademark, Copyright, Licensing, Domain Name

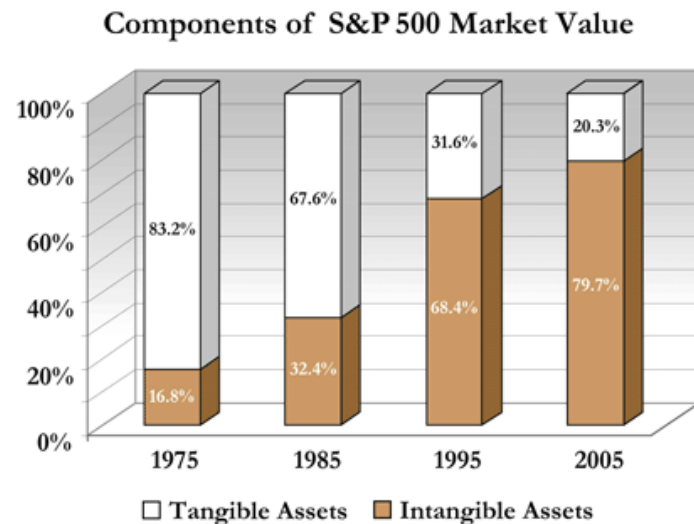
mhuey@hueylegal.com

(609) 716-4734

© 2007 Law Office of Michael Huey

Value of Intellectual Property

- Ned Davis Research estimates that 80% of the value of Standard & Poor 500-stock index companies now comes from intellectual property.
- 2006 US GDP: \$13.3 trillion dollars
- US Export in 2006:
 - Intellectual property comprises greater than 50% of all U.S. exports.
 - Goods Export \$1.023 trillion dollars



Source: Ned Davis Research

Patent
Trademark

Copyright
Trade Secrets



Intellectual Property

Human Capital Creates

1. Technology: developed in-house, licensed or purchased from a third party.
2. Trademarks, trade names, and related marketing tools that may become well-known to your customers.
3. Artistic creations including product design, which not only improves efficiency or functionality, but also has aesthetic appeal.
4. Confidential business methods, manuals, and know-how.
5. Connections with service providers, third party component manufacturers, and customer lists.

Human Capital

Human Capital

Trade Secrets

Intellectual Property Rights

General
skills or
knowledge

General Skill vs. Trade Secret



- General skills or knowledge is: the common knowledge or experience your employees gained by operating commercially available products.
- A trade secret is information that is not generally known by the public, confers some competitive advantage, and kept reasonably confidential.

Patent

- Right to exclude other from making, using, offering for sale, selling, or importing the invention throughout the United States.
- Duration: 20 years from your earliest filed patent.
- Patent subject matter: machines, manufacturer, composition of matter, and methods.
- Novel, nonobvious, and useful

Novelty



- China has a first-to-file system
- U.S. has a first-to-invent system

You are not entitled to a patent if:

- the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States

Patent Registration

- Patent Search
- Patentability Opinion
- Filing a U.S. Patent Application
- Filing a Global Patent Application

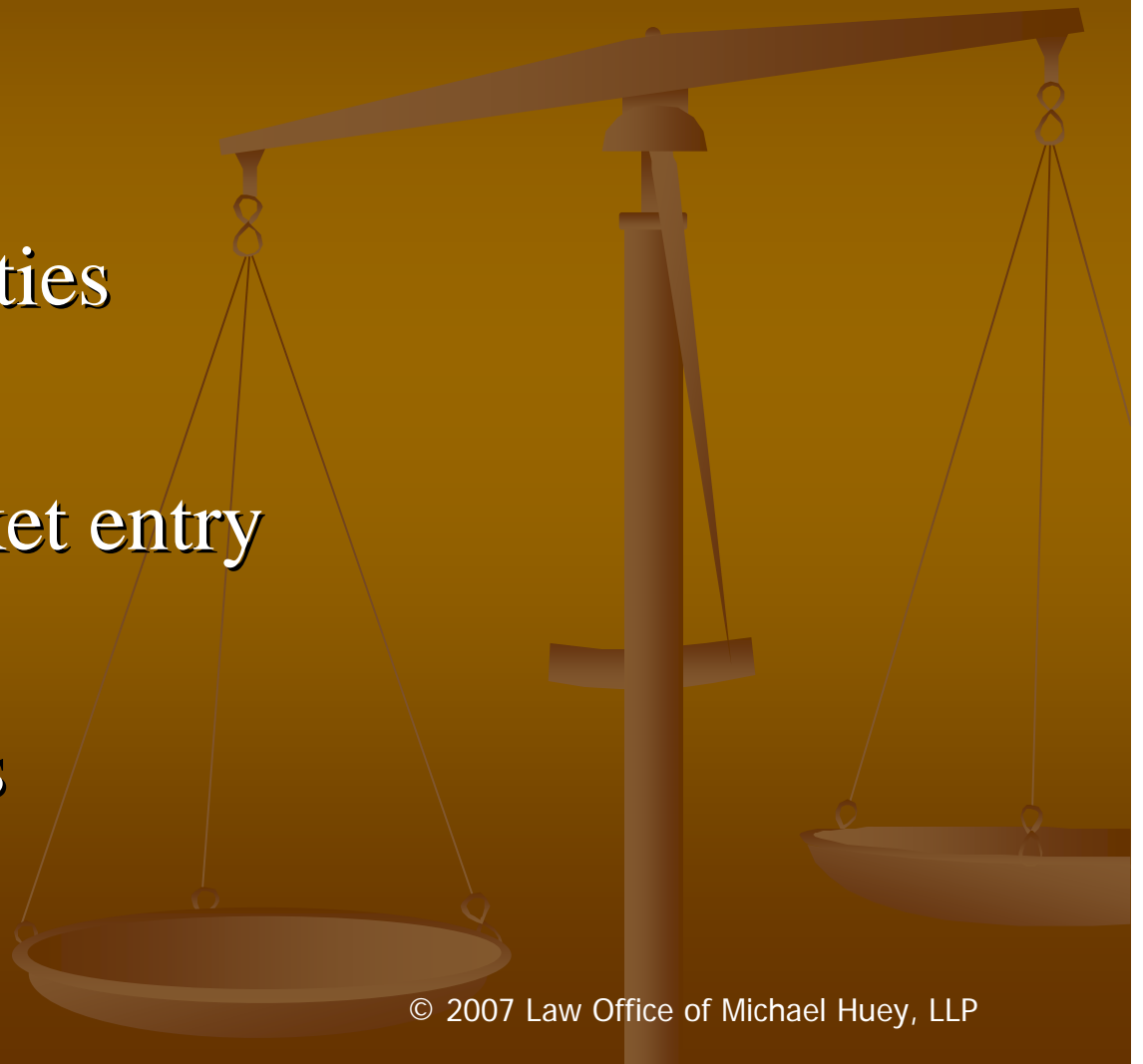


Patent Valuation and Enforcement

- Acquire venture capital investment
- Sell your patent via corporate merger / buy-out
- Sell specific rights
- Donate your patent for a tax write-off
- Sue infringers
- License your patent

Infringement Damages

- Lost Profit
- Convoeyed Sales
- Reasonable royalties
- Price erosion
- Accelerated market entry
- Attorney Fees
- Punitive damages



Trademark



- Definition: A trademark is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.
- Trademark vs. Trade name

Trademark

- Selecting a Trademark
 - Fanciful
 - Arbitrary
 - Suggestive
 - Descriptive
 - Generic
- Registration requirement: use in commerce
- Duration of a Trademark



Please identify the trademark
Please identify the trade dress
Please identify the patentable aspects



Trademark Infringement

- McDonalds restaurant and McSleep Inn
- DELTA airlines and DELTA faucets
- Champion spark plugs and Champion clothing



1. Similarity of the mark
2. Similarity of Goods and Services
3. Similarity of Marketing
4. Sophistication of Buyers
5. Strength of Allegedly Infringed Mark
6. Intent of Alleged Infringer

Blackberry v. Blackjack



1. Fanciful
2. Arbitrary
3. Suggestive
4. Descriptive
5. Generic

1. Similarity of the mark
2. Similarity of Goods and Services
3. Similarity of Marketing
4. Sophistication of Buyers
5. Strength of Allegedly Infringed Mark
6. Intent of Alleged Infringer

Trademark value

RANK 2006 / 2005	2006 BRAND VALUE \$MILLIONS	2005 BRAND VALUE \$MILLIONS	PERCENT CHANGE	COUNTRY OF OWNERSHIP	
1 1	COCA-COLA	67,000	67,525	-1%	U.S.
2 2	MICROSOFT	56,926	59,941	-5%	U.S.
3 3	IBM	56,201	53,376	5%	U.S.
4 4	GE	48,907	46,996	4%	U.S.
5 5	INTEL	32,319	35,588	-9%	U.S.
6 6	NOKIA	30,131	26,452	14%	Finland
7 9	TOYOTA	27,941	24,837	12%	Japan
8 7	DISNEY	27,848	26,441	5%	U.S.
9 8	McDONALD'S	27,501	26,014	6%	U.S.
10 11	MERCEDES-BENZ	21,795	20,006	9%	Germany
11 12	CITI	21,458	19,967	7%	U.S.
12 10	MARLBORO	21,350	21,189	1%	U.S.
13 13	HEWLETT-PACKARD	20,458	18,866	8%	U.S.
14 14	AMERICAN EXPRESS	19,641	18,559	6%	U.S.
15 16	BMW	19,617	17,126	15%	Germany

Source:
Business Week, August 2006

Law Office of Michael Huey, LLP



Intellectual Property Attorney
Patent, Trademark, Copyright, Licensing, Domain Name

mhuey@hueylegal.com
(609) 716-4734