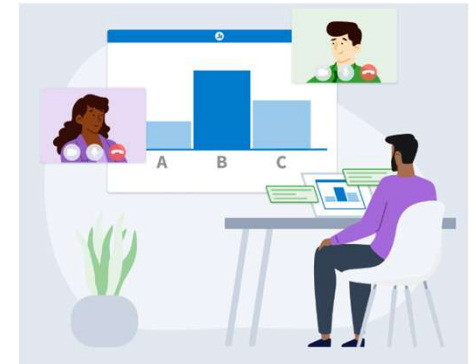# Intellectual Property

CSE 403 Software Engineering

Winter 2025

Today's outline

- What is Intellectual Property (IP)
- Types of IP protection
  - Patent
  - Trade Secret
  - Trademark
  - Copyright
  - License

https: //PollEv.com/cse403wi

Disclaimer

Disclaimer of Liability: With respect to the 403 class, neither the staff or the University of Washington, makes any warranty, express or implied, including the warranties of merchantability and fitness for a particular purpose, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights.

Intellectual property (IP)

Intellectual property: any intangible asset that consists of human knowledge and ideas

- Protected by patents, copyrights, trade secrets, trademarks, contracts **with the intent to encourage ingenuity** and protect creative ventures

- Do you believe that IP should be protected?

- How would you value an intellectual asset?
  - They are very difficult to objectively value
  - One technique is to estimate the business that the IP enables
  - IP value can also depend on what someone else is willing to pay for it

Patent

Patent

- Protects: inventions, e.g., processes, machines, products, phrases, algorithms

- Protects against: others making, using, selling the innovation, <u>even if they independently came up with it</u>

- Requirements: **novel**, **useful**, **non-obvious**

- Term: 20 years from filing; must file within a year of being publicly disclosed

- Cost: relatively high, in time and cost

Requirements for a patent

For a patent to be issued, your invention must meet three criteria:
1. Novel - something not done before
2. Useful - able to be used
3. Non-obvious – not simply an obvious tweak to something already invented

Your application must also provide a clear description of how to make and use the invention (enablement)
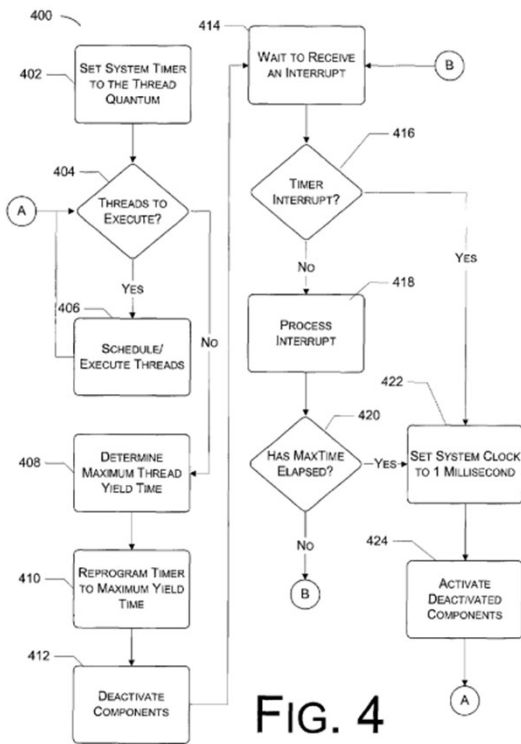
USPTO on patents

"A patent for an invention is the grant of a property right to the inventor, issued by the US Patent and Trademark Office. ... The right conferred by the patent grant is ... **'the right to exclude others** from making, using, offering for sale, or selling' the invention in the US or 'importing' the invention into the US."

"**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." *(There are also **Design** patents.)*

https://patentcenter.uspto.gov

Software example

FIG. 4

(12) **United States Patent**
Ginsberg

(10) Patent No.: **US 7,137,117 B2**
(45) **Date of Patent:** Nov. 14, 2006

(54) **DYNAMICALLY VARIABLE IDLE TIME THREAD SCHEDULING**

(75) Inventor: **Michael Ginsberg**, Redmond, WA (US)

(73) Assignee: **Microsoft Corporation**, Redmond, WA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 906 days.

(21) Appl. No.: **09/843,465**

(22) Filed: **Apr. 25, 2001**

(65) **Prior Publication Data**
US 2002/0007387 A1 Jan. 17, 2002

Related U.S. Application Data

(60) Provisional application No. 60/209,501, filed on Jun. 5, 2000.

(51) Int. Cl.
G06F 9/48 (2006.01)
(52) U.S. Cl. **718/102**; 718/100; 713/323; 713/322; 713/300
(58) Field of Classification Search 718/100–108; 713/300–323
See application file for complete search history.

(56) **References Cited**
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5,247,677 A * 9/1993 Welland et al. 718/103

6,079,025 A *	6/2000	Fung	713/323
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6,499,102 B1 *	12/2002	Ewertz	713/1
6,584,571 B1 *	6/2003	Fung	713/310
6,779,182 B1 *	8/2004	Zolnowsky	718/103

* cited by examiner

Primary Examiner—Lewis A. Bullock, Jr.
(74) *Attorney, Agent, or Firm*—Lee & Hayes, PLLC

(57) **ABSTRACT**

The subject matter provides dynamically variable idle time thread scheduling in a device with a high system tick rate. A device based on the subject matter includes an operating system, a set of application program modules, and one or more hardware elements. A thread scheduling mechanism in the operating system schedules threads at a periodic rate. Upon determining that there are no threads to execute, at least a subset of components are deactivated for a dynamic variable amount of time before they are is re-activated. The at least one subset of components are selected from the hardware elements, one or more program modules comprising the operating system, and the like. The dynamic variable amount of time is independent of the periodic rate and based on a sleep state of a set of threads in a sleep queue.

14 Claims, 4 Drawing Sheets

Software example

(12) **United States Patent**
Ginsberg

(10) **Patent No.:** US 7,137,117 B2
(45) **Date of Patent:** Nov. 14, 2006

(54) **DYNAMICALLY VARIABLE IDLE TIME THREAD SCHEDULING**

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(58) **Field of Classification Search** 718/100–108; 713/300–323
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6,438,704 B1 * 8/2002 Harris et al. 713/502
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* cited by examiner

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(74) *Attorney, Agent, or Firm*—Lee & Hayes, PLLC

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The subject matter provides dynamically variable idle time thread scheduling in a device with a high system tick rate. A device based on the subject matter includes an operating system, a set of application program modules, and one or more hardware elements. A thread scheduling mechanism in the operating system schedules threads at a periodic rate. Upon determining that there are no threads to execute, at least a subset of components are deactivated for a dynamic variable amount of time before they are is re-activated. The at least one subset of components are selected from the hardware elements, one or more program modules comprising the operating system, and the like. The dynamic variable amount of time is independent of the periodic rate and based on a sleep state of a set of threads in a sleep queue.

14 Claims, 4 Drawing Sheets

The invention claimed is:

1. A computer-implemented method for providing thread scheduling in a device, the device comprising one or more hardware elements operatively coupled to an operating system comprising a plurality of program modules, the method comprising:

scheduling one or more threads according to a predetermined periodic rate;

setting a system timer to generate a notification at the predetermined periodic rate;

determining whether or not there are any threads to execute;

responsive to a determination that there are no threads to execute:

(a) deactivating one or more of the hardware elements and the program modules for a dynamic variable amount of time, the dynamic variable amount of time being independent of the predetermined periodic rate and being based on a sleep state of a set of threads in a sleep queue; and

(b) resetting the system timer to generate the notification after the dynamic variable amount of time has elapsed since the deactivating; and

wherein the method further comprises:

receiving the notification after the dynamic variable amount of time has elapsed since the deactivating;

responsive to the receiving:

resetting the system timer to generate the notification at the predetermined periodic rate; and

activating the one or more of the hardware elements and the program modules.

Software example

Method and System for Placing a Purchase Order Via a Communications Network

Hartman, **Bezos**, Kaphan, Spiegel

United States Patent [19]

Hartman et al.

[11] Patent Number: 5,960,411

[45] Date of Patent: Sep. 28, 1999

[54] METHOD AND SYSTEM FOR PLACING A PURCHASE ORDER VIA A COMMUNICATIONS NETWORK

[75] Inventors: **Peri Hartman; Jeffrey P. Bezos; Shel Kaphan; Joel Spiegel**, all of Seattle, Wash.

[73] Assignee: **Amazon.com, Inc.**, Seattle, Wash.

[21] Appl. No.: **08/928,951**

[22] Filed: **Sep. 12, 1997**

[51] Int. Cl.^{6} G06F 17/60
[52] U.S. Cl. 705/26; 705/27; 345/962
[58] Field of Search 705/26, 27; 380/24, 380/25; 235/2, 375, 378, 381; 395/188.01; 345/962

[56] **References Cited**

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5,260,999	11/1993	Wyman	384/4
5,627,940	5/1997	Rohra et al.	395/12
5,640,501	6/1997	Turpin	395/768
5,640,577	6/1997	Scharmer	395/768
5,664,111	9/1997	Nahan et al.	705/27
5,715,314	2/1998	Payne et al.	380/24
5,715,399	2/1998	Bezos	705/27
5,727,163	3/1998	Bezos	705/27
5,745,681	4/1998	Levine et al.	395/200.3
5,758,126	5/1998	Daniels et al.	395/500

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WO 95/30961	11/1995	WIPO	G06F 17/60
WO 96/38799	12/1996	WIPO	G06F 17/60
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Terdoslavich, William. "Java Electronic Commerce Framework." Computer Reseller News, Sep. 23, 1996, CMP Media, Inc., 1996, pp. 126, http://www.elibrary.com/id/101/101/getdoc . . . rydocid=902269@library_d&dtype=0–0&dinst=. [Accessed Nov. 19, 1998].

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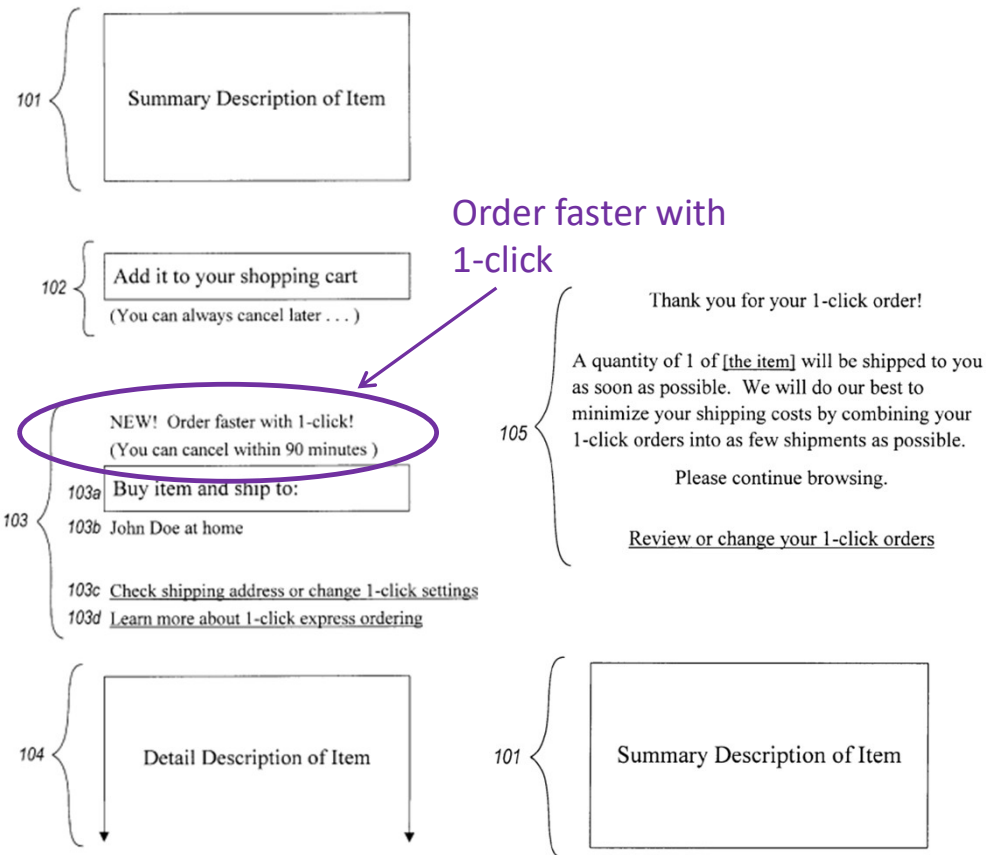
(List continued on next page.)

Primary Examiner—James P. Trammell
Assistant Examiner—Demetra R. Smith
Attorney, Agent, or Firm—Perkins Coie LLP

[57] **ABSTRACT**

A method and system for placing an order to purchase an item via the Internet. The order is placed by a purchaser at a client system and received by a server system. The server system receives purchaser information including identification of the purchaser, payment information, and shipment information from the client system. The server system then assigns a client identifier to the client system and associates the assigned client identifier with the received purchaser information. The server system sends to the client system the assigned client identifier and an HTML document identifying the item and including an order button. The client system receives and stores the assigned client identifier and receives and displays the HTML document. In response to the selection of the order button, the client system sends to the server system a request to purchase the identified item. The server system receives the request and combines the purchaser information associated with the client identifier of the client system to generate an order to purchase the item in accordance with the billing and shipment information whereby the purchaser effects the ordering of the product by selection of the order button.

Software example

101 — Summary Description of Item

Order faster with 1-click

102 — Add it to your shopping cart
(You can always cancel later . . .)

103 —
NEW! Order faster with 1-click!
(You can cancel within 90 minutes)
103a — Buy item and ship to:
103b — John Doe at home
103c — Check shipping address or change 1-click settings
103d — Learn more about 1-click express ordering

104 — Detail Description of Item

105 —
Thank you for your 1-click order!

A quantity of 1 of [the item] will be shipped to you as soon as possible. We will do our best to minimize your shipping costs by combining your 1-click orders into as few shipments as possible.

Please continue browsing.

Review or change your 1-click orders

101 — Summary Description of Item

United States Patent [19]

Hartman et al.

[11] Patent Number: 5,960,411
[45] Date of Patent: Sep. 28, 1999

[54] METHOD AND SYSTEM FOR PLACING A PURCHASE ORDER VIA A COMMUNICATIONS NETWORK

[75] Inventors: **Peri Hartman; Jeffrey P. Bezos; Sher Kaphan; Joel Spiegel**, all of Seattle, Wash.

[73] Assignee: **Amazon.com, Inc.**, Seattle, Wash.

[21] Appl. No.: **08/928,951**

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[52] U.S. Cl. 705/26; 705/27; 345/962
[58] Field of Search 705/26, 27; 380/24, 380/25; 235/2, 375, 378, 381; 395/188.01; 345/962

[56] **References Cited**

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5,640,577	6/1997	Scharmer	395/768
5,664,111	9/1997	Nahan et al.	705/27
5,715,314	2/1998	Payne et al.	380/24
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5,727,163	3/1998	Bezos	705/27
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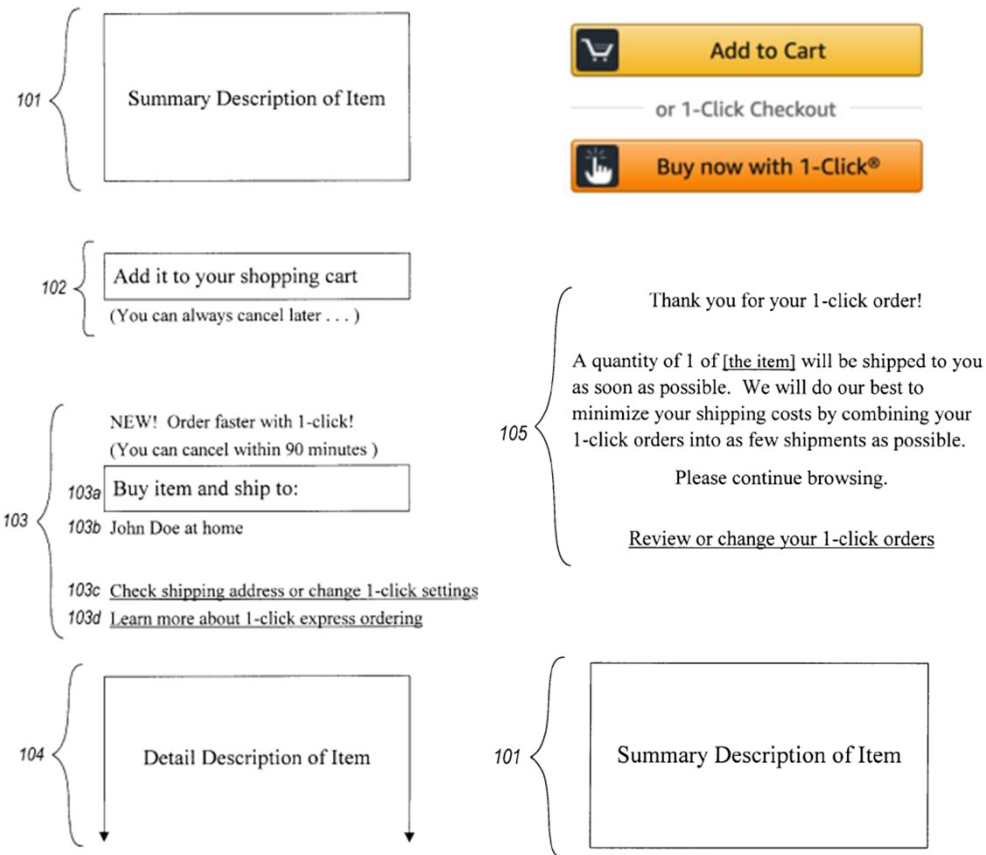
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Primary Examiner—James P. Trammell
Assistant Examiner—Demetra R. Smith
Attorney, Agent, or Firm—Perkins Coie LLP

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NEW! Order faster with 1-click!
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103a — Buy item and ship to:
103b — John Doe at home
103c — Check shipping address or change 1-click settings
103d — Learn more about 1-click express ordering

104 — Detail Description of Item

Add to Cart

or 1-Click Checkout

Buy now with 1-Click®

105 —
Thank you for your 1-click order!

A quantity of 1 of [the item] will be shipped to you as soon as possible. We will do our best to minimize your shipping costs by combining your 1-click orders into as few shipments as possible.

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[52] U.S. Cl. **705/26**; 705/27; 345/962
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Who counts as a patent inventor?

Person A: "We should build a better umbrella"

Person B: "The architecture would broadly include a handle that is capable of securing a beverage container to the umbrella"

Person C: "We need to use a spring-loaded cuff to enable different sized beverage containers to be secured to the umbrella"

Person D: "I'll implement your spec!"

Figure 1

(12) **United States Patent**
McMullin et al.

(10) Patent No.: US 6,637,447 B2
(45) Date of Patent: Oct. 28, 2003

(54) BEERBRELLA

(76) Inventors: **Mason Schott McMullin**, #7 Ridgetop St., St. Louis, MO (US) 63117; **Robert Platt Bell**, 8033 Washington Rd., Alexandria, VA (US) 22308; **Mark Andrew See**, 8033 Washington Rd., Alexandria, VA (US) 22308

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 33 days.

(21) Appl. No.: 09/981,966

(22) Filed: Oct. 19, 2001

(65) **Prior Publication Data**

US 2003/0075208 A1 Apr. 24, 2003

(51) Int. Cl.⁷ A45B 11/00; A45B 13/00; A45B 23/00

(52) U.S. Cl. 135/16; 220/694; 206/217

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Primary Examiner—Robert Canfield
(74) *Attorney, Agent, or Firm*—Robert Platt Bell

(57) **ABSTRACT**

The present invention provides a small umbrella ("Beerbrella") which may be removably attached to a beverage container in order to shade the beverage container from the direct rays of the sun. The apparatus comprises a small umbrella approximately five to seven inches in diameter, although other appropriate sizes may be used within the spirit and scope of the present invention. Suitable

10 Claims, 5 Drawing Sheets

How would you rule? #1

How would you rule?

0 surveys completed

0 surveys underway

Who counts as a patent inventor?

Person A: We should build a better umbrella

Person B: The architecture would broadly include a handle that is capable of securing a beverage container to the umbrella

Person C: We need to use a spring-loaded cuff to enable different sized beverage containers to be secured to the umbrella

Person D: I'll implement your spec!

Apple and Samsung settle seven-year-long patent fight over copying the iPhone

By Jacob Kastrenakes, a deputy editor who oversees tech and news coverage. Since joining The Verge in 2012, he's published 5,000+ stories and is the founding editor of the creators desk.

Jun 27, 2018, 11:59 AM PDT | ☐ 0 Comments / 0 New

...

Most recently, the verdict had been whittled down to $539 million for Apple. Samsung filed to appeal that earlier this month. But the two companies were able to reach an agreement before it could be litigated again.

...

https://www.theverge.com/2018/6/27/17510908/apple-samsung-settle-patent-battle-over-copying-iphone

17

META / TECH / FACEBOOK

Meta ordered to pay Voxer $175 million for violating live-streaming patents / Facebook had once tried to collaborate with the Walkie Talkie app developer

By **Jess Weatherbed**, a news writer focused on creative industries, computing, and internet culture.
Jess started her career at TechRadar, covering news and hardware reviews.

Sep 22, 2022, 4:10 AM PDT | ☐ 3 Comments / 3 New

If you buy something from a Verge link, Vox Media may earn a commission. **See our ethics statement.**

Meta has been ordered to pay almost $175 million in fines to app developer Voxer for violating live-streaming patents Illustration by Alex Castro / The Verge

Meta appealed

Feb 2023, (first) appeal failed

Jan 2024, Meta reached a settlement with Voxer

More patent concepts

War chest: a collection of patents owned by a company
- To protect their investments from competitors
- To help them avoid lawsuits from competitors
    - May motivate purchasing the IP (or the competitor!)
- To use in licensing agreements
    - Including defensively with cross-licensing agreements
        - You license me yours; I'll license you mine (win-win)

Under PAX [peace], members grant each other royalty-free patent licenses covering Android and Google Applications on qualified devices. This community-driven clearinghouse, developed together with our Android partners, ensures that innovation and consumer choice—not patent threats—will continue to be key drivers of our Android ecosystem. PAX is free to join and open to anyone.

Introducing PAX: the Android Networked Cross-License Agreement

Apr 03, 2017 · 1 min read

Jamie Rosenberg
VP, Business & Operations, Android and Google Play

Share
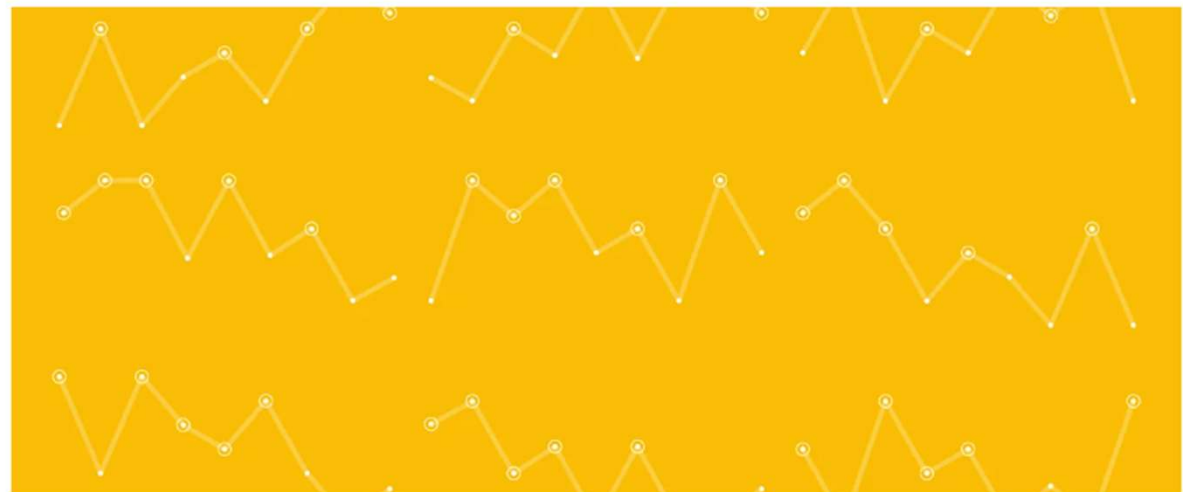
In Latin, the word pax means "peace." In the world of intellectual property, patent peace often coincides with innovation and healthy competition that benefit consumers. It is with a hope for such benefits that we are announcing our newest patent licensing initiative focusing on patent peace, which we call PAX.

Under PAX, members grant each other royalty-free patent licenses covering Android and Google Applications on qualified devices. This community-driven clearinghouse, developed together with our Android partners, ensures that innovation and consumer choice—not patent threats—will continue to be key drivers of our Android ecosystem. PAX is free to join and open to anyone.

More patent concepts

Non-practicing entity ("patent troll"): an entity that owns a patent without practicing the technology, for the purpose of asserting it against others (for payment)

- Patent troll suits cost defendants approximately [$29 billion per year on litigation](#) (2014 study – imagine what it is now!), before counting the corresponding decline in investment in R&D

Apple ordered to pay patent troll more than $500 million in iMessage case

Illustration by Alex Castro / The Verge

/ The eight-year battle between Apple and VirnetX takes another turn

By **Nick Statt**, is a Senior Producer on Decoder. Previously, he wrote about technology and gaming for Naavik, Protocol, and The Verge.

Apr 10, 2018, 4:38 PM PDT | ☐ 0 Comments / 0 New

Apple has been ordered by a federal court in Texas today to pay million to a patent troll called VirnetX, the latest turn in an eigh old legal battle over FaceTime and iMessage patents, according *Bloomberg*.

Apple appealed

How would you rule? #2

Should Apple have to pay the troll for patent infringement?

Yes

No

The Apple Inc. logo is seen hanging at the entrance to the Apple store on 5th Avenue in Manhattan, New York, U.S., October 16, 2019. REUTERS/Mike Segar/File Photo *Acquire Licensing Rights*

Patents were shown to be invalid

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Patent and copyright are mentioned in the Constitution of the United States

First Patent Board (1790):

- Secretary of State Thomas Jefferson
- Secretary of War Henry Knox
- Attorney General Edmund Randolph

Trade Secret

Trade secret

- Protects: concept, idea, info, or innovation

- Protects against: misappropriation (but **NOT** independent creation of same work)

- Requirements:
  - info not generally known or available
  - **must spend reasonable effort to maintain secrecy**
  - company derives some (economic) value from secrecy

- Term: no predefined limit

- Cost: no registration or examination

So what happens if someone reveals a trade secret?

World ⌄   Business ⌄   Markets ⌄   Sustainability ⌄   More ⌄

Litigation | Litigation | ADAS, AV & Safety | Supply Chain | Manufacturing

Tesla settles with engineer accused of taking AI trade secrets

By Blake Brittain

April 19, 2023 4:07 PM PDT · Updated 7 months ago
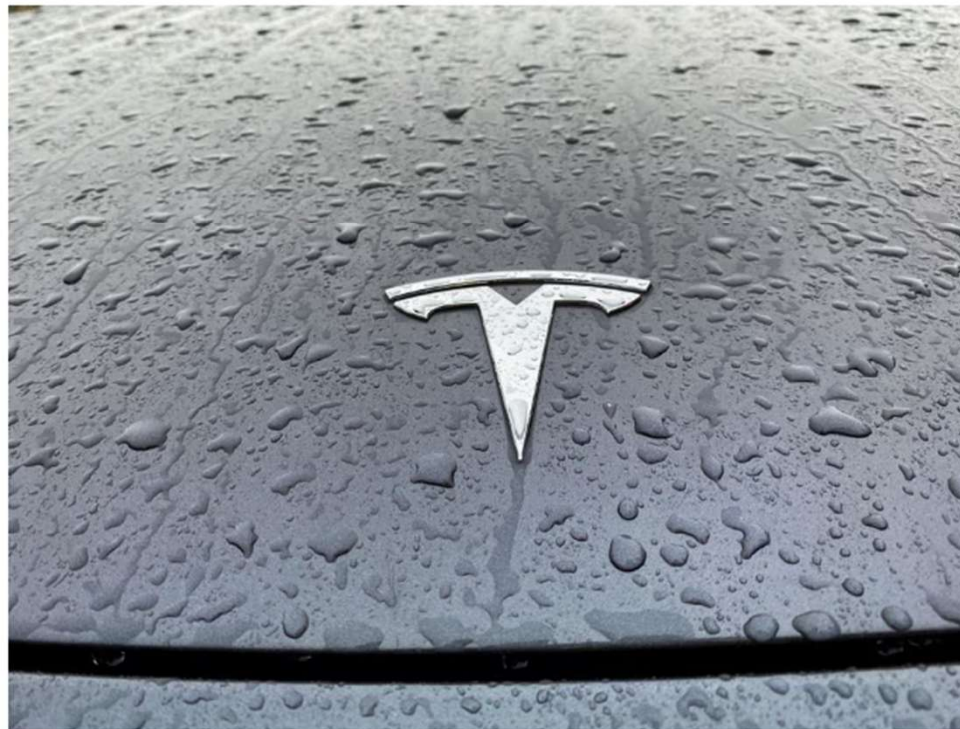
A view shows the Tesla logo on the hood of a car in Oslo, Norway November 10, 2022. REUTERS/Victoria Klesty/File Photo *Acquire Licensing Rights* [↗]

Jury Hits Ford With $105M Contract And Trade Secrets Verdict

By *Ryan Davis* · Listen to article

Law360 (October 26, 2022, 5:40 PM EDT) -- A Michigan federal jury found Wednesday that Ford Motor Co. breached a contract with Versata Software and misappropriated its trade secrets, awarding Versata a total of $104.65 million in damages after a three-week trial.

The trial, which kicked off Oct. 4 in Detroit before U.S. District Judge Matthew F. Leitman, hinged on a 2004 agreement between Ford and Versata involving software Versata developed to manage how components in Ford vehicles are configured during assembly.

The jury found that Ford breached the agreement by misusing and disclosing confidential information, reverse engineering Versata's software for its own commercial use, and using it without a license. It awarded $82.26 million on th[...]

After a three-week trial, Ford Motor Co. will pay $104.65 million in damages after a Michigan federal jury found the company breached a contract and misappropriated trade secrets. (AP Photo/David Zalubowski, File)

In addition, the jury found that Ford misappropriated three Ve[...] awarded $22.39 million on those claims. Jurors also found tha[...] not willful and malicious, and rejected Versata's claims regarding a fourth alleged trade secret.

The jury found that Ford breached the agreement by **misusing and disclosing confidential information, reverse engineering Versata's software** for its own commercial use, and using it without a license.

Ford appealed

How would you rule? #3

Should Ford have to pay Versata for stealing trade secrets?

Yes

No

...

[Judge] also said jurors had no basis to determine how long Ford would have needed to develop three trade secrets it allegedly stole, and that this also required voiding the damages award.

...

Litigation | Intellectual Property | ADAS, AV & Safety | Software-Defined Vehicle | Manufacturing

Ford wins reversal of $105 million trade-secrets verdict

By Jonathan Stempel

May 1, 2023 4:23 PM PDT · Updated 6 months ago

The Ford logo is seen at the North American International Auto Show in Detroit, Michigan, U.S., January 15, 2019. REUTERS/Brendan McDermid *Acquire Licensing Rights* ☐

https://www.reuters.com/legal/ford-wins-reversal-105-mln-trade-secrets-verdict-2023-05-01/

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Related to trade secrets ... contracts you might have to sign

Non-disclosure agreements

- Key mechanism to protect trade secrets
- You may need to sign one to interview or even visit a site

Non-compete agreements

- Illegal in some jurisdictions

Trademark

Trademarks

- Protects: any word, name, symbol, or device, or any combination thereof used to distinguish goods from others

- Protects against: others using the mark, likelihood of confusion and dilution

- Excluded: **use in other industries / geographic areas**

- Requirements: use mark in commerce or register with intent to do so in future; must maintain quality control over goods

- Term: 10 year renewable (no upper limit)

USPTO on trademarks

"A trademark is a word, name, symbol, or device that is used in trade with goods **to indicate the source of the goods and to distinguish them from the goods of others**."

"Trademark rights may be used to **prevent others from using a confusingly similar mark**, but **not to prevent others from making the same goods** or from selling the same goods or services under a clearly different mark."

Is your product name trademarked?

https://www.uspto.gov/trademarks/search

Rogue Star

2 results for "rogue star"

	Wordmark	RSM ROGUE STAR MARKETING
	Serial	98335364
	Status	LIVE REGISTERED
	Class	035
	Goods & services	IC 035: Marketing services; Business marketing services
	Owners	Rogue Star Marketing (LIMITED LIABILITY COMPANY; TEXAS, USA)

	Wordmark	ROGUESTAR
	Serial	90284201
	Status	LIVE REGISTERED
	Class	012
	Goods & services	IC 012: Motorcycles; Motor scooters.
	Owners	SCOOTSTAR INC (CORPORATION; CALIFORNIA, USA)

But not in the software domain

970 results for "divvy" & software

DIVVI	Wordmark	DIVVI
	Serial	97016452
	Status	LIVE REGISTERED
	Class	009, 035, 042
	Goods & services	IC 009: Downloadable computer application software for mobile media...
	Owners	DIVVI Solutions Inc. (CORPORATION; CANADA)

Divvy	Wordmark	DIVVY
	Serial	87814081
	Status	LIVE REGISTERED
	Class	009
	Goods & services	IC 009: Computer software, namely, electronic financial platform that...
	Owners	BILL OPERATIONS, LLC (LIMITED LIABILITY COMPAN... DELAWARE, USA)

DIVVY	Wordmark	DIVVY
	Serial	86367431
	Status	LIVE REGISTERED
	Class	025, 039, 042, 009
	Goods & services	IC 025: Hats, t-shirts.; IC 039: Bicycle rental services.; IC 042:...
	Owners	City of Chicago (municipal corporation; ILLINOIS, USA

Wordmark	DIVVY

DIVVY

3,693 results for duet & software

Duet

DUET	**DUET**
Wordmark	DUET
Status	LIVE REGISTERED
Goods & services	IC 009: downloadable computer software that allows a computer user to...
Class	009
Serial	86544398
Owners	DUET, INC. (CORPORATION; FLORIDA, USA)

DUET

Wordmark	DUET
Status	LIVE PENDING
Goods & services	IC 009: Computer hardware and recorded and downloadable software...
Class	009
Serial	97153684
Owners	IXI TECHNOLOGY HOLDINGS, INC. (CORPORATION; CALIFORNIA, USA)

DUET

Wordmark	DUET
Status	LIVE REGISTERED
Goods & services	IC 038: Telecommunication access services for voice, messaging and 911...
Class	038, 042
Serial	90077771
Owners	Bandwidth, Inc. (CORPORATION; DELAWARE, USA)

DUET

Wordmark	DUET
Status	LIVE PENDING
Goods & services	IC 009: computer software and software applications for the design and...
Class	009, 042
Serial	98777624
Owners	Enurgen Inc. (CORPORATION; Canada)

DUET

Wordmark	DUET
Status	LIVE REGISTERED
Goods & services	IC 009: Downloadable computer software for online dating and social...
Class	009
Serial	97978824
Owners	Wink Limited (COMPANY; CAYMAN ISLANDS)

DUET

Wordmark	DUET
Status	LIVE REGISTERED
Goods & services	IC 042: Providing on-line non-downloadable software for administering...
Class	042
Serial	79319062
Owners	Acuity Insights Inc. (CORPORATION; CANADA)

DUET

DUET

DUET

39

FitCheck

Wordmark	FITCHECK
Status	DEAD ABANDONED
Goods & services	(ABANDONED) IC 042: Application service provider featuring application...
Class	042
Serial	97738220
Owners	Karalewich, Vasili (INDIVIDUAL; USA)

FitCheck

Wordmark	FITCHECK
Status	LIVE PENDING
Goods & services	IC 009: Downloadable software in the nature of a mobile application...
Class	009
Serial	99045853
Owners	Vasili Karalewich (INDIVIDUAL; USA)

FitCheck

Wordmark	FITCHECK
Status	LIVE REGISTERED
Goods & services	IC 009: Software, recorded, for use with associated electronic test...
Class	009
Serial	87582166
Owners	TSI, Incorporated (CORPORATION; MINNESOTA, USA)

STUDYSCAPE

Wordmark	STUDYSCAPE
Status	DEAD CANCELLED
Goods & services	(CANCELLED) IC 042: [Computer services, namely, providing temporary...
Class	042
Serial	76121434
Owners	Global Technology Solutions, Inc. (CORPORATION; GEORGIA, USA)

STUDYSCAPE

Wordmark	STUDYSCAPE
Status	DEAD CANCELLED
Goods & services	(CANCELLED) IC 042: [Computer services, namely, providing temporary...
Class	042
Serial	85156782
Owners	Global Technology Solutions, Inc. (CORPORATION; GEORGIA, USA)

What do you notice about some of these?

40

QuizMe

Does close count?

No results with <name>+ "software"+ Live
Are we in the clear?

- Floor It
- Foodography AI
- Frugal Finder
- Globegram
- HintCode
- QuickFolds
- QuizMe
- SeeQL

REUTERS®   World ⌄   Business ⌄   Markets ⌄   Sustainability ⌄   More ⌄   🔲 My Vi

Meta Platforms hit with US trademark lawsuit from tech company Metabyte

By Blake Brittain

September 22, 2023 5:41 PM PDT · Updated 2 months ago

People walk behind a logo of Meta Platforms company, during a conference in Mumbai, India, September 20, 2023. REUTERS/Francis Mascarenhas *Acquire Licensing Rights* ⎘

Summary   Companies

- Metabyte said former Facebook's rebrand would cause confusion
- Lawsuit joins at least three others over Meta Platforms' name

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More trademark concepts

Trade dress

- Protects the **visual appearance** of a product or its packaging
- Infringement occurs when one product's desrign mimics that of another to the extent that there is likelihood of confusion
- Example: shape of a soda bottle, overall look and feel of a UI

Other protection options for visual appearance: **design patent**

Copyright

Copyright

- Protects: expression of ideas in a medium, but not the ideas

- Protects against: reproduction, copy distribution, derivative work creation (but **NOT** independent creation of same work)

- Requirements: original work, fixed in tangible form

- Term: author's life + 70 years

- Cost: simple, no registration

USPTO on copyright

"Copyright is a form of protection provided to the authors of **'original works of authorship**' including literary, dramatic, musical, artistic, and other intellectual works, published and unpublished. The 1976 Copyright Act generally **gives the owner of copyright the exclusive right to reproduce the copyrighted work, to prepare derivative works, to distribute copies** ..."

"The copyright **protects the <u>form</u> of expression** rather than the subject matter of the writing. For example, a description of a machine could be copyrighted, but this would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine. "

More facts on copyright

- Almost all things are copyrighted the moment they are written; no copyright notice or registration is required

- Copyright software – contracts/licenses can provide permission to use copyright material

Would posting someone's email, social media, or photo, be a violation of copyright?

Who owns the copyright of AI generated code?

...
If a third party sues a commercial [Microsoft] customer for **copyright infringement** for using Microsoft's Copilots or the output they generate, we will defend the customer and pay the amount of any adverse judgments or settlements that result from the lawsuit, as long as the customer used the guardrails and content filters we have built into our products.

...

Microsoft announces new Copilot Copyright Commitment for customers

Sep 7, 2023 | Brad Smith, Vice Chair and President, Hossein Nowbar, CVP and Chief Legal Officer
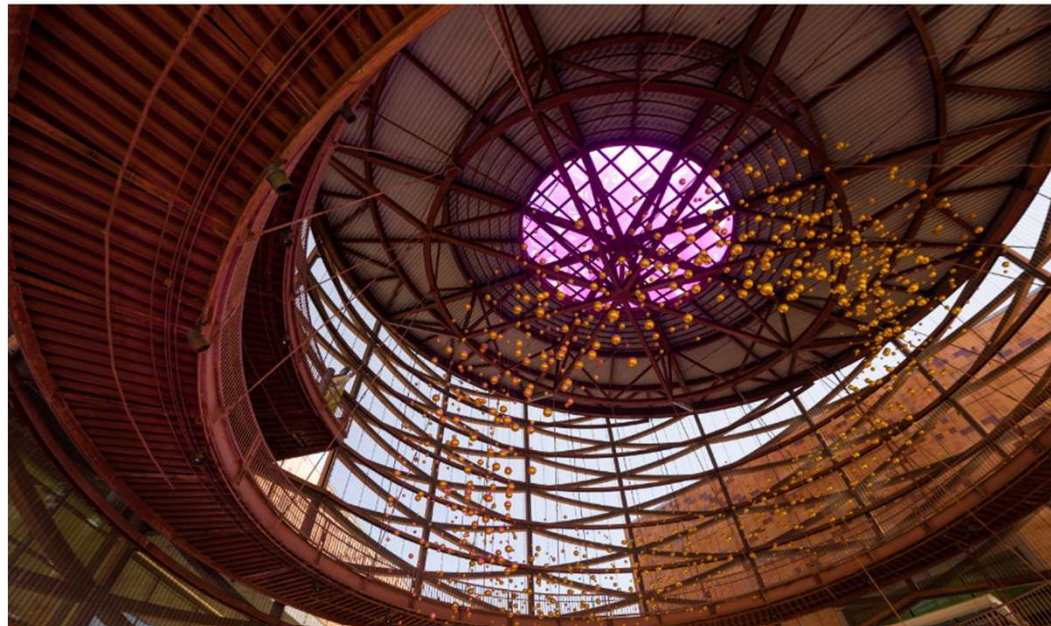
DEVELOPER

Judge dismisses majority of GitHub Copilot copyright claims

About the Author

… An amended version of the complaint had taken issue with GitHub's duplication detection filter, which allows users to "detect and suppress" Copilot suggestions matching public code on GitHub.
The developers argued that turning off this filter would "receive identical code" and cited a study showing how AI models can "memorise" and reproduce parts of their training data, potentially including copyrighted code.

However, Judge Tigar found these arguments unconvincing. **He determined that the code allegedly copied by GitHub was not sufficiently similar to the developers' original work.** …

This case highlights the ongoing challenges and legal complexities surrounding AI-powered coding assistants and their use of existing codebases for training.

https://www.developer-tech.com/news/judge-dismisses-majority-github-copilot-copyright-claims/

What about "fair use" of material?

Fair use: a limitation and exception to copyright that allows duplication and use under certain conditions

The fair use of a copyrighted work … is <u>not</u> an infringement of copyright

Factors to consider when determining fair use:
1. **Purpose and character of the use**, e.g., is use for commercial or nonprofit educational purposes
2. **Nature of the copyrighted work**
3. **Amount and substantiality** of the portion used in relation to the copyrighted work as a whole
4. **Effect of use upon the market** for or value of the copyrighted work

Oracle wants $9.3B for Google's use of Java in Android

The figure appears in a report by Oracle's damages expert, which Google strongly contests

By James Niccolai
Deputy News Editor, IDG News Service | MAR 28, 2016 10:17 AM PDT

...
The companies went to trial over the matter in 2012 but the jury was split on the **crucial question of whether Google's use of Java APIs was protected by "fair use,"** which **permits copying** under limited circumstances.
...

Supreme Court weighed in

How would you rule? #4

W Should APIs be able to be freely used under the "Fair Use" doctrine?

Yes

No

May 28, 2021

Supreme Court Expands Upon Software Fair Use in Google v. Oracle

Stephen Gillespie

Fenwick & West LLP

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in LinkedIn   f Facebook   Twitter   ✉ Send   </> Embed

FENWICK

On April 5, 2021, after 10 years of litigation, the U.S. Supreme Court published its decision in the much-watched *Google v. Oracle* dispute. The Court held that use of certain "declaring code" from the Java API in the Android operating system was a fair use under Section 107 of the Copyright Act. The Supreme Court provided a detailed explication of how, in the context of the copyright in computer code, federal courts should assess the four guiding fair use factors set forth in Section 107: (1) the purpose and character of the use; (2) the nature of the copyrighted

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Licensing

Licensing – a class in itself!

Intellectual property can be shared through licensing - use by others doesn't always have to result in a lawsuit!

Proprietary licenses: allow the use of IP, typically for the exchange of money or cross-licensing rights

Open-source licenses: allow the use of software to promote freely* sharing and encouraging creative works

https://github.com/readme/guides/open-source-licensing

Take aways from today

It's important to be aware of ways YOU can protect your intellectual property

as well as

It's important to be aware of protection OTHERS may have on IP that you may want to leverage

UW IP support: https://comotion.uw.edu/

Articles referenced for (optional) further reading:

- https://www.theverge.com/2018/6/27/17510908/apple-samsung-settle-patent-battle-over-copying-iphone
- https://www.theverge.com/2022/9/22/23366516/meta-facebook-instagram-175-million-violation-voxer-live-streaming-patents
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