Intellectual Property

CSE 403 Software Engineering

Winter 2026

But first - late-in-term exam is this Friday

- Covers material through today
  - See lecture and in-class activity material
  - See "Read" resources on the calendar
- Closed book, no electronics
- Past exams to reference are linked on the Calendar
- Be on time to maximize your time (50 min)
- Bring a writing instrument
- (Optional) Bring a one side 8.5x11 page **handwritten** (by you) sheet of notes

Today's outline

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

https: //PollEv.com/cse403wi

Disclaimer

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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, even if they independently came up with it
- 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

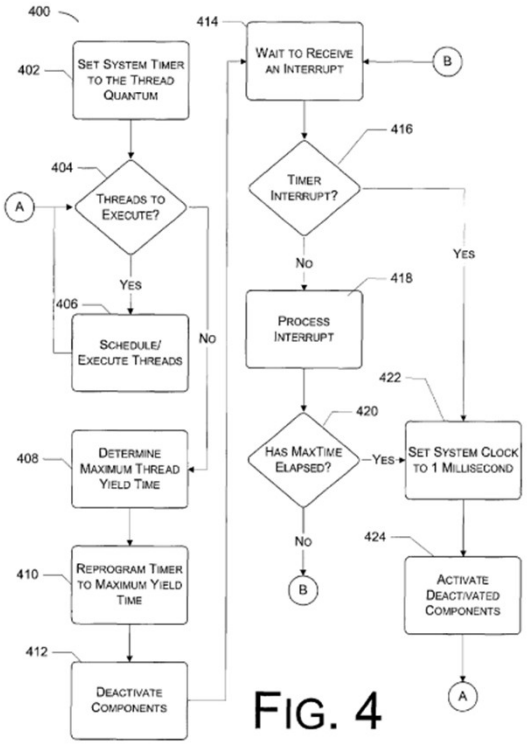
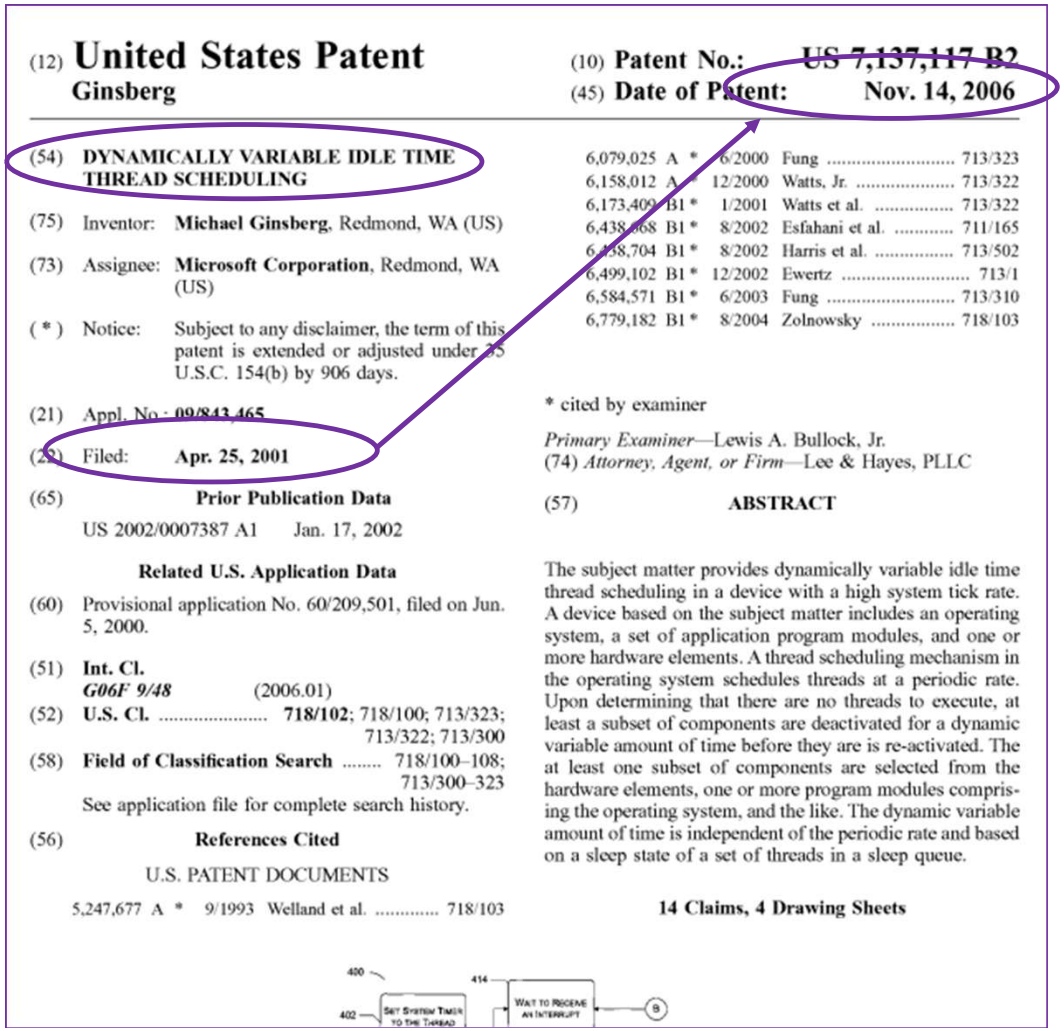


FIG. 4



(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
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6,158,012	A *	12/2000	Watts, Jr.	713/322
6,173,409	B1 *	1/2001	Watts et al.	713/322
6,438,668	B1 *	8/2002	Esfahani et al.	711/165
6,438,704	B1 *	8/2002	Harris et al.	713/502
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

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.

(12) **United States Patent**
Ginsberg

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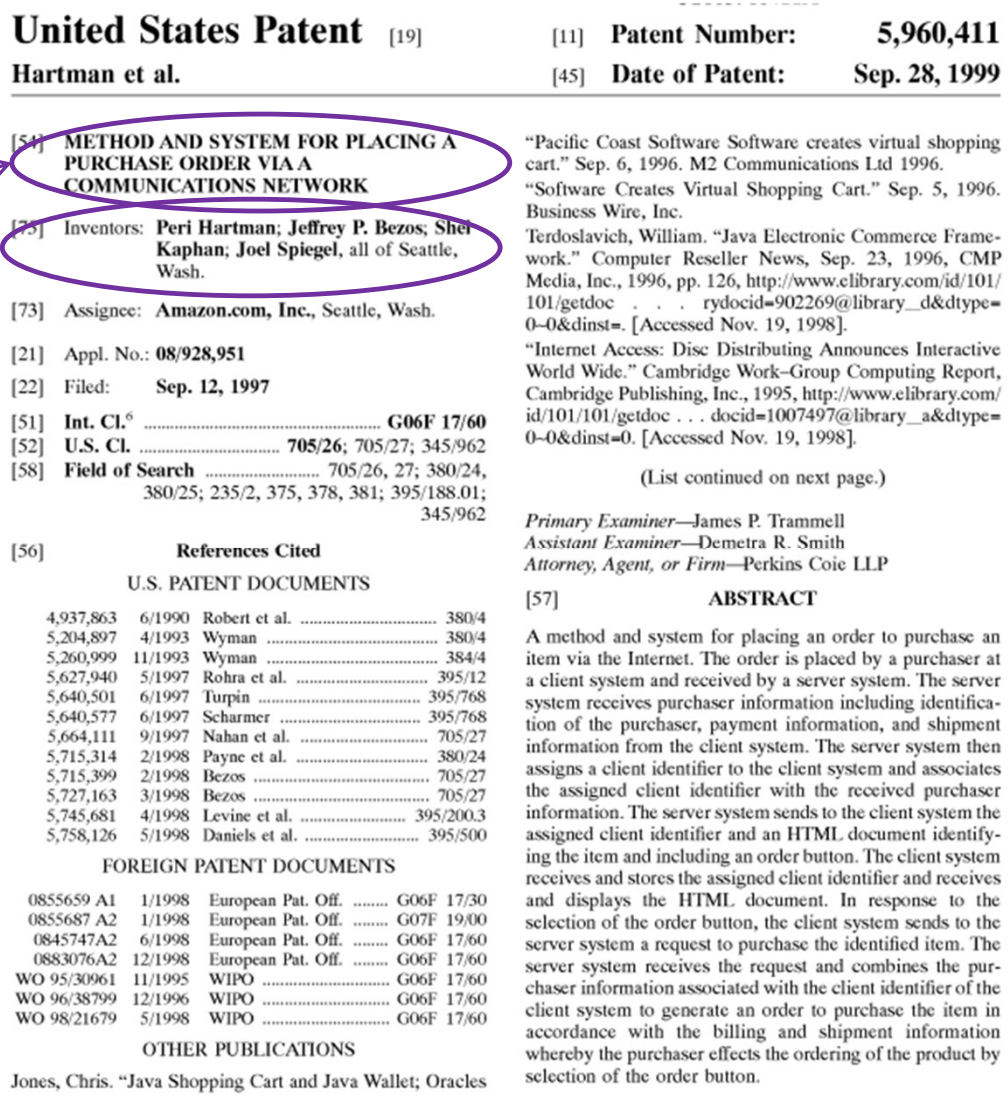
14 Claims, 4 Drawing Sheets

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
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5,664,111	9/1997	Nahan et al.	705/27
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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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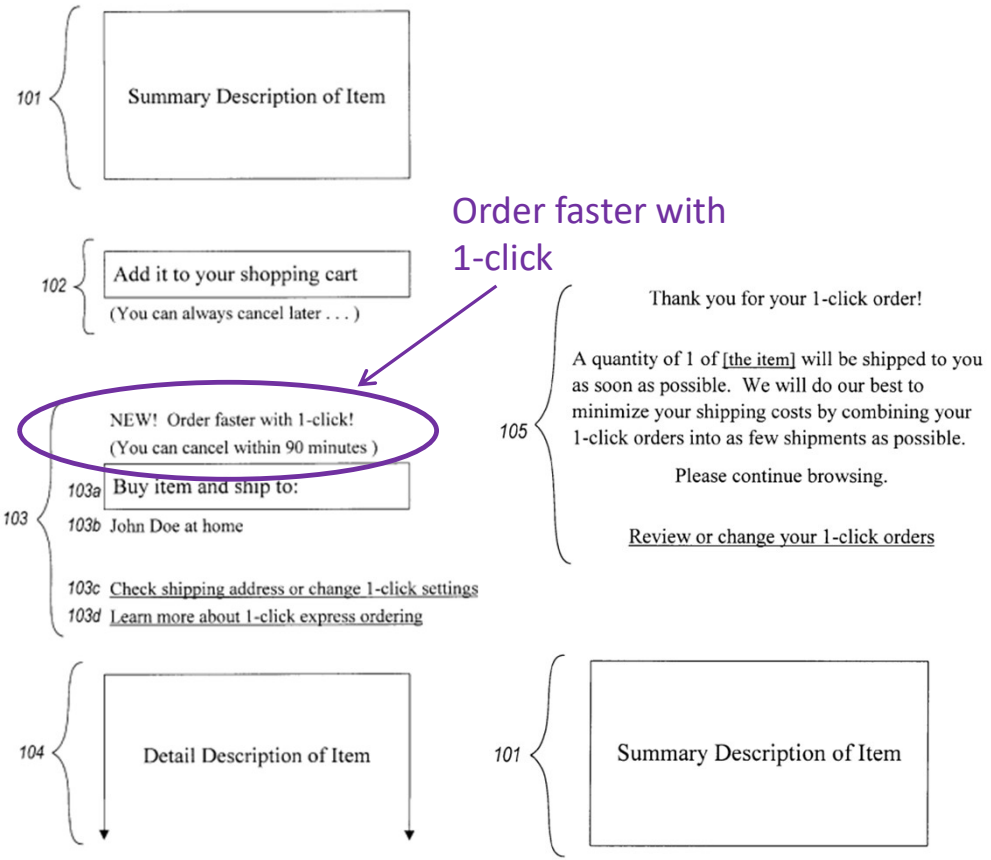
(List continued on next page.)

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



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

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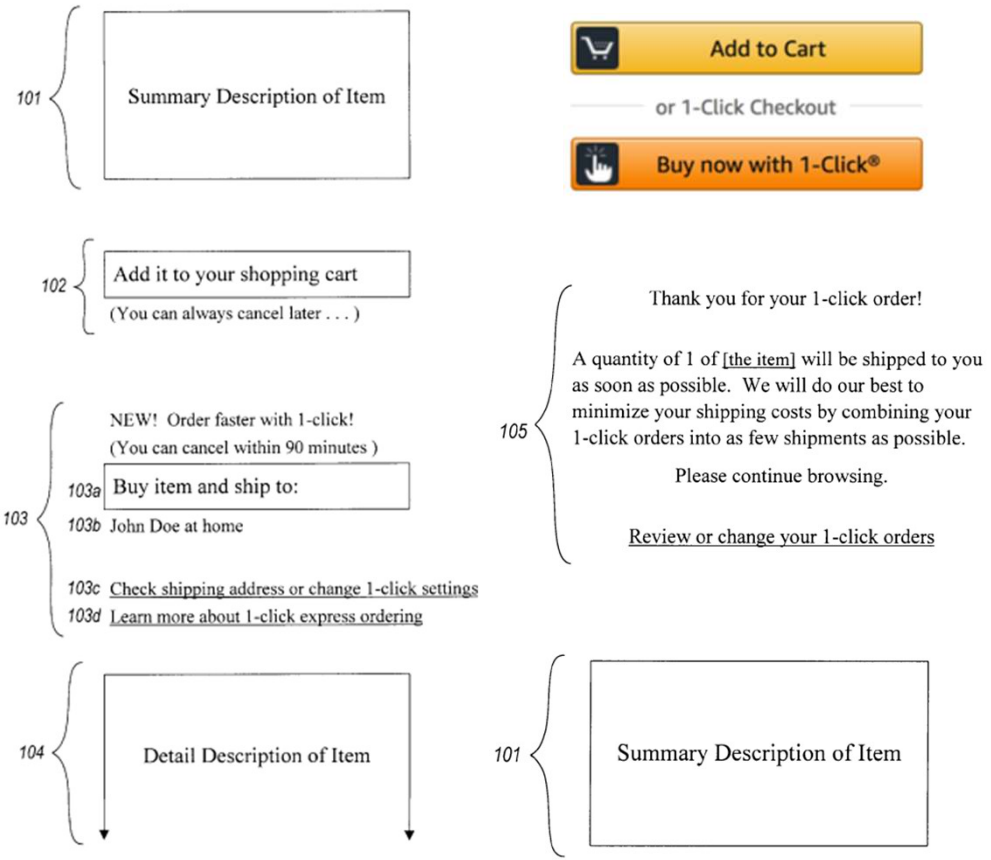

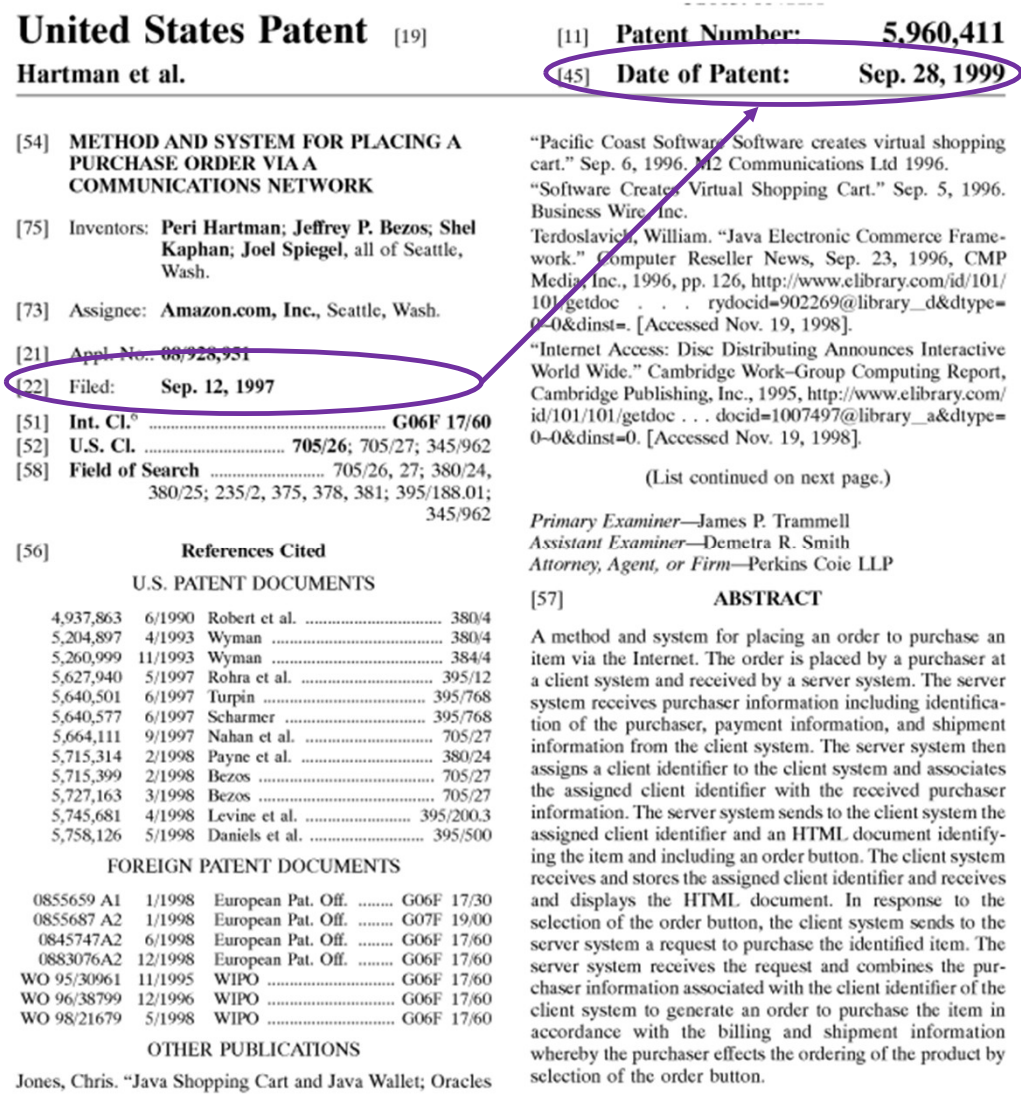

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Rejoiner Tour Results Pricing Resources

RESOURCES

How Valuable is Amazon's 1-Click Patent? It's Worth Billions

Mike Arsenault | March 15, 2022 | 3 minute read

Since 1999, the 1-Click patent has generated billions of dollars in revenue for Amazon.com.

1-Click shopping removes the single biggest friction point for completing an online purchase: the checkout process.

Amazon filed the 1-Click patent in 1997 and it was granted by the USPTO in 1999. In fairly broad terms, it protects any E-commerce transaction executed with one-click using stored customer credentials

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End of an era: Amazon's 1-click buying patent finally expires

By Shareen Pathak • September 13, 2017 •

Get your pointer fingers ready: Amazon's one-click buying process, patented by the Seattle-based company back in the heady days of 1999, expired on Tuesday. And retailers, which until now have either had to not use one-click buying or pay Amazon licensing fees to do so, might be looking to capitalize.

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

(58) [illegible]

(56) [illegible]

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D394,589	S *	5/1998	King	D7/707
5,823,496	A	10/1998	Foley et al.	248/314

* cited by examiner

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

4,871,141 A * 10/1989 Chen 248/534

10 Claims, 5 Drawing Sheets

How would you rule? #1

How would you rule?

0 surveys completed

0 surveys underway

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

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!

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TECH / SAMSUNG / APPLE

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

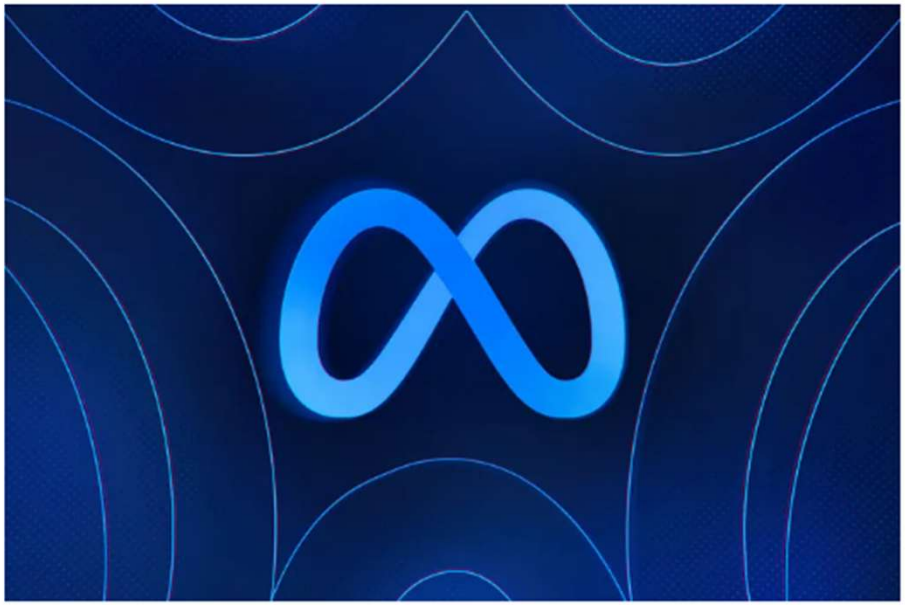
META / TECH / FACEBOOK

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

https://www.theverge.com/2022/9/22/23366516/meta-facebook-instagram-175-million-violation-voxer-live-streaming-patents

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.

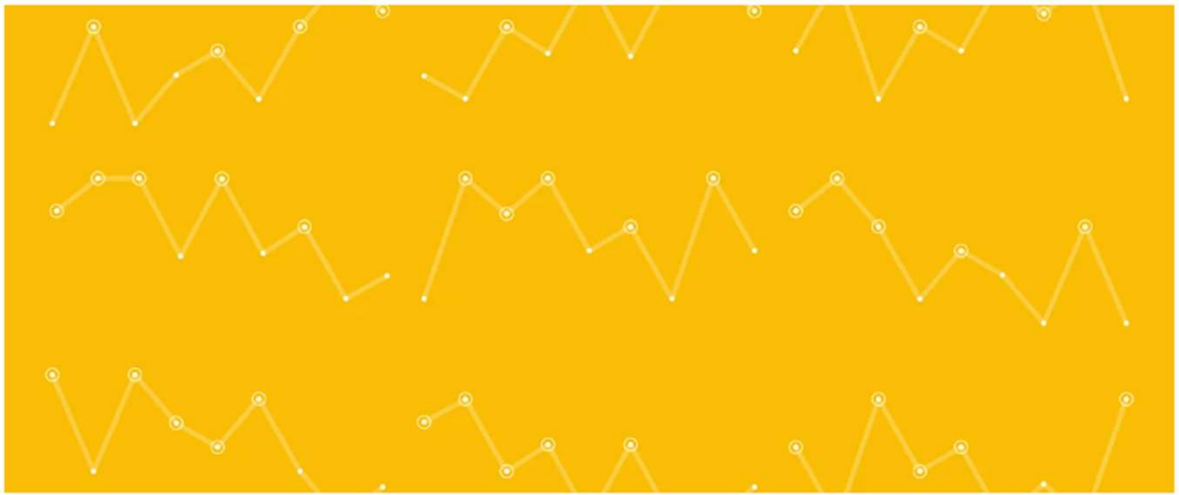
PUBLIC POLICY

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

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Litigation | Patent | Technology | Intellectual Property | Litigation

Apple wins U.S. appeal over patents in $502 mln VirnetX verdict

By **Blake Brittain**

March 30, 2023 1:53 PM PDT · Updated 7 months ago

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

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?

REUTERS

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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*

https://www.reuters.com/legal/tesla-settles-with-engineer-accused-taking-ai-trade-secrets-2023-04-19/

LAW360

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.

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)

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

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 Fenbhan and have to pay versatile at stealing trade secrets?

Yes

No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app

…
[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.
…

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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/

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

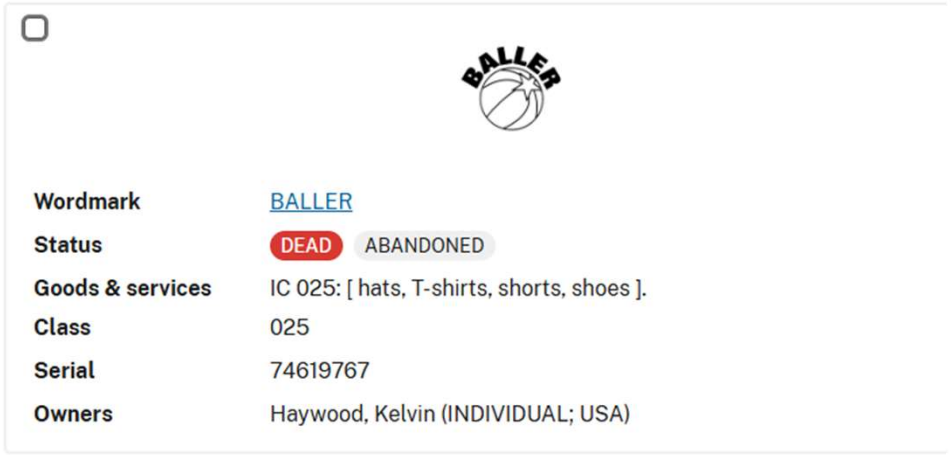
"A trademark is a word, name, symbol, or device that is used in trade with goods **to indicate the source of the goods and to distinguish them from the goods of others**."

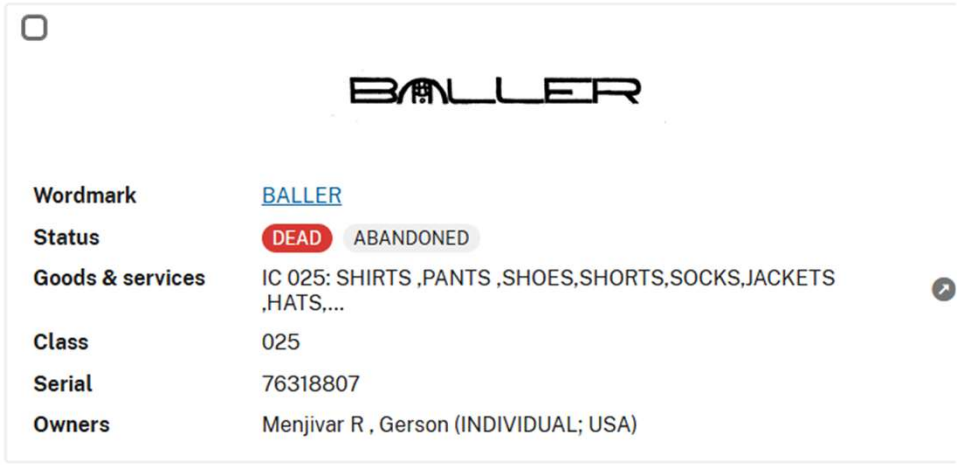
"Trademark rights may be used to **prevent others from using a confusingly similar mark**, but **not to prevent others from making the same goods** or from selling the same goods or services under a clearly different mark."

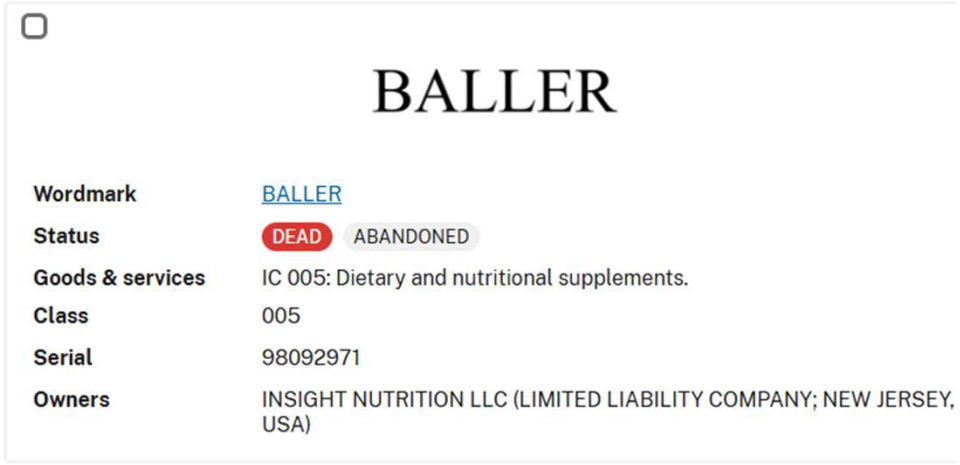
Is your product name trademarked?

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

But not in the software domain







But not in the software domain
And also, dead

Wordmark	BALLER
Status	LIVE PENDING
Goods & services	IC 025: Golf caps; (
Class	025
Serial	98531039
Owners	Timothy Charles R(

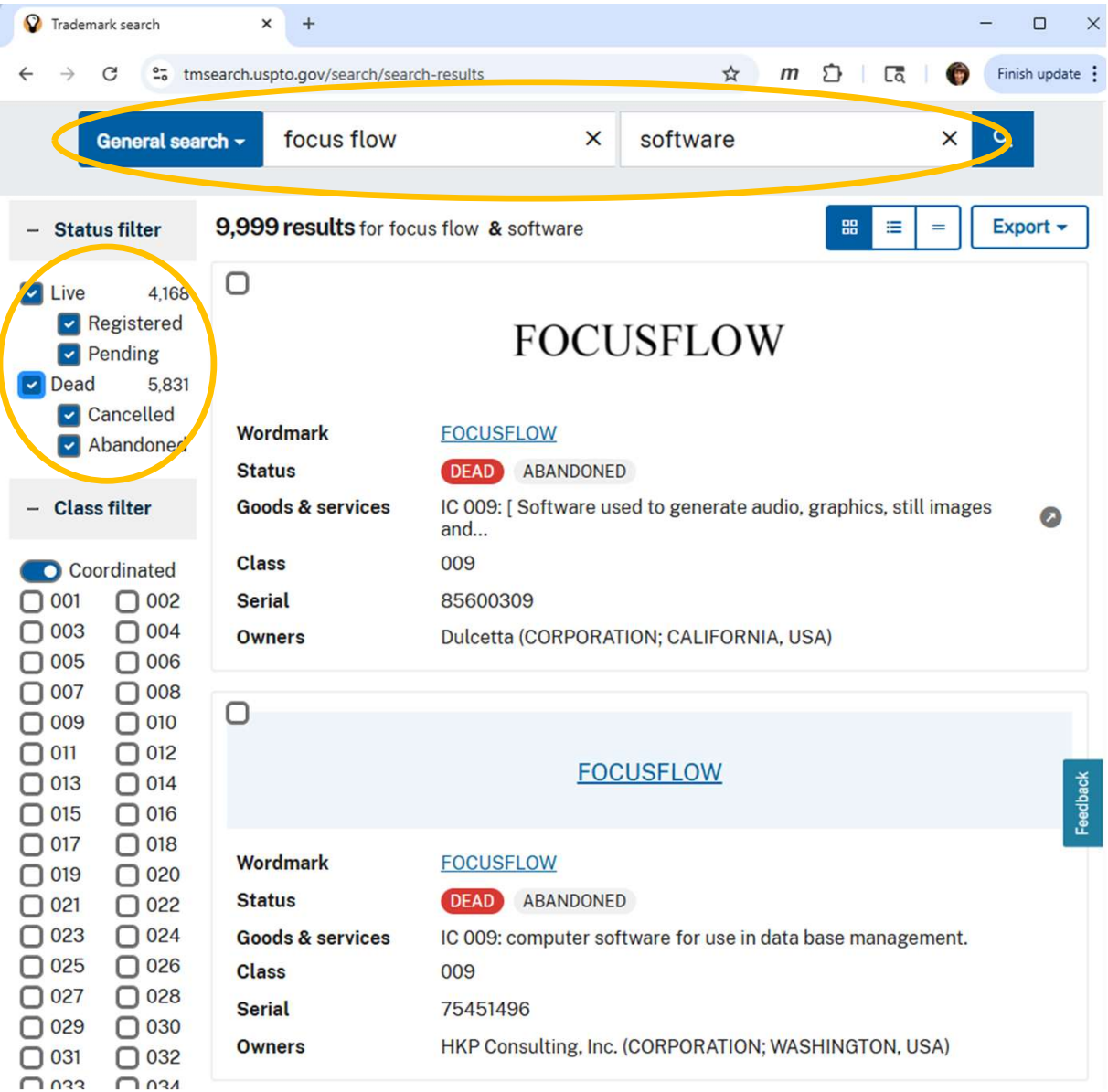
BALLER

Wordmark	BALLER
Status	
Goods & services	
Class	
Serial	
Owners	

Baller

Wordmark	BALLER
Status	LIVE PENDING
Goods & services	IC 009: Electronic sports training simulators; Downloadable software...
Class	009, 028
Serial	99541463
Owners	Christina Tapp (INDIVIDUAL; USA)

Need to search on “live”
+ add “software” as a filter
(but may be overly restrictive)

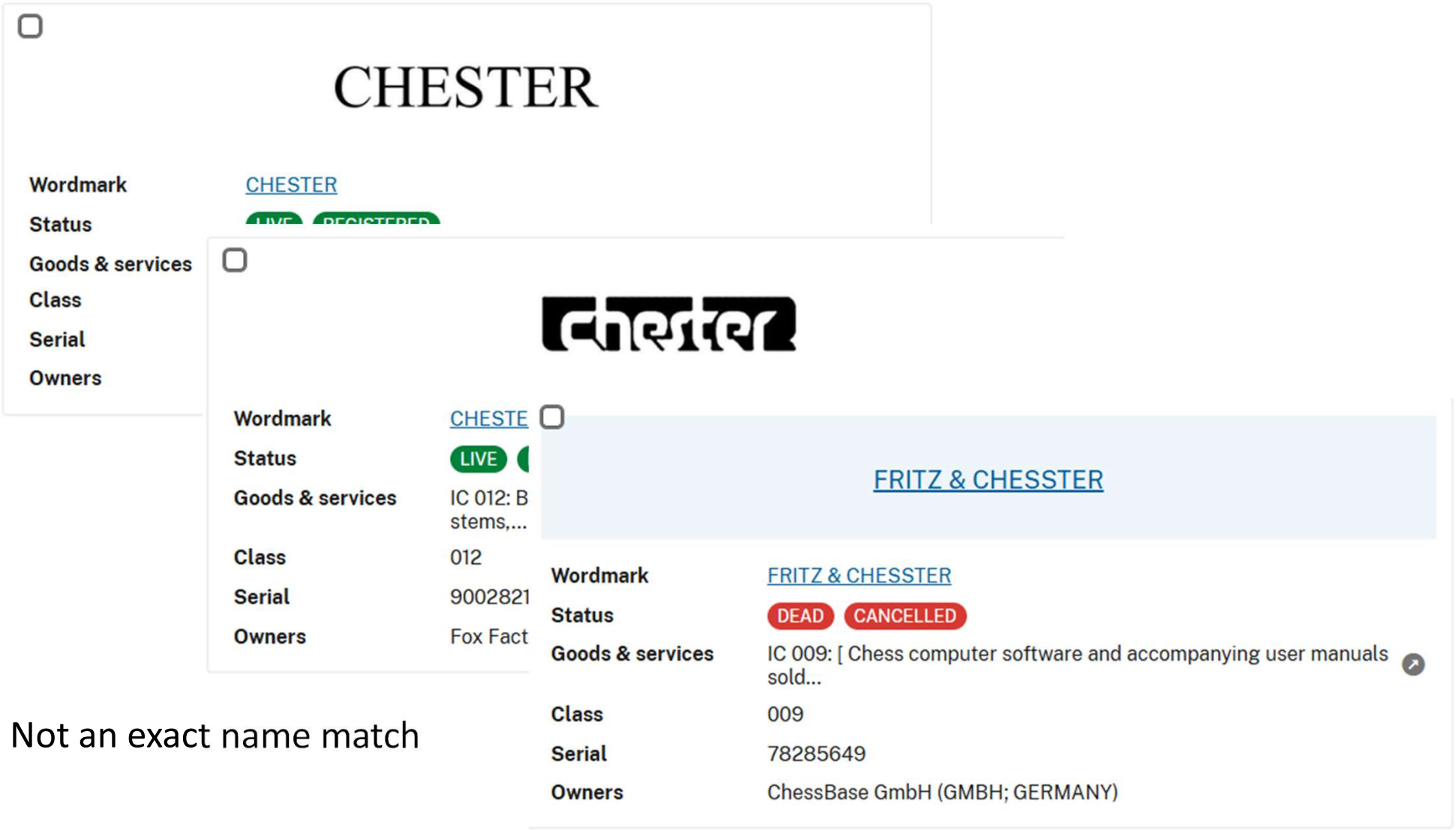


Focus flow was popular but no direct matches to the 403 project purpose

Plus, dead

Same with Safecart

Purpose doesn't match and dead

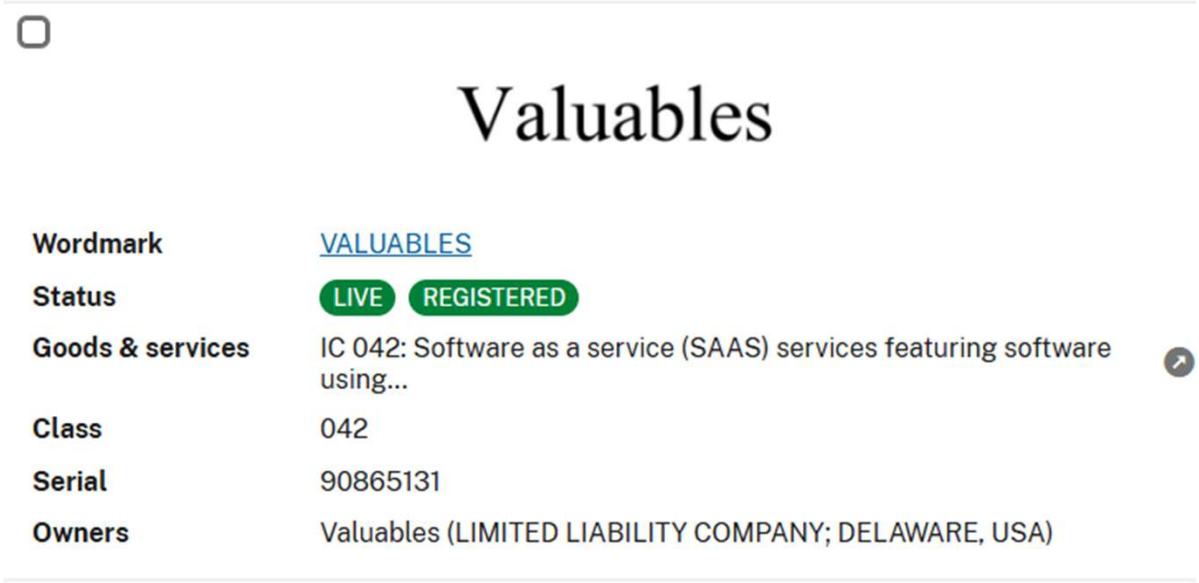


Not an exact name match

Could "Unstuck Duck" be confused with "Unstuck"?

Downloadable computer software and mobile application software that enables users to create educational study aids, quizzes and answer keys, flashcards, transcriptions, visual data analyses, graphs, and summaries of lectures and classroom sessions, and other interactive learning tools, by uploading educational content including digital documents, electronic slide presentations, lecture and other audio recordings, videos, notes, audiovisual files and other course materials;

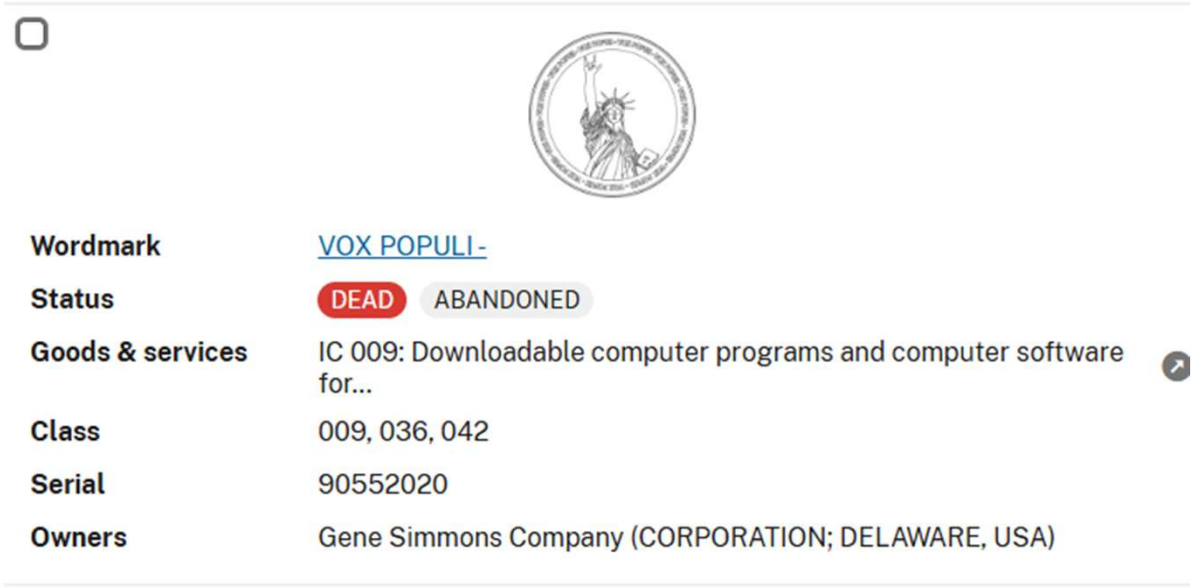
Downloadable computer software and mobile application software for use as an artificial intelligence (AI)-powered study assistant; …



Valuables

Wordmark	VALUABLES
Status	LIVE REGISTERED
Goods & services	IC 042: Software as a service (SAAS) services featuring software using...
Class	042
Serial	90865131
Owners	Valuables (LIMITED LIABILITY COMPANY; DELAWARE, USA)

Software as a service (SAAS) services featuring software using data analytics for personal branding and for providing information on personal branding and personal marketing, and aiding people and entities in developing their personal brand



Wordmark	VOX POPULI -
Status	DEAD ABANDONED
Goods & services	IC 009: Downloadable computer programs and computer software for...
Class	009, 036, 042
Serial	90552020
Owners	Gene Simmons Company (CORPORATION; DELAWARE, USA)

Downloadable computer programs and computer software for electronic transfer of digital tokens; downloadable computer software for use as a digital token wallet; downloadable software for enabling users to electronically create, store, send, receive, accept, and transmit digital tokens based on the blockchain technology; downloadable software for enabling users to exchange digital tokens for data; downloadable software for creating digital tokens using blockchain technology to facilitate the transfer of data between users, to allow users to post digital content, and to allow users to view digital content; non-fungible tokens used with blockchain technology …

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

- Card Infinity (found Infinity Card though)
- Co-op Critter Care
- On brella
- Replay QA

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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

https://www.reuters.com/legal/litigation/meta-platforms-hit-with-us-trademark-lawsuit-tech-company-metabyte-2023-09-22/

More trademark concepts

Trade dress

- Protects the **visual appearance** of a product or its packaging
- Infringement occurs when one product's design 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?

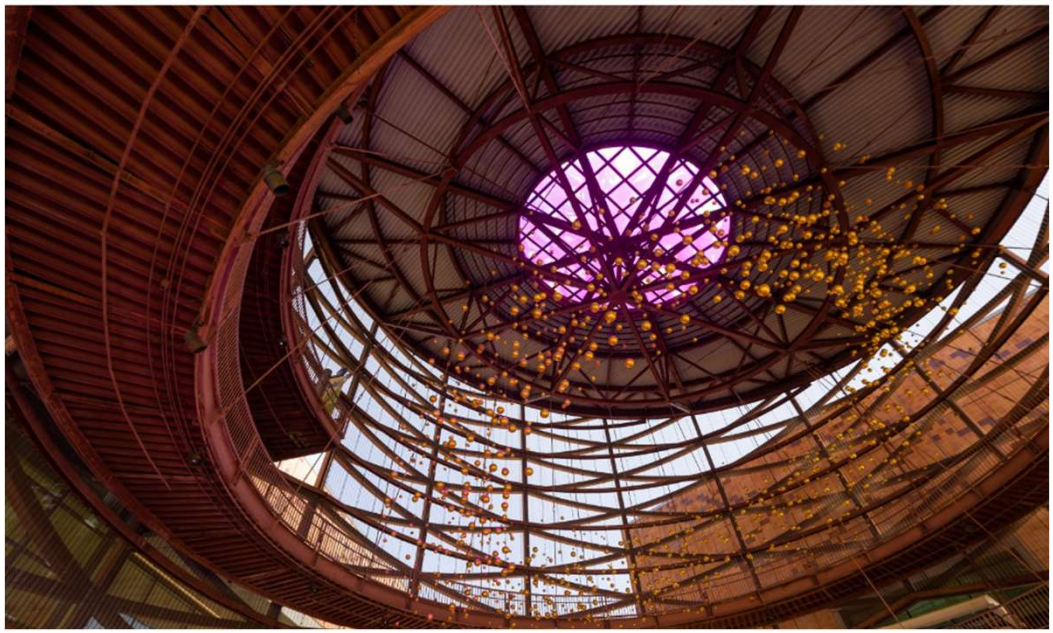
Who owns the copyright of AI generated code?

…
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.
…

https://blogs.microsoft.com/on-the-issues/2023/09/07/copilot-copyright-commitment-ai-legal-concerns/

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

By Ryan Daws | 10th July 2024 https://twitter.com/gadget_ry
Categories: Artificial Intelligence, Developer, Development Tools, Git, Platforms,

… 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 not 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

COMPUTERWORLD UNITED STATES IDG TECH(TALK) COMMUNITY WINDOWS GEN AI

Home > Operating Systems > Android

NEWS

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

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

Yes

No

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May 28, 2021

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

Stephen Gillespie

Fenwick & West LLP

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LinkedIn 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

https://www.jdsupra.com/legalnews/supreme-court-expands-upon-software-1221531/

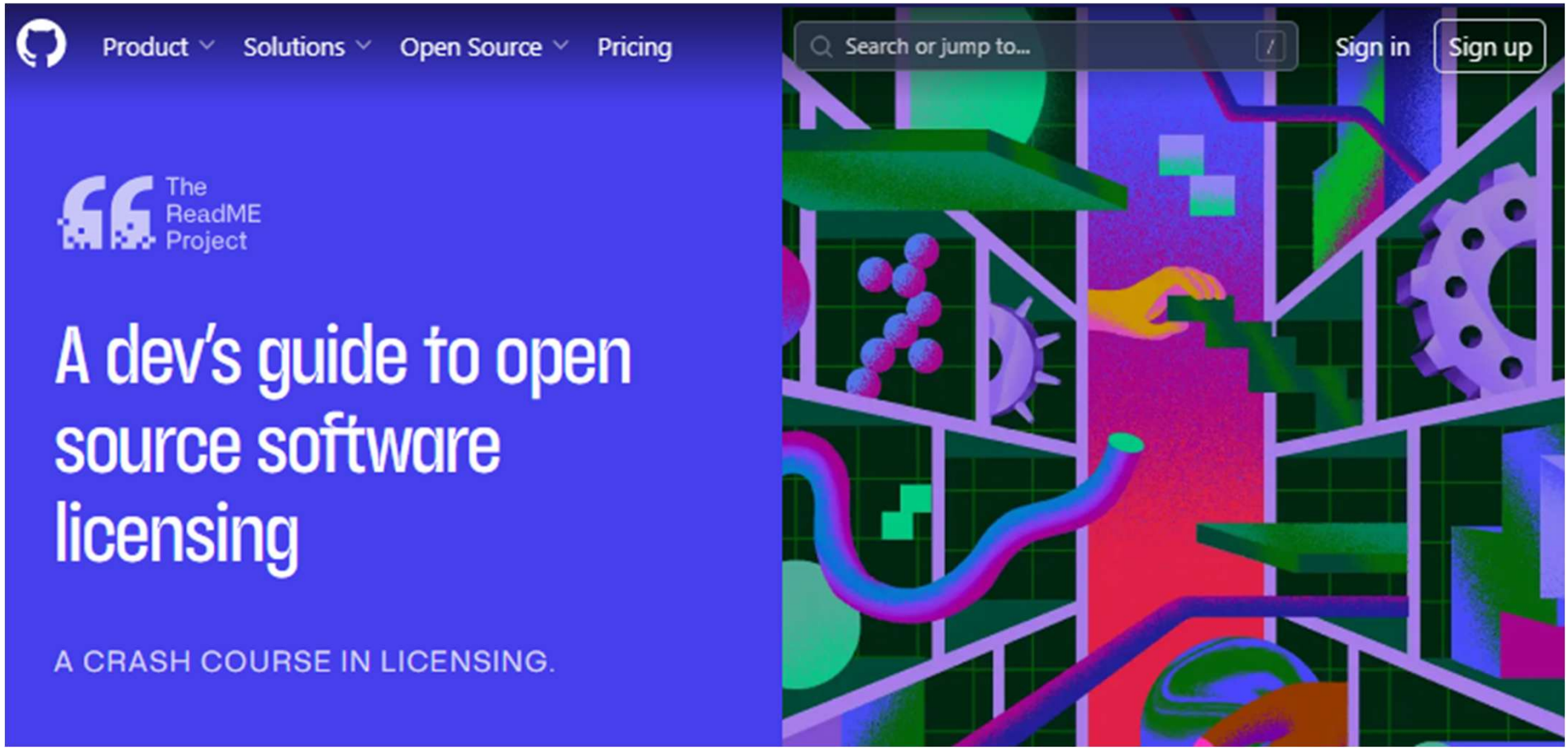
Licensing

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

Open-source software 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
- https://www.reuters.com/technology/meta-loses-bid-toss-175-mln-verdict-streaming-patent-case-2023-02-22/#:~:text=A%20jury%20found%20last%20September,%24174.5%20million%20in%20royalty%20damages.
- https://blog.google/outreach-initiatives/public-policy/introducing-pax-android-networked-cross-license-agreement/
- https://hbr.org/2022/09/its-time-for-the-u-s-to-tackle-patent-trolls#:~:text=Critics%20say%20that%20the%20problem,or%20medium%2Dsized%3B%20patent%2D
- https://www.theverge.com/2018/4/10/17222380/apple-virtnetx-patent-troll-litigation-500-million-imessage-facetime-case
- https://www.reuters.com/legal/apple-wins-us-appeal-over-patents-502-mln-virnetx-verdict-2023-03-30/#:~:text=VirnetX%20separately%20won%20a%20%24302,features%20like%20FaceTime%20video%20calls.&text=Our%20Standards%3A%20The%20Thomson%20Reuters%20Trust%20P
- https://arstechnica.com/tech-policy/2022/05/tesla-sues-thermal-engineer-for-allegedly-stealing-secrets-of-dojo-supercomputer/
- https://www.law360.com/transportation/articles/1543424/jury-hits-ford-with-105m-contract-and-trade-secrets-verdict
- https://www.reuters.com/legal/ford-wins-reversal-105-mln-trade-secrets-verdict-2023-05-01/
- https://www.reuters.com/legal/litigation/meta-platforms-hit-with-us-trademark-lawsuit-tech-company-metabyte-2023-09-22/
- https://blogs.microsoft.com/on-the-issues/2023/09/07/copilot-copyright-commitment-ai-legal-concerns/
- https://www.developer-tech.com/news/judge-dismisses-majority-github-copilot-copyright-claims/
- https://www.computerworld.com/article/1663646/oracle-wants-93b-for-googles-use-of-java-in-android.html
- https://www.jdsupra.com/legalnews/supreme-court-expands-upon-software-1221531/