

Five Things Every Software Developer Should Know About Intellectual Property

John R. King

Partner, Knobbe, Martens, Olson & Bear LLP

949.721.2998 | John.King@knobbe.com

www.knobbe.com



Topics

- 1) How To Outsource Work To Contractors
- 2) How To Protect Computer Inventions In Light Of Recent Legal Changes
- 3) How To Copyright Code
- 4) The Pros And Cons Of Open Source Software
- 5) How To Protect Trade Secrets

Intellectual Property Protection

CONAN

Weeknights **11/10c**



Intellectual Property Business Tools

- ▶ **Ownership** – ensure you own your technology



Make Sure You Own Your Technology

- ▶ **Myth:** I paid for it, therefore I own it.
- ▶ Have contractors and employees sign agreements that assign their intellectual property rights
 - Independent Consultant Agreements
 - Employee Agreements
- ▶ These agreements should also include an obligation of confidentiality



Intellectual Property Business Tools

- ▶ **Ownership** – ensure you own your technology
- ▶ **Patents** – obtain exclusivity in your market niche

What Can I Patent?

- ▶ The invention must be useful.
- ▶ The invention must be novel – you have to be the first one to do it.
- ▶ The invention must not be an obvious variation.
- ▶ With respect to software, the invention must be a technical improvement.

Finger Tap Zoom

U.S. Patent No. 7,864,163



US007864163B2

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

(10) **Patent No.:** **US 7,864,163 B2**
(45) **Date of Patent:** **Jan. 4, 2011**

(54) **PORTABLE ELECTRONIC DEVICE, METHOD, AND GRAPHICAL USER INTERFACE FOR DISPLAYING STRUCTURED ELECTRONIC DOCUMENTS**

(58) **Field of Classification Search** 345/173 178; 178/18.01-18.09, 18.11; 715/810, 828-831, 715/234, 781, 700
See application file for complete search history.

(75) **Inventors:** **Bas Ording**, San Francisco, CA (US); **Scott Forsfall**, Mountain View, CA (US); **Greg Christie**, San Jose, CA (US); **Stephen O. Lemay**, San Francisco, CA (US); **Imran Chaudhri**, San Francisco, CA (US); **Richard Williamson**, Los Gatos, CA (US); **Chris Blumenberg**, San Francisco, CA (US); **Marcel Van Os**, San Francisco, CA (US)

(73) **Assignee:** **Apple Inc.**, Cupertino, CA (US)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 688 days.

(21) **Appl. No.:** **11/850,013**

(22) **Filed:** **Sep. 4, 2007**

(65) **Prior Publication Data**
US 2008/0094368 A1 Apr. 24, 2008

Related U.S. Application Data

(60) Provisional application No. 60/937,993, filed on Jun. 29, 2007, provisional application No. 60/946,715, filed on Jun. 27, 2007, provisional application No. 60/879,469, filed on Jan. 8, 2007, provisional application No. 60/879,253, filed on Jan. 7, 2007, provisional application No. 60/824,769, filed on Sep. 6, 2006.

(51) **Int. Cl.**
G06F 3/041 (2006.01)

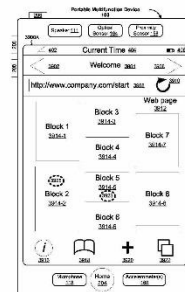
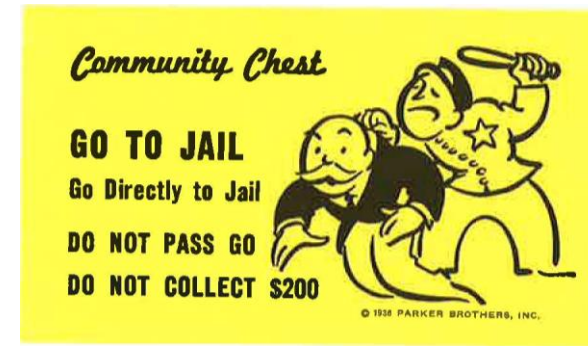
(52) **U.S. Cl.** **345/173; 715/234; 715/781**

(56) **References Cited**
U.S. PATENT DOCUMENTS
6,025,842 A 2/2000 Filetto et al. 345/345 (Continued)
FOREIGN PATENT DOCUMENTS
LP 0476972 A2 3/1992 (Continued)
OTHER PUBLICATIONS
Milic-Frayling, N. et al., "Smartview: Enhanced Document Viewer for Mobile Devices," Microsoft Technical Report, Nov. 15, 2002, URL: <http://ip.research.microsoft.com/pub/tr/r-2002-114.pdf>, retrieved Dec. 17, 2007.
(Continued)

Primary Examiner—Stephen G Sherman
(74) **Attorney, Agent, or Firm** Morgan, Lewis & Bockius LLP

(57) **ABSTRACT**
A computer-implemented method, for use in conjunction with a portable electronic device with a touch screen display, comprises displaying at least a portion of a structured electronic document on the touch screen display, wherein the structured electronic document comprises a plurality of boxes of content, and detecting a first gesture at a location on the displayed portion of the structured electronic document. A first box in the plurality of boxes at the location of the first gesture is enlarged and substantially centered.

61 Claims, 29 Drawing Sheets



America Invents Act (AIA)

- General Themes:
 - Harmonization
 - First-To-File Patent System
 - Simplify And Reduce Cost Of Patent Litigation



America Invents Act (AIA) Tax

- Patent Maintenance Fee Increases
 - 3.5 Years - from \$1,150 to \$1,600
+39% increase
 - 7.5 Years - from \$2,900 to \$3,600
+24% increase
 - 11.5 Years - \$4,810 to \$7,400
+54% increase

America Invents Act

First-to-File Patent System

Beware: Deadlines Still Exist

Make Sure To File Your Patent Application Before A Bar Date:

- (1) Printed Publications,
- (2) On Sale, and
- (3) Public Use.

America Invents Act

*M*Jackson **HD**

America Invents Act

Michael Jackson's Anti-Gravity Lean

United States Patent [19]
Jackson et al.

[11] Patent Number: 5,255,452
[45] Date of Patent: Oct. 26, 1993

[54] METHOD AND MEANS FOR CREATING ANTI-GRAVITY ILLUSION
[75] Inventors: Michael J. Jackson, Los Angeles; Michael L. Bush; Dennis Tompkins, both of Hollywood, Calif.
[73] Assignee: Triumph International, Inc., Los Angeles, Calif.
[21] Appl. No.: 905,479
[22] Filed: Jun. 29, 1992
[51] Int. Cl.⁵ A43B 5/00; A43B 3/00
[52] U.S. Cl. 36/113; 36/1; 36/136; 36/80; 36/132
[58] Field of Search 36/1, 80, 103, 113, 36/114, 131, 132, 136; 482/70, 71, 105
[56] References Cited

U.S. PATENT DOCUMENTS
1,059,284 4/1913 Dennis 36/114
2,114,790 4/1938 Venables 36/132
2,473,099 6/1949 Hatch 36/1

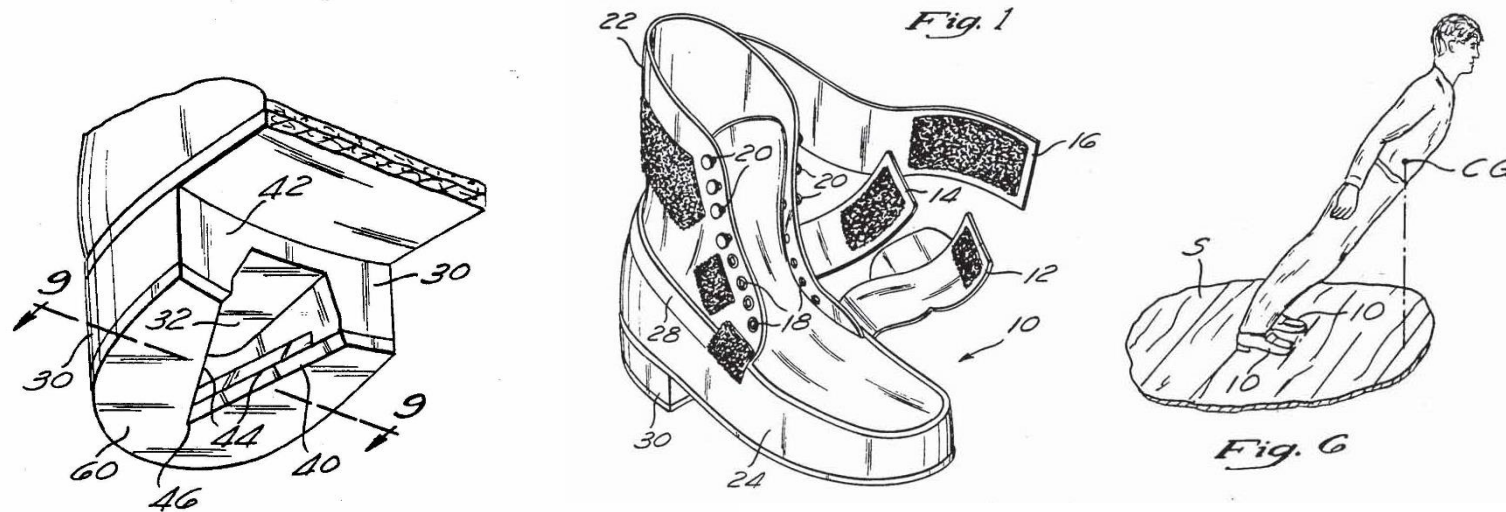
3,889,399 6/1975 Emrich 36/1
4,445,287 5/1984 Garcia 36/114
4,538,480 9/1985 Trindle 36/131
4,645,466 2/1987 Ellis 36/132
4,762,019 8/1988 Beyl 36/131
4,882,858 11/1989 Signori 36/131
5,042,173 8/1991 Blizzard et al. 36/113

Primary Examiner—Steven N. Meyers
Assistant Examiner—M. Denise Patterson
Attorney, Agent, or Firm—Drucker & Sommers

[57] ABSTRACT

A system for allowing a shoe wearer to lean forwardly beyond his center of gravity by virtue of wearing a specially designed pair of shoes which will engage with a hitch member movably projectable through a stage surface. The shoes have a specially designed heel slot which can be detachably engaged with the hitch member by simply sliding the shoe wearer's foot forward, thereby engaging with the hitch member.

13 Claims, 4 Drawing Sheets



America Invents Act

United States Patent [19]

[11] Patent Number: **5,255,452**

Jackson et al.

[45] Date of Patent: **Oct. 26, 1993**

[54] METHOD AND MEANS FOR CREATING ANTI-GRAVITY ILLUSION

[75] Inventors: Michael J. Jackson, Los Angeles; Michael L. Bush; Dennis Tompkins, both of Hollywood, Calif.

[73] Assignee: Triumph International, Inc., Los Angeles, Calif.

[21] Appl. No.: 905,479

[22] Filed: **Jun. 29, 1992**

[51] Int. Cl.⁵ A43B 5/00; A43B 3/00

[52] U.S. Cl. 36/113; 36/1; 36/136; 36/80; 36/132

[58] Field of Search 36/1, 80, 103, 113, 36/114, 131, 132, 136; 482/70, 71, 105

[56] References Cited

U.S. PATENT DOCUMENTS

1,059,284 4/1913 Dennis 36/114
 2,114,790 4/1938 Venables 36/132
 2,473,099 6/1949 Hatch 36/1

3,889,399 6/1975 Emrich 36/1
 4,445,287 5/1984 Garcia 36/114
 4,538,480 9/1985 Trindle 36/131
 4,645,466 2/1987 Ellis 36/132
 4,762,019 8/1988 Beyl 36/131
 4,882,858 11/1989 Signori 36/131
 5,042,173 8/1991 Blizzard et al. 36/113

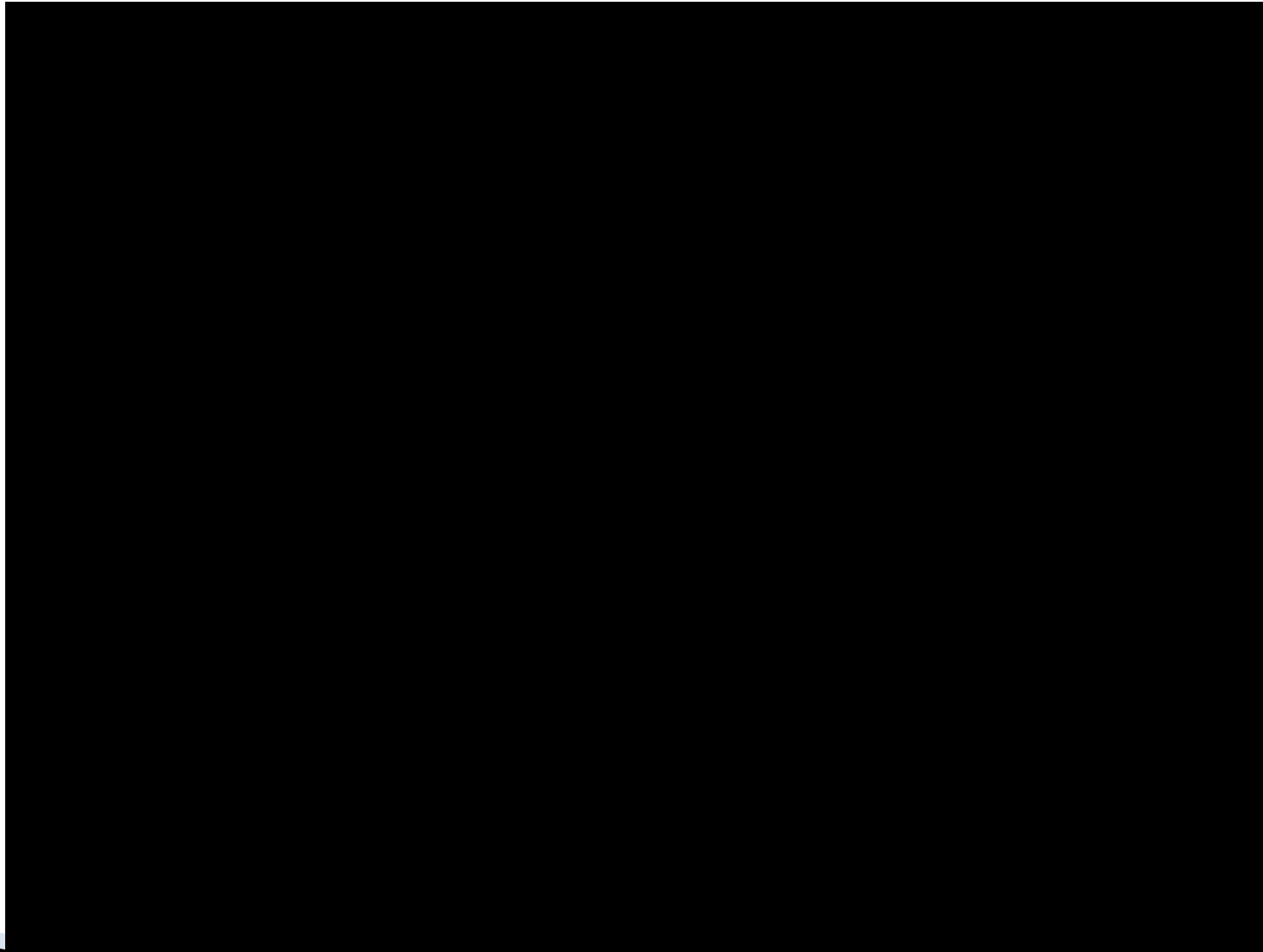
Primary Examiner—Steven N. Meyers
 Assistant Examiner—M. Denise Patterson
 Attorney, Agent, or Firm—Drucker & Sommers

[57] ABSTRACT

A system for allowing a shoe wearer to lean forwardly beyond his center of gravity by virtue of wearing a specially designed pair of shoes which will engage with a hitch member movably projectable through a stage surface. The shoes have a specially designed heel slot which can be detachably engaged with the hitch member by simply sliding the shoe wearer's foot forward, thereby engaging with the hitch member.

13 Claims, 4 Drawing Sheets

America Invents Act



Increasing Odds Of Success

- ▶ What Patent Office Program provides a 66% allowance rate in less than 4 months?
 - Patent Prosecution Highway
 - First Action Interview Program
 - Prioritized Examination

Increasing Odds Of Success

- ▶ What Patent Office Program provides a 66% allowance rate in less than 4 months?
 - Patent Prosecution Highway – 90% allowance within a year.
 - First Action Interview Program – 45% allowance within six months.
 - **Prioritized Examination - 66% allowance in less than 4 months!**

America Invents Act

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

(10) **Patent No.:** **US 8,712,797 B1**
(45) **Date of Patent:** **Apr. 29, 2014**

(54) **METHODS AND SYSTEM FOR PROVIDING DRUG PRICING INFORMATION FROM MULTIPLE PHARMACY BENEFIT MANAGERS (PBMS)**

(71) Applicant: **GoodRx, Inc.**, Santa Monica, CA (US)

(72) Inventors: **Trevor Zachary Bezdek**, Los Angeles, CA (US); **Douglas Joseph Hirsch**, Los Angeles, CA (US); **Scott Andrew Marlette**, Los Angeles, CA (US); **William Raymond McClure**, Santa Monica, CA (US); **Andrew David Slutsky**, Santa Monica, CA (US)

(73) Assignee: **GoodRx, Inc.**, Santa Monica, CA (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.: **14/160,208**

(22) Filed: **Jan. 21, 2014**

Related U.S. Application Data

(60) Provisional application No. 61/769,617, filed on Feb. 26, 2013.

(51) **Int. Cl.**
G06Q 50/00 (2012.01)
G06Q 10/00 (2012.01)
G06F 19/00 (2011.01)

(52) **U.S. Cl.**
CPC **G06Q 50/00** (2013.01); **G06Q 10/00** (2013.01); **G06F 19/328** (2013.01)
USPC **705/2**; 705/3; 705/400

(58) **Field of Classification Search**
CPC G06Q 50/22; G06Q 10/00; G06F 19/328
USPC 705/2, 3, 4, 400
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

7,860,732 B2 * 12/2010 Elizabeth et al. 705/3
8,296,164 B2 * 12/2012 Oscar et al. 705/2
8,380,540 B1 * 2/2013 Smith et al. 705/3
8,447,628 B1 * 5/2013 Kalies, Jr. 705/2
8,457,992 B1 * 6/2013 Harding et al. 705/4
2001/0037234 A1 * 11/2001 Oscar et al. 705/2
2004/0072234 A1 * 4/2004 Tallal, Jr. 705/2
2004/0117323 A1 * 6/2004 Mindala 705/400
2007/0043589 A1 * 2/2007 Warren et al. 705/2

(Continued)

OTHER PUBLICATIONS

Google patents search, Feb. 27, 2014.*

(Continued)

Primary Examiner — Dilek B Cobanoglu

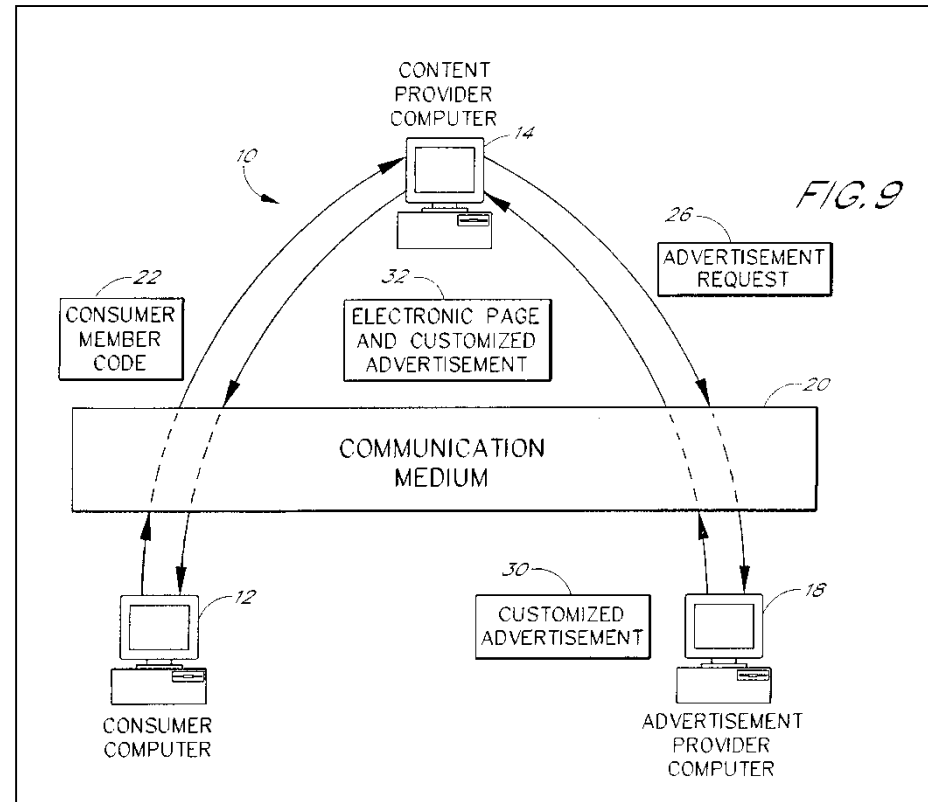
(74) *Attorney, Agent, or Firm* — Knobbe Martens Olson & Bear LLP

(57) **ABSTRACT**

A system according to certain aspects of the disclosure provides drug pricing information from multiple PBMs to users. For example, the system may obtain, calculate, and/or estimate drug prices that are available under contracts or agreements between PBMs and various pharmacies. These prices may be prices of drugs for purchase at the various pharmacies. In response to requests for prices of particular drugs, the system can display relevant prices. For example, the system displays a price for each pharmacy chain and/or displays prices for a particular geographical area. The users can compare the prices for a particular drug and determine which pharmacy they would like to purchase the drug from. The system can provide a discount coupon that allows the users to purchase the drug at the price listed by the system at the selected pharmacy.

20 Claims, 8 Drawing Sheets

Internet Advertising U.S. Patent No. 5,933,811



United States Patent [19]

Harari et al.



US005602987A

[11] Patent Number: **5,602,987**

[45] Date of Patent: **Feb. 11, 1997**

[54] **FLASH EEPROM SYSTEM**

[75] Inventors: Elifayahou Harari, Los Gatos; Robert D. Norman, San Jose; Sanjay Mehrotra, Milpitas, all of Calif.

[73] Assignee: SanDisk Corporation, Sunnyvale, Calif.

60178564 2/1986 Japan
61-96598 5/1986 Japan
62-283496 12/1987 Japan
62-283497 12/1987 Japan
63-183700 7/1988 Japan
01054545 3/1989 Japan
21369952 9/1984 United Kingdom
W08400628 2/1984 WIFO

OTHER PUBLICATIONS

[21] Appl. No.: 174,768
[22] Filed: Dec. 29, 1993

Related U.S. Application Data

[60] Continuation of Ser. No. 963,838, Oct. 20, 1992, Pat. No. 5,297,148, which is a division of Ser. No. 337,566, Apr. 13, 1989, abandoned.

[51] Int. Cl.⁵ G06F 11/00

[52] U.S. Cl. 395/182.06; 365/200; 365/210; 395/427

[58] Field of Search 371/10.2, 10.3, 371/40.1; 365/200, 185.09, 201, 189.07; 395/575, 182.03, 182.04, 182.05, 182.06, 427, 430

[56] **References Cited**

U.S. PATENT DOCUMENTS

3,633,175 1/1972 Harper 395/435
4,051,254 9/1977 Choate 365/200
4,093,985 6/1978 Das 395/185.02

(List continued on next page.)

FOREIGN PATENT DOCUMENTS

557723 1/1987 Australia
0086886 8/1983 European Pat. Off.
0220718 5/1987 European Pat. Off.
0243503 11/1987 European Pat. Off.
0300264 1/1989 European Pat. Off.
58-215794 12/1983 Japan
58-215795 12/1983 Japan
59-45695 3/1984 Japan
59-162695 9/1984 Japan
60-076097 4/1985 Japan
60-212900 10/1985 Japan

Miller, "Semidisk Disk Emulator," *Interface Age*, p. 102, Nov., 1982.
Clewitt, "Bubble Memories as a Floppy Disk Replacement," *1978 Midcon Technical Papers*, vol. 2, pp. 1-7, Dec. 1978.
Hancock, "Architecting a CCD Replacement for the IBM 2305 Fixed Head Disk Drive," *Eighteenth IEEE Computer Society International Conference*, pp. 182-184, 1979.
Wilson, "1-Mbit flash memories seek their role in system design," *Computer Design*, vol. 28, No. 5, pp. 30-32, (Mar. 1989).

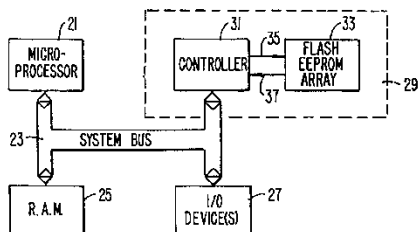
(List continued on next page.)

Primary Examiner—Robert W. Beausoliel, Jr.
Assistant Examiner—Ly V. Hua
Attorney, Agent, or Firm—Majestic, Parsons, Siebert & Hsue

ABSTRACT

A system of Flash EEPROM memory chips with controlling circuitry serves as non-volatile memory such as that provided by magnetic disk drives. Improvements include selective multiple sector erase, in which any combinations of Flash sectors may be erased together. Selective sectors among the selected combination may also be de-selected during the erase operation. Another improvement is the ability to remap and replace defective cells with substitute cells. The remapping is performed automatically as soon as a defective cell is detected. When the number of defects in a Flash sector becomes large, the whole sector is remapped. Yet another improvement is the use of a write cache to reduce the number of writes to the Flash EEPROM memory, thereby minimizing the stress to the device from undergoing too many write/erase cycling.

50 Claims, 5 Drawing Sheets



Community Chest

Grand Opera Opening

COLLECT \$50 FROM EVERY PLAYER

FOR OPENING NIGHT SEATS

© 1934 PARKER BROTHERS, INC.

SmartMedia Card



Store Images, Text And More On A SanDisk® Removable SmartMedia Card!

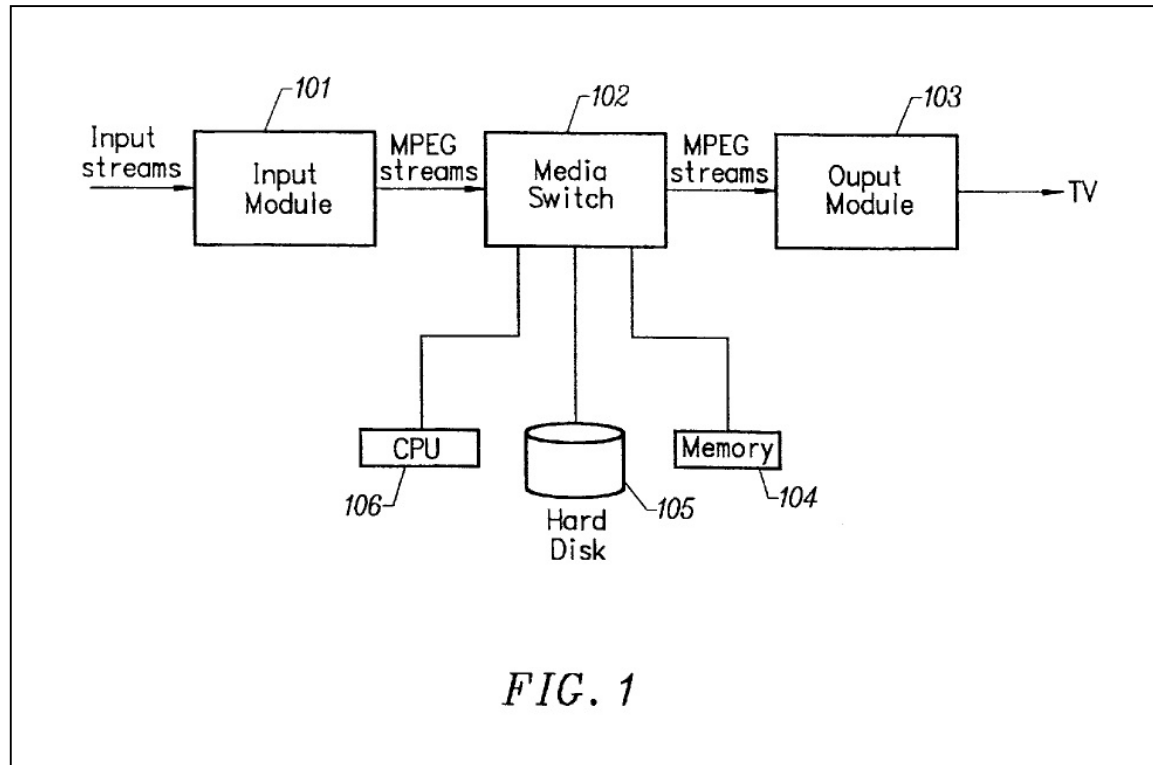
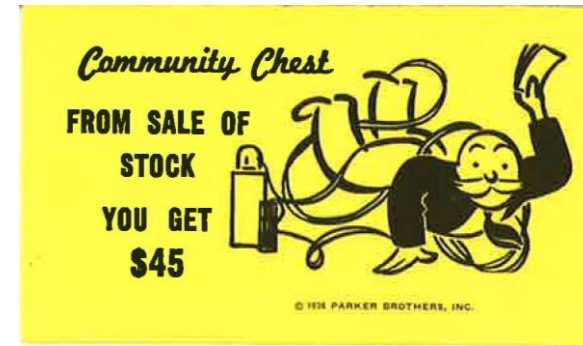
Available Capacities



What is a SanDisk® SmartMedia Card?
The SanDisk® SmartMedia card is a removable flash memory card that can be used in several different types of digital devices; including digital cameras, digital music players and digital voice recorders.

Multimedia Time Warping

U.S. Patent No. 6,233,389



Intellectual Property Business Tools

- ▶ **Ownership** – ensure you own your technology
- ▶ **Patents** – obtain exclusivity in your market niche
- ▶ **Copyrights** – protect your content

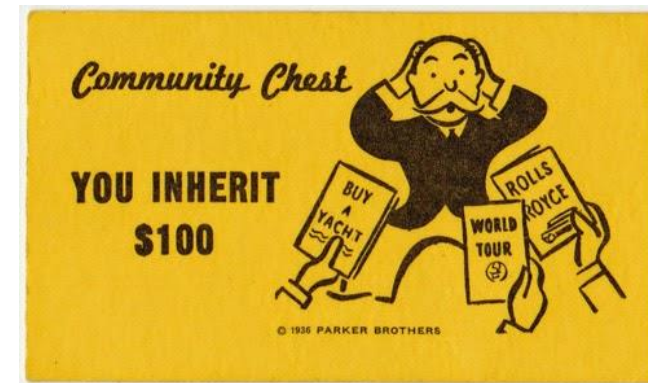
Copyright Protection

- ▶ Copyright protection provided to the authors of “original works of authorship” including software, literary, dramatic, musical, and artistic.
- ▶ Copyright Protection is Automatic

© 2016 Company Name
All Rights Reserved

Intellectual Property Business Tools

- ▶ **Ownership** – ensure you own your technology
- ▶ **Patents** – obtain exclusivity in your market niche
- ▶ **Copyrights** – protect your content
- ▶ **Open Source** – rapid prototyping with some risks



Open Source Software

▶ Pros:

- Excellent way to create a prototype quickly.
- Excellent for creating internal software tools.
- Powerful SaaS tools.

▶ Cons:

- Can include an obligation to dedicate intellectual property to the public
- Large acquiring companies often do not like it.

Open Source Software

- ▶ If you do not plan on distributing the software then Open Source is an excellent option.
- ▶ If you do plan on distributing the software then you must consider the type of Open Source you plan on using:
 - Permissive
 - Weak Copyleft
 - Strong Copyleft

Open Source Software

- ▶ Permissive - here's the code, do whatever you want with it.
- ▶ As an example, both Apple's OS X and iOS operating systems contain code that permissively licensed the Berkeley Software Distribution (BSD) Unix Operating System.
- ▶ Among the more common permissive licenses are the Apache, MIT, and BSD licenses.

Open Source Software

- ▶ Weak Copyleft - a firm's proprietary program can remain proprietary, even when interfacing with weak copyleft open source code.
- ▶ Modifications to the weak copyleft open source code, however, must be licensed to the public.
- ▶ Examples include the GNU Lesser General Public License (LGPL) and the Mozilla Public License.

Open Source Software

- ▶ Does cloud software constitute “distribution?”
- ▶ Generally not, but be aware of the Affero General Public License (AGPL).
- ▶ Online use of AGPL code is considered distribution and requires source code access even though a physical copy of the code has not been distributed.

Licensing



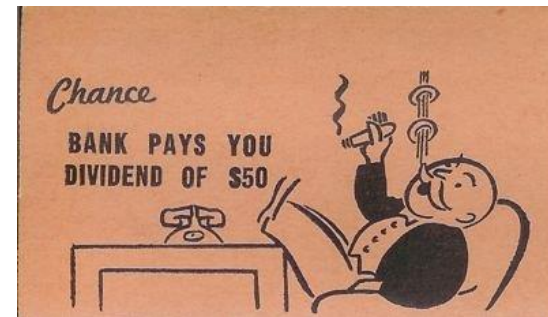
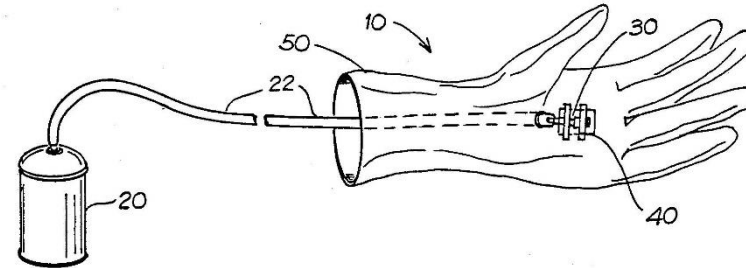
Licensing

- Beware of license terms.



United States Patent [19] [11] **Patent Number:** 5,072,856
Kimble [45] **Date of Patent:** Dec. 17, 1991

[54]	TOY WEB-SHOOTING GLOVE	4,214,674	7/1980	Jones et al.	222/79
[76]	Inventor: Stephen E. Kimble, 2607 N. Wilson Ave., Tucson, Ariz. 85719	4,286,407	9/1981	Adickes, Jr. et al.	222/215 X
		4,768,681	9/1988	Dean et al.	222/175 X
		4,848,246	7/1989	Rosen	109/25
[21]	Appl. No.: 528,419	4,890,767	1/1990	Burlison	222/78
[22]	Filed: May 25, 1990	4,903,864	2/1990	Sirhan	222/78
		4,997,110	3/1991	Swenson	222/175



Licensing

ARTICLE 15 MISCELLANEOUS

15.1 Intellectual Property Rights. Vendor hereby releases [REDACTED] Indemnitees from all claims based on Vendor's patent, copyright, trademark, trade dress or other Intellectual Property Rights that arose prior to this Agreement or that arise during or after the term of this Agreement. Additionally, for the term of this Agreement and thereafter Vendor hereby grants to Purchaser a license to make, have made, use, sale, offer for sale, import, distribute and promote Products (including packaging) that incorporate in whole or in part the patent, copyright, trademark, trade dress or other Intellectual Property Rights of Vendor.

Intellectual Property Business Tools

- ▶ **Ownership** – ensure you own your technology
- ▶ **Patents** – obtain exclusivity in your market niche
- ▶ **Copyrights** – protect your content
- ▶ **Open Source** – rapid prototyping with some risks
- ▶ **Trade Secrets** - keep proprietary information confidential

John R. King

949.721.2998

John.King@knobbe.com

www.knobbe.com