

CSE 190: Legal issuers: Intellectual Property

(Disclaimer: this is not legal or tax advice. Consult lawyers and accountants before making any decisions.)

For software, patents are very debatable: there are many ways to accomplish the same thing.

Facts:

1. People have made patents with software and computational patents.
2. Investors get reassured if they hear that you have patents pending.
3. Having patents could increase the value of your company on acquisition.
4. An IP lawyer advised me to submit a patent without comparing it with prior art in writing as this can give ideas to the patent officer to object to things.
5. There are two schools of thought: patent focused and anti-patent.

The patenting process:

1. Provisional patent: DIY –FILING ~\$150-500 – cost using a lawyer >\$2K:

- a. A “place holder”, you submit the idea to get a time-stamp for time of invention. It is not vetted, and does not guarantee that you can get a patent.
- b. It can be written in understandable English (see example), could be 4-8 pages, and could include a few figures (the architecture of your system).
- c. Provisional lasts for a year: after that, you have to submit the full patent or give up (conceivably you can resubmit your provisional...)
- d. The provisional patent is the basis to make claims for the full patent.

2. Full patent - expected cost \$10-20K:

- a. It is written in incomprehensible language, you probably need a lawyer.
- b. The patent officer can “contest” it and push back.

3. Practical tips:

1. Think through your patent approach for the company.
2. If you have an idea that you is worth patenting it, you probably should.
3. You can always come up with some “intelligence” in your technique to patent:
 - a) Include a plurality of sources of information that you synthesize
 - b) Add adaptivity: context-awareness, feedback loop, self-learning dimension
4. Writing the patent:
 - a) you start with broad claims, and you narrow down slowly.
 - b) **you don't need to describe the algorithms that you will use in each part!!!!**
Magic phrase: :“we will use method X or any other technique apparent to someone trained in the art”
 - c) you don't need to know how well your technique will work: you patent the approach
 - d) you want to encompass as many “operational cases, applications, and uses”:
 - e. Technique can <operate on> files on smartphones, laptops, servers...
Technique can be invoked by end user, device automatically, original file owner, server...
Technique can be deployed to protect files, protect users, protect devices

RESOURCES

The debate: https://en.wikipedia.org/wiki/Software_patent_debate

<http://www.zdnet.com/article/why-we-need-software-patents-and-yes-im-smarter-than-you/>

Cost: <http://www.ipwatchdog.com/2015/04/04/the-cost-of-obtaining-a-patent-in-the-us/id=56485/>