



## CS-202: Law For Computer Science Professionals

## **Class 1: Introduction**

David W. Hansen, Instructor September 28, 2006

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## **Course Overview**

## • The Class:

- Will cover areas of law pertinent to computer science professionals.
- Will focus on practical issues regularly confronted by computer science professionals and others.
- Topics will include:
  - The main areas of IP law:
    - Patents, Copyrights, Trademarks, Trade Secrets
    - Current issues of interest in each area
  - IP related contract issues:
    - Open source
    - Other license, non-disclosure and noncompete issues
  - Practical business formation issues.

## **Course Overview**

- Limited readings.
- All materials supplied (free!)
  - Handouts in class
  - Posted to the web
- Classroom presentations on each topic.
- Participation encouraged.
- Guest speakers (e.g., Yahoo!, Google, others)
- Class project Two Options:
  - Prepare an Information
     Disclosure Statement (the first step in the patent process)
  - Prepare a Copyright Registration for an original work of authorship
- Pass/Fail *only* no grade option

## "Intellectual Property"

- Creations of the mind given legal protections often associated with real and personal property.
- Commonly referred to the rights conferred by the following fields of law:
  - Patent
  - Trademark
  - Copyright
  - Trade secret and unfair competition
  - Right of publicity
- IP law gives individuals and businesses:
  - Property rights in their creations.
  - Through the opportunity to profit, the economic incentive to create.

## **Thomas Jefferson**

Letter to Isaac McPherson, August. 13, 1813:

"If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself in to the possession of every one, and the receiver cannot dispossess himself of it...

## **Thomas Jefferson**

"That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, an improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space..."

"Inventions then cannot, *in nature*, be a subject of property. Society may give an exclusive right to the profits arising from them, as an encouragement to men to pursue ideas which may produce utility, but this may or may not be done, according to the will and convenience of the society, without claim or complaint from any body."

## **Intellectual Property Sources**

**United States Constitution** 

Article 1, section 8:

The Congress shall have power . . .

- (3) To regulate Commerce with foreign Nations, and among the several States . . .
- (8) To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries . . .

## Article 6:

This Constitution, and the Laws of the United States, which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land

## The IP "Big 3"

# Patents, Copyrights and Trademarks

## **PATENTS**

- Granted by the US government.
- Give the inventor/assignee the right to *exclude* all others from:
  - making, using, selling, offering to sell or importing the invention within the US and its territories for 20 years.
- The main IP asset that most companies rely on to protect their innovations and to maintain a competitive advantage.
- Patent law:
  - Stimulates private investment in new, useful and nonobvious technologies by promising inventors exclusive rights for a limited time.

## **COPYRIGHTS**

- Protects "original works of authorship" by authors, artists, and others from unauthorized copying.
- Copyright protection extends broadly to include literary, musical and dramatic works, sound recordings, computer programs, *etc*.
- Copyrights protect expression, not ideas (patent law).
- Copyright protection:
  - Attracts investment to the production and distribution of literary and artistic works by promising authors and artists exclusive rights for a limited period.

## **TRADEMARKS**

 Usually a word, phrase or a symbol or combination thereof that is used to distinguish goods and services.

## • Examples:

- Company names, company logos, and mottoes.
- A "service mark" is the same as a trademark, except that it identifies the source of a service rather than a product
- Trademark protection:
  - Encourages businesses to invest in the names and slogans that signify the source of their goods and services by prohibiting competitors from using these same symbols on their own products.

## Trademark Examples



# Google











## **Copyright Examples**

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## **Patent Examples**

## L. Page's "PageRank" Patent

#### (12) United States Patent

(45) Date of Patent:

(10) Patent No.:

US 6,285,999 B1

Sep. 4, 2001

#### (54) METHOD FOR NODE RANKING IN A LINKED DATABASE

(75) Inventor: Lawrence Page, Stanford, CA (US)

(73) Assignce: The Board of Trustees of the Leland

Stanford Junior University, Stanford, CA (US)

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.: 09/004,827

(22) Filed: Jan. 9, 1998

#### Related U.S. Application Data

(60) Provisional application No. 60/035,205, filed on Jan. 10, 1997.

(51) Int. CL7 ...... G06F 17/30

#### (56) References Cited

#### U.S. PATENT DOCUMENTS

4,953,106	•	8/1990	Gansner et al.	345/440
5,450,535	*	9/1995	North	395/140
5,748,954		5/1998	Mauldin	395/610
5,752,241	*	5/1998	Cohen	707/3
5,832,494	*	11/1998	Egger et al	707/102
5,848,407	*	12/1998	Ishikawa et al	707/2
6,014,678	*	1/2000	Inoue et al	707/501

#### OTHER PUBLICATIONS

S. Jeromy Carriere et al, "Web Query: Searching and Visualizing the Web through Connectivity", Computer Networks and ISDN Systems 29 (1997). pp. 1257–1267.\*

Wang et al "Prefetching in Worl Wide Web", IEEE 1996, pp. 28–32.\*

Ramer et al "Similarity, Probability and Database Organisation: Extended Abstract", 1996, pp. 272.276." Craig Boyle "To link or not to link: An empirical comparison of Hypertext linking strategies". ACM 1992, pp. 221–231.\*

L. Katz, "A new status index derived from sociometric analysis," 1953, Psychometricka, vol. 18, pp. 39–43.

C.H. Hubbell, "An input-output approach to clique identification sociometry," 1965, pp. 377–399.

Mizruchi et al., "Techniques for disaggregating centrality scores in social networks," 1996, Sociological Methodology, pp. 26–48.

E. Garfield, "Citation analysis as a tool in journal evaluation," 1972, Science, vol. 178, pp. 471–479.

Pinski et al., "Citation influence for journal aggregates of scientific publications: Theory, with application to the literature of physics," 1976, Inf. Proc. And Management, vol. 12, pp. 297–312.

N. Geller, "On the citation influence methodology of Pinski and Narin," 1978, Inf. Proc. And Management, vol. 14, pp. 93–95.

P. Doreian, "Measuring the relative standing of disciplinary journals," 1988, Inf. Proc. And Management, vol. 24, pp. 45–56

(List continued on next page.)

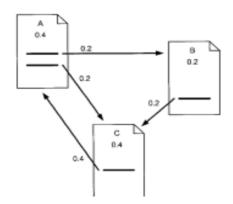
Primary Examiner—Thomas Black
Assistant Examiner—Uyen Le
(74) Attorney, Agent, or Firm—Harrity & Snyder L.L.P.

(74) Anomey, Agent, or Firm—Hattily & Suyder

#### (57) ABSTRACT

A method assigns importance ranks to nodes in a linked database, such as any database of documents containing citations, the world wide web or any other hypermedia database. The rank assigned to a document is calculated from the ranks of documents citing it. In addition, the rank of a document is calculated from a constant representing the probability that a browser through the database will randomly jump to the document. The method is particularly useful in enhancing the performance of search engine results for hypermedia databases, such as the world wide web, whose documents have a large variation in quality.

#### 29 Claims, 3 Drawing Sheets



## **InterTrust DRM Patent**

#### United States Patent [19]

Ginter et al. [45] Date of Patent: Apr. 6, 1999

#### [54] SYSTEMS AND METHODS FOR SECURE TRANSACTION MANAGEMENT AND ELECTRONIC RIGHTS PROTECTION

[75] Inventors: Karl L. Ginter, Beltsville; Victor H. Shear, Bethesda, both of Md.; W. Olin Sibert, Lexington, Mass.; Francis J. Spahn, El Cerrito; David M. Van Wie,

Sunnyvale, both of Calif.

[73] Assignce: InterTrust Technologies Corp.,

Sunnyvale, Calif.

[21] Appl. No.: 706,206

[22] Filed: Aug. 30, 1996

[58] Field of Search \_\_\_\_\_\_\_ 395/186, 187.01, 395/188.01, 218, 200.59; 380/4, 25, 30,

825.31, 825.34

#### [56] References Cited

#### U.S. PATENT DOCUMENTS

3,573,747	4/1971	Adams et al.	73/862.58
3.609.697	9/1971	Blevins	. 395/407

(List continued on next page.)

#### FOREIGN PATENT DOCUMENTS

9 004 79	12/1984	Belgium .
0 84 441	7/1983	European Pat. Off
0128672	12/1984	European Pat. Off
A0135422	3/1985	European Pat. Off
0180460	5/1986	European Pat. Off
0.370.146	11/1988	European Pat. Off
0399822A2	11/1990	European Pat. Off
0421409A2	4/1991	European Pat. Off
0 456 386 A2	11/1991	European Pat. Off
0 469 864 A2	2/1992	European Pat. Off
0 469 864 A3	2/1992	European Pat. Off
0 565 314 A2	10/1993	European Pat. Off
0 593 305 A2	4/1994	European Pat. Off
0 651 554 A1	5/1995	European Pat. Off

(List continued on next page.)

#### OTHER PUBLICATIONS

Patent Number:

5,892,900

Applications Requirements for Innovative Video Programming; How to Foster (or Cripple) Program Development Opportunities for Interactive Video Programs Delivered on Optical Media; A Challenge for the Introduction of DVD (Digital Video Disc) (19–20 Oct. 1995, Sheraton Universal Hotel, Universal City CA).

Bruner, Rick E., PowerAgent, NetBot help advertisers reach Internet shoppers, Aug. 1997 (Document from Internet).

CD ROM, Introducing . . . The Workflow CD-ROM Sampler, Creative Networks, MCIMail: Creative Networks, Inc., Palo Alto, California.

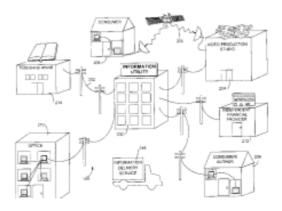
(List continued on next page.)

Primary Examiner—Robert W. Beausoliel, Jr. Assistant Examiner—Pierre F. Elisca Attorney, Agent, or Firm—Nixon & Vanderhye P.C.

#### [57] ABSTRACT

The present invention provides systems and methods for electronic commerce including secure transaction management and electronic rights protection. Electronic appliances such as computers employed in accordance with the present invention help to ensure that information is accessed and used only in authorized ways, and maintain the integrity, availability, and/or confidentiality of the information. Secure subsystems used with such electronic appliances provide a distributed virtual distribution environment (VDE) that may enforce a secure chain of handling and control, for example, to control and/or meter or otherwise monitor use of electronically stored or disseminated information. Such a virtual distribution environment may be used to protect rights of various participants in electronic commerce and other electronic or electronic-facilitated transactions. Secure distributed and other operating system environments and architectures, employing, for example, secure semiconductor processing arrangements that may establish secure, protected environments at each node. These techniques may be used to support an end-to-end electronic information distribution capability that may be used, for example, utilizing the "electronic highway."

#### 220 Claims, 163 Drawing Sheets



## Update: Microsoft, InterTrust settle patent case for \$440M

News Story by Paul Roberts

APRIL 12, 2004 (IDG NEWS SERVICE) - Less than two weeks after settling its legal disputes with Sun Microsystems Inc. (see story), Microsoft Corp. said today that it reached an agreement with <a href="InterTrust Technologies Corp.">InterTrust Technologies Corp.</a> to settle a long-running case over InterTrust's digital rights management software.

As part of the deal, Microsoft will make a one-time, \$440 million payment to InterTrust to license that company's patent portfolio. Santa Clara, Calif.-based InterTrust will be given the right, under Microsoft-owned patents, to design and publish digital rights management (DRM) and security technical specifications, Microsoft said in a statement.

Microsoft received rights to use InterTrust's technology for the life of its patents, around 20 years, said David Kaefer, director, business development, intellectual property and licensing at Microsoft.

Customers are covered, as are content providers using Microsoft technology to protect content, he said.

Software developers using Microsoft development tools to create new software applications with DRM that are provided by Microsoft are also covered. However, companies or individuals that want to create new DRM technology or features "over and above" what is in Microsoft's products and tools need a separate InterTrust license, he said.

The settlement resolves a 3-year-old legal dispute in which InterTrust claimed that features in Microsoft's products infringed on its DRM patents. Initially focused on the Windows Media Player and electronic-book reader programs, the suit was expanded to cover components of the Windows XP operating system, Office XP suite of applications, .Net technology and Windows File Protection technology.

In a <u>statement</u> attributed to InterTrust CEO Talal Shamoon, the company said that its settlement with Microsoft "validates InterTrust's intellectual property portfolio as seminal to advancing DRM and trusted computing in the marketplace."

"We're extremely happy that the largest player in the IT space has taken a license for our portfolio. It's

## **Overture Paid Search Patent**

#### (12) United States Patent

Davis et al.

(10) Patent No.: US 6,269,361 B1

(45) Date of Patent: Jul. 31, 2001

(54) SYSTEM AND METHOD FOR INFLUENCING A POSITION ON A SEARCH RESULT LIST GENERATED BY A COMPUTER NETWORK SEARCH ENGINE

(75) Inventors: Darren J. Davis, Rowland Heights;
Matthew Derer, Sierra Madre; Johann
Garcia, Chino Hills; Larry Greco,
Glendale; Tod E. Kurt, Pasadena;
Thomas Kwong, Temple City;
Jonathan C. Lee, Culver City; Ka Luk
Lee, San Gabriel; Preston Pfarner;
Steve Skovran, both of Pasadena, all of

CA (US)

(73) Assignee: GoTo.com, Pasadena, 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.: 09/322,677

(22) Filed: May 28, 1999

(51) Int. Cl.7 ...... G06F 17/30

(52) U.S. Cl. ...... 707/3; 707/2; 707/4; 707/5

26-29; G06F 17/60

#### (56) References Cited

#### U.S. PATENT DOCUMENTS

(List continued on next page.)

#### FOREIGN PATENT DOCUMENTS

(List continued on next page.)

#### OTHER PUBLICATIONS

Rich, "New search engine allows sites to pay their way to top", MediaWeek, vol. 8, issue 8, p. 28, Feb. 1998.\*

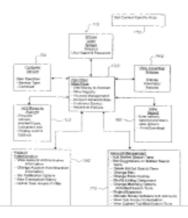
(List continued on next page.)

Primary Examiner—Vincent Millin Assistant Examiner—Cuong H. Nguyen (74) Attorney, Agent, or Firm—Brinks Hofer Gilson & Lione

#### (57) ABSTRACT

A system and method for enabling information providers using a computer network such as the Internet to influence a position for a search listing within a search result list generated by an Internet search engine. The system and method of the present invention provides a database having accounts for the network information providers. Each account contains contact and billing information for a network information provider. In addition, each account contains at least one search listing having at least three components: a description, a search term comprising one or more keywords, and a bid amount. The network information provider may add, delete, or modify a search listing after logging into his or her account via an authentication process. The network information provider influences a position for a search listing in the provider's account by first selecting a search term relevant to the content of the web site or other information source to be listed. The network information provider enters the search term and the description into a search listing. The network information provider influences the position for a search listing through a continuous online competitive bidding process. The bidding process occurs when the network information provider enters a new bid amount, which is preferably a money amount, for a search listing. The system and method of the present invention then compares this bid amount with all other bid amounts for the same search term, and generates a rank value for all search listings having that search term. The rank value generated by the bidding process determines where the network information providers listing will appear on the search results list page that is generated in response to a query of the search term by a searcher located at a client computer on the computer network. A higher bid by a network information provider will result in a higher rank value and a more advantageous placement.

#### 67 Claims, 9 Drawing Sheets





Web Images Directory Yellow Pages News Products

Search

Shortcu

Search Results

Results 1 - 10 of about 18,200,000 f

Also try: avis car rental, avis coupon, avis sales, avis discount More...

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- Orbitz Great Rates on Avis Car Rentals Find an incredible selection of discounted car rentals and Web fares in one place. Easy to navigate. Easy to use. Visit Planet Earth via Orbitz today. www.orbitz.com

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online booking, special offers, FAQ, guide, locations, and more.

Category: Rental Cars > United Kingdom

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#### Technology

Tuesday August 10, 3:48 AM

### Google to pay Yahoo to settle patent dispute

By Reed Stevenson

SEATTLE (Reuters) - Google Inc. on Monday again boosted the number of shares it plans to sell in its initial public offering, saying it will issue 2.7 million shares to Yahoo Inc. to settle a lawsuit over technology used to display ads.

As a result of the settlement, which could be worth as much as \$290 million, Google will boost the number of shares in its IPO to 25.7 million from 24.6 million. The settlement comes after Google, the Web's No. 1 search engine, disclosed last week it may have illegally issued shares to current and former employees and consultants.

The latest developments come amid concerns over Google's growth prospects, pricey market value and a complex IPO process. The company has not set a date for the IPO that many on Wall Street were expecting as soon as soon as this week, although Google reiterated in Monday's filing that it expects to go public this month.

"On the one hand, this clears up some questions for investors, but at the same time, the market has been bad, Internet stocks have been bad, and I think, so far, there's been lukewarm response in investing in Google," said Tom Taulli, co-founder of Current Offerings, which tracks IPOs.

Mountain View, California-based Google said in a filing with the U.S. Securities and Exchange Commission it expects the Yahoo settlement to result in a charge of \$260 million to \$290 million, based on its expected share price at the IPO, leading to a net loss for the current quarter ending in September.

Sunnyvale, California-based Yahoo, which could see nearly \$150 million from its share of the increased IPO, agreed to drop a patent lawsuit that its subsidiary Overture Services filed against Google in 2002 for infringing on a patent entitled "system and method for influencing a position on a search result list generated by a computer network search engine."

## **Smuckers Crustless Sandwich**

#### United States Patent [19]

Kretchman et al.

Date of Patent: 5,853,778 12/1998 Mayfield ..... OTHER PUBLICATIONS "50 Great Sandwiches", Carole Handslip, pp. 81-84,86,95,

> Primary Examiner-Lien Tran Attorney, Agent, or Firm-Vickers, Daniels & Young

[11] Patent Number:

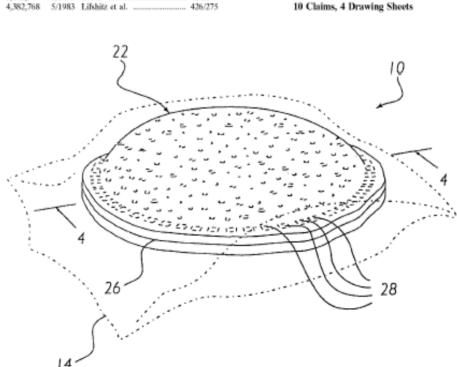
ABSTRACT

A sealed crustless sandwich for providing a convenient sandwich without an outer crust which can be stored for long periods of time without a central filling from leaking outwardly. The sandwich includes a lower bread portion, an upper bread portion, an upper filling and a lower filling between the lower and upper bread portions, a center filling sealed between the upper and lower fillings, and a crimped edge along an outer perimeter of the bread portions for scaling the fillings therebetween. The upper and lower fillings are preferably comprised of peanut butter and the center filling is comprised of at least jelly. The center filling is prevented from radiating outwardly into and through the bread portions from the surrounding peanut butter.

C/300.00009.72074

6,004,596

Dec. 21, 1999



#### [54] SEALED CRUSTLESS SANDWICH

[75] Inventors: Len C. Kretchman, Fergus Falls, Minn.; David Geske, Fargo, N. Dak.

[73] Assignce: Menusaver, Inc., Orrville, Ohio

[21] Appl. No.: 08/986,581

[22] Filed: Dec. 8, 1997

[51] Int. Cl.<sup>6</sup> ... [52] U.S. Cl. ...... 426/94; 426/274; 426/275;

426/297 426/94, 274, 275, [58] Field of Search ..... 426/297, 138

[56] References Cited

#### U.S. PATENT DOCUMENTS

3,083,651	4/1963	Cooper	426/275
3,690,898	9/1972	Partyka	426/273
		Wheeler et al	
3,769,035	10/1973	Kleiner et al.	426/275
3,862,344	1/1975	Zobel	426/244
4,382,768	5/1983	Lifshitz et al.	426/275



## **GIVE ME A BREAK**

with John Stossel



#### Original Report





Smucker's has received a patent for a crustless peanut butter and jelly sandwich. John Stossel says, "Give Me a Break." (ABCNEWS.com)

#### **Patently Absurd**

Does a Peanut Butter and Jelly Sandwich Deserve Patent Protection?

Commentary By <u>John Stossel</u>



Aug. 1 — A patent is a useful thing. If you invent, say, the hula hoop, it's good that the U.S. Patent office will insure that no one but you has the right to sell it for 20 years. This encourages people to invent hula hoops, robotic arms, paper shredders, Gameboys, the Segway and other good things.

But peanut butter and jelly sandwiches? Smucker's got an exclusive patent for the crustless, pre-packaged peanut butter and jelly sandwich. But parents have been cuting off crusts for kids for years.

Does it matter if Smucker's holds a patent on a peanut butter and jelly sandwich?

It sure matters to Albie's, a small food maker in northern Michigan that invested a lot of money on machines that make a crustless, prepackaged PB&J. Albie's president, Regan Quall, got a scary letter from Smucker's lawyers saying production "must be halted at once."

Quall said he couldn't believe that a company could get a patent on a peanut butter and jelly sandwich. He has had to pay lawyers \$40,000 to fight Smucker's patent. For now, he can still sell the sandwiches, but Smucker's lawyers are fighting to stop him.



#### Court Denies Smuckers PB&J Patent

Friday, April 08, 2005

Associated Press

WASHINGTON — There's only so far you can go in trying to patent the ever-popular peanut butter and jelly sandwich.

On Friday, the U.S. Court of Appeals for the Federal Circuit rejected an effort by J.M. Smucker Co. (SJM) to patent its process for making pocket-size peanut butter and jelly pastries called "Uncrustables."

Smucker's 2-ounce peanut butter and jelly pockets come in two flavors — strawberry and grape — and are enclosed without a crust using a crimping method that the Orrville, Ohio, company says is one of a kind and should be protected from duplication by federal law.

Patent examiners at the **U.S. Patent and Trademark Office** (<u>search</u>) disagreed, saying the crimped edges are similar to making ravioli or a pie crust.

Smucker already owns a general patent, which it purchased from Len Kretchman and David Geske, two Fargo, N.D., men who came up with the idea in 1995 and had been baking the products for school children.

The two cases before the appeals court involved two additional patents that **Smucker** (<u>search</u>) was seeking to expand its original patent by protecting its method.

The company had appealed the initial rejection to the patent office's Board of Patent Appeals and Interferences, but that body upheld the decision to reject the patents.

Smucker then took the case to the appeals court, which entered a judgment Friday, without comment, affirming the patent office's decision.

## **Wine Tasting Straw**

#### (12) United States Patent Gates

(10) Patent No.: US 6,702,193 B1

(45) Date of Patent: Mar. 9, 2004

#### (54) WINE TASTING STRAW

(76) Inventor: David Alan Gates, 117 Robin St.,

Napa, CA (US) 94558

(\*) Notice: Subject to any disclaimer, the term of this

patent is extended or adjusted under 35

220/254.2, 254.8, 705, 707, 708, 710, 709

U.S.C. 154(b) by 0 days.

(21) Appl. No.: 10/206,487

(22) Filed: Jul. 25, 2002

(51) Int. CL7 ...... A47G 21/18; G03B 9/20

(52) U.S. Cl. 239/33; 239/16 (58) Field of Search 239/33, 24, 16;

(56) References Cited

#### U.S. PATENT DOCUMENTS

3,463,361	A	*	8/1969	Cook et al 222/144.	5
3,718,282	A	*	2/1973	Pizzoferrato 239/3	3
3,972,326	A.	*	8/1976	Brawn 128/202.1:	5
6.561.434	<b>B</b> 2		5/2003	Kardan 230/3	ł

<sup>\*</sup> cited by examiner

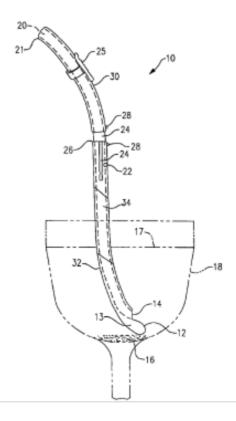
Primary Examiner-Davis Hwu

(74) Attorney, Agent, or Firm-Risto A. Rinne, Jr.

#### (57) ABSTRACT

An apparatus and method for the tasting of wine includes providing a conduit with an upper end and an opposite bottom end. The bottom end is sealed and preferably solid and it includes a first opening that is disposed slightly above the bottom end. The first opening is adapted to permit the wine, absent any sedimentation, to enter into the conduit when a partial vacuum is created at the upper end. A smaller second opening is provided between the upper end and the first opening that is adapted to introduce a quantity of ambient air into the conduit when a partial vacuum is created. The quantity of ambient air that is introduced is limited by the small size of the second opening to ensure that a partial vacuum sufficient to draw the wine through the conduit is maintained. The ambient air mixes with the wine that is passing through the conduit to aerate the wine in the conduit prior to its tasting.

#### 15 Claims, 1 Drawing Sheet



#### What is claimed is:

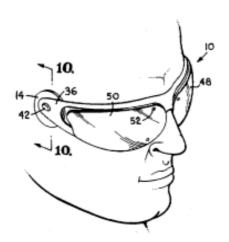
- 1. A wine tasting straw, comprising:
- (a) a conduit that includes an opening at each end thereof; and
- (b) an opening through a wall of said conduit that is disposed intermediate said each end of said conduit, wherein said opening through a wall includes a cross-sectional area that is smaller than a cross-sectional area of said opening at each end thereof and wherein when a first end of said conduit is disposed in a fluid sufficient so that a lower one of said openings at each end is disposed in said fluid, said opening through a wall of said conduit is not disposed in said fluid.

## **Nike Glasses**

#### United States Patent [19] 5,719,655 Patent Number: [11] Feb. 17, 1998 Peschel et al. Date of Patent: [45] 4,886,349 12/1989 Willis . [54] SYSTEM FOR MAGNETICALLY 4,988,181 1/1991 Riach, Jr. et al. ..... ATTACHING TEMPLELESS EYEWEAR TO A 5,005,965 4/1991 Walters . PERSON 5.302.977 4/1994 Markovitz et al. . 5.321.444 6/1994 Lin . [75] Inventors: David K. Peschel, San Francisco; 5,389,981 Alexander Z. Nosler, Palo Alto, both of Calif. FOREIGN PATENT DOCUMENTS 1262034 12/1960 France . [73] Assignee: Nike, Inc., Beaverton, Oreg. OTHER PUBLICATIONS [21] Appl. No.: 652,963 Advertisement for Porsche Design sunglasses, Interview Magazine, Feb. 1996. May 24, 1996 [22] Filed: Primary Examiner-Hung X. Dang Attorney, Agent, or Firm-Shook, Hardy & Bacon L.L.P. [52] U.S. Cl. ...... 351/111; 351/41 ... 351/111, 116, ABSTRACT [58] Field of Search .... 351/153, 110, 140, 141, 158, 41 In one aspect of the invention a templeless system of References Cited eyewear is provided for securing the eyewear to the head of [56] a person. The eyewear has a lens assembly with a first U.S. PATENT DOCUMENTS coupling element secured to the lens assembly. A second coupling element is secured to the head of a person. The lens 78.534 6/1868 Moses . assembly is attached to the head of the person by attaching 1/1974 Wichers . D. 229,974 the first and second coupling elements. In another aspect of D. 354,970 1/1995 Bolle . the invention, the first coupling element is a magnet and the 714,664 12/1902 Briggs 12/1902 Anderson 715,533 second coupling element is a magnetically attractable mem-915,487 3/1909 Savoie . ber. The magnet attracts the magnetically attractable 2,066,519 1/1937 Speidel member, thus securing the lens assembly to the person's 2,129,458 9/1938 Ashley . head. In yet another aspect of the invention, the first cou-4/1940 Pomeranz 2.196.872 pling element is a magnetically attractable member and the 2 268 903 1/1942 Shockey . second coupling element is a magnet. In another aspect of 2.537.047 1/1951 Gatten the invention, a device is provided for magnetically coupling 5/1952 Gardissard et al. . 2.597.312 sportswear, such as eyewear, to a person. The device has an 3,563,640 2/1971 Wise et al. . 3,574,452 4/1971 McLendon et al. adhesive backing material for attaching the device to the 3,614,216 10/1971 Rosenthal person, with a flexible covering on top of the adhesive 3,701,592 10/1972 Fernandez . backing material. Sandwiched between the backing material 3,944,344 3/1976 Wichers . and the flexible covering is a magnet. After the device is ..... 351/41 4,006,974 2/1977 Resnick ... coupled to the person, the magnet in the device can there-4,152,051 5/1979 Van Tiem et al. . after be used to magnetically couple a piece of sports 4/1980 Waldrop . 4.196,981



equipment to the person.



4,240,718 12/1980 Wichers .

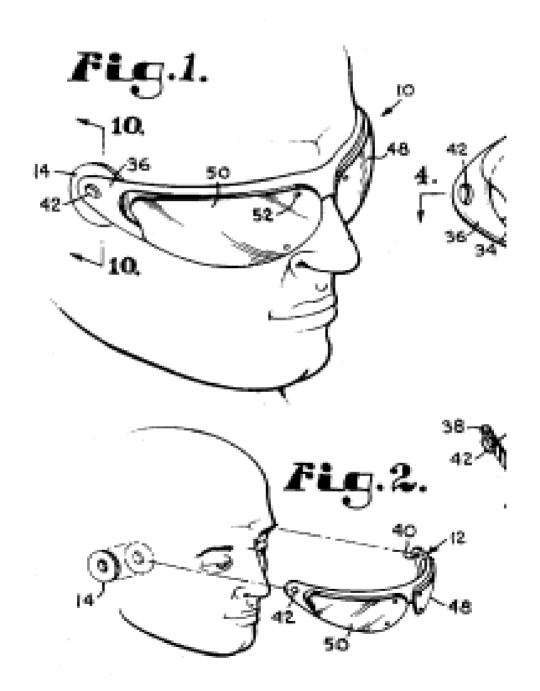
3/1982 Minart .

6/1989 Heil .

4,322,138

4,837,862

## **Nike Glasses**



## **Quick Change Pants**

#### United States Patent [19] Andrews PANTS SEPARABLE AT CROTCH FOR STYLE MIXING [76] Inventor: Allison Andrews, 1336 Landry Cir., Longwood, Fla. 32750 [21] Appl. No.: 09/405,969 [22] Filed: Sep. 27, 1999 [51] Int. CL<sup>7</sup> ..... 312, 333, 408, 301, 319 [56] References Cited U.S. PATENT DOCUMENTS D. 231,155 4/1974 Boweut ...... D2/2 1,860,433 2,166,514 7/1939 Zapis ..... 2,703,404

4,215,435	8/1980	Miele	2/227
4,554,684	11/1985	Cadoret	2/227
5,010,595	4/1991	Stradley	2/227
5,598,586	2/1997	Munjone	2/237

6,161,223

Dec. 19, 2000

#### OTHER PUBLICATIONS

Gershman, Maurice: Journal of the American Medical Asso., vol. 168, p. 930, Oct. 1958.

Primary Examiner—John J. Calvert Assistant Examiner—Alissa L. Hoey Attorney, Agent, or Firm—John V. Stewart

#### [57] ABSTRACT

[11] Patent Number:

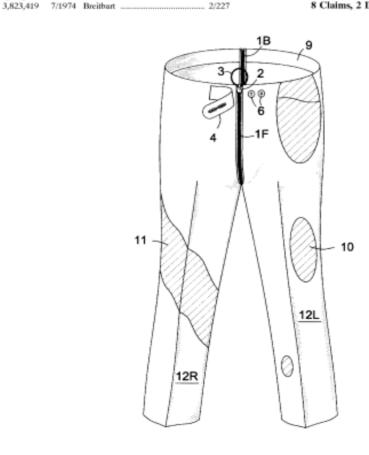
[45]

Date of Patent:

5,983,401 11/1999 Ohara .....

A pair of pants that is easily separable at the crotch into right and left leg portions. Each leg portion is selected from a set of various styles to flexibly create a custom mixed or matched style for a given wearing of the pants. A closure system is provided for quick and convenient separation and re-combination of the leg portions while also providing secure use of the pants.

#### 8 Claims, 2 Drawing Sheets



## **Bird Diaper**

#### United States Patent [19]

Moore et al.

[11] Patent Number: 5,934,226 [45] Date of Patent: Aug. 10, 1999

943116 11/1963 United Kingdom . 981247 1/1965 United Kingdom .

#### [54] BIRD DIAPER

[76] Inventors: Lorraine Moore; Mark Moore, both of 217 S. Glen Ave., Watkins Glen, N.Y. 14891; Cely Giron, 9388

Sawtooth Way, San Diego, Calif. 92129

[21] Appl. No.: 08/951,171

[22] Filed: Oct. 15, 1997

#### Related U.S. Application Data

Local	LIOVENOUS	ii appareminii 1400 000028;140	.,	,	1,000
[51]	Int. Cl.6			A011	K 23/00
[52]	U.S. Cl.		119/	868;	119/853

[58] Field of Search \_\_\_\_\_\_\_ 119/714, 853,

#### [56] References Cited

#### U.S. PATENT DOCUMENTS

1,949,004	2/1934	Boardman	119/853
2,190,115	2/1940	Fuqua .	
2,703,553	3/1955	Cooke .	
2,882,858	4/1959	Długi	119/868
4,353,330	10/1982	Baumgartner	119/868
5,218,928	6/1993	Muck et al.	119/714

#### FOREIGN PATENT DOCUMENTS

672569 10/1963 Canada .

#### OTHER PUBLICATIONS

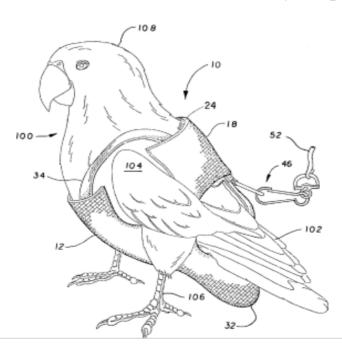
Penny Ward Moser, "Dreams, Schemes, and 3,300 Better Mousetraps," Discover, p. 85, Dec. 1985.

Primary Examiner—Robert P. Swiatek Attorney, Agent, or Firm—Richard C. Litman

#### [57] ABSTRACT

A bird diaper for an uncaged pet bird to wear, featuring an enclosed pouch for receiving and containing excrement, and apertures to accommodate both the wings and the tail of the bird. Elastic straps and hook and loop fastener components (e.g., VELCRO) secure the diaper onto the body of the pet bird without restricting movement. The bird diaper is fabricated from spandex (e.g., LYCRA) or another stretchable, lightweight material, allowing absorption of bird excrement to prevent leaks and facilitating easy cleaning using soap and water. The bird diaper can incorporate decorative designs, bright colors and is available in different sizes. The bird diaper also has a leash which is insertable within the body area of free flight.

#### 18 Claims, 7 Drawing Sheets



## **Anti-Eating Face Mask**

128/136

Bar	mby	Tuton (15)
[54]	ANTI-EA	TING FACE MASK
[76]	Inventor:	Lucy L. Barmby, 9550 Jackson Rd., Sacramento, Calif. 95826
[21]	Appl. No.	: 134,557
[22]	Filed:	Mar. 27, 1980
[51] [52] [58]	U.S. Cl	A61F 5/56 128/136 earch
[56]		References Cited
	U.S.	PATENT DOCUMENTS
	1,297,842 3	/1907 McCalmont

2,276,612 3/1942 Ellis ....

United States Patent [19]

3,189,073	6/1965	Todd	128/133
3.818,906	6/1974	Stubbs	128/136

[11]

[45]

4,344,424

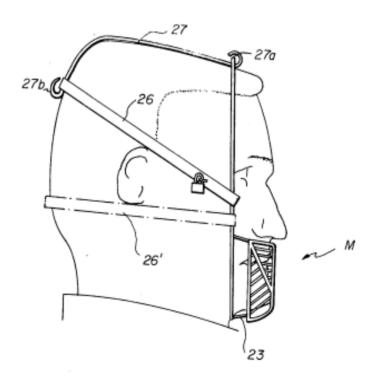
Aug. 17, 1982

Primary Examiner-Kyle L. Howell Assistant Examiner-C. W. Shedd Attorney, Agent, or Firm-Blair, Brown & Kreten

#### ABSTRACT

An anti-eating face mask which includes a cup-shaped member conforming to the shape of the mouth and chin area of the user, together with a hoop member and straps detachably engageable with a user's head for mounting the cup-shaped member in overlying relationship with the user's mouth and chin area under the nose thereby preventing the ingestion of food by the user.

2 Claims, 3 Drawing Figures



## Reanimated Head - "666"

#### United States Patent [19]

[11] Patent Number:

4,666,425

Fleming

1451 Date of Patent:

May 19, 1987

#### [54] DEVICE FOR PERFUSING AN ANIMAL HEAD

[75] Inventor: Chet Fleming, St. Louis, Mo.

[73] Assignee: The Dis Corporation, St. Louis, Mo.

[21] Appl. No.: 809,949

[22] Filed: Dec. 17, 1985

[51] Int. Cl.\* A61M 37/00 [52] U.S. Cl. 604/4; 128/1 R. [58] Field of Search 604/4, 5, 6; 128/1 R.

[56] References Cited

#### U.S. PATENT DOCUMENTS

		Righton	
4,192,302	3/77980	Boddie	604/4
4,540,399	9/1985	Litzie et al.	604/4
4,583,969	4/1986	Mortensen	604.44

#### OTHER PUBLICATIONS

Robt. J. White, "Brain," pp. 655-674 in Organ Preservation for Transplantation, 2nd ed., Karon & Pegg, 1981.

The Tomorow File, by Lawrence Sanders (1975), pp. 430-432 and 459-466.

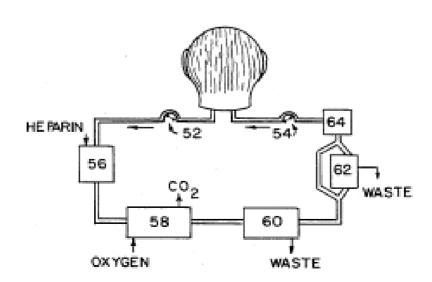
Heads, by David Osborn (1985), pp. 108-110 and 146-147. Primary Examiner—John D. Yasko Attorney, Agent, or Firm—Patrick Kelly

#### [57]

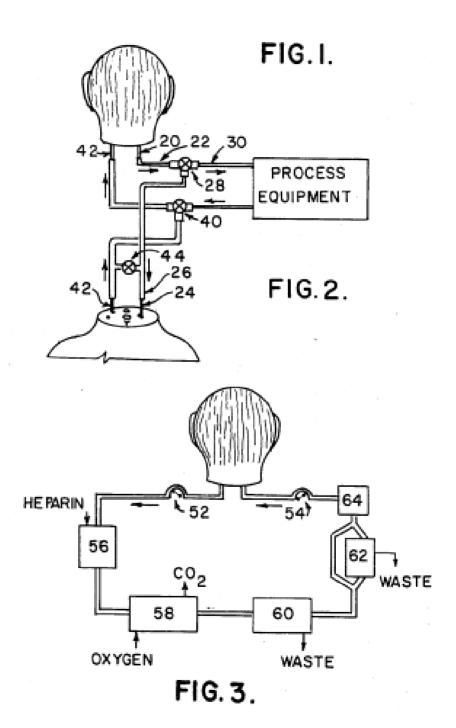
This invention involves a device, referred to herein as a "cabinet," which provides physical and biochemical support for an animal's head which has been "discurporated" (i.e., severed from its body). This device can be used to supply a discorped head with oxygenated blood and nutrients, by means of tubes connected to arteries which pass through the neck. After circulating through the head, the decoygenated blood returns to the cabinet by means of cannulae which are connected. to veins that emerge from the neck. A series of processing components removes carbon dioxide and add oxygen to the blood. If desired, waste products and other metabolites may be removed from the blood, and nutrients, therapeutic or experimental drugs, anti-coagulants, and other substances may be added to the blood. The replenished blood is returned to the discorped head via cannulae attached to arteries. The cabinet provides physical support for the head, by means of a collararound the neck, pins attached to one or more vertebrae, or similar mechanical means.

ARSTRACT

#### 20 Claims, 3 Drawing Figures



## **Reanimated Head**



## **Butt Kicking Machine**

#### (12) United States Patent

Armstrong

(10) Patent No.:

US 6,293,874 B1

(45) Date of Patent:

Sep. 25, 2001

#### (54) USER-OPERATED AMUSEMENT APPARATUS FOR KICKING THE USER'S BUTTOCKS

(76) Inventor: Joe W. Armstrong, 306 Kingston St., Lenoir, TN (US) 37771-2408

Subject to any disclaimer, the term of this (\*) Notice: patent is extended or adjusted under 35

U.S.C. 154(b) by 0 days.

(21) Appl. No.: 09/477,175 Jan. 4, 2000 (22) Filed:

(51) Int. CL<sup>7</sup> ... . A63H 37/00 (52) U.S. Cl. . 472/51: 472/55

(58) Field of Search 472/51, 55, 137; 482/51, 72, 148

#### (56)References Cited

#### U.S. PATENT DOCUMENTS

654,611		7/1900	De Moulin .	
920,837		5/1909	De Moulin .	
953,411		3/1910	De Moulin .	
966,935		8/1910	Mamaux .	
976,851		11/1910	De Moulin .	
1,175,372		3/1916	Newcomb .	
4,457,100	*	7/1984	Nightingale	446/33
5,785,601		7/1998	Kubesheski et al	472/13

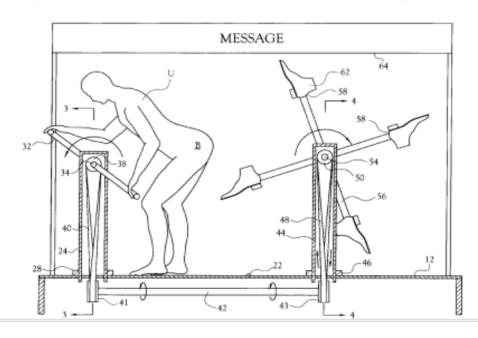
<sup>\*</sup> cited by examiner

Primary Examiner-Joe H. Cheng Assistant Examiner-Kim T. Nguyen (74) Attorney, Agent, or Firm-Pitts & Brittian, P.C.

#### ABSTRACT

An amusement apparatus including a user-operated and controlled apparatus for self-infliction of repetitive blows to the user's buttocks by a plurality of elongated arms bearing flexible extensions that rotate under the user's control. The apparatus includes a platform foldable at a mid-section, having first post and second upstanding posts detachably mounted thereon. The first post is provided with a crank positioned at a height thereon which requires the user to bend forward toward the first post while grasping the crank with both hands, to prominently present his buttocks toward the second post. The second post is provided with a plurality of rotating arms detachably mounted thereon, with a central axis of the rotating arms positioned at a height generally level with the user's buttocks. The elongated arms are propelled by the user's movement of the crank, which is operatively connected by a drive train to the central axis of the rotating arms. As the user rotates the crank, the user's buttocks are paddled by flexible shoes located on each outboard end of the elongated arms to provide amusement to the user and viewers of the paddling. The amusement apparatus is foldable into a self-contained package for storage or shipping.

#### 14 Claims, 7 Drawing Sheets



## You Can't Please 'Em All



