

### Software + Patents

Aaron Greenspan, CodeX Fellow, Stanford Law School

# An Entrepreneur's Perspective

Problem No. 1

### Finding Software Patents

### Official Style

### Does IBM own software patents?









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### Software Partnership Roundtables This Month

We're hosting two roundtables in February to share ideas, feedback, experiences, and insights on software-related patents. Seating is full, but the programs will be webcast from Silicon Valley on February 12 and New York City on February 27.





Electrical, chemical, and mechanical disciplines





>> patents

>> trademarks

>> iplaw&policy

### **USPTO Track One**

Prioritized patent examination



**POPULAR LINKS** 

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Home Page » PATENTS

Patent Process

Patent Classification

Patent Forms

**Statistics** 

Electronic Business Center

Patent Laws, Regulations, Policies & Procedures

Resources and Guidance

Office of Data Management

Announcements

Initiatives & Events

International Protection

**Employee Locator** 

Contact Patents

Tools

### Patents 4 8 1

### What is a patent?

A patent is an intellectual property right granted by the Government of the United States of America to an inventor "to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States" for a limited time in exchange for public disclosure of the invention when the patent is granted.

There are three types of patents. <u>Utility patents</u> 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. Here is the process for obtaining a utility patent. Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture. Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

View the different types of patent applications.

### First-time filers, start here

Learn general information about filing patents online or through this downloadable and printable quide (PDF).

### Resources



Search for a patent, search patent owners (assignments), and our attorney

- Inventors Assistance Center (IAC)
- Electronic Filing System (EFS-Web)



Check the filing status of your patent application.









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Home Page » PATENTS » Patent Process » Search for Patents

### **Patent Process**

- Search for Patents
- Patent Full-Text Databases (PatFT & AppFT)
- Patent Application Information Retrieval (PAIR)
- Patent Assignment Database (AOTW-P)
- Scientific and Technical Information Center (STIC) Information
- USPTO Patent Document Authority Files
- Accessing Published Applications
- Filing Years and Patent Application Serial Numbers Since 1882
- Withdrawn Patent Numbers
- View Fee Schedule
- File Online
- Check Status
- Maintain/Pay Fees
- Appeal (PTAB)
- Change Ownership

Patent Classification

Patent Forms

### Search for Patents

New to Patent Searching? See this important information about searching for patents:

- a How do I know if my invention is patentable?
- How to Conduct a Preliminary U.S. Patent Search: A Step by Step Strategy Web Based Tutorial (36 minutes)
- The Seven-Step Strategy Outlines a suggested procedure for patent searching

Patents may be searched using the following resources:

- USPTO Patent Full-Text and Image Database (PatFT)
- USPTO Patent Application Full-Text and Image Database (AppFT)
- Patent Application Information Retrieval (PAIR)
- Public Search Facility
- Patent and Trademark Resource Centers (PTRCs)
- Patent Official Gazette
- Common Citation Document (CCD)
- Search International Patent Offices
- Search Published Sequences
- Patent Assignment Database (Assignments on the Web)

### USPTO Patent Full-Text and Image Database (PatFT)

Inventors are encouraged to search the USPTO's patent database to see if a patent has already been filed or granted that is similar to your patent. Patents may be searched in the USPTO Patent Full-Text and Image Database (PatFT). The USPTO houses full text for patents issued from 1976 to the present and TIFF images for all patents from 1790 to the present.

### Searching Full Text Patents (Since 1976)

Customize a search on all or a selected group of elements (fields) of a patent.

0:10







- world Intellectual Property Organization (WIPO) provides PATENTSCOPE & Search Service, which reacures a full-text search of published international patent applications and machine translations for some documents as well as a list of international patent databases.
- Korean Intellectual Property Rights Information Service (KIPRIS)
- State Intellectual Property Office (SIPO) of the People's Republic of China and their official SIPO search site. These sites provides access to machine translation of Chinese patents.
- Other International Intellectual Property Offices that provide searchable patent databases include: <u>Australia</u>, <u>Canada</u>, Denmark, Finland, France, Germany, Great Britain, India, Israel, Netherlands, Norway, Sweden, Switzerland and Taiwan.

Stopfakes. Gov provides informative Toolkits that give an overview of the Intellectual Property Rights (IPR) environment in various countries around the world.

For additional search resources, contact your local Patent and Trademark Depository Library , visit the USPTO Public Search Facility or the USPTO Main STIC Library. The staff in the Main STIC Library are experts on foreign patents and able to help the public as needed.

### Back to top

### Search Published Sequences

The Publication Site for Issued and Published Sequences (PSIPS) web site provides Sequence Listings, tables, and other mega items for granted US patents or published US patent applications.

All sequences (SEQ ID NOs.) and tables for listed patents or publications are available for viewing, without downloading, by accessing the proper document detail page and then submitting a SEQ ID NO or a mega table ID number.

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### Back to top

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Visit the Assignments on the Web web site to search for patent assignments and changes in ownership.

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### Back to top



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	Patent Assignment Query Menu	
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Assignor Name:		
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### Assignments on the Web > Patent Query

### **Patent Assignee Summary**

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Search Criteria: Assignee Name = IBM

Total: 5126

Page 1 of 206

1 2 3 4 5 6 7 8 9 10 20 30 40 50 60 70 80 90 100 200

APPL#	PAT#		NAME
12119554	NONE	US20090285375	<u>IBM</u>
12119588	NONE	US20090285376	<u>IBM</u>
12691634	NONE	US20110179396	<u>IBM</u>
07958415	<u>5436898</u>		<u>IBM</u>
08388324	<u>5515306</u>		<u>IBM</u>
08463537	<u>5609772</u>		<u>IBM</u>
08813149	<u>5880724</u>		<u>IBM</u>
09615359	6560078		<u>IBM</u>
09526845	6584469		<u>IBM</u>
09482375	6618718		<u>IBM</u>
09527300	<u>6785670</u>		<u>IBM</u>
10655593	7029803	US20050053845	<u>IBM</u>
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12116575	<u>7565293</u>		<u>IBM</u>
10910604	<u>7831601</u>	US20060031197	<u>IBM</u>
12053969	7843067	US20090239062	<u>IBM</u>
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11306933	NONE	US20070168243	IBM CORP.
08177296	6201539		IBM CORP.
09417880	<u>6715129</u>		IBM CORP.

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11306933	NONE	US20070168243	IBM CORP.
08177296	6201539		IBM CORP.
09417880	<u>6715129</u>		IBM CORP.



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### Assignments on the Web > Patent Query

### **Patent Assignment Abstract of Title**

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Total Assignments: 1

Patent #: NONE Issue Dt: Application #: 12119554 Filing Dt: 05/13/2008

Publication #: 20090285375 Pub Dt: 11/19/2009
Inventors: Shiri Kremer-Davidson, Alan Hartman, Mila Keren, Dmitri Pikus

Title: PROTOCOL INDEPENDENT TELEPHONY CALL LIFECYCLE MANAGEMENT SCHEME

Assignment: 1

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: KREMER-DAVIDSON, SHIRI
Exec Dt: 05/05/2008

 HARTMAN, ALAN
 Exec Dt: 05/05/2008

 KEREN, MILA
 Exec Dt: 05/05/2008

 PIKUS, DMITRI
 Exec Dt: 05/05/2008

Assignee: IBM

1101 ROUTE 134 KITCHAWAN ROAD, OFFICE 39-250
INTELLECTUAL PROPERTY LAW DEPARTMENT, P.O. BOX 218

YORKTOWN HEIGHTS, NEW YORK 10598

Correspondent: SHAWNNA ANDERSON

1875 EYE STREET, NW

**SUITE 1100** 

WASHINGTON, DC 20006

Search Results as of: 02/11/2013 02:06 PM

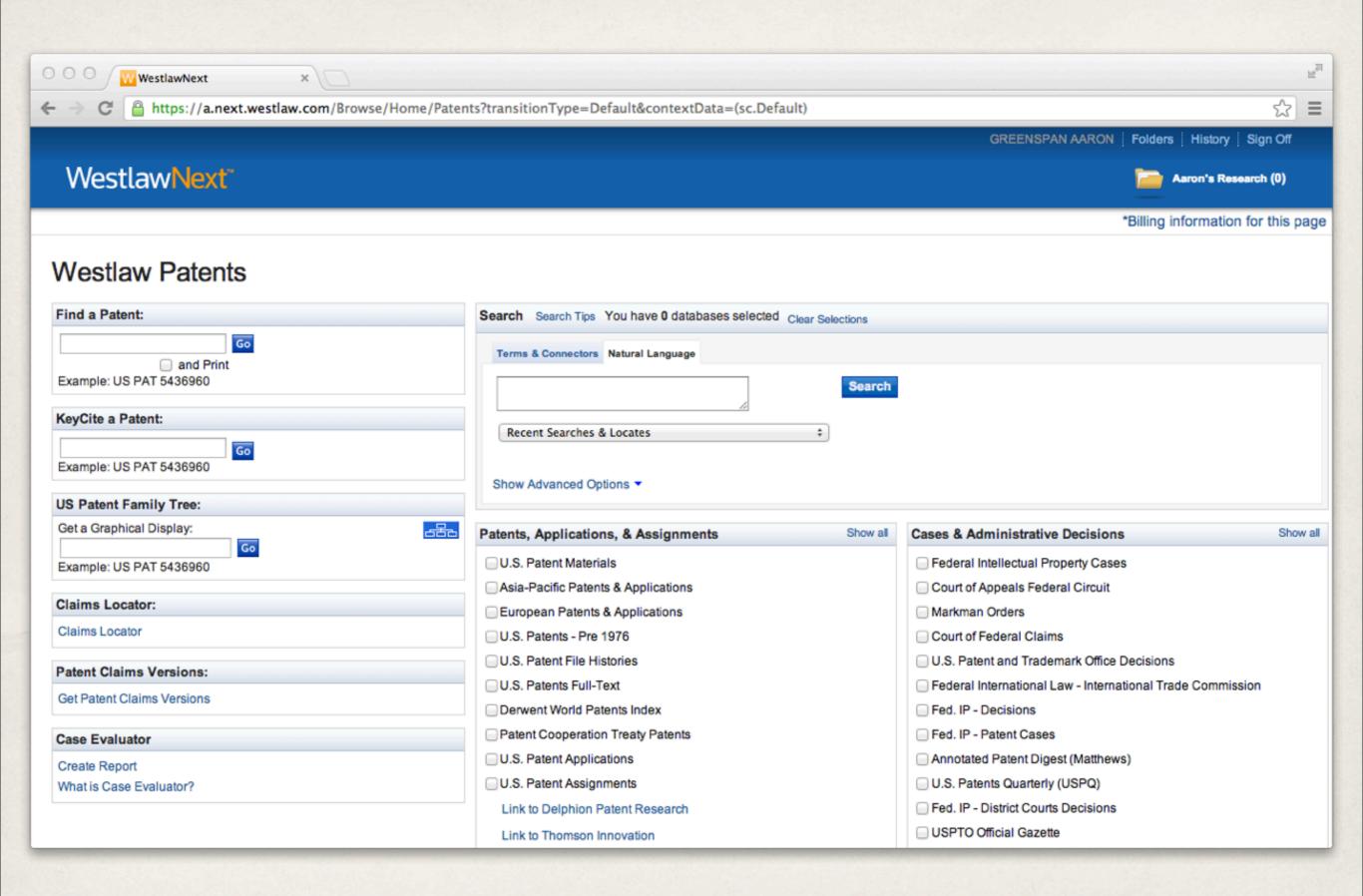
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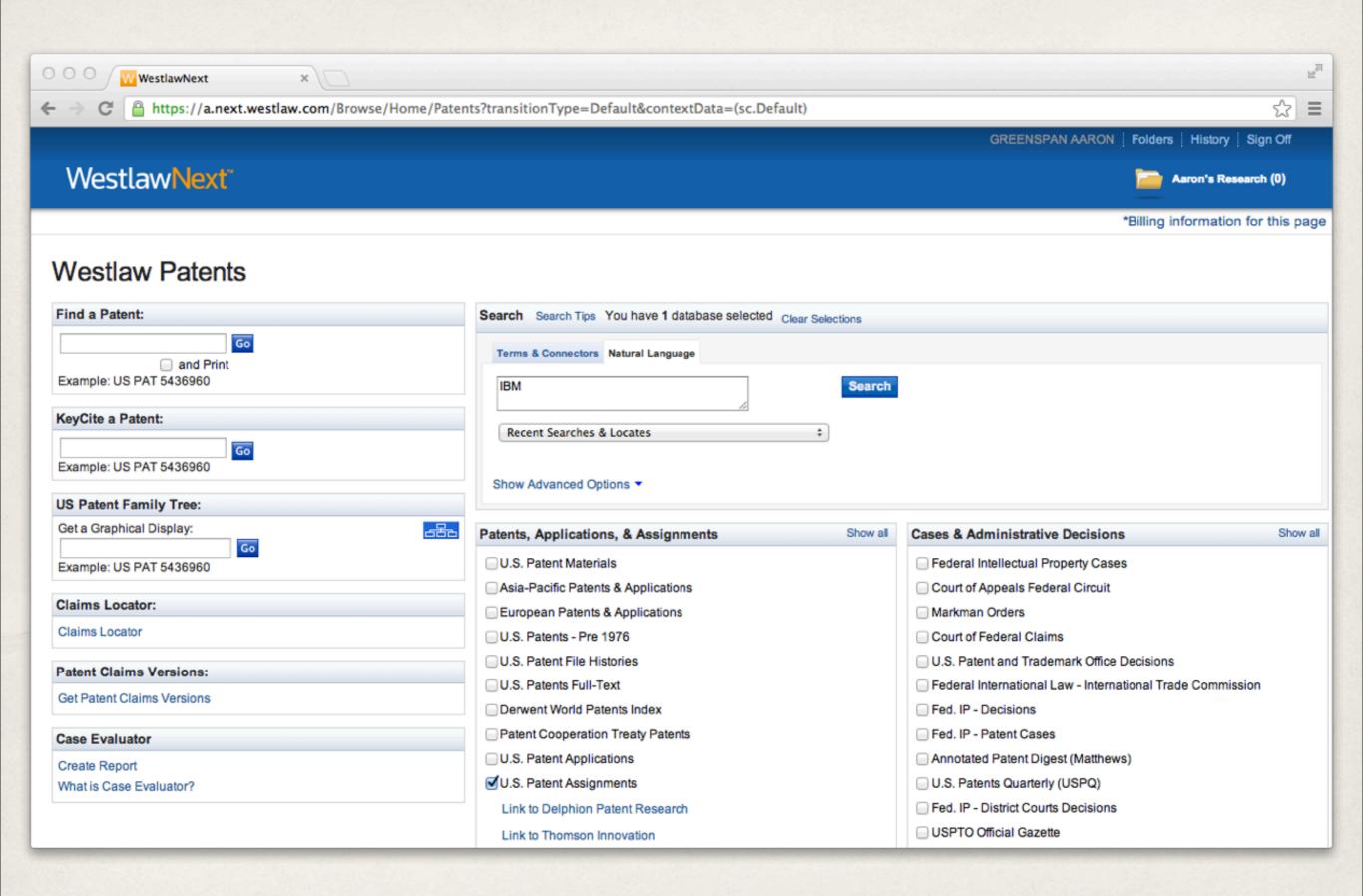
Web interface last modified: July 10, 2012 v.2.3.2

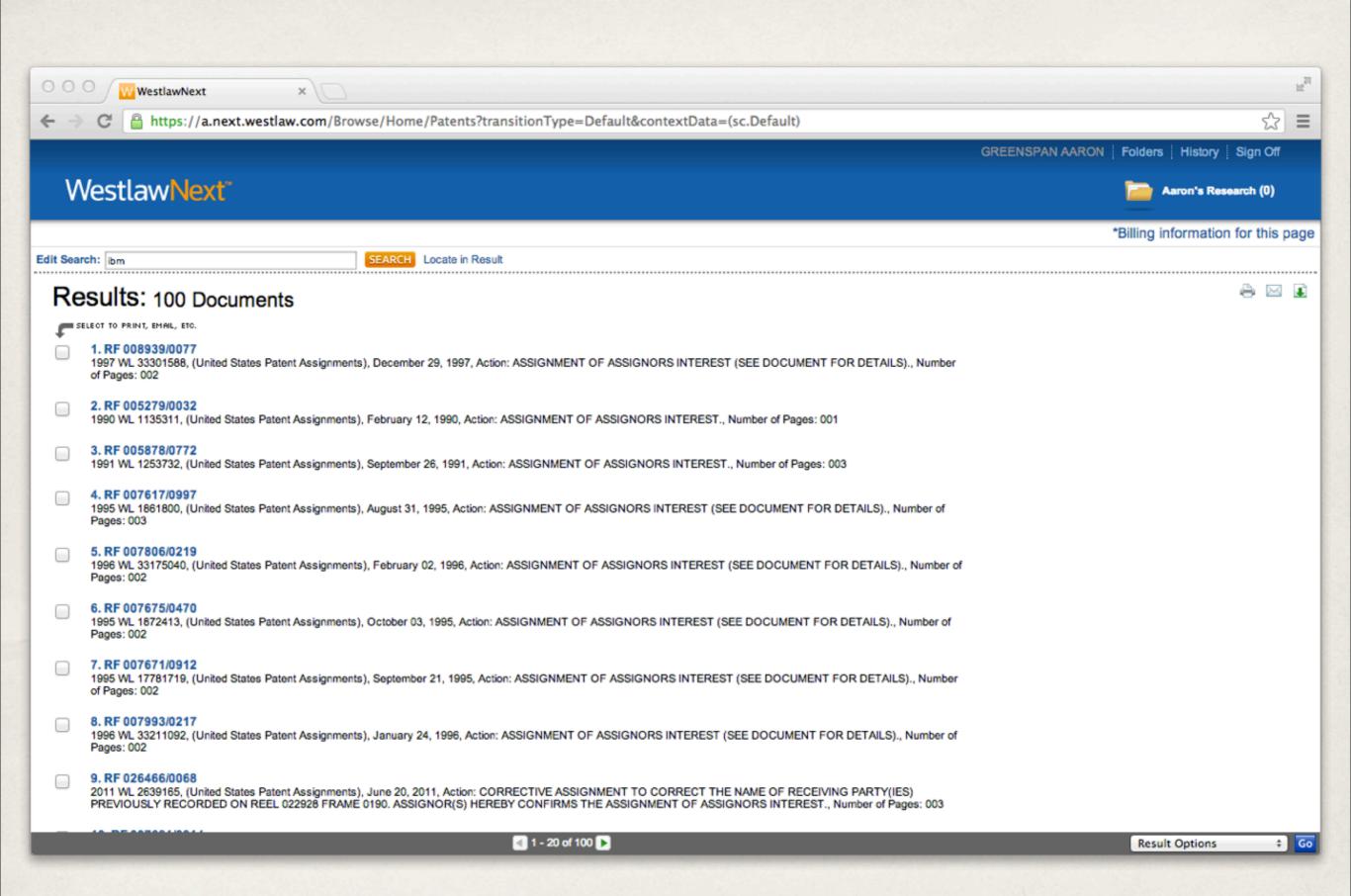
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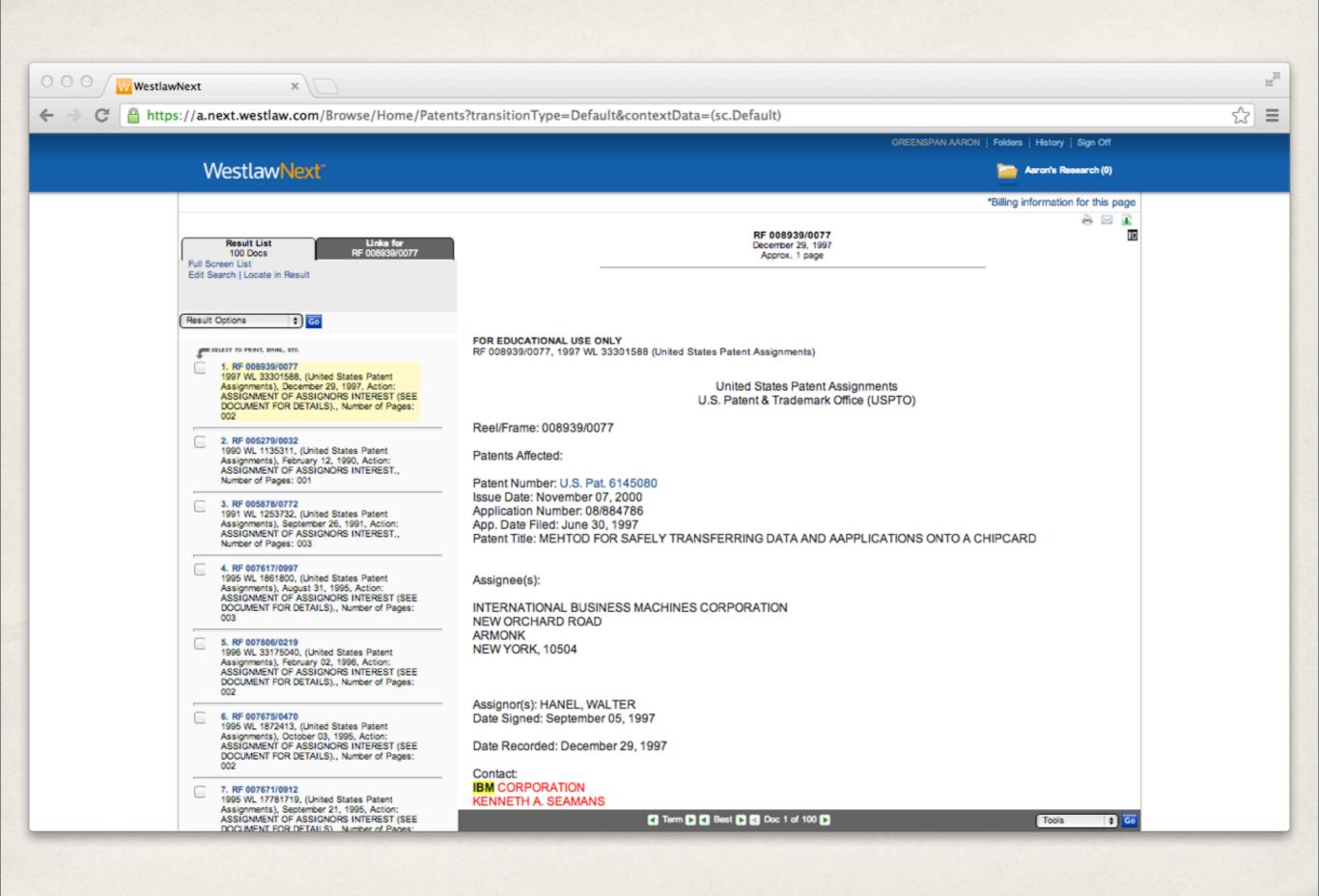
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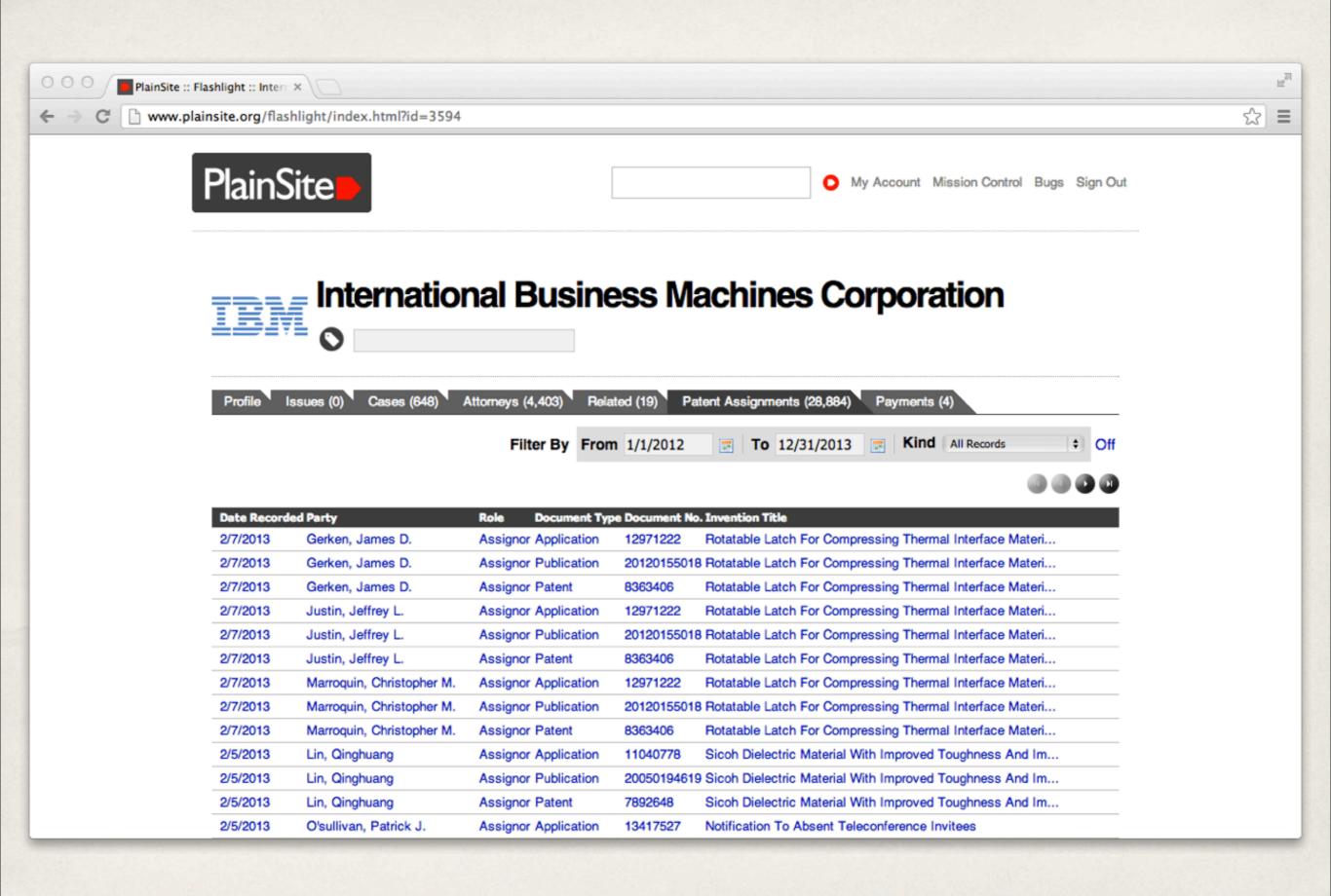


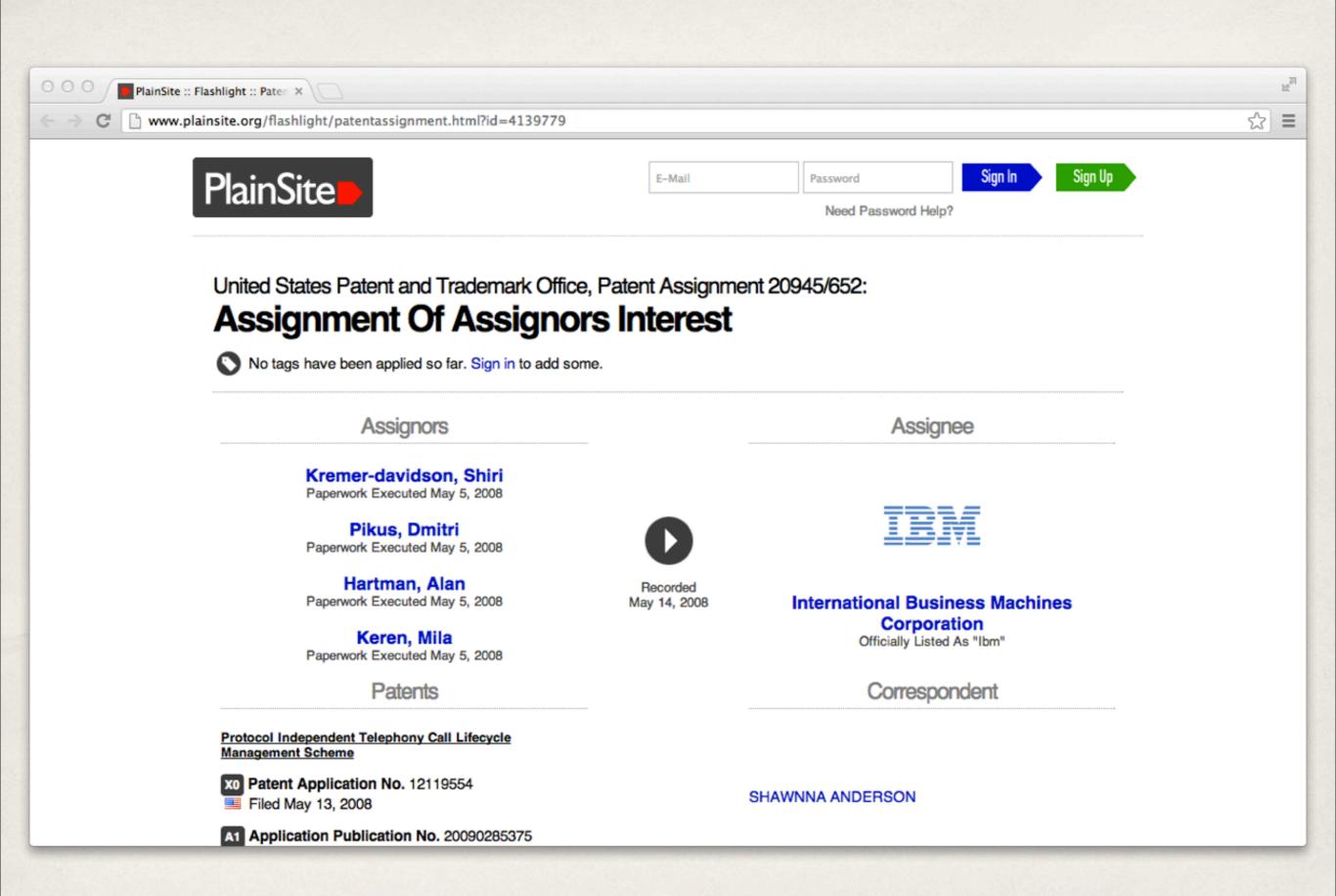


### Third time's a charm?

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### Does IBM own software patents?





# Speaking of IBM...

### It's also officially known as...

**IBM CORP** 

IBM CORPORATION
INTELLECTUAL PROPERY LAW

IBM INTELLECTUAL PROPERTY LAW DEPT

INTERNATIONAL BUSINESS MACHINES CORP

TRADEMARKS AND LICENSING IBM CORP

INTERNATIONAL BUSINESS MACHINES CORPORAT

INTERNATIONAL BUSINESS MACHINES CORPORATION

ONE IBM PLAZA SUITE 4600

INTERNATIONAL BUSINESS MACHINES

IBM PATENT OPERATONS

IBM CORP DEPT 9170202

IBM CORPORATION PAT OPER

IBM CORP DEPT R54058

IBM CORP PATENT OPERATION

IBM CORP PAT OPERS DEPT 932

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**IBM INC** 

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INTERNATIONAL BUSINESS NACHINES CORPORATION

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INTERNATIONAL BUSINESS MACVHINES CORPORATION

INTERNATIONAL BUSINESS MACHINES CORPATION

INTERNATIONAL BUSINESS MASHINES CORPORATION

INTERNATIONAL BUSINESS MACHINES CORPPORATION

**IBM CORPORATION 90A** 

IBM CORP 951

0021 IBM CORP

123 IBM CORPORATION

**IBM CORPORATION 972** 

**IBM CORPORATION 18A** 

**IBM PATENT OPERATIONS 985** 

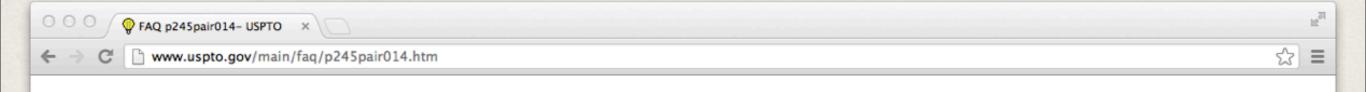
**IBM PATENT OPERATIONS 90A** 

...and 1,150 other variations...

# There 1,185 ways to spell IBM.

### 100,000+ typos in USPTO data.

### Obsolete IT = Inefficiency



# How do I associate my applications with my customer number?

Download the Customer Number Update Template and after filling out the MS Excel spreadsheet, save it on a floppy disk or CD and mail it to the Patent EBC at

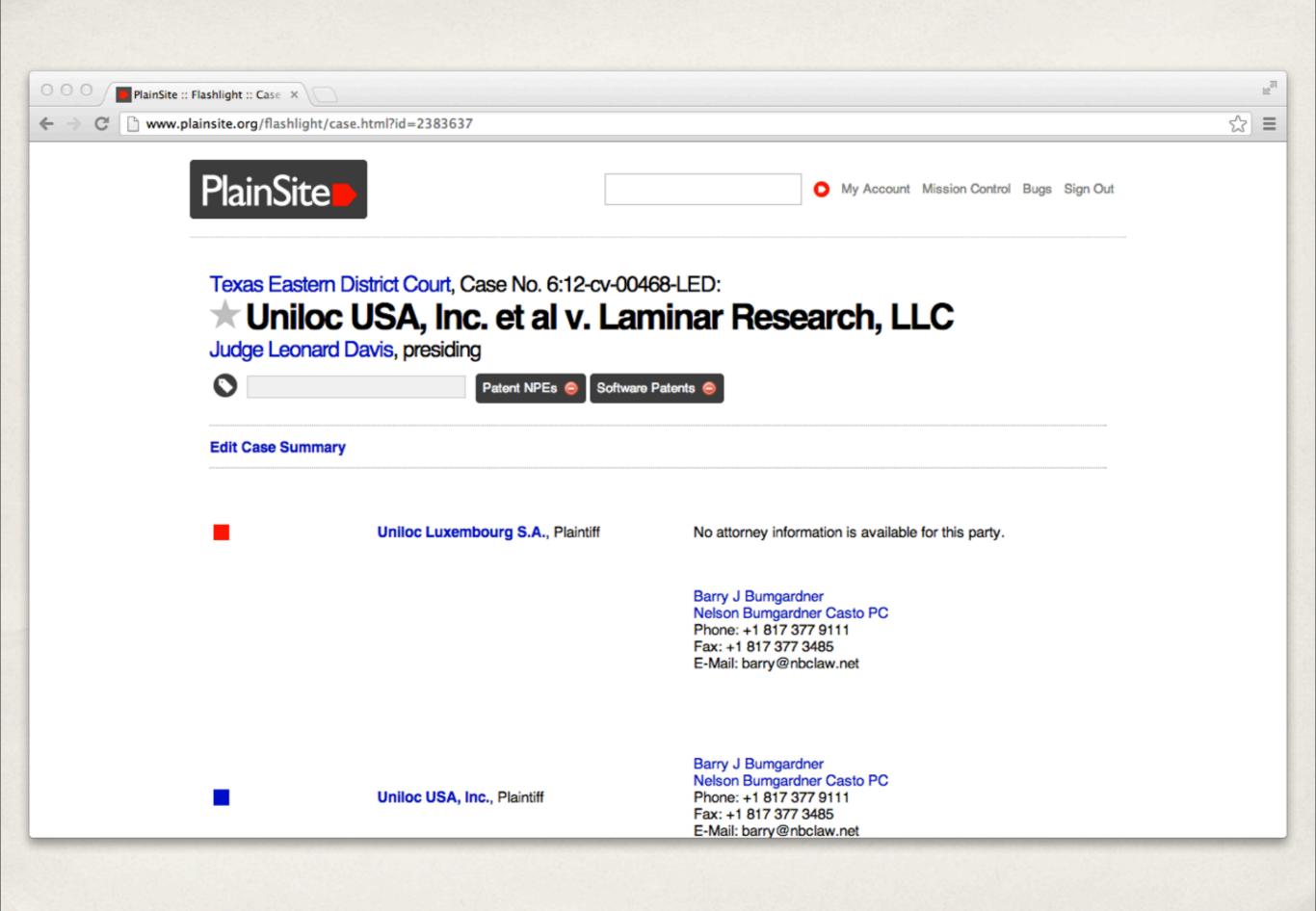
USPTO Mail Stop EBC

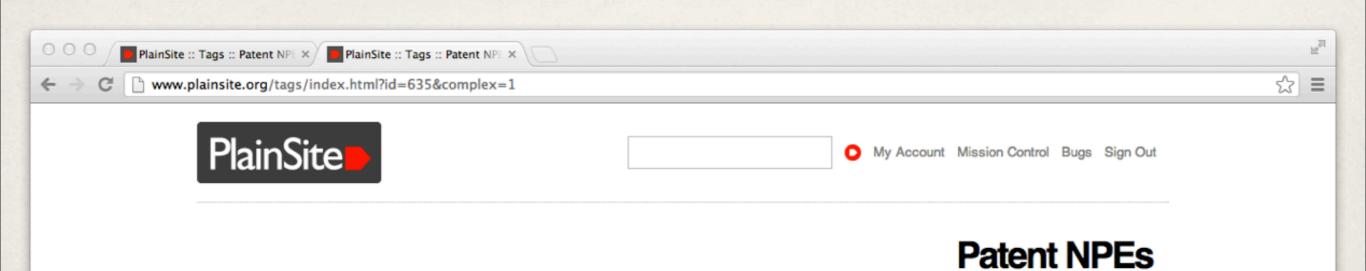
# Finding patent data is too hard.

### Problem No. 2

### Patent Trolls

### Patent trolls love software patents.



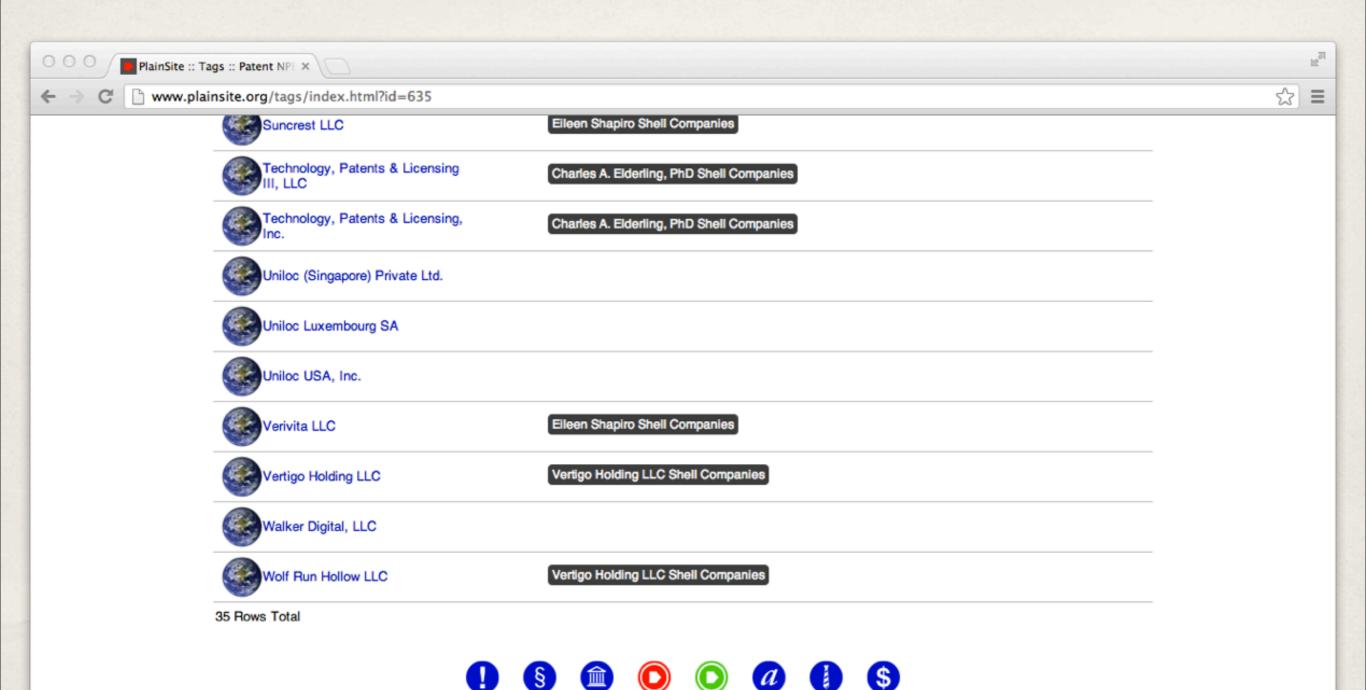


### **Court Cases**

Cases By Entity By Judge By Court By Firm

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- 620	600	600	
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- Date Filed Court	Case Number	Title
12/21/2012 Texas Eastern District Court	6:12-cv-00967	Uniloc Luxembourg S.A. et al v. Avid Technology, Inc.
12/21/2012 Texas Eastern District Court	6:12-cv-00966	Uniloc Luxembourg S.A. et al v. Autodesk, Inc.,
12/4/2012 Texas Eastern District Court	2:12-cv-00750	Lodsys Group, LLC v. Burberry Limited et al
10/26/2012 Texas Eastern District Court	6:12-cv-00817	Uniloc USA, Inc. et al v. Waterloo Maple Inc.
10/26/2012 Texas Eastern District Court	6:12-cv-00809	Uniloc USA, Inc. et al v. Dassault Systemes SolidWorks Corpo
10/26/2012 Texas Eastern District Court	6:12-cv-00810	Uniloc USA, Inc. et al v. Environmental Systems Research Ins
10/26/2012 Texas Eastern District Court	6:12-cv-00807	Uniloc USA, Inc. et al v. Altera Corporation
7/20/2012 Texas Eastern District Court	6:12-cv-00468-LED	Uniloc USA, Inc. et al v. Laminar Research, LLC
7/20/2012 Texas Eastern District Court	6:12-cv-00463	Uniloc USA, Inc. et al v. Electronic Arts Inc.
7/20/2012 Texas Eastern District Court	6:12-cv-00470	Uniloc USA, Inc. et al v. Mojang AB
6/12/2012 Texas Eastern District Court	6:12-cv-00375	Uniloc USA, Inc. et al v. Rackspace Hosting, Inc. et al
5/18/2012 Illinois Northern District Court	1:12-cv-03858	Innovatio IP Ventures, LLC v. Delta Air Lines, Inc.
5/3/2012 Delaware District Court	1:12-cv-00569	Round Rock Research LLC v. Sandisk Corporation
4/26/2012 California Northern District Court	5:12-cv-02099	ASUS Computer International v. Round Rock Research, LLC
4/11/2012 Illinois Northern District Court	1:12-cv-02773	Hewlett-Packard Company v. Innovatio IP Ventures, LLC



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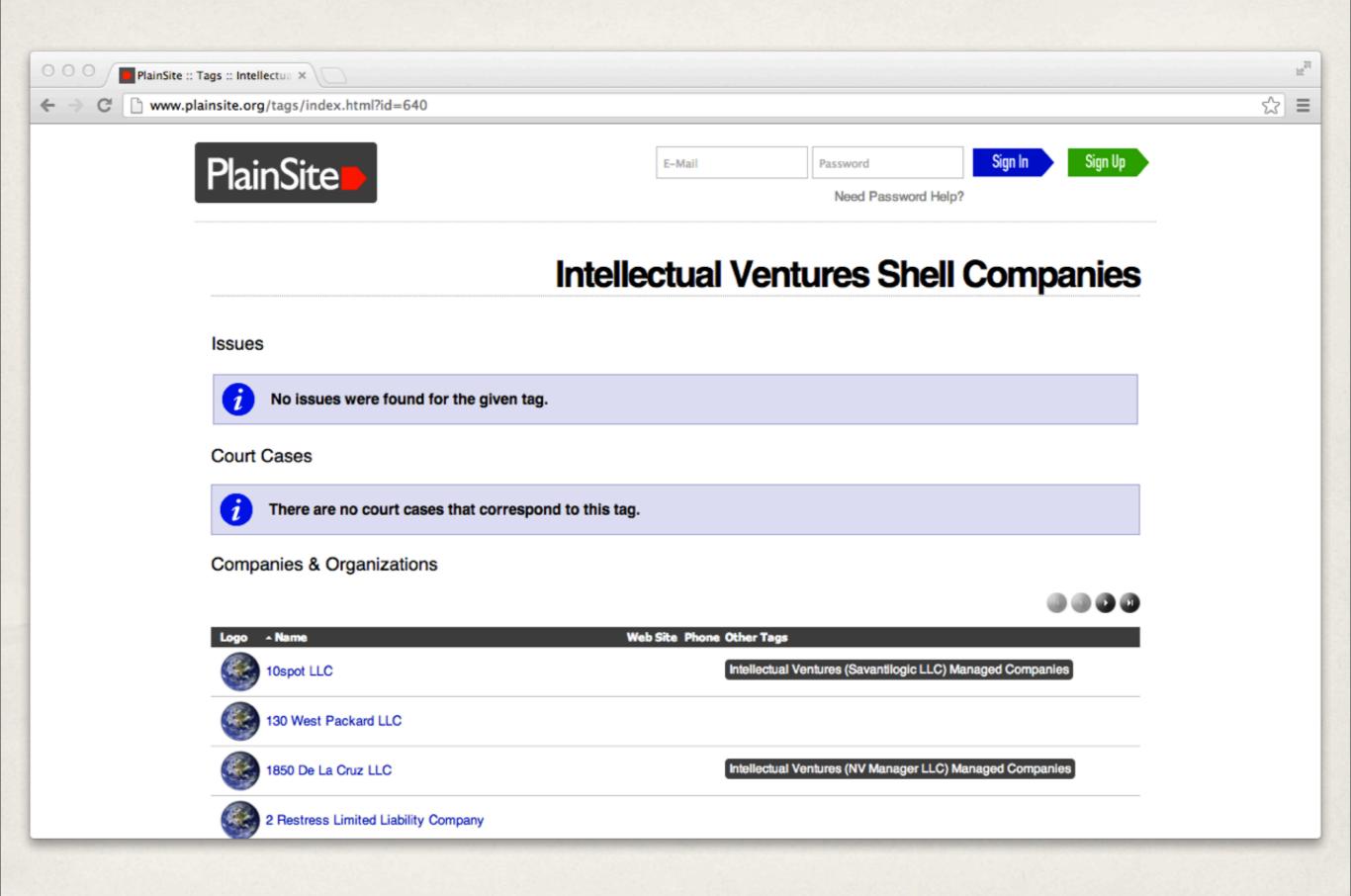
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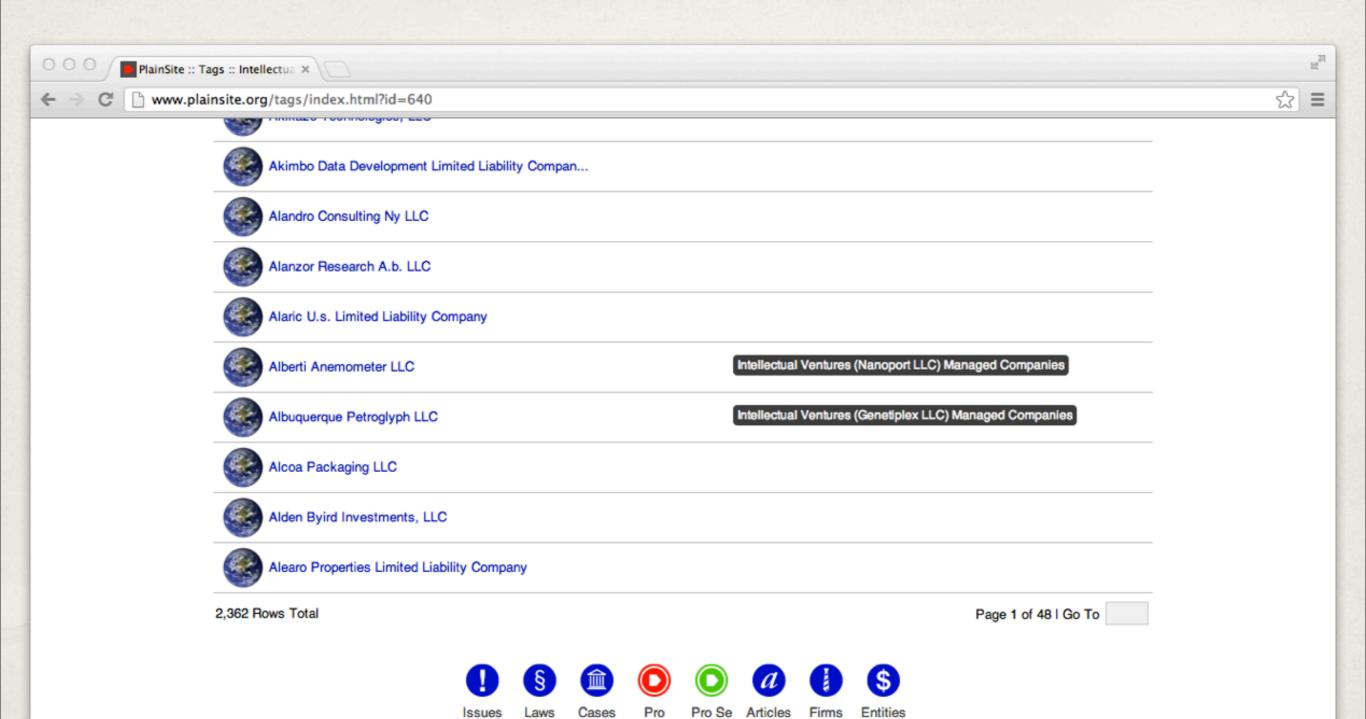
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Cases

Issues

### The Intellectual Ventures Example





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Questions? Comments?

### greensp@stanford.edu