



UNITED STATES
PATENT AND
TRADEMARK OFFICE



Patent and Trademark Resource Center (PTRC) Program: An Overview

Neil Massong and Tom Turner
August 2012



Important Dates

1871 Printed patents first distributed to
libraries

1977 First Training Conference

1982 Cassis on-line available

1990 PDLP becomes PTDLF

2000 Complete back file of patents & TMs on
DVD-ROM

2011 PTDLF becomes PTRCP





PTRCs Are...A Network of Libraries

Patent and Trademark Resource Centers



Public Libraries (31)
Academic Libraries (44)
State Libraries (6)
Special Libraries (1)
Total 82

3



Coverage

There are PTRCs in 46 states, plus 2 in Puerto Rico and 1 in the District of Columbia.

For people in the DC metropolitan area, you can visit **Howard University's Founders Library, University of Maryland at College Park's Engineering & Physical Sciences Library or University of Baltimore's Law Library**—or, USPTO Headquarters' Public Search Facility.

There are no PTRCs in Oregon, Idaho, Arizona or Virginia—currently.

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PTRCs Are...Librarians Helping Customers Access IP Information



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PTRCs Are...Librarians Finding Answers to Questions

How do I do a patent search?

Where can I find a list of patent attorneys?

Do you have info on invention promotion firms?

How do I do a trademark search?

How much does it cost to get a patent or trademark?

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PTRCs Are...Programs for Inventors and Small Businesses



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PTRCs Are...Face to Face Instruction on Searching Patents on the USPTO Website



United States Patent and Trademark Office
An Agency of the Department of Commerce

Patent Full-Text Databases

PatFT: Patents

Full-Text from 1976

- [Quick Search](#)
- [Advanced Search](#)
- [Number Search](#)
- [View Full-Page Images](#)

<< BOTH SYSTEMS >>

The databases are operating normally.

- [Notices & Policies](#)
- [How to View Images](#)

AppFT: Applications

Published since March 2001

- [Quick Search](#)
- [Advanced Search](#)
- [Number Search](#)
- [View Full-Page Images](#)

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...Searching PubWEST (Public Web-Based Examiners Search Tool) Patent Databases

Generate Collection Print

Search Results - Record(s) 61 through 70 of 167 returned.

- 61. [6799649](#) 10 Jun 02; 05 Oct 04. Control of a balancing personal vehicle. [Kamen, Dean L.](#), et al. 180/8.2; 280/5.2. B62D051/06 .
- 62. [6796396](#) 16 Oct 02; 28 Sep 04. Personal transporter. [Kamen, Dean L.](#), et al. 180/272; 180/273. B60K031/00 .
- 63. [6779621](#) 13 Jun 03; 24 Aug 04. Riderless stabilization of a balancing transporter. [Kamen, Dean L.](#), et al. 180/282; 180/218 280/5.513. B60K028/14 .
- 64. [6726656](#) 08 Oct 02; 27 Apr 04. System for controlling flow through a line during intravenous drug delivery. [Kamen, Dean L.](#), et al. 604/131; 604/82. A61M037/00 .
- 65. [6715845](#) 16 Oct 01; 06 Apr 04. Mechanical improvements to a personal vehicle. [Kamen, Dean L.](#), et al. 301/111.03; 180/65.1 301/113. B60B023/00 .
- 66. [6708481](#) 05 Mar 03; 23 Mar 04. Fuel injector for a liquid fuel burner. [Kamen, Dean L.](#), et al. 60/39.6; 60/517. F02C005/00 .

Mark Patent Mark Range Mark Section 62 of 167 Front Page

PTRCs are...Face to Face Instruction on Searching Trademarks on the USPTO Website

Trademarks > Trademark Electronic Search System (TESS)

Welcome to the **Trademark Electronic Search System (TESS)**. This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a **likelihood of confusion** refusal.

WARNING: Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click [TESS TIPS](#) for detailed information on these and other important search topics.

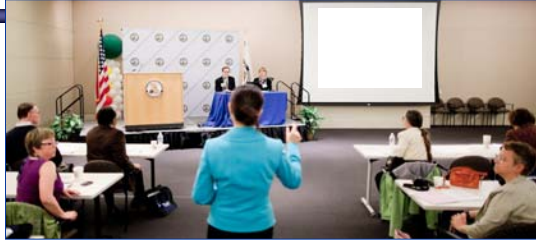
[HELP](#) [News!](#)

Select A Search Option

- ▶ **Basic Word Mark Search (New User)**
 This option cannot be used to search design marks.
- ▶ **Word and/or Design Mark Search (Structured)**
 This option is used to search word and/or design marks. **NOTE:** You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.
- ▶ **Word and/or Design Mark Search (Free Form)**
 This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. **NOTE:** You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.



PTRC Program Services: Annual Training Seminars at USPTO



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PTRC Program Services: Training Library Staff On-Site at PTRCs



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PTRCs Are...Public Programs Taught by PTRCP Staff

Patent and Trademark Workshop



Little Rock AR PTRC

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PTRCs are NOT...

*Librarians and staff at PTRCs cannot provide legal advice (only attorneys can do that) and cannot conduct patentability or trademark clearance searches for customers. They can, however, show customers **HOW TO SEARCH** using generic examples.*

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PTRC Program Services: Information Dissemination in Print



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No Longer Federal Depository Items

The USPTO no longer distributes *Official Gazette* (Patent or Trademark editions) as federal depository print items.

Electronic versions of both editions are available for weekly searching on the USPTO website.

GPO still produces a print version of the OG for Trademarks for a fee.

The USPTO no longer produces Cassis database searching discs or USAPat/USAMark/USApp image DVDs.

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PTRC Program Services: PTRCP Staff Created Educational Aids

PTRC

7-Step U.S. Patent Search Strategy Guide

U.S. Patent Search Assistance
 Patent and Trademark Resource Center (PTRC) staff are available to provide training on U.S. patent search processes and research tools including PubWESTSM and the USPTO websiteSM. Additional information is available through the USPTO website at www.uspto.gov, by phone at 1-800-786-7199, or by e-mail at uspto@uspto.gov. For legal matters, contact an attorney or agent registered to practice before the USPTO at www.uspto.gov.

SMPubWEST and the USPTO Website are available at Patent and Trademark Resource Centers: www.uspto.gov/ptrc.

Preliminary U.S. Patent Search vs. Comprehensive Prior Art Search
 This guide provides a 7-step strategy for searching U.S. patents to locate and evaluate relevant prior art (earlier patents and published patent applications). A comprehensive search would also include foreign patents and non-patent literature (newspapers, magazines, dissertations, conference proceedings, and websites). PTRC staff can provide training on how to locate these additional resources.

Search Preparation and Documentation
 Plan on spending a few hours learning the search process and additional hours for searching and evaluating results. The length of search time depends on the complexity of the invention. Careful recording of the search process including the databases used, date and time of search, classes searched, and patent and application numbers retrieved is an important part of effective searching.

Classification

STEP 1: Keywords Describing the Invention

Begin by writing down a brief, accurate description of the invention. Avoid overly broad and generic terms such as "device," "process" and "system." Note important keywords and technical terms. Use the following questions to help identify keywords and concepts:

- What is the purpose of the invention? Is it a utilitarian device or an ornamental design?
- Is the invention a process - a way of making something or performing a function - or is it a product?
- What is the invention made of? What is the physical composition of the invention?
- How is the invention used?
- What are keywords and technical terms that describe the nature of the invention?

Consult a technical dictionary or thesaurus to help find the appropriate terms.

It may be helpful to order terms according to decreasing scope. For example:
 Vehicle → Automobile → Internal Combustion Engine → Fuel Injection → Injection Nozzle

Patent and Trademark Resource Centers Program
 United States Patent and Trademark Office
 HQE 201A, P. O. Box 1490, Alexandria, Virginia
 22304
 www.uspto.gov/ptrc

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PTRC Program Services: Email, List Serve & Toll Free Telephone Support for Librarians



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www.uspto.gov/ptrc

<ul style="list-style-type: none"> Product Catalog Locate Patent and Trademark Resource Centers • Patent & Trademark Resource Centers (PTRCs) • History & Background • Mission • Events Schedule • Tutorials • PTRC Locations by State • Materials & Services • News & Notices • Public Search Facility Training/Events Customer Information Services 	<p>Patent and Trademark Resource Centers</p> <ul style="list-style-type: none"> • History and Background • Mission • Training and Events • Tutorials • Resources and Services • Linked List to Libraries By State • News and Notices
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Questions?

ptrcoffice@uspto.gov





UNITED STATES
PATENT AND
TRADEMARK OFFICE

Overview of Patents, Trademarks, Copyrights and Trade Secrets

Tom Turner and Neil Massong
Patent & Trademark Resource Center Program
August 2012



U.S. Patent and Trademark Office



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What is Intellectual Property?

- A product of the intellect that may have commercial value.
- A creation of the mind, such as inventions, literary and artistic works, symbols, names, images, and designs used in commerce.



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Ways to Protect Intellectual Property

- Copyrights
- Trade Secrets
- Patents
- Trademarks



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Copyright

Protects "original works of authorship"
fixed in a tangible form of expression



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Copyrightable Works

Literary works
Musical works
Dramatic works
Choreographed works



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Commercial Art
Graphic works
Sculptural works
Motion Pictures
Sound
Recordings
Architectural
Plans, Drawings
or Buildings



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Exclusive Rights to Copyright Owner

Exclusive Right to
Reproduce the work
Prepared **derivative** works
Distribute copies
Perform the work publicly
Display the work publicly
Or to Authorize others to do so.



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Copyright Fees

U.S. Copyright Office registration filing fees (as of 7/2012)

\$65 per paper application filing (original work of authorship on Forms PA, SR, TX, VA, SE)

\$35 per application for electronic filing (basic claim in an original work of authorship)

For a complete list see copyright.gov/docs/fees.html .



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Copyright Registration Benefits

- Registration establishes a public record of copyright claim
- Registration necessary before filing an infringement suit
- Financial recovery
- Record registration with U.S. Customs Service (below)
- Low Cost



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Trade Secrets

- Must remain a ***secret!***
- A trade secret may be a formula, practice, process, design, instrument, pattern, or compilation of information used by a business to obtain an advantage over competitors within the same industry or profession



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Benefits of Trade Secrets

- No fees
- No registration
- No time limits
- Gives the business an advantage over competitors



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Patents



A U.S. patent is...

a 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.

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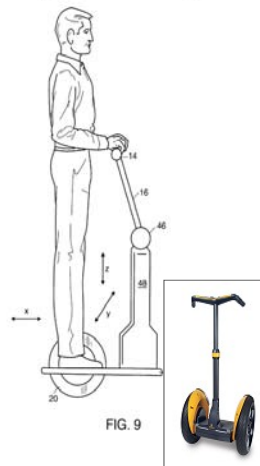
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What Can Be Patented? (Utility Patent example)

- **Machine, Article of Manufacture, Process, Composition of Matter, Business Methods (since mid-90’s court decision)**
- **Any new, useful improvement of the above**
- **Term: 20 years from filing date.**

U.S. Patent Apr. 8, 2002 Sheet 9 of 16 US 6,267,817 B1

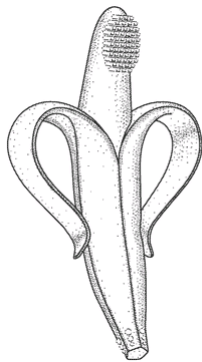


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Design Patents



- Granted for a new, original and ornamental design for an article of manufacture.
- Only the appearance is protected.
- Term: 14 years from the date the patent is granted



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Design Patent Examples—Steve Jobs, Co-Inventor

U.S. Patent Jan. 4, 2000 Sheet 1 of 9 Des. 418,493

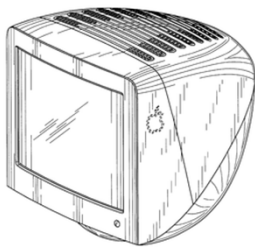


FIG. 1

U.S. Patent Jan. 1, 2008 Sheet 1 of 2 US D558,758 S



FIG. 1

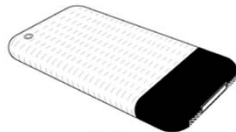


FIG. 2

U.S. Patent Mar. 7, 2006 Sheet 1 of 3 US D516,576 S



FIG. 1

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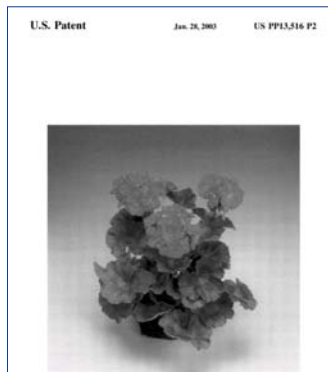


Plant Patents

- **Granted for a new, asexually reproduced plant**
- **Term: 20 years from filing date**



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What Cannot Be Patented?



- Inventions which are **NOT NEW** (lack novelty);
- Inventions which were **“MADE PUBLIC”** more than one year prior to patent application filing date;
- Inventions which are **OBVIOUS** variations of known technology (obvious to one familiar with the technology);
- Inventions which are not useful (have use).
- Laws of nature, physical phenomena & abstract ideas.

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What Does *Patent Pending* Mean?

This means a provisional or non-provisional patent application has been submitted to the USPTO.

This may act to discourage others from applying for a patent on the same product or copying the product.



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Utility Patent Fees: Non-Provisional Application for a Small Entity (as of 7/11/12)



- Initial filing fee, \$95*(electronic)/190
- Search Fee, \$310
- Examination Fee, \$125
- Issue Fee, \$870
- Maintenance Fees:
 - 3.5 yrs. \$565
 - 7.5 yrs. \$1425
 - 11.5 yrs. \$2365

Note: Fees subject to change. Check the latest fee schedule at www.uspto.gov/about/offices/cfo/finance/fees.jsp

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Value of an Early Priority Date

*Unless an inventor files evidence that his/her invention was actually made earlier than an application filing date**, the filing date serves as the date before which publications, public use, and sales may serve as “prior art” against the invention.

**This will change on March 16, 2013 due to new law.*

“Prior art” is used by patent offices, including the USPTO, to determine whether an invention is new and non-obvious.

Thus, applicants want to secure the earliest filing date possible for their inventions to avoid the most prior art.



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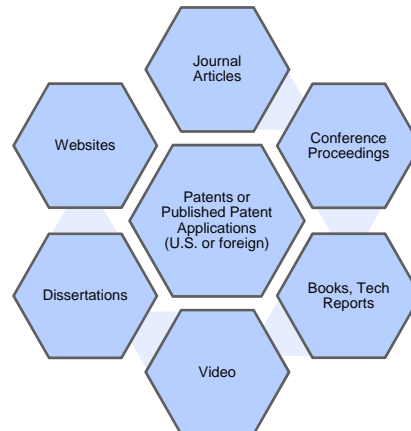
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Prior Art

Any document that contains a discussion or description relevant to an invention for which a patent is currently being sought is a prior art reference.

A patent examiner may reject one or more claims on the grounds that they are “anticipated by” the prior art.



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Patents as Property

- Can be sold (“assigned”) or a lump sum
- Can be licensed to another party with inventor receiving royalties while retaining patent
- Can be inherited by heirs



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What is a Trademark?



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A Trade Name may or may not function as a Trademark

A trade name or commercial name is the name under which an individual or corporation conducts business.

Fuji Heavy Industries - trade name
Subaru® - trademark

Here, a trade name is also used as a trademark:



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TRADEMARKS
(umbrella term)

tm

sm

Trademarks
(tangibles)

Service marks
(intangibles)

products/goods

services



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TM, SM and ®

"TM" (trademark) or "SM" (service mark) – used to designate you are claiming rights in a mark

"®" – used only *after* the USPTO registers a mark, not while an application is pending; cannot be used if the mark is not registered with USPTO



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Word/Letter Marks

iTunes

Apple, Inc.
Reg. 2,653,465

Bubblicious

Warner-Lambert Co.
Reg. 1,064,061

XEROX

Xerox, Inc.
Reg. 525,717

Just Do It.

Nike Inc.
Reg. 1,817,919

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Color Marks

UPS (brown) #2131693, others
Deere & Company (Green and Yellow) #
3877113, others



WHAT CAN BROWN DO FOR YOU?®



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Logos, Symbols and Designs



McDonald's
Reg. 1,303,958



Nike
Reg. 1,990,180



Mr. Clean
Reg. 2,626,563

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Composite Marks



Starbucks Coffee
Reg. 3428128 and others



PepsiCo, Inc.
Reg. 3120808

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Forms of Trademark Protection



Common Law

protection derived
from use

State Registration

registered with one or
more U.S. states

Federal Registration

registered by the U.S.
Patent and
Trademark Office

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Trademark Rights

- Rights arise from **actual use of a mark in commerce, whether it is registered or not.**
- Rights can last indefinitely (if mark remains in use).
- **Benefits accrue with federal registration** of trademarks at the USPTO.

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Federal Trademark Registration Benefits

- Filing date “constructive” date of first use
- Evidence of the registrant’s ownership of the mark and exclusive right to use the mark in commerce for goods or services specified in registration
- Right to sue in federal courts and recover profits, possibly treble damages and attorney’s fees
- Customs Service aid



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Patents

Trademarks

1. Protect inventions.
2. Patented inventions may/may not make it to commerce
3. Length of protection is limited
4. Only issued at the federal level
5. Complex, costly applications

1. Protect words, etc. used on products and services in commerce
2. Many trademarked products/services are not patented
3. Length of protection is not limited, IF...
4. Also issued at the state level
5. Much less complex and less costly applications

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The screenshot shows the USPTO website homepage. At the top, it features the 'uspto.gov' logo and navigation links for 'search for patents' and 'search for trademarks'. Below the header is a navigation bar with links for 'PATENTS | TRADEMARKS | IP LAW & POLICY | PRODUCTS & SERVICES | INVENTORS | NEWS & NOTICES | FAQs | ABOUT US'. The main content area includes a featured article titled 'IP Contributes \$5 Trillion and 40 Million Jobs to Economy' with a sub-headline 'intellectual property and the U.S. economy' and 'Industries in Focus'. There are also sections for 'Now Hiring', 'Track One Patents', and 'IP Awareness Assessment Tool'. A sidebar on the right contains 'POPULAR LINKS' and 'USPTO NEWS'.

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Patents: Search

USPTO Website has two patent publication databases:

- PatFT (Patents Full-Text)
 - Full Text back to 1976
 - All patents accessible by U.S. Patent Classification or Patent Number
- AppFT (Published Patent Applications Full-Text)

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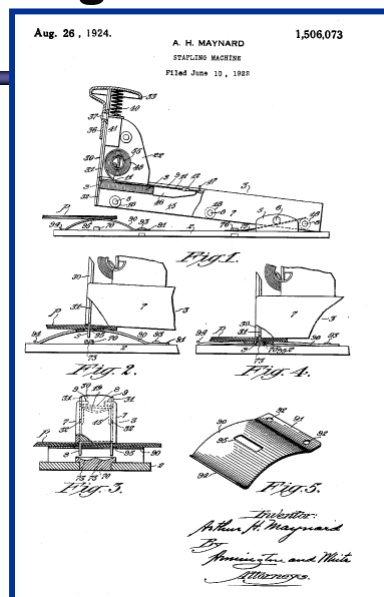
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Patent Images

Tiff file images of all
U.S. Patents (to
1790)

Tiff file images of all
U.S. Published
Patent
Applications (to
March 2001)



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Patents: View Application Files

Public PAIR (Patent Application Information Retrieval)

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The screenshot displays the USPTO Public PAIR interface. On the left, a navigation menu includes sections like 'Patent eBusiness', 'Patent Application Information (PAIR)', 'Patent Searches', and 'Other'. The main content area shows details for application 11/307,213, titled 'MOUNTING APPARATUS'. A table lists 'Available Documents' with columns for 'Mail Room Date', 'Document', and 'Download'. The right pane shows a PDF viewer displaying 'EXAMINER'S AMENDMENT' for the application, detailing changes to claims 1 through 11.

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Patents: File Electronically

- [Launch EFS-Web Registered eFiler](#) - for enhanced filing, follow-on processing, saved submissions and more
- [Launch EFS-Web Unregistered eFiler](#) - for basic initial filing of new patent applications
- [Launch EFS-Web Contingency Unregistered eFiler](#) - for basic initial filing of new patent applications when the primary portal to EFS-Web has an unscheduled outage
- [EFS-Web Announcements](#) - recent and archived announcements, links to view availability of business systems and alerts
- [EFS-Web Resources](#) - instructions for becoming a Registered eFiler, system requirements, EFS-Web eForms, and other useful information and links



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Independent Inventors Web Pages

Independent Inventors

- Inventor News
- Online Chat Transcripts
- InventorsEye

Patents for Independent Inventors

Trademarks for Independent Inventors

Scam Prevention

Inventors Assistance

Independent Inventors

- [Inventors Eye - Newsletter](#)
- [Programs and Policies for Independent Inventors and Small Businesses](#)
- [Do I need a patent, trademark, and/or a copyright?](#)
- [What is the role of the USPTO?](#)
- [What free assistance is available from USPTO?](#)
- [How do I finance and/or market my invention?](#)
- [Do I need to hire a lawyer or agent?](#)
- [Does the USPTO market, promote, or license inventions?](#)

www.uspto.gov/inventors/independent/index.jsp

independentinventor@uspto.gov

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UNITED STATES PATENT AND TRADEMARK OFFICE

From Concept To Protection

John Calvert & Tony Knight
Administrator – Inventor Assistance Program
United States Patent & Trademark Office

A full transcript of this presentation can be found under the "Notes" Tab.

Concept to Protection

John Calvert
Administrator - Inventor Assistance Program

Outline	Thumb	Notes	Search
Slide Title			Duration
1. Accessibility Note/...			00:24
2. Constitutional Man...			00:55
3. I have an Idea!			03:34
4. File Provisional App...			01:50
5. Non-provisional ap...			04:07
6. Non-provisional ab...			01:42
7. Design Application?			02:09
8. Foreign Filing?			02:43
9. Contact Information			00:05
10. Please answer the...			00:00
11. What type of train...			00:00

17 Minutes 16 Seconds Remaining

"From Concept to Protection" training module

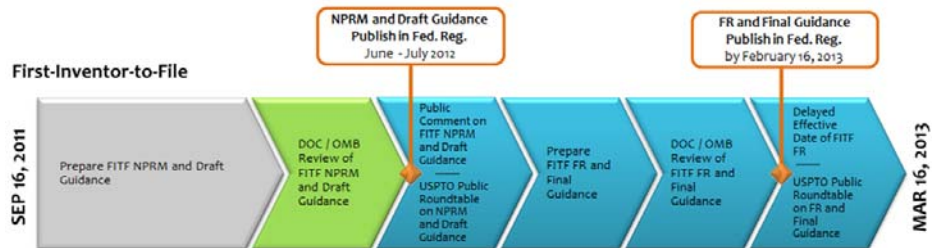
<https://uspto.connectsolutions.com/conceptprotection/>

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America Invents Act Microsite www.uspto.gov/aia_implementation/index.jsp



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USPTO Customer Contact Centers

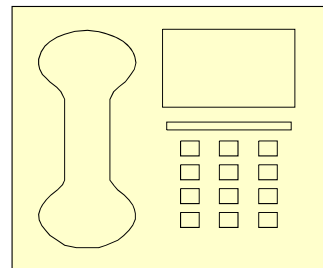
For general information, mailing addresses, Internet addresses, and contact information for other USPTO services.

General Support is available Monday through Friday from 8:30 a.m. to 8 p.m. (except federal holidays).

Technical Support is available Monday-Friday 5:30 am through Midnight EST and Saturday-Sunday 5:30 am through 10 pm EST.

800 786-9199 (toll-free) or
571 272-1000 (local)

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Questions?

Disclaimer: Any commercial products or services mentioned in this presentation are strictly used for illustrative purposes only and do not represent an endorsement by the U.S. Patent and Trademark Office.

Contact your nearest Patent and Trademark Resource Center for follow-up questions.

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Using the USPTO Website to Answer Commonly Asked Patent and Trademark Questions



Neil Massong and Tom Turner
Patent and Trademark Resource
Center Program
August 2012

PTRC patent & trademark resource centers



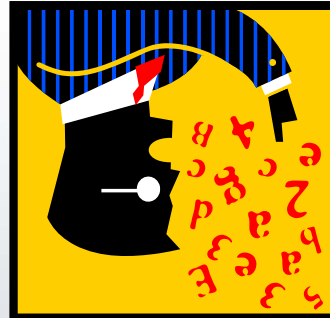
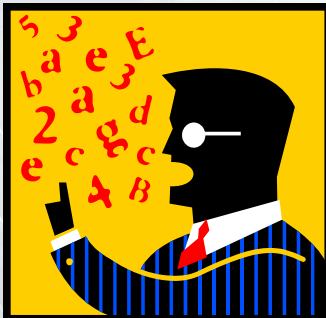
How did you get here today?

- “An improvement in hoisting apparatus”?
- “Endless conveyer”?
- “An occupant propelled wheeled land vehicle”?



Welcome to the Language of Patents

- Patents are a mixture of legal language and scientific language—"Patentese."
- This makes helping new patent searchers challenging.



3



"Why Should an Inventor Search Patents?"

- Invention disclosed in a patent application must meet USPTO requirements of novelty, usefulness and non-obviousness in order to be granted a patent.
- Potential money saver if the inventor finds out his/her invention has previously been patented.
- Helps considerably if inventor later chooses to hire a patent attorney or agent.
- "Patentese"

4



“What Information Can be Found in Different Parts of a U.S. Patent?”

- Search for U.S. patent 6318362 in the PatFT (Patents Full-Text Database).
- Start with the USPTO home page: www.uspto.gov .

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uspto.gov search for patents search for trademarks
search our site

The United States Patent and Trademark Office
an agency of the Department of Commerce

PATENTS | TRADEMARKS | IP LAW & POLICY | PRODUCTS & SERVICES | INVENTORS | NEWS & NOTICES | FAQs | ABOUT US

USPTO to Host Educational Public "Roadshow" Series on America Invents Act

The USPTO has planned a series of cross-country roadshows to discuss our proposed rules implementing various provisions of the *America Invents Act*. Look for them beginning in February.

February 24 February 27 March 7 February 17 February 29 March 2 March 5

Our Former Home Page
Visit us through our former home page

USPTO Updates Rules for Track I
Fast-track patent processing

America Invents Act
Your guide >>

>> patents
>> trademarks
>> iplaw&policy

POPULAR LINKS
Patents Application Filing (EFS-Web)
Patents Application Status (PAIR)

USPTO NEWS
USPTO Business Rules of Practice for

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Search for Patents Page

Patent Process

- Search for Patents
- Scientific and Technical Information Center

Search for Patents

Patents may be searched in the following methods:

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

Searching Full Text Patents (Since 1976)

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

- [Quick Search](#)
- [Advanced Search](#)
- [Patent Number Search](#)



Change Ownership

Patent Classification

Patent Forms

Statistics

Searching Full Text Patents (Since 1976)

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- [Patent Number Search](#)



Patent Number Search in PatFT

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

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6318362

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- Utility -- 5,146,634 6923014 0000001
- Design -- D339,456 D321987 D000152
- Plant -- PP08,901 PP07514 PP00003
- Reissue -- RE35,312 RE12345 RE00007
- Defensive Publication -- T109,201 T855019 T100001
- Statutory Invention Registration -- H001,523 H001234 H000001
- Re-examination -- RX12
- Additional Improvement -- AI00,002 AI000318 AI00007

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United States Patent **6,318,362**
Johnson **November 20, 2001**

Nasal dilator

Abstract

A nasal dilator that prevents the outer wall tissue of the nasal passages of the nose from drawing in during breathing comprises a truss member. The truss member includes a flexible strip of material having a first end region, a second end region and an intermediate segment. The first and second end regions are adapted to engage the outer wall tissue of first and second nasal passages of the nose. The intermediate segment is configured to traverse a portion of a nose located between the first and second nasal passages. The truss member further includes first and second resilient bands secured to the strip of material adjacent opposite edges of the intermediate segment. The resiliency of the first and second resilient bands acts to stabilize the outer wall tissue and thereby prevents the outer wall tissue of the first and second nasal passages from drawing in during breathing.

Inventors: **Johnson; Bruce C.** (St. Paul, MN)
Assignee: **Creative Integration & Design, Inc.** (St. Paul, MN)
Appl. No.: **08/874,781**
Filed: **June 13, 1997**

- HTML full-text version of patent 6318362. U.S. patents back to 1976 will have a corresponding html full-text version.

9


Patent Number: **US086318362**
Section: **Front Page**
1 of 13 pages
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Full Text Help


Go to Page:

Sections:

- Front Page
- Drawings
- Specifications
- Claims
- Correction
- Reexamination



US086318362

<p>(12) United States Patent Johnson</p> <p>(54) NASAL DILATOR</p> <p>(73) Inventor: Bruce C. Johnson, St. Paul, MN (US)</p> <p>(73) Assignee: Creative Integration & Design, Inc., St. Paul, MN (US)</p> <p>(*) Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.536(b), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).</p> <p>Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(d) by 0 days.</p> <p>This patent is subject to a terminal disclaimer.</p> <p>(21) App. No.: 08/874,781</p> <p>(22) Filed: Jun. 13, 1997</p> <p>Related U.S. Application Data</p> <p>(33) Continuation of application No. 08/153,814, filed on Mar. 14, 1996, now abandoned, which is a continuation of application No. 08/293,919, filed on Jan. 19, 1994, now the No. 2,553,499, which is a continuation of application No. 08/058,389, filed on Apr. 19, 1993, now abandoned, which is a continuation of application No. 07/904,626, filed on May 21, 1992, now abandoned, which is a continuation of application No. 07/712,908, filed on Jan. 10, 1991, now abandoned.</p> <p>(51) Int. Cl.: A61M 15/00</p> <p>(52) U.S. Cl.: 128/209.24, 128/207.19, 600/199, 600/204.45</p> <p>(50) Field of Search: 128/209.24, 204.12, 128/207.19, 608, 658, 612, 100; 200, 600/191, 156, 158, 159, 204.45, 605.5, 6, 12, 14, 16, 17, 45, 47, 61, 74</p>	<p>(10) Patent No.: US 6,318,362 B1</p> <p>(55) Date of Patent: *Nov. 20, 2001</p> <p>References Cited</p> <p>U.S. PATENT DOCUMENTS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">4,933,976</td> <td style="width: 30%;">4,937</td> <td style="width: 30%;">Seam</td> </tr> <tr> <td>4,843,024</td> <td>11,912</td> <td>Coatline</td> </tr> <tr> <td>1,292,083</td> <td>1,919</td> <td>Sawyer</td> </tr> <tr> <td>1,279,000</td> <td>3,174</td> <td>Chin</td> </tr> <tr> <td>2,001,862</td> <td>5,135</td> <td>Bobby</td> </tr> <tr> <td>2,066,073</td> <td>4,186</td> <td>Band</td> </tr> <tr> <td>2,609,117</td> <td>5,100</td> <td>Lead</td> </tr> <tr> <td>2,963,488</td> <td>8,191</td> <td>Strip</td> </tr> </table> <p>(Lit. cited on next page.)</p> <p>FOREIGN PATENT DOCUMENTS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">49306</td> <td style="width: 30%;">3,926</td> <td style="width: 30%;">(DE)</td> </tr> <tr> <td>43761</td> <td>11,926</td> <td>(DE)</td> </tr> <tr> <td>28954</td> <td>30190</td> <td>(ES)</td> </tr> </table> <p>OTHER PUBLICATIONS</p> <p>Copy of Packaging containing a Nasal Strip sold prior to the filing of this application by In-ling Industries.</p> <p>Primary Examiner:—Karen J. Lorch (74) Attorney, Agent, or Firm:—Kinney & Lange</p> <p>ABSTRACT</p> <p>A nasal dilator that prevents the outer wall tissue of the nasal passages of the nose from drawing in during breathing comprises a truss member. The truss member includes a flexible strip of material having a first end region, a second end region and an intermediate segment. The first and second end regions are adapted to engage the outer wall tissue of first and second nasal passages of the nose. The intermediate segment is configured to traverse a portion of a nose located between the first and second nasal passages. The truss member further includes first and second resilient bands secured to the strip of material adjacent opposite edges of the intermediate segment. The resiliency of the first and second resilient bands acts to stabilize the outer wall tissue and thereby prevents the outer wall tissue of the first and second nasal passages from drawing in during breathing.</p> <p>34 Claims, 3 Drawing Sheets</p> <div style="text-align: center; margin-top: 20px;">  </div>	4,933,976	4,937	Seam	4,843,024	11,912	Coatline	1,292,083	1,919	Sawyer	1,279,000	3,174	Chin	2,001,862	5,135	Bobby	2,066,073	4,186	Band	2,609,117	5,100	Lead	2,963,488	8,191	Strip	49306	3,926	(DE)	43761	11,926	(DE)	28954	30190	(ES)
4,933,976	4,937	Seam																																
4,843,024	11,912	Coatline																																
1,292,083	1,919	Sawyer																																
1,279,000	3,174	Chin																																
2,001,862	5,135	Bobby																																
2,066,073	4,186	Band																																
2,609,117	5,100	Lead																																
2,963,488	8,191	Strip																																
49306	3,926	(DE)																																
43761	11,926	(DE)																																
28954	30190	(ES)																																

Tiff format image of the front page of U.S. patent 6318362.

How can you view or print other pages?



Sections of a Utility Patent

Examine patent 6318362. Identify the sections:

- Front page
 - Bibliographic data
- Drawing(s) Sheets
- Specification
 - Background, statement of problem
 - Description, mode of use
 - Claims

11



Information on Patent Front Page

1. Who is/are the inventor(s)?
2. Was this invention assigned to a company?
3. What date did the patent issue?

12



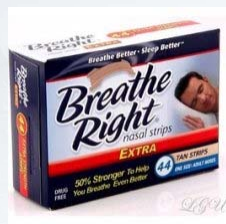
Information on Front Page, cont.

4. How many U.S. patents are cited in the “References Cited” section? How many foreign patents are cited? Is any non-patent literature cited?
5. What is a Certificate of Correction?
6. What is an *Ex Parte* Reexamination Certificate?

13



“Can you find out if there is a Patent on a product? All I have is the Trademark”



This is sold in stores under the name “Breathe Right.” Could we use this name to find its patent in the PatFT (Patents Full-Text) database?

14



“How Can I find the Patents by a Certain Inventor?”

Is the inventor listed in patent 6318632, Bruce C. Johnson, credited as the inventor on other U.S. patents?



Search

From the top right hand corner of the home page, select “Search for Patents.”

The screenshot shows the uspto.gov homepage. At the top right, there is a search bar with the text "search for patents | search | trademarks" and a "search our site" button. This search bar is circled in red. Below the search bar, there is a navigation menu with links for PATENTS, TRADEMARKS, IP LAW & POLICY, PRODUCTS & SERVICES, INVENTORS, NEWS & NOTICES, PAGES, and ABOUT US. The main content area features a news article titled "USPTO to Host Educational Public 'Roadshow' Series on America Invents Act" with a map of the United States showing dates for roadshows in various states. At the bottom, there are sections for "Our Former Home Page", "USPTO Updates Rules for Track 1", "America Invents Act Your guide", "POPULAR LINKS", and "USPTO NEWS".



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Inventor Name Search Format: Lastname-Firstname\$

Query [\[Help\]](#)

Term 1: **in Field 1:**

AND

Term 2: **in Field 2:**

Select years [\[Help\]](#)

While inventor names can be searched back to 1920, other fields are limited to 1976. \$ is a truncation symbol

18



Inventor Name Search Results

Refine Search

PAT. NO.	Title
1 D580,282	Environmental controller housing
2 D572,153	Environmental controller housing
3 6,857,221	Tip-up bobber strike indicator
4 6,318,362	Nasal dilator
5 5,653,224	Nasal dilator with areas of adhesive engagement of varying strength
6 5,611,333	Dilator with peel force reducing structure
7 5,549,103	Nasal dilator having an adhesive void to allow relative movement
8 5,533,503	Nasal dilator
9 5,533,499	Nasal dilator
10 5,476,091	Dilator for anatomical outer wall tissues which is adhesively mounted
11 4,818,589	Paint transfer article and methods of preparation and use thereof

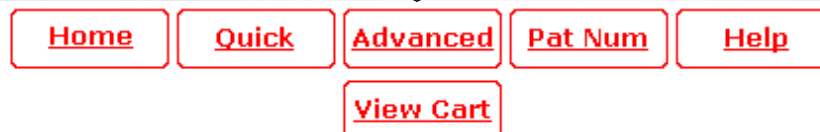
Using in/johnson-bruce-c\$ and ic/'st paul" will narrow down the search results further.

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Go to Advanced Search Form

- Now let's look at searching in PatFT using the Advanced Search Form. If you are on a Results list or HTML version of a patent, you can easily select from the red buttons, the "Advanced" button.



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Advanced Search Form

Query [\[Help\]](#)

Select Years [\[Help\]](#)

1976 to present [full-text]

Examples:
 ttl/(tennis and (racquet or racket))
 isd/1/8/2002 and motorcycle
 in/newmar-julie

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Field Code	Field Name	Field Code	Field Name
PN	Patent Number	IN	Inventor Name
ISD	Issue Date	IC	Inventor City
TTL	Title	IS	Inventor State
ABST	Abstract	ICN	Inventor Country
ACLM	Claim(s)	LREP	Attorney or Agent
SPEC	Description/Specification	AN	Assignee Name
CCL	Current US Classification	AC	Assignee City
ICL	International Classification	AS	Assignee State
APN	Application Serial Number	ACN	Assignee Country
APD	Application Date	EXP	Primary Examiner
PARN	Parent Case Information	EXA	Assistant Examiner
RLAP	Related US App. Data	REF	Referenced By

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Advanced Search Form in PatFT

- The Advanced Search Form allows you to create more complex searches.
- In this form you must type the Field Code before your Search term with a slash. The Field Codes are listed in a table with hyperlinks to more information on each code.
- For example, the field code for Assignee Name is AN. So a search for the patents where Ford Motor Company is the Assignee would be:

AN/"Ford Motor Company"

(Exact phrases should be enclosed in quotes. Field codes may be written in lower or upper case.)

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Exercise

- Using the Advanced Search Form, find the patents of inventor David Fleming. He resides in Lincoln, Nebraska.
- What are the field codes for Inventor Name, Inventor City and Inventor State?
- How must the Inventor State field code be entered?

23

Query [\[Help\]](#)
IN/Fleming-D\$ and (IC/Lincoln AND IS/NE)

Select Years [\[Help\]](#)
1976 to present [full-text] Search Reset

Examples:
ttl/(tennis and (racquet or racket))
isd/1/8/2002 and motorcycle
in/newmar-julie

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Field Code	Field Name	Field Code	Field Name
PN	Patent Number	IN	Inventor Name
ISD	Issue Date	IC	Inventor City
TTL	Title	IS	Inventor State
ABST	Abstract	ICN	Inventor Country
ACLM	Claim(s)	LREP	Attorney or Agent
SPEC	Description/Specification	AN	Assignee Name
CCL	Current US Classification	AC	Assignee City
ICL	International Classification	AS	Assignee State
APN	Application Serial Number	ACN	Assignee Country
APD	Application Date	EXP	Primary Examiner

IN/Fleming-D\$ and (IC/Lincoln and IS/NE)

24



1. He's the inventor or co-inventor on how many patents?
2. What is unusual about his patents?
3. Could you have done this search on the Quick Form?

PAT. NO.	Title
1	PP21.542 Hibiscus plant named 'Strawberry Swirl'
2	PP21.479 Hibiscus plant named 'Stardust'
3	PP21.434 Hibiscus plant named 'James Fleming'
4	PP21.392 Hibiscus plant named 'Dave Fleming'
5	PP16.669 Hibiscus plant named 'Cherub'
6	PP14.776 Hibiscus plant named 'Robert Fleming'
7	PP14.353 Crape Myrtle plant named 'Red Filli'
8	PP14.317 Crape Myrtle plant named 'Coral Filli'
9	PP14.267 Crape Myrtle plant named 'Violet Filli'
10	PP13.913 Hibiscus plant named 'Torchy'
11	PP13.884 Dianthus plant named 'Double Spotty'
12	PP13.752 Hibiscus plant named 'Eruption'
13	PP13.751 Hibiscus plant named 'Pink Comet'
14	PP13.746 Hibiscus plant named 'Dreamcatcher'
15	PP13.745 Hibiscus plant named 'Aquarian'
16	PP13.734 Hibiscus plant named 'Angelique'
17	PP13.631 Hibiscus plant named 'Fireball'
18	PP13.630 Hibiscus plant named 'Old Yella'
19	PP13.578 Dianthus plant named 'Pixie'
20	PP11.857 Hibiscus plant named 'Crown Jewels'
21	PP11.856 Euonymus fortunei plant named 'Bushel Of Gold'
22	PP11.854 Hibiscus plant named 'Plum Crazy'
23	PP11.853 Hibiscus plant named 'Fantasia'
24	PP11.011 Hibiscus plant named 'Royal Gems'
25	PP10.793 Hibiscus plant named 'Kopper King'


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“What’s the Difference between a Design Patent and a Utility Patent?”


- Compare US patents 4831735 and D302929.
- How do they differ?
- How are they similar?

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USPTO to Host Educational Public "Roadshow" Series on America Invents Act

The USPTO has planned a series of cross-country roadshows to discuss our proposed rules implementing various provisions of the America Invents Act. Look for them beginning in February.

February 24 | February 27 | March 7 | February 17 | March 3

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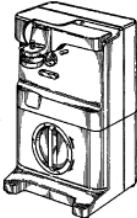
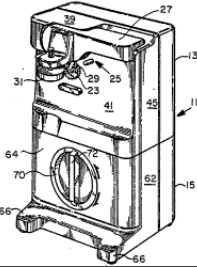
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Customize a search on all or a selected group of elements (fields) of a patent.

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- [Patent Number Search](#)

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<p>United States Patent [19] [11] Patent Number: Des. 302,929 Thomas [45] Date of Patent: Aug. 22, 1989</p> <p>[54] CAN OPENER [56] References Cited U.S. PATENT DOCUMENTS [75] Inventor: Richard K. Thomas, Elk Grove Village, Ill. D. 340,700 7/1/79 Scott et al. D4/33 3,453,213 1/1979 Yamaguchi D4/26 X</p> <p><i>Primary Examiner—Bernard Ansher</i> <i>Assistant Examiner—Terry A. Pfeiffer</i> <i>Attorney, Agent, or Firm—Neil M. Rose</i></p> <p>[57] CLAIM The ornamental design for a can opener, as shown and described.</p> <p>[58] DESCRIPTION FIG. 1 is a front, top, right side perspective view of a can opener showing my new design. FIG. 2 is a right side elevational view thereof. FIG. 3 is a left side elevational view thereof. FIG. 4 is a front, top, left side perspective view thereof. FIG. 5 is a top plan view thereof, and FIG. 6 is a bottom plan view thereof.</p> <p>[21] Appl. No.: 34,318</p> <p>[22] Filed: Apr. 3, 1987 [23] U.S. Cl. D8/25, D8/24, D8/36, 33-35 [24] Field of Search 30/400, 410, 416, 421-426</p>	<p>United States Patent [19] [11] Patent Number: 4,831,735 Bast et al. [45] Date of Patent: May 23, 1989</p> <p>[54] ADJUSTMENT HEIGHT CAN OPENER [75] Inventors: Emerson A. Bast, West Chicago; Richard K. Thomas, Elk Grove Village, both of Ill. [73] Assignee: Sunbeam Corporation, Downers Grove, Ill. [21] Appl. No.: 93,428 [22] Filed: Sep. 4, 1987 [51] Int. Cl. B67D 7/78; B67D 7/82 [52] U.S. Cl. 30/433; 30/410; 30/415; 30/424; 30/426 [58] Field of Search 30/400, 408, 410, 416, 30/433, 434, 436, 448, 424, 426</p> <p>[56] References Cited U.S. PATENT DOCUMENTS 528,371 10/1894 Keller 30/433</p> <p>781,112 12/1956 Church et al. 30/433 2,579,189 12/1951 Jones 30/410 2,579,912 12/1951 Donnelly 30/448 3,002,274 10/1961 Lopez et al. 30/410 3,348,305 10/1967 Bickel 30/410 4,561,182 12/1985 Yamamoto et al. 30/433</p> <p><i>Primary Examiner—Frank T. Yost</i> <i>Assistant Examiner—Michael D. Folkerts</i> <i>Attorney, Agent, or Firm—Neil M. Rose</i></p> <p>[57] ABSTRACT An electrically operated portable can opener being adjustable in height to enable opening various size cans, the can opener having a primary housing which is partially received within a secondary base housing with a rotary cam serving to control the raising and lowering of the primary housing with respect to the base housing.</p> <p>11 Claims, 2 Drawing Sheets</p>
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Preliminary U.S. Patent Search

A preliminary U.S. patent search is ideally a classification search of granted U.S. patents and published U.S. patent applications conducted to determine patentability of an invention.

It should be supplemented with a keyword search, though there are definite pitfalls associated with relying on a keyword search only.



Keyword Search Problems

Keyword Searchers may not Anticipate :

Vague or inconsistent terminology used in patents:

“Toy and Process of Use” (Patent 2,415,012)

Obsolete names and terms:

“LP”... “hi-fi”... “airship”... “water closet”.. “party line telephone”

Different meanings in different fields:

“Mouse” the Animal v. Computer “Mouse”

Synonyms:

Rodent Extermination Device
(Patent 5,185,953)



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Problems with Relying on Keyword Searching, continued

Keyword Searchers may not anticipate:

- **Some text may have British English spellings:**
 - colour v. color
 - tyre v. tire
- **Spelling errors and variations in the text:**
 - repellant v. repellent
 - three wheeled v. tri-wheeled
- **Acronyms and abbreviations may/may not be used:**
 - LED, light emitting diode
 - PDA, personal digital assistant

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And the Biggest Problem with Keyword Searching...

USPTO patent web databases limit keyword searching to no further back than 1976.

1976

But searching by U.S. Patent Classification can cover patents issued prior to 1976—all the way to 1790.

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U.S. Patent Classification

- There are currently >450 classes and >150,000 subclasses in the U.S. Patent Classification System (USPC)
- Fortunately, there is an online Index to USPC.

Some USPC Classes...

	Class Number and Title
<input type="button" value="Go"/>	002 Apparel
<input type="button" value="Go"/>	004 Baths, closets, sinks, and spittoons
<input type="button" value="Go"/>	005 Beds
<input type="button" value="Go"/>	007 Compound tools
<input type="button" value="Go"/>	008 Bleaching and dyeing; fluid treatment and chemical modification of fibers
<input type="button" value="Go"/>	012 Boot and shoe making
<input type="button" value="Go"/>	014 Bridges
<input type="button" value="Go"/>	015 Brushing, scrubbing, and general cleaning
<input type="button" value="Go"/>	016 Miscellaneous hardware
<input type="button" value="Go"/>	019 Textiles: fiber preparation
<input type="button" value="Go"/>	023 Chemistry: physical processes

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Cooperative Patent Classification

- Arriving for U.S. patents on January 1, 2013.
- As USPTO website search aids for CPC are introduced, we will promote them to our PTRCs.
- U.S. Patent Classification, however, will also appear on U.S. utility patents for two additional years.
- U.S. design patents and plant patents will remain using USPC and will not use CPC.



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Don't Exclude Keyword Searches

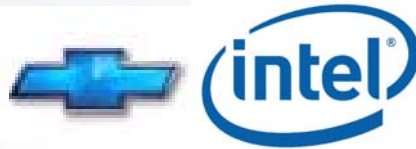
- Keyword searches should supplement U.S. Patent Classification searches so searches can be as thorough as possible
- Group together synonyms to increase chances of finding relevant patents e.g., (car or automobile or auto or "land motor vehicle")
- Use truncation symbols to get singular and plural versions of a word (vehicle\$)
- Use quotes to group search phrases where words are adjacent ("image viewer")

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“What is a Trademark?”

Any Word, Name, Symbol, Device (or any combination thereof) used to identify and distinguish goods or services and to indicate their source.



8/15/2012

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Number One Mistake People Make in Trademark Searching

- *Many assume that all they have to do is search for the **exact spelling** of the trademark they seek to register.*
- *They think that if the mark does not appear in the USPTO's trademark database, they'll get a registration for their mark.*

8/15/2012

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Why is this a Potential Pitfall?

- If there is a registered U.S. trademark or prior-filed application for a mark that is **not spelled exactly like** your mark but **similar** in sound, appearance, meaning or commercial impression, and used in connection with related goods and/or services, then the trademark will be refused registration.
 - ***Why? It is likely that consumers would be confused by similar trademarks for the same or related goods and/or services.***

8/15/2012

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Likelihood of Confusion Analysis

- **“Would customers be likely to believe in error that the goods and/or services come from the same source?”**
- If “yes,” then the TM examining attorney will refuse registration of the applicant’s trademark.

8/15/2012

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Hypothetical Example:



CANDIE CONES for “candy”

vs

KANDI KONZ for “gum”

- likely that consumers would be confused by similar trademarks for the same or related goods

8/15/2012

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But, if the goods are not related...



8/15/2012

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“Can I Look Up a Trademark for a Product?”

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Word Mark Search Using Basic Form

View Search History:



Plural and Singular Singular

Live and Dead Live Dead

Search Term:

"breathe right"

Field:

Combined Word Mark (BI, TI, MP, TL) ▼

Result Must Contain:

All Search Terms (AND) ▼

- Use quotation marks for exact matches.

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Start List At: OR Jump to record: **19 Records(s) found**

Refine Search ("breathe right")[COMB]

Current Search: ("breathe right")[COMB] docs: 19 occ: 42

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85120744	4119246	IT'S YOUR RIGHT TO BREATHE RIGHT	TARR	LIVE
2	85110344		IT'S MY RIGHT TO BREATHE RIGHT	TARR	DEAD
3	78961893	3258606	BREATHE RIGHT	TARR	LIVE
4	78655216	3234972	BREATHE RIGHT	TARR	LIVE
5	78563637	3070657	BREATHERRIGHT	TARR	LIVE
6	77502905	3687139	BREATHE RIGHT	TARR	LIVE
7	77500779	3764206	BREATHE RIGHT EXTRA	TARR	LIVE
8	76110823	2602291	BREATHE RIGHT	TARR	DEAD
9	76110821	2560267	BREATHE RIGHT	TARR	DEAD
10	76110455		BREATHE RIGHT	TARR	DEAD
11	76050114		BREATHE RIGHT. RIGHT NOW.	TARR	DEAD
12	75801385	2594947	BREATHE RIGHT. RIGHT NOW.	TARR	DEAD
13	75743068	2688927	BREATHE RIGHT	TARR	DEAD
14	75519153		BREATHE RIGHT	TARR	DEAD
15	75360339		BREATHE RIGHT. SLEEP TIGHT.	TARR	DEAD
16	75232619		BREATHE RIGHT NUTRITIONALS	TARR	DEAD
17	74726332	1993540	BREATHE RIGHT	TARR	DEAD
18	74725674	1993530	BREATHE RIGHT	TARR	DEAD
19	74243588	1832071	BREATHE RIGHT	TARR	DEAD

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TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

BREATHE RIGHT

Word Mark BREATHE RIGHT
Goods and Services IC 010. US 026 039 044. G & S: external nasal dilator. FIRST USE: 19931019. FIRST USE IN COMMERCE: 19931022
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78961893
Filing Date August 28, 2006
Current Basis 1A
Original Filing Basis 1A
Published for Opposition April 17, 2007
Registration Number 3258606
Registration Date July 3, 2007
Owner (REGISTRANT) CNS, Inc. CORPORATION DELAWARE 7615 Smetana Lane Eden Prairie MINNESOTA 55344
(LAST LISTED OWNER) GLAXOSMITHKLINE LLC LIMITED LIABILITY COMPANY DELAWARE 2711 Centerville Road, DELAWARE 19808
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Terence A. Dixon
Prior Registrations 1993540,2594947
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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“How can I find the trademarks owned by a company?”

Select A Search Option

▶ **Basic Word Mark Search (New User)**

This option cannot be used to search design marks.

▶ **Word and/or Design Mark Search (Structured)**

This option is used to search word and/or design marks. **NOTE:** You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.

▶ **Word and/or Design Mark Search (Free Form)**

This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. **NOTE:** You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.

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Records Returned: Plurals: [Quick Tips](#)

Search Term: Field: Operator

Search Term: Field:

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Start List At: OR Jump to record: **885 Records(s) found**

Refine Search (GLAXOSMITHKLINE)[OW]

Current Search: (GLAXOSMITHKLINE)[OW] docs: 885 occ: 896

	Serial Number	Reg. Number	Word Mark
1	85510276		PRIORIX
2	85473078		NIGHT NOSE
3	85471691		BARIEZA
4	85107220	4136226	WEALTH OF ORAL HEALTH
5	85094468		SENSODYNE RAPID RELIEF
6	85510272		ZOBACTRIX
7	85510270		ZURFLURIX
8	85485818		MENSERIX
9	85485814		MENZORIX
10	85485812		NEIHIBRIX
11	85475156		FLUTOLORIX
12	85164621		U DECIDE
13	85267693	4041557	THE ASPIRIN REGIMEN THAT'S SMART FOR YOUR HEART
14	85142145		INTELLIGENT TOOTHPASTE
15	85583757		PUMARIX

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“Why should I conduct a trademark search before I apply? Won't the USPTO conduct a search?”

- **Detection**
 - Determine whether a conflict exists with registered marks or a potential conflict with pending applied-for marks
- **Protection**
 - The trademark owner has the duty to defend its trademark from infringing marks.

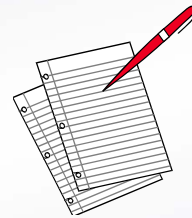
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“How Much Does It Cost to Apply for a Trademark?”

www.uspto.gov/web/offices/ac/qs/ope/fee092611.htm#tm

- Paper (\$375 per International Class of goods/services)



- Electronic via Trademark Electronic Filing System (TEAS) at www.uspto.gov (\$325 per International Class or \$275 per class for TEASPLUS per International Class)



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International Classification of Goods and Services

- There 34 broad classes of Goods and 11 classes of Services.
- For a short title listing see the back of your *Basic Facts about Trademarks* booklet.
- Chapter 1400 of the online *Trademark Manual of Examining Procedure* provides a more detailed listing.

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Application Requirements



- Name and Address of Applicant
- Clear Drawing/Depiction of the Mark
- Listing of the Goods or Services
- One mark for each application
- Filing fee - \$275/325/375 (TEAS Plus electronic/TEAS electronic/paper) per International Class of goods or services

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“Where Can I Find More Information on How to Apply?”

uspto.gov

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The United States Patent and Trademark Office
an agency of the Department of Commerce

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Trademarks Home

What is a trademark or service mark?

A trademark is a brand name. A trademark or service mark includes any word, name, symbol, device, or any combination, used or intended to be used to identify and distinguish the goods/services of one seller or provider from those of others, and to indicate the source of the goods/services. Although federal registration of a mark is not mandatory, it has several advantages, including notice to the public of the registrant's claim of ownership of the mark, legal presumption of ownership nationwide, and exclusive right to use the mark on or in connection with the goods/services listed in the registration.

WARNING: NON-USPTO SOLICITATIONS MAY RESEMBLE OFFICIAL USPTO COMMUNICATIONS: Be aware that private companies **not** associated with the USPTO often use trademark application and registration information from the USPTO's databases to **mail or e-mail trademark-related solicitations.**

First-Time Filers, Start Here

TRADEMARK BASICS View How-To Videos, FAQs, the Basic Facts Booklet, processing timelines and the ID Manual.

Tools

TESS search trademarks Search pending and registered marks using the **Trademark Electronic Search System (TESS)**.

TEAS file forms online File applications and other documents online using the **Trademark Electronic Application System (TEAS)**.


Highlights


FACTS
 BASIC FACTS ABOUT TRADEMARKS

TMIN
 TRADEMARK INFORMATION NETWORK

TMRTD
 TRADEMARK REGISTRATION TIMELINES

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 **Trademark Information Network Videos**



"Introduction to the USPTO and Trademark Basics"
"Before You File"
"Searching"
"Applicant Information"
"Drawing Issues"
"Goods and Services"
"Filing Basis Information"
"Specimen"
"After You File"
"Post-Registration Issues"
"Counterfeit Goods: What's the Harm?"

www.uspto.gov/trademarks/process/TMIN.jsp

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Federal Trademark Search Exercises

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The United States Patent and Trademark Office
an agency of the Department of Commerce

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TESS: Trademark Electronic Search System

Select A Search Option

▶ **Basic Word Mark Search (New User)**

This option cannot be used to search design marks.

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Select A Search Option

- ▶ **Basic Word Mark Search (New User)**
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- ▶ **Word and/or Design Mark Search (Free Form)**
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Basic Word Mark Search Exercise

Plural and Singular Singular
 Live and Dead Live Dead

Search Term:

Field:

Result Must Contain:

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Start List At: OR Jump to record: **140 Records(s) found (This page: 1 ~**

Refine Search

Current Search: S1: docs: 140 occ: 307

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead	
1	85423162	4153316	MY STARBUCKS REWARDS	TARR	LIVE
2	85371320		STARBUCKS VIA	TARR	LIVE
3	85593667		STARBUCKS XTREME	TARR	LIVE
4	85593639		STARBUCKS EXTREME	TARR	LIVE
5	85592097		STARBUCKS RESERVE	TARR	LIVE
6	85592096		R	TARR	LIVE
7	85110198		STARBUCKS COFFEE	TARR	DEAD
8	85090198		STARBUCKS REFRESHERS	TARR	LIVE
9	85110191		STARBUCKS	TARR	LIVE
10	85123958		STARBUCKS VIA	TARR	LIVE
11	85422395		STARBUCKS WILLOW BLEND	TARR	LIVE
12	85308270	4073699	STARBUCKS TRIBUTE BLEND	TARR	LIVE
13	85099609	4017035	STARBUCKS RESERVE	TARR	LIVE
14	85230124		STARBUCKS TRIBUTE BLEND	TARR	DEAD
15	85029981	3907157	STARBUCKS COFFEE	TARR	LIVE

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Select A Search Option

- ▶ **Basic Word Mark Search (New User)**
This option cannot be used to search design marks.
- ▶ **Word and/or Design Mark Search (Structured)**
This option is used to search word and/or design marks. NOTE: You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.
- ▶ **Word and/or Design Mark Search (Free Form)**
This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. NOTE: You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.

Structured Mark Search Exercise

Search Term: Field: Operator

Search Term: Field:

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Start OR to record: **128 Records(s) found (This page:**

Refine Search

Current Search: S2: [\(dell\)\[BI\] and \(Texas\)\[OW\]](#) docs: 128 occ: 311

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1		DELL TECH CONCIERGE	TARR	LIVE
2		DELL	TARR	LIVE
3		DELL SECUREWORKS COUNTER THREAT PLATFORM	TARR	LIVE
4		MARKETVINE BY DELL	TARR	LIVE
5		DELL CHILDREN'S MEDICAL CENTER OF CENTRAL TEXAS	TARR	DEAD
6		DELL WORLD	TARR	LIVE
7		"PRAIRIE DELL MEAT COMPANY"	TARR	DEAD
8	4085164	DELL VENUE	TARR	LIVE
9		DELL STAGE	TARR	LIVE
10		DELL STUDIO	TARR	DEAD
11		DELL STAGE	TARR	DEAD
12		PURE DELL	TARR	DEAD
13	3215023	DELL	TARR	LIVE
14		DELL DITTY	TARR	DEAD

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Select A Search Option

- ▶ **Basic Word Mark Search (New User)**
This option cannot be used to search design marks.
- ▶ **Word and/or Design Mark Search (Structured)**
This option is used to search word and/or design marks. NOTE: You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.
- ▶ **Word and/or Design Mark Search (Free Form)**
This option allows you to construct word and/or design searches using Boolean logic and multiple search fields. NOTE: You must first use the [Design Search Code Manual](#) to look up the relevant Design Codes.

Free Form Mark Search Exercise

Search Term:

Please logout when you are done to release system resources allocated for you.

US Trademark Field Codes

Code & Name	Code & Name	Code & Name
[AD] Abandonment Date	[IC] International Class	[RD] Registration Date
[AF] Affidavits	[IR] International Registration Number	[RE] Renewals
[AR] Assignment Recorded	[LD] Live/Dead	[RG] Register
[AT] Attorney of Record	[MD] Mark Drawing Code	[RN] Registration Number
[BI] Basic Index	[MI] Mark Index	[SF] Section 44 Indicator
[CB] Current Filing Basis	[MN] Mark Non-Punctuated	[SD] Single Design Code
[CC] Coordinated Class	[MP] Mark Punctuated/Word Mark	[SN] Serial Number
[CD] Cancellation Date	[OB] Original Filing Basis	[SO] Serial - Other Formats
[CR] Change in Registration	[OD] Other Data	[ST] Standard Characters Claimed
[DC] Design Search Code	[ON] Owner Name	[SR] Supplemental Register Date
[DD] Design Description	[OW] Owner Name and Address	[TC] Trademark Search Facility Classification 1-31-11
[DE] Description of Mark	[PD] Priority Date	[TD] Total Designs
[DM] Decimal Mark	[PF] Physical Filing Date	[TF] Distinctiveness Limitation Statement
[DS] Disclaimer	[PO] Published for Opposition	[TI] Translation Index
[FD] Filing Date	[PM] Pseudo Mark	[TL] Translation
		[TM] Type of Mark

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Start List At: OR to record: **37 Records(s) found (This page)**

Refine Search

Current Search: S3: [\(dell\)\[BI\] and \(Texas\)\[OW\] and \("Round Rock"\)\[OW\] and live \[LD\]](#) docs: 37 occ: 167

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85426777	DELL TECH CONCIERGE	TARR	LIVE
2	85564988	DELL	TARR	LIVE
3	85430139	DELL SECUREWORKS COUNTER THREAT PLATFORM	TARR	LIVE
4	85588031	MARKETVINE BY DELL	TARR	LIVE
5	85356178	DELL WORLD	TARR	LIVE
6	85267885	4085164 DELL VENUE	TARR	LIVE
7	85387327	DELL STAGE	TARR	LIVE
8	78717252	3215023 DELL	TARR	LIVE
9	78683196	3082874 DELL DJ DITTY	TARR	LIVE
10	78640958	3082853 DELL DJ	TARR	LIVE
11	78599271	3184758 DELL CAMPUS ARCHITECTURE	TARR	LIVE
12	78599119	3209676 DELL SCHOOL ARCHITECTURE	TARR	LIVE
13	78388186	2957211 YOU KNOW BETTER, DELL KNOWS HOW	TARR	LIVE
14	78234058	2806770 DELL	TARR	LIVE

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 - Inventors Assistance Center
 - Trademark Assistance Center

PTRC patent & trademark resource centers