



IP for Entrepreneurs

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Background :: Jeffrey Schox, Esq.

- Patent Attorney for 10+ years
- Filed 250+ patent applications
- Clients receive funding from top VC firms
- Engineer with ME and EE degrees
- Lecturer at Stanford Law School
- Inventor on five patent applications
- Angel Investor with Keiretsu Forum

Question: What Intellectual Property rights could protect an insulating sleeve for a disposable coffee cup?



Answer: All four IP rights

- **Trade Secret law** (curing temperature?)
- **Copyright law** (the Siren?)
- **Trademark law** (U.S. Reg. No. 1,542,775)
- **Patent law** (U.S. Pat. No. 5,205,473)

Coverage and Costs

- **Trade Secret law** (“know-how”)..... “free”
- **Copyright law** (software)\$250
- **Trademark law** (brands) \$2,500
- **Patent law** (inventions) \$25,000

Question: Of the four IP rights:

- **Trade Secret law**
- **Copyright law**
- **Trademark law**
- **Patent law**

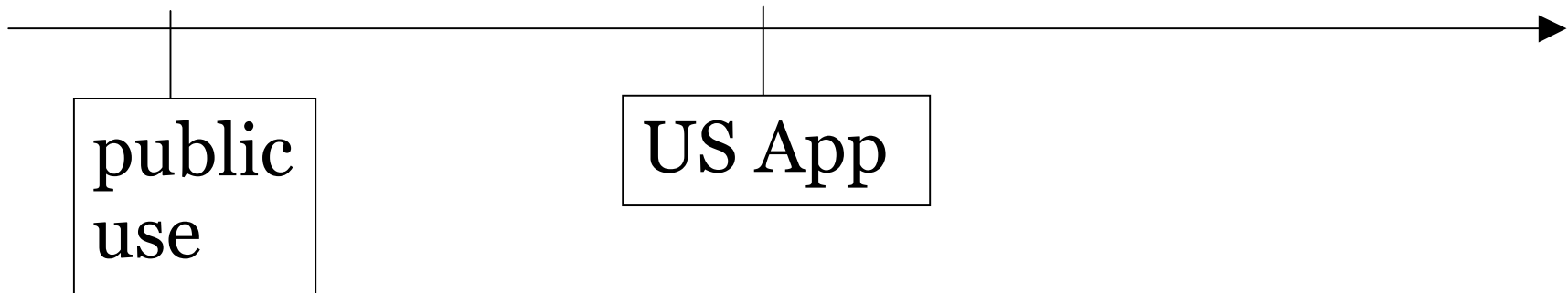
what requires an *early pursuit* or is *easily lost*?

Answer: Patents

An inventor is entitled to a patent *unless* the invention was:

- 1) patented or described in a *printed publication* anywhere in the world, or
- 2) in *public use* or *on sale* in the United States, more than one year prior to the filing date of the patent application.... (35 U.S.C. 102b).

Okay (no foreign rights, strong link)



Ideal (foreign rights preserved, strong link)



Biggest Misunderstanding of Patent Law

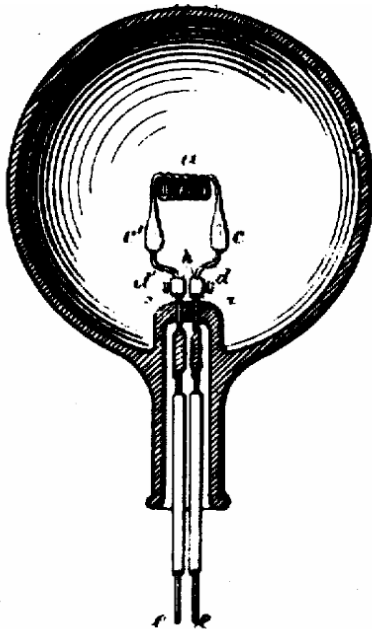
The relationship between:

- (a) the patentability of an invention, and
- (b) the infringement of a patent.

Question: Who can make a frosted light bulb?

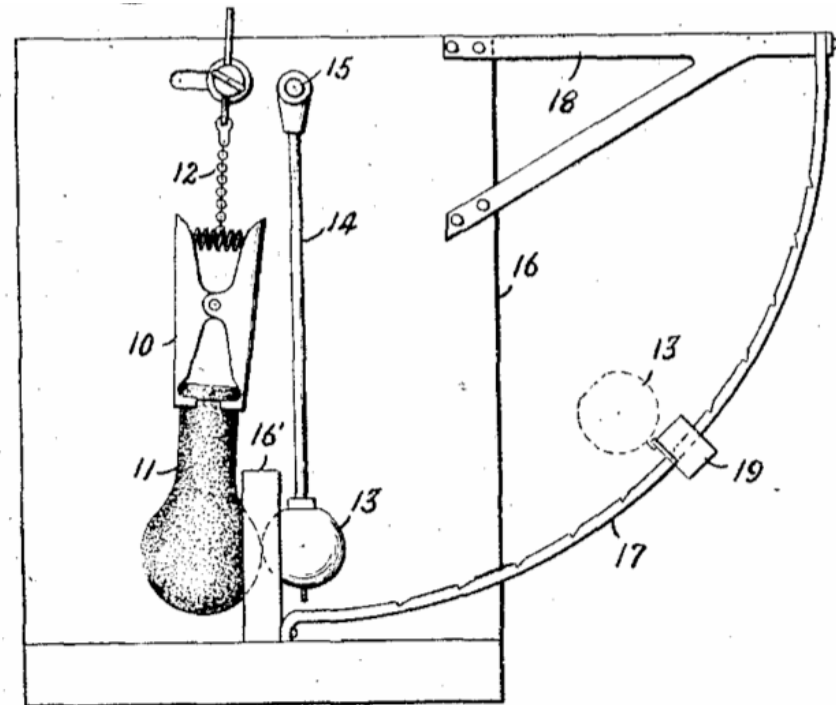
Pat. No. 223,898

Edison
Electric-lamp



Pat. No. 1,687,510

Pipkin
Frosted Bulbs



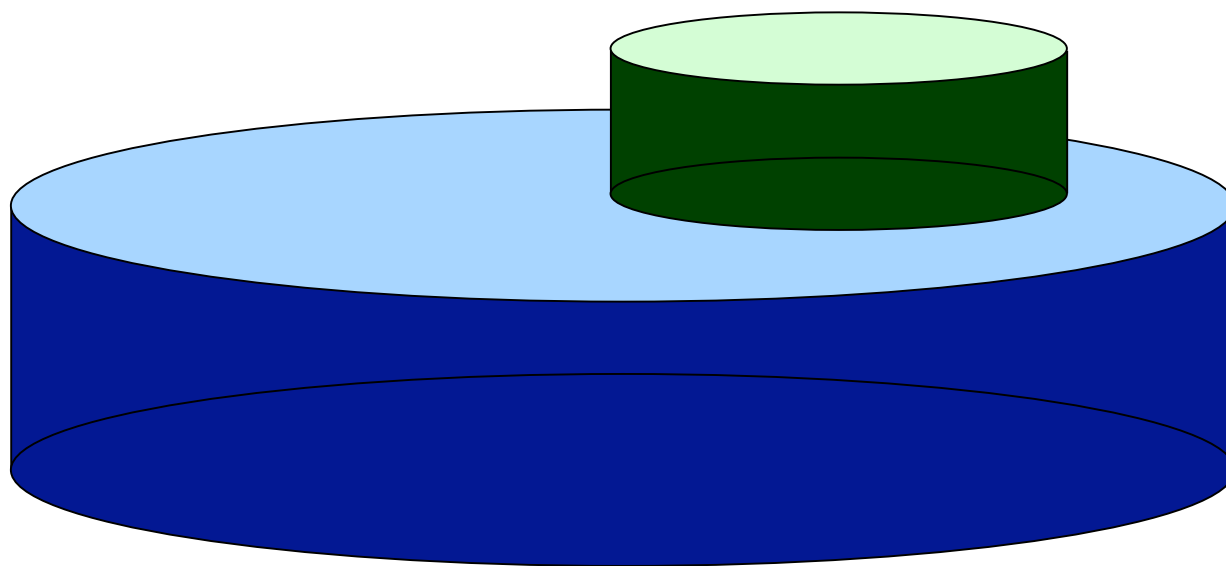
Answer: No one can.

An invention may be *patentable* if it can be distinguished from previous inventions.

A product may *infringe* an existing patent if it contains all of the elements of a single claim of the patent.

These two issues are *independent of each other*.

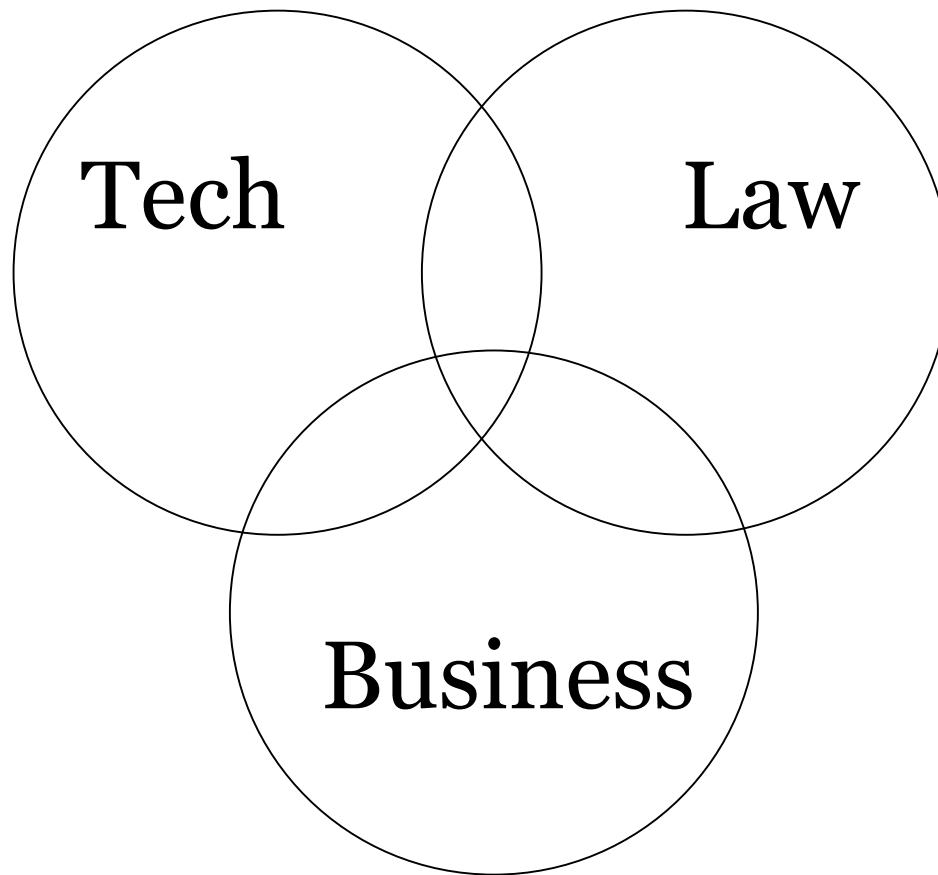
Patentability and Infringement



What do investors want to hear?

1. You have taken steps to protect your intellectual property (e.g., you have filed a provisional application).
2. You have researched the patents of your main competitors and discussed the most relevant patents with a patent attorney.

How to choose a Patent Attorney





Thank You.

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