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# TOP TEN COMMON IP MISTAKES YOU CAN AVOID

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## Contents

We'll discuss issues related to:

1. Timely filing for patent applications and patent searching
2. Using the internet for copyrighted content and drafting agreements
3. NDAs and employee/contractor agreements
4. Trademark prosecution and functionality including domains

Bonus:

IP Territoriality

Distinctiveness in a culture of copying

Cost of cutting corners

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## Fail to timely file a patent application on your invention

- What do the sharks often ask?

- Do you have a patent?

- New products, new services, new features, new GUIs, etc.

- 35 U.S.C. §102(a):

**(a) Novelty: Prior Art.** – A person shall be entitled to a patent unless--

- (1) The claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or
- (2) The claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

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## Fail to timely file a patent application on your invention (cont'd)

**(b) Exceptions.—**

**(1) Disclosures made 1 year or less before the effective filing date of the claimed invention.**—A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if—

- **(A)** the disclosure was made by the inventor or joint inventor or by another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or
- **(B)** the subject matter disclosed had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or another who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

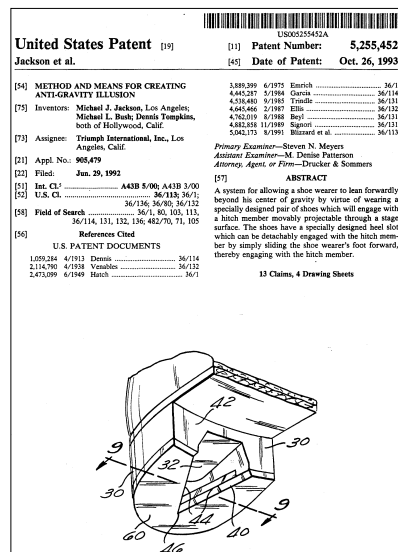
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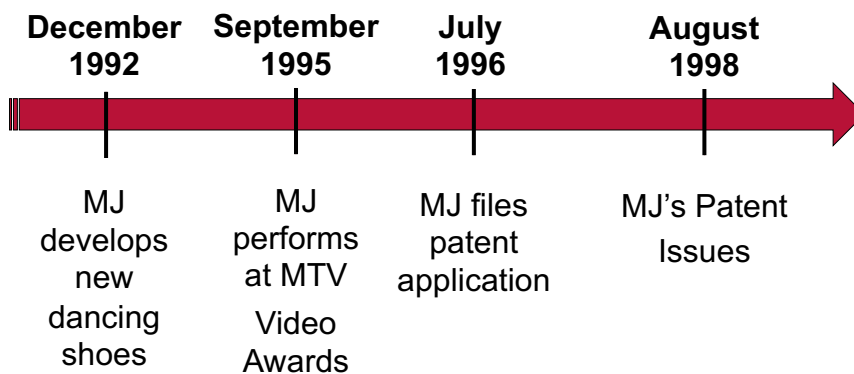
## Timing Example

Method and Means for  
Creating Anti-Gravity  
Illusion

US Pat. No. 5,255,452  
to Jackson et al.



## Timing Example (Cont'd)



Is MJ's patent valid?

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## Title search: Top Ten Common IP Mistakes You Can Avoid

Also available as part of the eCourse

[2023 Technology Law eConference](#)

First appeared as part of the conference materials for the

36<sup>th</sup> Annual Technology Law Conference session

"Common IP Pitfalls and How to Avoid Them"