

INTELLECTUAL PROPERTY AND SPONSORED RESEARCH

PATENTS, COPYRIGHTS AND TRADEMARKS
OH MY

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Brookhaven Science Associates
U.S. Department of Energy



INTELLECTUAL PROPERTY AND SPONSORED RESEARCH

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OIP PROFESSIONAL STAFF

<u>Staff Member</u>	<u>Technical Background</u>	<u>Professional/Industrial Background</u>
<u>Patenting & Licensing</u>		
Margaret C. Bogosian, J.D. Patent Attorney	Biochemistry/ Pharmacology	Hoffmann-LaRoche, Inc.
Lori-Anne Neiger, J.D. Patent Attorney	Physics	Large West Coast IP Law Firm
Christine Brakel, Ph.D. Patent Agent	Molecular Biology/ Chemistry	ENZO Biochem, Inc.
<u>Work for Others</u>		
Thomas Murphy, MBA	Research Management	Director, University Sponsored Research Programs
Michiko Miura, Ph.D.	Chemistry	Academic Medical Research

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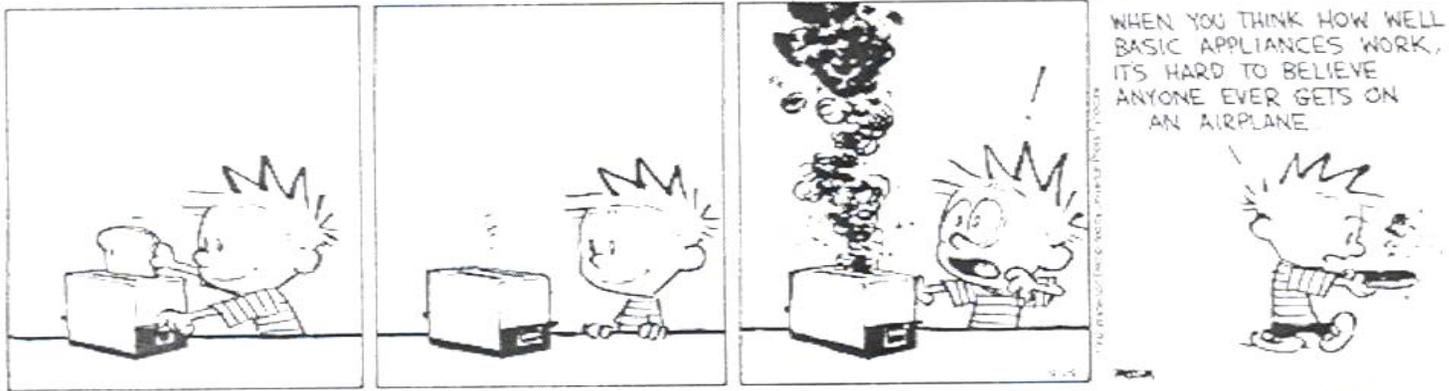
QUESTIONS ONE MIGHT ASK

- What do I do if I
 - have a good idea for an invention?
 - Patent
 - want to work with a partner (university/industry)?
 - CRADA, WFO, Sponsored Research
 - wrote some software?
 - Copyright, OSS
 - do not know what to do?
 - Misc – User Agreements, NDAs, etc.

WHAT DO I DO IF I HAVE A GOOD IDEA?

- PATENTS
 - Background
 - Types of Patents
 - what do I do??
 - Licensing

Calvin and Hobbes by Bill Watterson



WHY PATENT?

U.S. Constitution Article 1, Section 8, Clause 8 states:

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

WHY DO TECHNOLOGY TRANSFER?



Results of Government funded research can:

- Enhance the competitive position of U.S. Industry
- Apply to issues of National Need and Security
- Improve the quality of Life and Economic well-being of the U.S. taxpayer

PATENTS

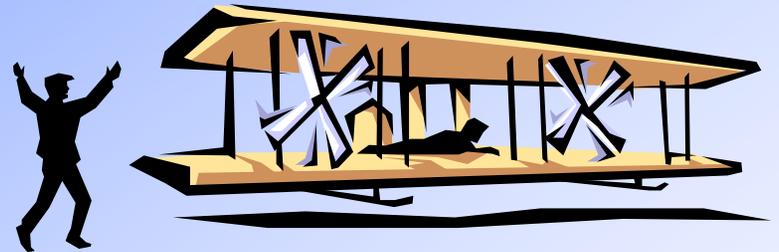
Patents provide exclusive rights to make, use, import, sell and offer for sale the invention for up to 20 years



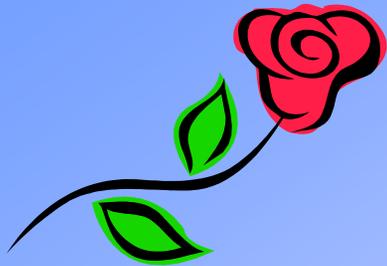
WHAT CAN BE PATENTED?

Three types of Patents:

1. Utility Patents;
2. Plants Patents; and
3. Design patents.



PLANT PATENTS



Granted for invented or discovered, asexually reproduced plant varieties.

Examples: Hybrid tea roses, Silver Queen corn, Better Boy tomatoes.



(12) **United States Plant Patent**
Zary

(10) **Patent No.:** **US PP14,863 P2**
(45) **Date of Patent:** **Jun. 1, 2004**

(54) **MINIATURE ROSE PLANT NAMED**
'JACPOSUN'

(50) Latin Name: *Rosa hybrida*
Varietal Denomination: **JACposun**

(75) Inventor: **Keith W. Zary**, Thousand Oaks, CA
(US)

(73) Assignee: **Jackson & Perkins Wholesale, Inc.**,
Medford, OH (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.: **10/300,569**

(22) Filed: **Nov. 19, 2002**

(51) **Int. Cl.**⁷ **A01H 5/00**

(52) **U.S. Cl.** **Plt./118**

(58) **Field of Search** Plt./117, 118, 116,
Plt./125

Primary Examiner—June Hwu

(74) *Attorney, Agent, or Firm*—Klarquist Sparkman, LLP

(57) **ABSTRACT**

Miniature rose plant having a high petal count and stable
light yellow color of its flowers; its high-centered bud form,
ease of rooting cuttings and long shelf life as a pot rose.

1 Drawing Sheet

1

Genus and species: *Rosa hybrida*.
Variety denomination: 'JACposun'.

SUMMARY OF THE INVENTION

The present invention relates to a new and distinct variety
of miniature rose plant named 'JACposun' which was origi-
nated by me by crossing an unnamed seedling with an
unnamed seedling.

BACKGROUND OF THE INVENTION

The primary objective of this breeding was to produce a
new yellow pot rose variety having the long shelf life, high
petal count and compact size of the bright, yellow miniature
female combined with the high-centered bud form and ease
of rooting of the pale yellow, miniature male.

BRIEF SUMMARY OF THE INVENTION

The objective was substantially achieved, along with
other desirable improvements, as evidenced by the follow-
ing unique combination of characteristics that are outstand-
ing in the new variety and that distinguish it from its parents.

2

Comparison with Similar Variety

Easter Parade (unpatented) with salmon pink flowers is
the most similar known variety but 'JACposun's' flowers are
of a pale yellow, it presents more clusters, and its cuttings
are easier to root.

BRIEF DESCRIPTION OF THE ILLUSTRATION

The accompanying illustration shows typical specimens
of the vegetative growth and flowers of this new variety in
different stages of development, depicted in color as nearly
true as it is reasonably possible to make the same in a color
illustration of this character.

DETAILED BOTANICAL DESCRIPTION

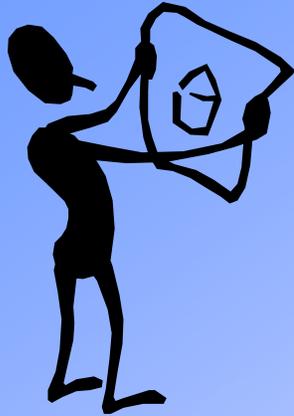
The following is a detailed description of my new rose
cultivar with color descriptions using terminology in accor-
dance with The Royal Horticultural Society (London)
Colour Chart (1966), except where ordinary dictionary sig-
nificance of color is indicated.

Parentage:

Seed parent—Unnamed seedling (unpatented)



DESIGN PATENTS



Granted for new, original, and ornamental designs for articles of manufacture.

Examples: The look of an athletic shoe, a bicycle helmet, and the Star Wars characters.

[54] TOY FIGURE

[75] Inventors: **George W. Lucas, Jr., San Anselmo; Ralph McQuarrie, Berkeley; Joseph E. Johnston, Fairfax, all of Calif.**

[73] Assignee: **Lucasfilm Ltd., San Rafael, Calif.**

[**] Term: **14 Years**

[21] Appl. No.: **141,462**

[22] Filed: **Apr. 18, 1980**

[51] Int. Cl. **D21-01**

[52] U.S. Cl. **D21/178; D21/177**

[58] Field of Search **D21/171, 177, 178, 150**

[56]

References Cited

PUBLICATIONS

FAO Schwartz, Spring-Summer, 1978, p. 13, Star Wars figures, top left figure and bottom right figure.

Primary Examiner—Melvin B. Feifer
Attorney, Agent, or Firm—Townsend and Townsend

[57]

CLAIM

The ornamental design for a toy figure, substantially as shown.

DESCRIPTION

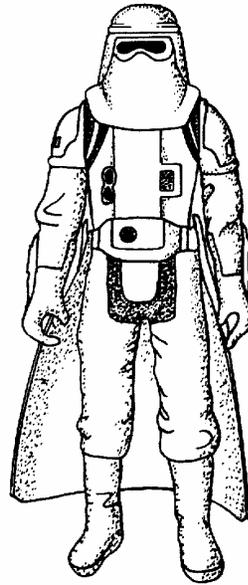
FIG. 1 is a front elevational view of a toy figure illustrating the new design;

FIG. 2 is a left side elevational view thereof;

FIG. 3 is a back side elevational view thereof;

FIG. 4 is a right side elevational view thereof;

FIG. 5 is a top plan view thereof.

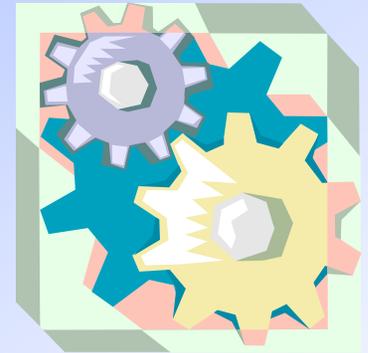


UTILITY PATENTS

Granted for:

Novel, Useful, and Nonobvious

machines, articles of manufactures,
compositions of matter,
processes or
any new or useful improvement of these.



NOVEL

NOVEL = = NOT KNOWN BY THE PUBLIC

An invention will NOT be patentable if:

- the invention was known to the public before it was "invented" by the individual seeking patent protection;
- the invention was described in a publication more than one year prior to the filing date; or
- the invention was used publicly, or offered for sale to the public more than one year prior to the filing date.



PUBLICATION



PUBLICATION = LOSS OF FOREIGN RIGHTS

> 1 YEAR = LOSS OF US RIGHTS

Grace Period:

The United States grants a one year grace period for publications, MOST countries do not grant such a period

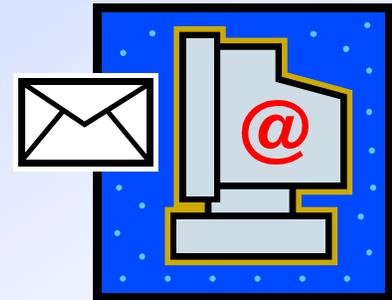
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PUBLIC DISCLOSURES

- Talks
- Publication
- Email
- Used in public
- Offers for sale

- Exception: experimental use



NOVELTY

TIP TO MEET NOVELTY REQUIREMENT

FILE, FILE, FILE!!!!

it is preferable to file a patent application before
ANY public disclosure of the invention

USEFUL

USEFUL:

useful purpose;
be operable; and
be of some benefit to society.

NONOBVIOUS

Is the invention obvious

"to one of ordinary skill in the art?"



The invention is compared to the prior art and the Patent Office determines whether the differences in the new invention would have been obvious to a person having ordinary skill in the type of technology used in the invention.

PATENT SECTIONS

An application must include:

a specification, including a description and claims;

an oath or declaration identifying the applicant(s) believing to be the original inventor(s);

a drawing when necessary;

and the filing fee.



PATENT EXAMPLES

Brookhaven Science Associates
U.S. Department of Energy



(12) **United States Patent**
Dioumaev et al.

(10) **Patent No.: US 6,737,531 B1**
(45) **Date of Patent: May 18, 2004**

- (54) **CATALYSTS FOR HYDROGENATION AND HYDROSILYLATION, METHODS OF MAKING AND USING THE SAME**
- (75) Inventors: **Vladimir K. Dioumaev**, Coram, NY (US); **R. Morris Bullock**, Wading River, NY (US)
- (73) Assignee: **Brookhaven Science Associates, LLC**, Upton, NY (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 3 days.
- (21) Appl. No.: **10/320,954**
- (22) Filed: **Dec. 17, 2002**
- (51) **Int. Cl.**⁷ **C07F 11/00**; C07F 7/04; B01J 31/00; C07C 29/14
- (52) **U.S. Cl.** **548/101**; 502/152; 502/155; 556/59; 556/470; 556/482; 568/809; 568/814; 568/881
- (58) **Field of Search** 548/101; 556/59; 556/470, 482; 568/809, 814, 881; 502/152, 156
- (56) **References Cited**

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- Schmidt, T., "Molybdenum Oxidation Catalysts for the Chemoselective Hydrosilylation of α,β -Unsaturated Ketones and Aldehydes," *Tetrahedron Letters*

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Xie et al., "New Weakly Coordinating Anions 3:⁺Useful Silver and Trityl Salt Reagents of Carborane Anions," *J. Am. Chem. Soc.*, 116:1907-1913 (1994).

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Primary Examiner—Porfiro Nazario-Gonzalez

(74) Attorney, Agent, or Firm—Margaret C. Bogosian

(57) **ABSTRACT**

A compound is provided including an organometallic complex represented by the formula I:



wherein M is an atom of molybdenum or tungsten, Cp is substituted or unsubstituted cyclopentadienyl radical represented by the formula $[\text{C}_5\text{Q}^1\text{Q}^2\text{Q}^3\text{Q}^4\text{Q}^5]$, wherein Q¹ to Q⁵ are independently selected from the group consisting of H radical, C₁₋₂₀ hydrocarbyl radical, substituted hydrocarbyl radical, halogen radical, halogen-substituted hydrocarbyl radical, —OR, —C(O)R', —CO₂R', —SiR'₃ and —NR'R", wherein R' and R" are independently selected from the group consisting of H radical, C₁₋₂₀ hydrocarbyl radical, halogen radical, and halogen-substituted hydrocarbyl radical, wherein said Q¹ to Q⁵ radicals are optionally linked to each other to form a stable bridging group, NHC is any N-heterocyclic carbene ligand, L is either any neutral electron donor ligand, wherein k is a number from 0 to 1 or L is an anionic ligand wherein k is 2, and A⁻ is an anion. Processes using the organometallic complex as catalyst for hydrogenation of aldehydes and ketones are provided. Processes using the organometallic complex as catalyst for the hydrosilylation of aldehydes, ketones and esters are also provided.

(12) **United States Patent**
Ashby, Jr.

(10) **Patent No.:** **US 6,713,497 B1**
(45) **Date of Patent:** **Mar. 30, 2004**

(54) **USE OF VITAMIN B6 TO MITIGATE VISUAL FIELD DEFECTS ASSOCIATED WITH THE USE OF GABAERGIC DRUGS IN MAMMALS**

(75) **Inventor:** **Charles R. Ashby, Jr.**, Sound Beach, NY (US)

(73) **Assignee:** **Brookhaven Science Associates, LLC**, Upton, NY (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.:** **10/389,578**

(22) **Filed:** **Mar. 17, 2003**

(51) **Int. Cl.**⁷ **A61K 31/4415**; A61K 3/197

(52) **U.S. Cl.** **514/347**; 514/350; 514/561

(58) **Field of Search** 514/347, 35 D, 514/561

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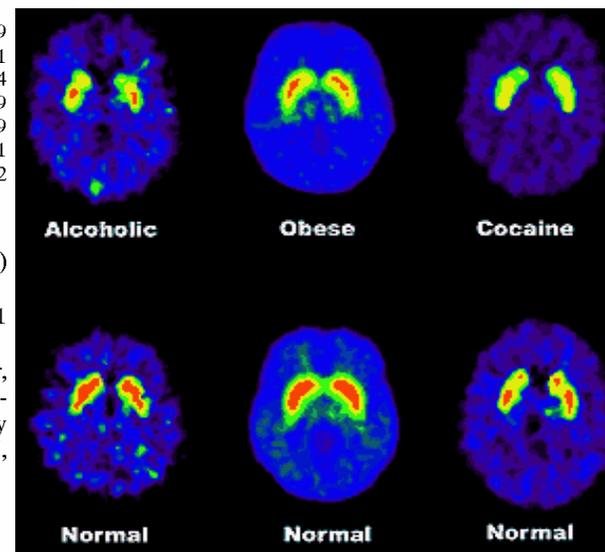
Primary Examiner—Phyllis G. Spivack

(74) *Attorney, Agent, or Firm*—Margaret C. Bogosian

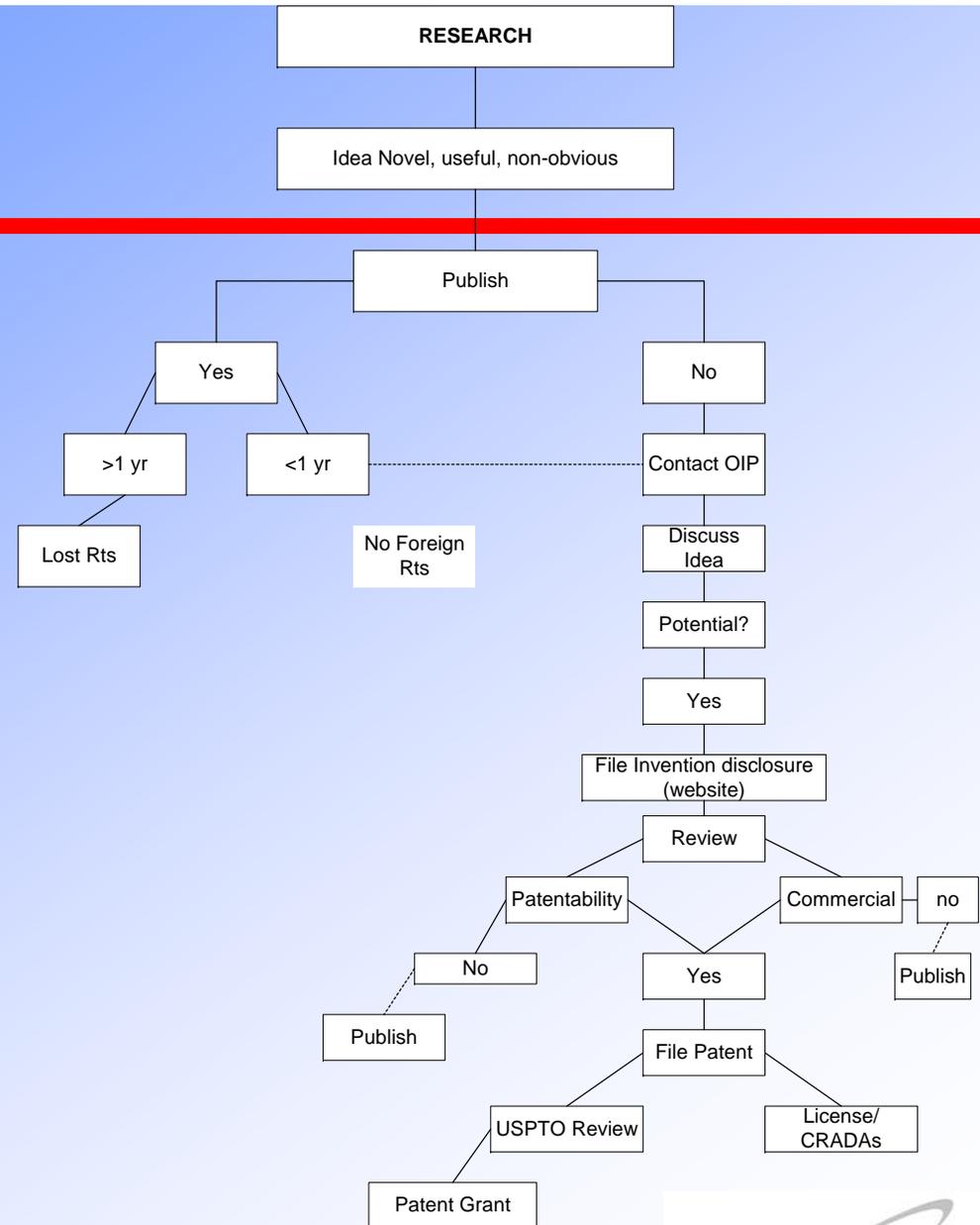
(57) **ABSTRACT**

The invention provides a method for treating visual field defects in a mammal in need thereof by administering an effective amount of vitamin B6 to the mammal.

8 Claims, No Drawings



What do I do??



PATENTING TIPS

1. Keep good lab records and notebooks



2. Contact OIP early in invention stages to discuss invention development



3. Submit invention disclosure well in advance of a conference or publication

4. Provide as much information as possible in invention disclosure

Website:

<http://www.bnl.gov/techxfer/>

Helpful information: articles on state of the art, publications,
technical journals

5. Publish after patent is submitted

6. Any improvements should be discussed with OIP

7. Work closely with the attorney preparing the application.



8. Carefully review all drafts and drawings.



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PRODUCTS MARKETED UNDER LICENSES FROM BROOKHAVEN

- T7 Gene Expression System, Vectors and Protein Products
Produced with the T7 System - Biology Department
- Recombinant Plasmids for Encoding Restriction Enzymes DpnI and DpnII of Streptococcus Pneumoniae - Biology Department
- Cytoplasmic Bacteriophage Display System - Biology Department
- Autogenes Encoding RNA Polymerases - Biology Department
- Fast Repetition Rate Fluorometers and Method for Measuring Fluorescence and Photosynthetic Parameters - Environmental Sciences Department
- Apparatus and Method for Biological Purification of Wastes - Energy Sciences and Technology Department

PRODUCTS MARKETED UNDER LICENSES FROM BROOKHAVEN

- Asbestos Remediation - Environmental Sciences Department
- Polyethylene Encapsulation of Radioactive and Mixed Wastes - Environmental Sciences Department
- Surface Profiling Interferometers for Accurately Measuring Irregularities in the Surfaces of Mirrors and Lenses - Instrumentation Division
- Monolithic Amplifier with Stable, High Resistance Feedback Element - Instrumentation Division
- Red Blood Cell Labeling Kit for Selectively Labeling Whole Blood with Tc-99m - Medical Department

INVENTORS' SHARE OF PATENT LICENSING INCOME

- After all outstanding costs for patent prosecution and licensing have been recovered, and any cross licensee(s)' share has been distributed, the remaining patent licensing income is shared with the inventor(s) as follows:
 - First \$100,000 - 50% to inventor(s)
 - Next \$400,000 - 25% to inventor(s)
 - Next \$2,000,000 - 15% to inventor(s)
 - >\$2,500,000 - 10% to inventor(s)



PROJECTS FUNDED FROM PATENT LICENSING REVENUE

FY 03

■ Environmental Sciences Dept. – Tech Maturation – Mercury Clean-up	\$58K
■ Medical Dept. – Small Animal MRI Facility	\$112K
■ Biology – Genomes to Life, grad student support	\$457K
■ Instrumentation – Analog – to-Digital Converter	\$8K
■ Physics – Detector Operating During RHIC Run	\$100K
■ NSLS – Equipment for Dierker Project in Complex Fluids	\$170K
■ Material Science – Equipment for Misewich Project on Optical Properties	\$250K
■ Energy Science & Technology Department – Energy – Water Nexus	\$165K
■ CFN – Spectroscopy Instrument	\$400K
■ CAD – eRHIC	\$154K

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Work with/for a Partner?

CRADA – Collaborative Research and Development Agreement

WFO – Work for Others, Sponsored Research

Develop a statement of work and budget

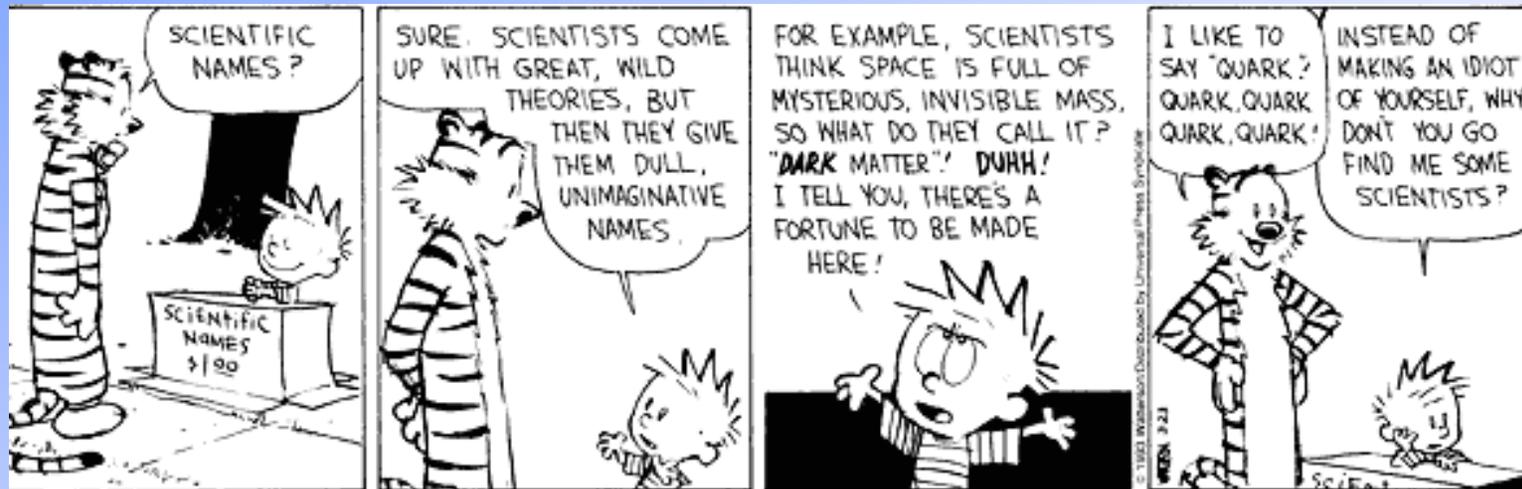
Wrote some software?

Three ways to release:

1. Data
2. Copyright – need Industry Interest
requires DOE approval
3. Open Source Software
- stay tuned

TRADEMARKS

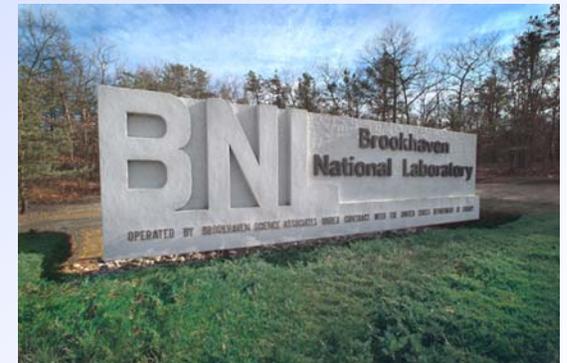
Calvin and Hobbes



TRADEMARKS

A **trademark** is a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others.

A **service mark** is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.



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TRADEMARKS

Trademarks

- distinctive symbols, pictures, or words
- distinctive and unique packaging, color combinations, building designs, product styles, and overall presentations
- The owner of a trademark has exclusive right to use it on the product it was intended to identify and often on related products.

Basis for filing:

- use in commerce
- intent to use

Famous Marks:

- McDonalds, John Deere

do not know what to do?

Misc –

User Agreements,

Non-Disclosure Agreements,

Material transfer Agreements,

Employee/Guest Patent Agreements,

etc.





SUMMARY



- Questions about Patents, Agreements should be directed to OIP
- Public Disclosures or Publications = loss of rights
- More information:

www.bnl.gov/techxfer/

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Patent Counsel

Ineiger@bnl.gov

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U.S. Department of Energy

