Topics 7-11

- Design Patent
- Plant Patent
- Plant Variety Protection
- Mask Work Protection
- Vessel Hull Protection

from the quiz …

Which of the following doctrines of intellectual property is not generally recognized in the United States?

(a) database rights
(b) vessel hull design rights
(c) design patents
(d) plant variety protection certificates
(e) rights of publicity

from the quiz …

Which of the following doctrines of intellectual property is not generally recognized in the United States?

(a) database rights

(b) vessel hull design rights

(c) design patents

(d) plant variety protection certificates

(e) rights of publicity

Topic 7

Design Patent

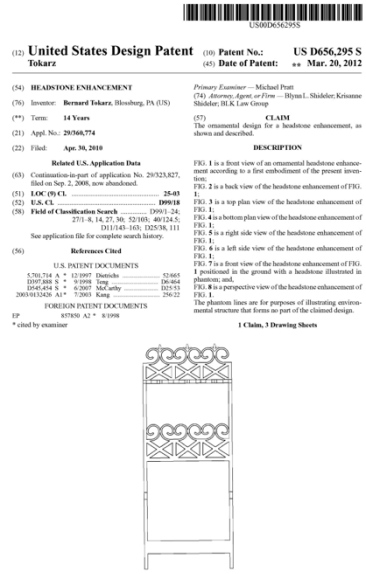
Eric E. Johnson

ericejohnson.com

Konomark
Most rights sharable

Design patent basics

- Term: 14 years from issuance
- Design can include configuration/shape of article, surface ornamentation, or a combination of shape and surface ornamentation.
- Claimed with a single claim that references the drawings: “The ornamental design for [the article] as shown.”
- Design patent numbers have a “D” prefix.



US00D656295S

(12) **United States Design Patent**
Tokarz

(10) **Patent No.: US D656,295 S**
(45) **Date of Patent: ** Mar. 20, 2012**

(54) **HEADSTONE ENHANCEMENT**

(76) Inventor: **Bernard Tokarz**, Blossburg, PA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/360,774**

(22) Filed: **Apr. 30, 2010**

Related U.S. Application Data

(63) Continuation-in-part of application No. 29/323,827, filed on Sep. 2, 2008, now abandoned.

(51) **LOC (9) Cl.** **25-03**
(52) **U.S. Cl.** **D99/18**
(58) **Field of Classification Search** D99/1–24; 27/1–8, 14, 27, 30; 52/103; 40/124.5; D11/143–163; D25/38, 111
See application file for complete search history.

(56) **References Cited**

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D397,888	S *	9/1998	Imig	D6/464
D545,454	S *	6/2007	McCarthy	D15/53
2003/0132426	A1 *	7/2003	Kang	256/22

FOREIGN PATENT DOCUMENTS

EP	857850	A2 *	8/1998

* cited by examiner

Primary Examiner — Michael Pratt
(74) *Attorney, Agent, or Firm* — Blynn L. Shideler; Krisanne Shideler; BLK Law Group

(57) **CLAIM**

The ornamental design for a headstone enhancement, as shown and described.

DESCRIPTION

FIG. **1** is a front view of an ornamental headstone enhancement according to a first embodiment of the present invention;

FIG. **2** is a back view of the headstone enhancement of FIG. **1**;

FIG. **3** is a top plan view of the headstone enhancement of FIG. **1**;

FIG. **4** is a bottom plan view of the headstone enhancement of FIG. **1**;

FIG. **5** is a right side view of the headstone enhancement of FIG. **1**;

FIG. **6** is a left side view of the headstone enhancement of FIG. **1**;

FIG. **7** is a front view of the headstone enhancement of FIG. **1** positioned in the ground with a headstone illustrated in phantom; and,

FIG. **8** is a perspective view of the headstone enhancement of FIG. **1**.

The phantom lines are for purposes of illustrating environmental structure that forms no part of the claimed design.

1 Claim, 3 Drawing Sheets

U.S. Patent Mar. 20, 2012 Sheet 3 of 3 US D656,295 S

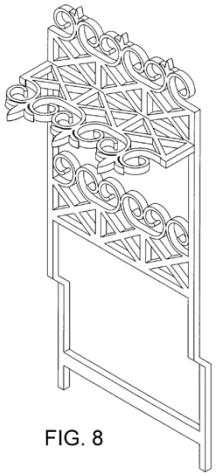

FIG. 8

US00D655886S

(12) **United States Design Patent**
Kovich et al.

(10) **Patent No.: US D655,886 S**
(45) **Date of Patent: ** Mar. 20, 2012**

(54) **SQUARE BOTTOM TACO SHELL**

(75) Inventors: **Nicholas D. Kovich**, Minneapolis, MN (US); **Anthony W. Richards**, Poplar, WI (US)

(73) Assignee: **General Mills Cereals, Inc.**, Minneapolis, MN (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/333,082**

(22) Filed: **Mar. 3, 2009**

Related U.S. Application Data

(60) Division of application No. 29/268,095, filed on Oct. 30, 2006, now Pat. No. Des. 590,126, which is a continuation of application No. 10/501,298, filed as application No. PCT/US02/036474 on Nov. 14, 2002, now abandoned.

(51) **LOC (9) Cl.** **01-01**
(52) **U.S. Cl.** **D1/122**
(58) **Field of Classification Search** D1/100–102, D1/105–16, 116–118, 120–130, 199; D7/504; D25/119, 121; D12/223, 162; D8/356; D19/91; D23/267; 426/138, 143, 279, 282–283, 391, 426/514; 211/189

See application file for complete search history.

(56) **References Cited**

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(Continued)

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Bethlehem Steel Catalog, Copyright 1931; p. 9, extrusion, bottom row.*

(Continued)

Primary Examiner — Barbara Fox
(74) *Attorney, Agent, or Firm* — John A. O'Toole; Dale A. Bjorkman; Kevin J. Hubbard

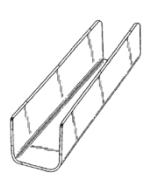
(57) **CLAIM**

The ornamental design for a square bottom taco shell, as shown and described.

DESCRIPTION

FIG. **1** is a perspective view of a square bottom taco shell of the present design;
FIG. **2** is a left side view of the square bottom taco shell of FIG. **1**, the right side view being identical thereto; and,
FIG. **3** is a front view of the square bottom taco shell of FIG. **1**, the rear view being identical thereto.

1 Claim, 1 Drawing Sheet



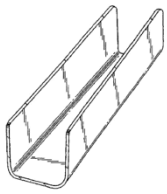


Fig. 1

Fig. 2

Fig. 3

Design patents compared to utility patents

- Design patent is for an “ornamental design”
- Utility patent is for a “useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof”
- Design patents are much, much easier to get.

Design patents: Source of law

- Like utility patents, design patent are exclusively a creature of federal law.
- 35 U.S.C. §§ 171-173, with §§ 102, 103, 112, and other sections being applicable as well

Design patents enabling provision at §171

- "Whoever invents any new, original, and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title. The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided."

Design patents requirements

- novelty
- originality
- non-obviousness
- ornamental (not dictated by function)
- on a functional article
- enabling disclosure

Design patents requirements

- novelty ← same as for utility patents
- originality
- non-obviousness ← not much of a limit
- ornamental (not dictated by function)
- on a functional article
- enabling disclosure

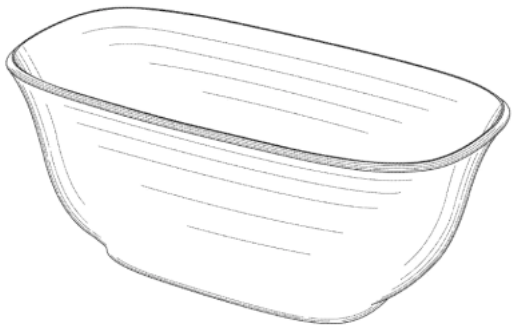


Fig. 2

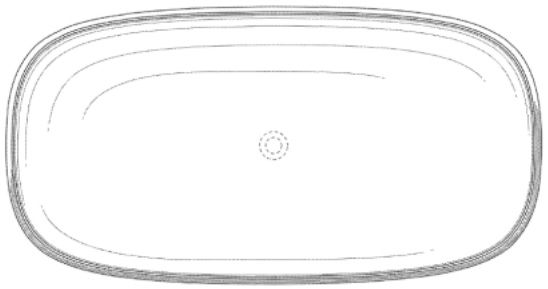


Fig. 6

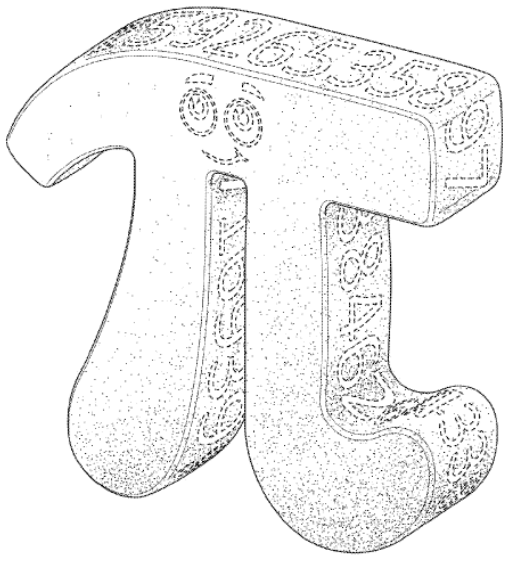


FIG. 1

Design patents – claims and infringement

- Design patent claims are essentially the drawings.
- Infringement involves comparing the accused article to the drawings.

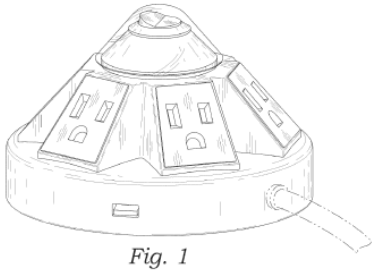


Fig. 1

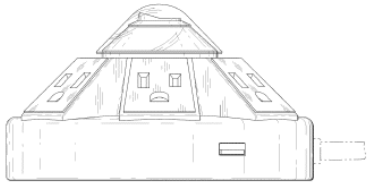


Fig. 2

Before 2012, many considered design patents “worthless.”

Then …

US00D618677S

(12) **United States Design Patent** (10) **Patent No.: US D618,677 S**
Andre et al. (45) **Date of Patent: ** *Jun. 29, 2010**

(54) **ELECTRONIC DEVICE**

(75) Inventors: **Bartley K. Andre**, Menlo Park, CA (US); **Daniel J. Coster**, San Francisco, CA (US); **Daniele De Iuliis**, San Francisco, CA (US); **Richard P. Howarth**, San Francisco, CA (US); **Jonathan P. Ive**, San Francisco, CA (US); **Steve Jobs**, Palo Alto, CA (US); **Duncan Robert Kerr**, San Francisco, CA (US); **Shin Nishibori**, Portola Valley, CA (US); **Matthew Dean Rohrbach**, San Francisco, CA (US); **Douglas B. Satzger**, Menlo Park, CA (US); **Calvin Q. Seid**, Palo Alto, CA (US); **Christopher J. Stringer**, Woodside, CA (US); **Eugene Antony Whang**, San Francisco, CA (US); **Rico Zorkendorfer**, San Francisco, CA (US)

(73) Assignee: **Apple Inc.**, Cupertino, CA (US)

(*) Notice: This patent is subject to a terminal disclaimer.

(**) Term: **14 Years**

(21) Appl. No.: **29/328,018**

(22) Filed: **Nov. 18, 2008**

Related U.S. Application Data

(60) Division of application No. 29/282,834, filed on Jul. 30, 2007, now Pat. No. Des. 581,922, which is a continuation of application No. 29/270,888, filed on Jan. 5, 2007, now Pat. No. Des. 558,758.

(51) **LOC (9) Cl.** **14-02**

(52) **U.S. Cl.** **D14/341**; D14/248; D14/208.7

(58) **Field of Classification Search** D14/341, D14/342, 343, 344, 345, 346, 347, 420, 426, D14/427, 432, 439, 440, 441, 448, 496, 125, D14/137, 129, 130, 138, 250, 389, 147, 218, D14/247, 248, 156; D10/65, 104; D13/168; D18/6, 7; D21/329, 686; 455/90.3, 556.1, 455/556.2, 575.1, 575.3, 575.4; 379/433.01, 379/433.04, 433.06, 433.07; 361/814; 341/22, 345/169, 173; D6/596, 601, 605

See application file for complete search history.

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(Continued)

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U.S. Appl. No. 29/282,831, Andre et al., Electronic Device, filed Jul. 30, 2007.

(Continued)

Primary Examiner—Cathron C Brooks
Assistant Examiner—Angela J Lee
(74) *Attorney, Agent, or Firm*—Sterne, Kessler, Goldstein & Fox PLLC

(57) **CLAIM**

The ornamental design of an electronic device, as shown and described.

DESCRIPTION

FIG. **1** is a front perspective view of an electronic device in accordance with the present invention;

FIG. **2** is a rear perspective view thereof;

FIG. **3** is a front view thereof;

FIG. **4** is a rear view thereof;

FIG. **5** is a top view thereof;

FIG. **6** is bottom view thereof;

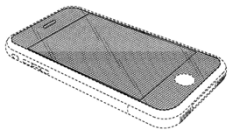
FIG. **7** is a left side view thereof; and,

FIG. **8** is a right side view thereof.

The claimed surface of the electronic device is illustrated with the color designation for the color black.

The electronic device is not limited to the scale shown herein. As indicated in the title, the article of manufacture to which the ornamental design has been applied is an electronic device, media player (e.g., music, video and/or game player), media storage device, a personal digital assistant, a communication device (e.g., cellular phone), a novelty item or toy.

1 Claim, 2 Drawing Sheets



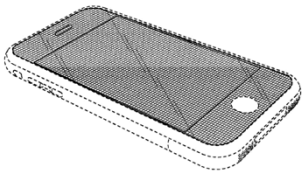


FIG. 1

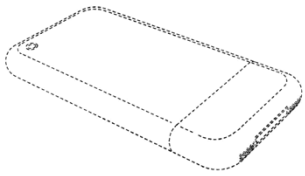
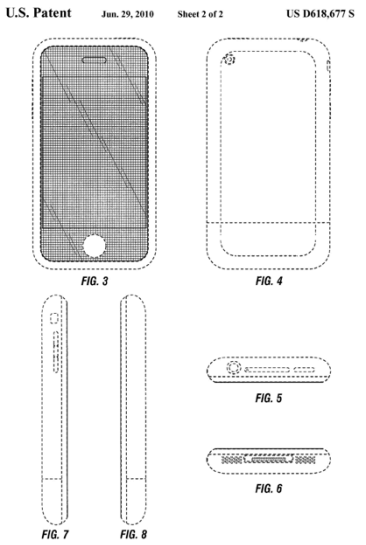


FIG. 2



some practice …

Oren, an industrial designer, has created a new desk lamp. It does not work differently than other desk lamps, but it's very exotic and cool looking. What can Oren likely obtain?

(a) a utility patent, but not a design patent
(b) a design patent, but not a utility patent
(c) both a design patent and a utility patent
(d) neither a design patent nor a utility patent

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⇨ (b) a design patent, but not a utility patent

(c) both a design patent and a utility patent

(d) neither a design patent nor a utility patent

Topic 8

Plant Patent

Eric E. Johnson

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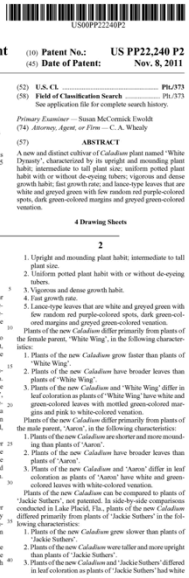
Konomark
Most rights sharable

Plant patents – basics

- Like utility and plant patents, issued by USPTO after an application process
- Covers asexually reproduced plants
- Source of law: Plant Patent Act (1930), 35 U.S.C. §§ 161-164
- Duration: 20 year term of protection from filing of application



US00PP22240P2

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

(10) **Patent No.: US PP22,240 P2**
(45) **Date of Patent: Nov. 8, 2011**

(54) ***CALADIUM* PLANT NAMED 'WHITE DYNASTY'**

(50) Latin Name: ***Caladium×hortulanum***
Varietal Denomination: **White Dynasty**

(76) Inventor: **Robert Dale Hartman**, Lake Placid, FL (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.: **12/802,579**

(22) Filed: **Jun. 9, 2010**

(51) **Int. Cl.**
A01H 5/00 (2006.01)

(52) **U.S. Cl.** **PlI/373**
(58) **Field of Classification Search** PlI/373
See application file for complete search history.

Primary Examiner — Susan McCormick Ewoldt
(74) *Attorney, Agent, or Firm* — C. A. Whealy

(57) **ABSTRACT**

A new and distinct cultivar of *Caladium* plant named 'White Dynasty', characterized by its upright and mounding plant habit; intermediate to tall plant size; uniform potted plant habit with or without de-eyeing tubers; vigorous and dense growth habit; fast growth rate; and lance-type leaves that are white and greyed green with few random red purple-colored spots, dark green-colored margins and greyed green-colored venation.

4 Drawing Sheets

1

Botanical designation: *Caladium×hortulanum*.
Cultivar denomination: 'WHITE DYNASTY'.

BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of *Caladium* plant, botanically known as *Caladium×hortulanum*, commercially referred to as a lance leaf-type *Caladium* and hereinafter referred to by the name 'White Dynasty'.

The objective of the Inventor's breeding program is to create new *Caladium* plants that have uniform plant habit, exceptional container and garden performance and attractive foliage coloration.

The new *Caladium* plant originated from a cross-pollination made by the Inventor in April, 2003, in Lake Placid, Fla. of *Caladium×hortulanum* 'White Wing', not patented, as the female, or seed, parent with *Caladium×hortulanum* 'Aaron', not patented, as the male, or pollen, parent. The new *Caladium* plant was discovered and selected by the Inventor as a single plant within the progeny of the stated cross-pollination in a controlled outdoor nursery environment in Lake Placid, Fla. on Aug. 15, 2004.

Asexual reproduction of the new *Caladium* plant by tuber divisions in a controlled outdoor nursery environment in Lake Placid, Fla. since Apr. 15, 2005 has shown that the unique features of this new *Caladium* plant are stable and reproduced true to type in successive generations of asexual reproduction.

SUMMARY OF THE INVENTION

Plants of the new *Caladium* have not been observed under all possible environmental conditions. The phenotype may vary somewhat with variations in environment such as temperature and light intensity, without, however, any variance in genotype.

The following traits have been repeatedly observed and are determined to be the unique characteristics of 'White Dynasty'. These characteristics in combination distinguish 'White Dynasty' as a new and distinct *Caladium* plant:

2

1. Upright and mounding plant habit; intermediate to tall plant size.
2. Uniform potted plant habit with or without de-eyeing tubers.
3. Vigorous and dense growth habit.
4. Fast growth rate.
5. Lance-type leaves that are white and greyed green with few random red purple-colored spots, dark green-colored margins and greyed green-colored venation.

Plants of the new *Caladium* differ primarily from plants of the female parent, 'White Wing', in the following characteristics:

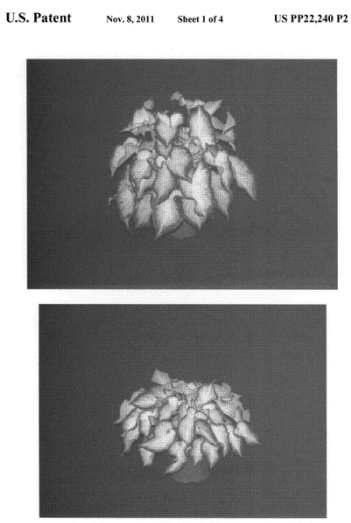
1. Plants of the new *Caladium* grow faster than plants of 'White Wing'.
2. Plants of the new *Caladium* have broader leaves than plants of 'White Wing'.
3. Plants of the new *Caladium* and 'White Wing' differ in leaf coloration as plants of 'White Wing' have white and green-colored leaves with mottled green-colored margins and pink to white-colored venation.

Plants of the new *Caladium* differ primarily from plants of the male parent, 'Aaron', in the following characteristics:

1. Plants of the new *Caladium* are shorter and more mounding than plants of 'Aaron'.
2. Plants of the new *Caladium* have broader leaves than plants of 'Aaron'.
3. Plants of the new *Caladium* and 'Aaron' differ in leaf coloration as plants of 'Aaron' have white and green-colored leaves with white-colored venation.

Plants of the new *Caladium* can be compared to plants of 'Jackie Suthers', not patented. In side-by-side comparisons conducted in Lake Placid, Fla., plants of the new *Caladium* differed primarily from plants of 'Jackie Suthers' in the following characteristics:

1. Plants of the new *Caladium* grew slower than plants of 'Jackie Suthers'.
2. Plants of the new *Caladium* were taller and more upright than plants of 'Jackie Suthers'.
3. Plants of the new *Caladium* and 'Jackie Suthers' differed in leaf coloration as plants of 'Jackie Suthers' had white



Plant patent – requirements

- Asexually reproduced (budding, grafting)
- Plant (including macro fungi, but not bacteria)
- Distinct
- Must be clearly distinguishable from other varieties (color, taste, disease resistance)
- New
- Can be invented or discovered if discovered in a cultivated area
- Description requirement is relaxed compared to utility patents

Plant patent – infringement

- In practicality, an infringing plant must be a vegetative descendant of the patented plant
- Not infringement to sell fruit, flowers, seeds, etc.
- Sports (somatic mutants) are non-infringing of the parent patent and are potentially separately patentable

Topic 9

Plant Variety Protection

Eric E. Johnson

ericejohnson.com

Konomark
Most rights sharable

Plant variety protection – basics

- Protects stable sexually reproducing varieties
- Administered through USDA, not PTO
- Source of law: Plant Variety Protection Act (1970), 7 U.S.C. §§ 2321-2582
- Duration: 20 years generally, 25 years for trees and vines

Plant variety protection – requirements

- Sexually reproducing
- Plant (not bacteria, fungi)
- New
- Distinct
- Uniform
- Stable

No. 200100015

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Abbott & Cobb, Inc.

WHEREAS THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THEREIN IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (7 U.S.C. 2321 ET SEQ., AS AMENDED, 7 U.S.C. 2531 ET SEQ.)

CORN, SWEET (F1)

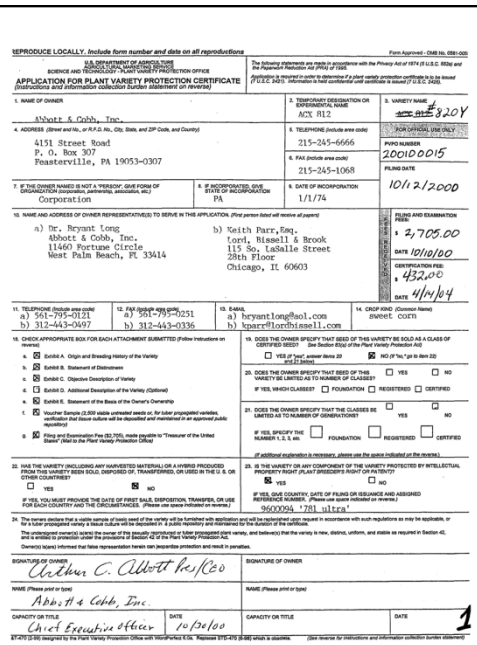
'#8201'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this tenth day of May, in the year two thousand and four.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



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Form Approved - OMB No. 0581-005

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Agricultural Marketing Act (PVPA) of 1946.

Participation is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

1. NAME OF OWNER
Abbott & Cobb, Inc.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
ACX 812

3. VARIETY NAME
~~ACX 812~~ #820Y

FOR OFFICIAL USE ONLY

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)
4151 Street Road
P. O. Box 307
Feasterville, PA 19053-0307

5. TELEPHONE (Include area code)
215-245-6666

6. FAX (Include area code)
215-245-1068

PVPO NUMBER
200100015

FILING DATE
10/12/2000

7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)
Corporation

8. IF INCORPORATED, GIVE STATE OF INCORPORATION
PA

9. DATE OF INCORPORATION
1/1/74

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)

a) Dr. Bryant Long
Abbott & Cobb, Inc.
11460 Fortune Circle
West Palm Beach, FL 33414

b) Keith Parr, Esq.
Lord, Bissell & Brook
115 So. LaSalle Street
28th Floor
Chicago, IL 60603

FILING AND EXAMINATION FEES:
$ 2,705.00
DATE 10/10/00

CERTIFICATION FEE:
$ 432.00
DATE 4/14/04

11. TELEPHONE (Include area code)
a) 561-795-0121
b) 312-443-0497

12. FAX (Include area code)
a) 561-795-0251
b) 312-443-0336

13. E-MAIL
a) bryantlong@aol.com
b) kparr@lordbissell.com

14. CROP KIND (Common Name)
sweet corn

15. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of Variety
d. ☐ Exhibit D. Additional Description of the Variety (Optional)
e. ☒ Exhibit E. Statement of the Basis of the Owner's Ownership
f. ☒ Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)
g. ☒ Filing and Examination Fee ($2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)
☐ YES (If "yes", answer items 20 and 21 below) ☒ NO (If "no," go to item 22)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? ☐ YES ☐ NO
IF YES, WHICH CLASSES? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ YES ☐ NO
IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED
(If additional explanation is necessary, please use the space indicated on the reverse.)

22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? ☐ YES ☒ NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)

23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? ☒ YES ☐ NO
IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)
9600094 '781 ultra'

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this (pseudo) reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER
Arthur C. Abbott Pres/CEO

NAME (Please print or type)
Abbott & Cobb, Inc.

CAPACITY OR TITLE
Chief Executive Officer

DATE
10/20/00

SIGNATURE OF OWNER

NAME (Please print or type)

CAPACITY OR TITLE

DATE

1

AT-470 (2-98) Designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STC-470 (6-88) which is obsolete. (See reverse for instructions and information collection burden statement)

Plant variety protection – infringement

- Sexual reproduction and selling of seeds is infringement
- Protects against creation of derivative plant lines also
- An exemption allows farmers to save and plant seeds (otherwise, seed sales are infringing)
- A research exemption allows use for breeding to develop a new variety

some practice …

Kate discovered a new variety of plant in the rain forest. It is an asexually reproducing variety that creates a valuable pharmaceutical compound. What can be obtained to protect it?

(a) a plant patent, but not a PVPA certificate
(b) a PVPA certificate, but not a plant patent
(c) both a plant patent and a PVPA certificate
(d) neither a plant patent nor a PVPA certificate

some practice …

Kate discovered a new variety of plant in the rain forest. It is an asexually reproducing variety that creates a valuable pharmaceutical compound. What can be obtained to protect it?

(a) a plant patent, but not a PVPA certificate
(b) a PVPA certificate, but not a plant patent
(c) both a plant patent and a PVPA certificate
(d) neither a plant patent nor a PVPA certificate

Topic 10

Mask Work Protection

Eric E. Johnson

ericejohnson.com

Konomark
Most rights sharable

Mask work protection

- Protects original mask works for making semi-conductor chips
  - A mask work is a two- or three-dimensional layout of an integrated circuit on a semiconductor chip.
- Source of law: Semiconductor Chip Protection Act (1984), 17 U.S.C. §§ 901-914
- Duration: 10 years

Mask work protection

- Administered through Library of Congress Copyright Office
- Must be registered with the Copyright Office for protection to commence.

Type of Work: Mask Work

Registration Number / Date:
MW0000019263 / 2011-06-14

Title: Mask work as contained ADC12D500A.

Description: 4 semiconductor chips in housings + col. composite plot.

Copyright Claimant:
©National Semiconductor Corporation

Date of First Exploitation:
27May11

Basis of Claim: New Matter: mask work.

Other Title: ADC12D500A

Names: National Semiconductor Corporation

==========

Industry & Invention

Topic 11

Vessel Hull Protection

Eric E. Johnson

ericejohnson.com

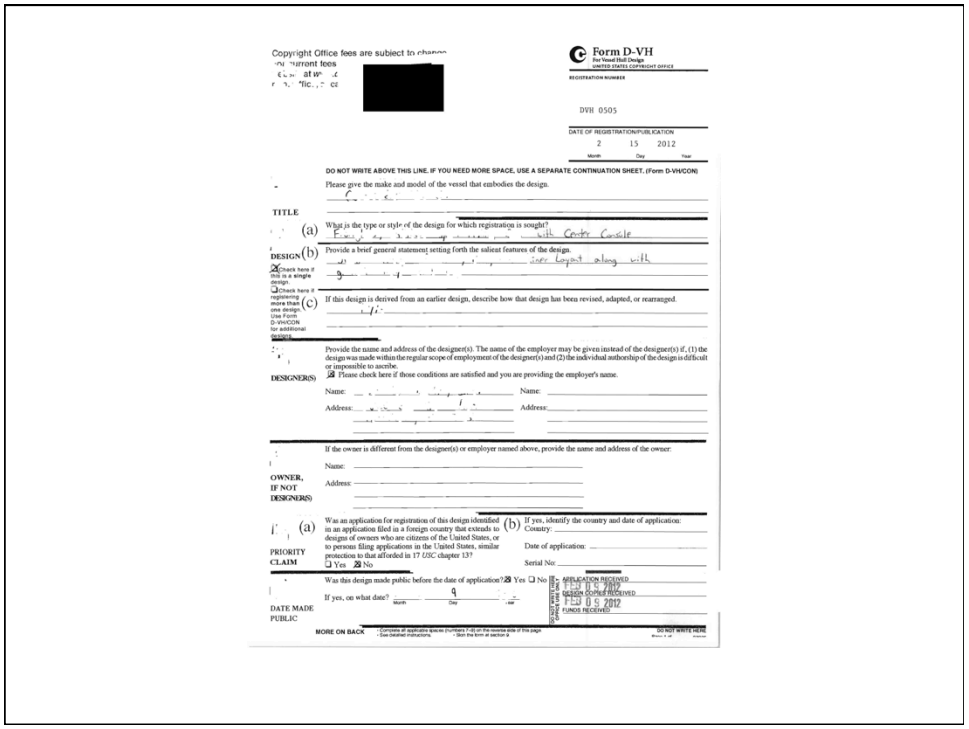
Konomark
Most rights sharable

Vessel hull protection - basics

- Protects vessel hulls, plus superstructure, per later amendment
- Source of law: Vessel Hull Design Protection Act (1998), 17 U.S.C. §§ 1301-1332-914
- Duration: 10 years

Vessel hull protection – requirements

- Must be embodied in an actual vessel hull. (There is no protection for designs existing only in models, drawings, or representations.)
- Staple or commonplace designs cannot be protected.
- Must be registered with the Copyright Office for protection to commence.
- Made-public bar: An application for registration must be filed no later than two years after the hull was publicly exhibited, or distributed or offered to the public for sale with the design owner's consent.



Copyright Office fees are subject to change
For current fees
[redacted]

Form D-VH
For Vessel Hull Design
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

VH 0505

DATE OF REGISTRATION/PUBLICATION
2 15 2012
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. (Form D-VH/CON)

TITLE
Please give the make and model of the vessel that embodies the design.
[redacted]

DESIGN
(a) What is the type or style of the design for which registration is sought?
[redacted] with Center Console
(b) Provide a brief general statement setting forth the salient features of the design.
[redacted] user Layout along with
☒ Check here if this is a single design.
☐ Check here if registering more than one design. Use Form D-VH/CON for additional designs.
(c) If this design is derived from an earlier design, describe how that design has been revised, adapted, or rearranged.
N/A

DESIGNER(S)
Provide the name and address of the designer(s). The name of the employer may be given instead of the designer(s) if, (1) the design was made within the regular scope of employment of the designer(s) and (2) the individual authorship of the design is difficult or impossible to ascribe.
☒ Please check here if those conditions are satisfied and you are providing the employer's name.
Name: [redacted] Name:
Address: [redacted] Address:

OWNER, IF NOT DESIGNER(S)
If the owner is different from the designer(s) or employer named above, provide the name and address of the owner:
Name:
Address:

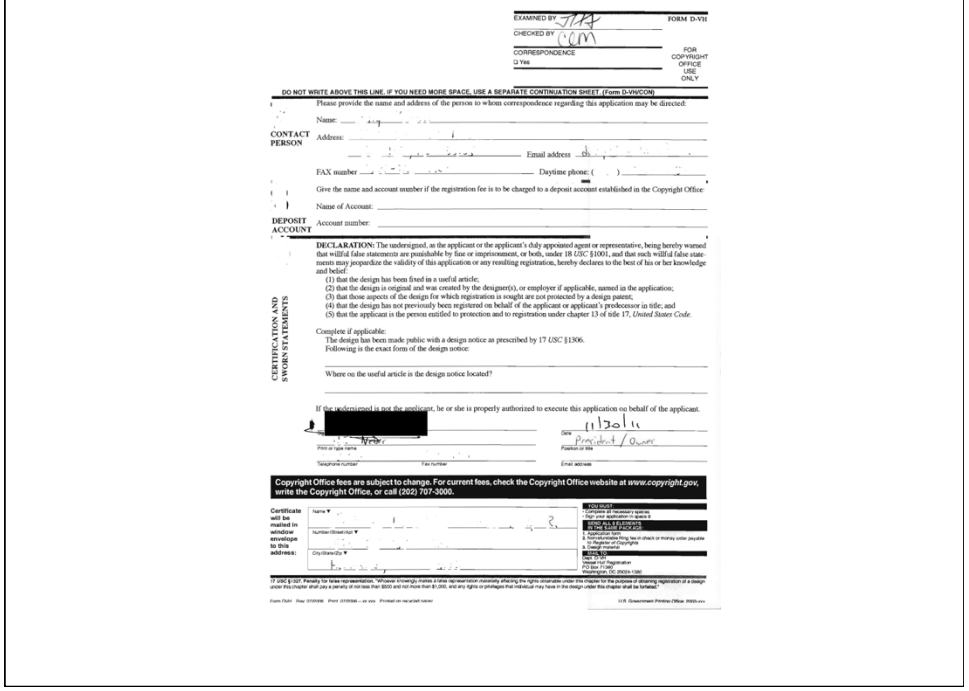
PRIORITY CLAIM
(a) Was an application for registration of this design identified in an application filed in a foreign country that extends to designs of owners who are citizens of the United States, or to persons filing applications in the United States, similar protection to that afforded in 17 *USC* chapter 13?
☐ Yes ☒ No
(b) If yes, identify the country and date of application:
Country:
Date of application:
Serial No:

DATE MADE PUBLIC
Was this design made public before the date of application? ☒ Yes ☐ No
If yes, on what date? 9 [redacted]
Month Day Year

APPLICATION RECEIVED
FEB 05 2012
DESIGN COPIES RECEIVED
FEB 05 2012
FUNDS RECEIVED

MORE ON BACK
- Complete all applicable spaces (numbers 1-8) on the reverse side of this page.
- See detailed instructions.
- Sign the form at section 8.

DO NOT WRITE HERE



EXAMINED BY JLR
CHECKED BY CCM
CORRESPONDENCE
☐ Yes

FORM D-VH

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. (Form D-VH/CON)

CONTACT PERSON
Please provide the name and address of the person to whom correspondence regarding this application may be directed:
Name:
Address:
Email address
FAX number
Daytime phone: ( )

DEPOSIT ACCOUNT
Give the name and account number if the registration fee is to be charged to a deposit account established in the Copyright Office:
Name of Account:
Account number:

CERTIFICATION AND SWORN STATEMENTS
DECLARATION: The undersigned, as the applicant or the applicant's duly appointed agent or representative, being hereby warned that willful false statements are punishable by fine or imprisonment, or both, under 18 *USC* §1001, and that such willful false statements may jeopardize the validity of this application or any resulting registration, hereby declares to the best of his or her knowledge and belief:
(1) that the design has been fixed in a useful article;
(2) that the design is original and was created by the designer(s), or employer if applicable, named in the application;
(3) that those aspects of the design for which registration is sought are not protected by a design patent;
(4) that the design has not previously been registered on behalf of the applicant or applicant's predecessor in title; and
(5) that the applicant is the person entitled to protection and to registration under chapter 13 of title 17, *United States Code*.

Complete if applicable:
The design has been made public with a design notice as prescribed by 17 *USC* §1306.
Following is the exact form of the design notice:

Where on the useful article is the design notice located?

If the undersigned is not the applicant, he or she is properly authorized to execute this application on behalf of the applicant.
[redacted]
Print or type name
Date 11/30/11
Position or title President / Owner
Telephone number Fax number Email address

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at *www.copyright.gov*, write the Copyright Office, or call (202) 707-3000.

Certificate will be mailed in window envelope to this address:
Name ▼
Number/Street/Apt ▼
City/State/Zip ▼

PACKAGE
- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS IN THE SAME PACKAGE
1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO
Library of Congress
Copyright Registration
VH 0505
Washington, DC 20559-1380

17 USC §506. Penalty for false representation. "Whoever knowingly makes a false representation materially affecting the rights obtainable under this chapter for the purpose of obtaining registration of a design under this chapter shall pay a penalty of not less than $500 and not more than $1,000, and any rights or privileges that individual may have in the design under this chapter shall be forfeited."

Form D-VH Rev. 07/2008 Print 07/2008 — 2.0 ws Printed on recycled paper

U.S. Government Printing Office: 2009-xxx

DVH 0505

Library of Congress
Received
FEB 15 2012

U.S. Copyright Office

[redacted]

Form D-VH
For Vessel Hull Design
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

DVH 0396

DATE OF REGISTRATION/PUBLICATION

10 08 08
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. (Form D-VH/CON)

1 TITLE

Please give the make and model of the vessel that embodies the design.

Scout 191 Bay Scout

2 DESIGN

(a) What is the type or style of the design for which registration is sought?

Bay Boat

(b) Provide a brief general statement setting forth the salient features of the design.

Hull form, deck configuration, and overall appearance.

Integrated Fiberglass Leaning Post/Baitwell.

The reverse shoebox hull to deck joint construction method.

☐ Check here if this is a single design.

☐ Check here if registering more than one design. Use Form D-VH/CON for additional designs.

(c) If this design is derived from an earlier design, describe how that design has been revised, adapted, or rearranged.

3 DESIGNER(S)

Provide the name and address of the designer(s). The name of the employer may be given instead of the designer(s) if, (1) the design was made within the regular scope of employment of the designer(s) and (2) the individual authorship of the design is difficult or impossible to ascribe.

☐ Please check here if those conditions are satisfied and you are providing the employer's name.

Name: Scout Boats, Inc.

Address: 2582 Hwy 78 West
Summerville, SC 29483

Name:

Address:

4 OWNER, IF NOT DESIGNER(S)

If the owner is different from the designer(s) or employer named above, provide the name and address of the owner:

Name:

Address:

5 PRIORITY CLAIM

(a) Was an application for registration of this design identified in an application filed in a foreign country that extends to designs of owners who are citizens of the United States, or to persons filing applications in the United States, similar protection to that afforded in 17 U.S.C. chapter 13?

☐ Yes ☒ No

(b) If yes, identify the country and date of application:

Country:

Date of application:

Serial No:

6 DATE MADE PUBLIC

Was this design made public before the date of application? ☒ Yes ☐ No

If yes, on what date? 6 9 2008
Month Day Year

FOR OFFICE USE ONLY

APPLICATION RECEIVED: 8/11/08

DESIGN COPIES RECEIVED: 8/11/08

FUNDS RECEIVED: 8/11/08

MORE ON BACK • Complete all applicable spaces (numbers 1–6) on the reverse side of this page. • See detailed instructions. • Sign the form at section 7.

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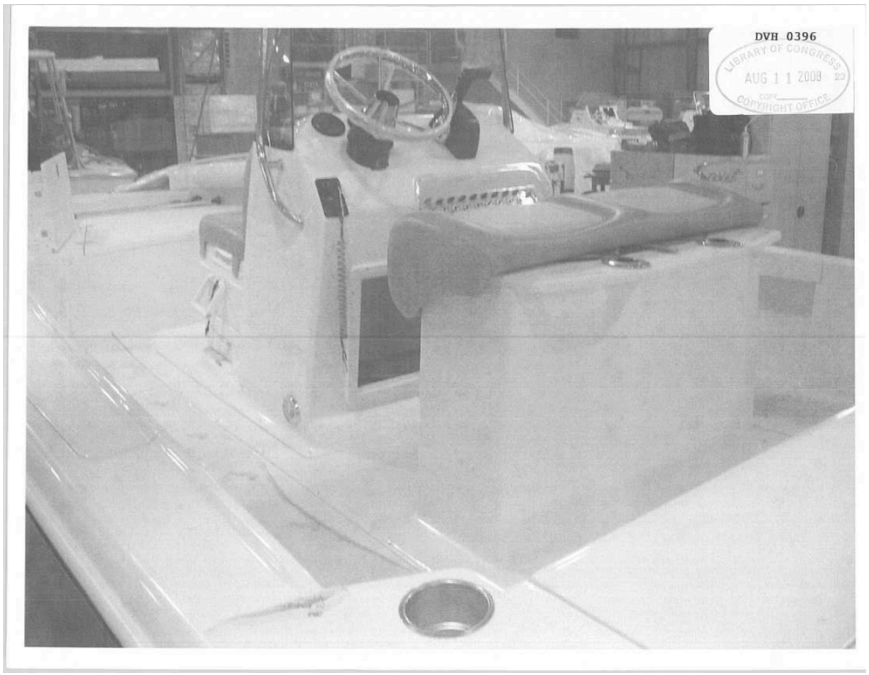
Page 1 of pages



Acknowledgments:

Many examples of design patents were taken from
Professor Sarah Burstein's
Design Law blog,
http://design-law.tumblr.com/

Eric E. Johnson
ericejohnson.com

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