

2016 FALL NEWSLETTER

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1201 NEW YORK AVENUE, N.W.
WASHINGTON, D.C.



SUPREME COURT

***Lee v. Tam* : Disparaging Trademarks versus Freedom of Speech**

On September 29, 2016, the Supreme Court of the United States (“Supreme Court”) granted certiorari in *Lee v. Tam* to consider whether the disparagement provision of the Lanham Act, 15 U.S.C. 1052(a), which says that no trademark shall be denied registration on account of its nature unless it “consists of ... matter which may disparage... persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute” is facially invalid under the Free Speech Clause of the First Amendment.

At issue in this case is Simon Tam who is seeking to register a trademark for his band’s name “The Slants.” The United States Patent and Trademark Office (“USPTO”) has refused to grant the mark on the grounds that it is disparaging toward persons of Asian descent.

On appeal, the Trademark Trial and Appeal Board (“TTAB”) affirmed the denial to register the trademark. Tam appealed the TTAB’s decision to the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) on the grounds that 15 U.S.C. 1052(a), which was the basis for the rejection by both the USPTO and the TTAB, is unconstitutional. A panel of the Federal Circuit reaffirmed the TTAB’s decision again finding that the mark was disparaging. Additionally, the Federal Circuit panel found 15 U.S.C. 1052(a) constitutional based on precedent from *In re McGinley*. The Federal Circuit quoted the United States Court of Customs & Patent Appeals from *In re McGinley* saying:

“With respect to appellant’s First Amendment rights, it is clear that the PTO’s refusal to register appellant’s mark does not affect his right to use it. No conduct is proscribed, and no tangible form of expression is suppressed. Consequently, appellant’s First Amendment rights would not be abridged by the refusal to register his mark.”

The Federal Circuit *sua sponte* vacated its panel decision and organized a rehearing of the case. The *en banc* rehearing of the case held that the disparagement section of the Lanham Act was unconstitutional. The *en banc* Federal Circuit reasoned that the provision would fail under both intermediate and strict scrutiny saying, “every rejection under the disparagement provision is a message-based denial of otherwise-available legal rights,” and thus “§ 2(a) is invalid on its face.”

The government argued that 15 U.S.C. 1052(a) does not limit free speech because Tam is still able to speak as he would like. Citing *In re McGinley*, the government lead with the argument, “No conduct is proscribed, and no tangible form of expression is suppressed.” However, the First Amendment has evolved over the last 35 years and the Federal Circuit responded saying, “federal trademark registration bestows truly significant and financially valuable benefits upon markholders...Denial of these benefits creates a serious disincentive to adopt a mark which the government may deem offensive or disparaging...§ 2(a) has a chilling effect on speech.” After the *en banc* decision from the Federal Circuit, it appears that Tam and his band will receive their trademark registration.

FEDERAL CIRCUIT

McRO, Inc. v. Bandai Namco Games America Inc.

On September 13, 2016, the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) held in the case of *McRo, Inc. v. Bandai Namco Games America Inc.*, that “the ordered combination of claimed steps, using unconventional rules that relate sub-sequences of phonemes, timings, and morph weight sets, is not directed to an abstract idea and is therefore patent-eligible subject matter.” The Federal Circuit focused its analysis of the *Alice* test on the second step, looking for (1) specific limitations that help avoid preemption and (2) more than merely automation of existing human activity.

In the U.S. District Court for the Central District of California (“District Court”), Bandai Namco Games America (“Bandai”) argued that the claims of U.S. Patents Nos. 6,307,576 (“’576”) and 6,611,278 (“’278”) were directed towards patent-ineligible subject matter. The patents were directed to methods for automatically animating lip synchronization and facial expressions of animated characters. Patent ‘278 was a continuation of the patent ‘576. In the prior art, artists would have to individually adjust facial expressions in animation.

The District Court found Bandai’s argument that the claims were “algorithms that can be performed solely with pencil and paper” and that they used a general-purpose computer to automate a preexisting process, persuasive. The District Court held that the asserted claims were directed to patent-ineligible subject matter and were therefore invalid under 35 U.S.C. § 101.

The Federal Circuit began its analysis of the case by first determining if the claim at issue was directed toward an abstract idea. Although the District Court found that the claims were directed toward patent-ineligible subject matter, the Federal Circuit rejected this notion citing *Mayo Collaborative Servs. v. Prometheus Labs. Inc.*, “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” Additionally, the Federal Circuit cautioned lower courts to “be careful to avoid oversimplifying the claims by looking at them generally and failing to account for the specific requirements of the claims.”

The Federal Circuit continued its analysis by discussing the exceptions of § 101, laws of nature, natural phenomena, or abstract ideas, saying, “While the results may not be tangible, there is nothing that requires a method be tied to a machine or transform an article to be patentable.” The Federal Circuit said that the underlying concern with the exceptions to § 101 was preemption and not intangible. The Federal Circuit wants to prevent the preemption of a broad area of technology by the patenting of an abstract idea, law of nature, or natural phenomena. However, the Federal Circuit was careful to say that the absence of preemption does not mean patent eligibility. Looking at the claims as a whole and with a lens of preemption, the Federal Circuit said, “The limitations in claim 1 prevent preemption of all processes for achieving automated lip-synchronization of 3-D characters.”

If a patent is not directed towards an abstract idea, natural phenomena, the inquiry ends. If the claims are directed to an abstract idea, then the inquiry proceeds to the second step of the *Alice* test. The second step which involves determining whether the claim contains an “inventive concept,” should also look for specific limitations to avoid preemption. Additionally, the *Alice* test should analyze the claim as a whole and individual claim elements.

FEDERAL CIRCUIT

Amdocs (Israel) Limited v. Openet Telecom, Inc.

On November 1, 2016, the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) held that four of Amdocs’ patents, US 7,631,065, US 7,412,510, US 6,947,984, and US 6,836,797, were directed toward patent-eligible subject matter. Unlike previous subject matter eligibility cases, the Federal Circuit evaluated Amdocs with an examination tailored to the specific facts of the case, comparable to traditional common-law.

The patents at question covered “parts of a system designed to solve an accounting and billing problem faced by network service providers,” more pointedly, the “massive record flows” and in large networks, the requirements for big databases. Additionally, the patents reduce congestion in network bottlenecks through system components that are “arrayed in a distributed architecture” that enable load distribution all while allowing data to be accessible from a central location.

In 2010, Amdocs brought an infringement suit against Openet citing the four patents above. The United States District Court for the Eastern District of Virginia (“District Court”), found that the patents were directed toward patent-ineligible subject matter under 35 U.S.C. § 101. The District Court cited newly decided *Alice* to support its finding of ineligible subject matter.

On appeal to the Federal Circuit, the Federal Circuit began by applying the *Alice* test. The dissent suggested that the majority skipped Step One, but the majority alluded that the patents passed Step One. However, during Step Two of the test, the Federal Circuit provided a more substantive analysis. The Federal Circuit began by declining to articulate a definition for “abstract idea,” reasoning that it is difficult to fashion a definition for “as-yet-unknown cases with as-yet-unknown inventions.”

The Federal Circuit continued its analysis of the *Alice* test Step Two with a common law methodology, citing cases with the “most relevant prior opinions.” The Federal Circuit compared *Amdocs* to five previous cases, *DDR Holdings*, *BASCOM*, *Digitech*, *In Re TLI Communications*, and *Content Extraction*. Both *DDR Holdings*, and *BASCOM* upheld the patent claims, while the other three decisions found the claims to be patent-ineligible under 35 U.S.C. § 101. The Federal Circuit found commonalities with the cases allowed and the Amdocs claims in that they “solve a technical problem” and “improve the performance of the system itself.”

Additionally, the Federal Circuit compared Amdocs’ patents with *Digitech* and *In Re TLI Communications*, explaining that Amdocs’ claims are “narrowly drawn to not preempt any and all generic enhancement of data in a similar system.”

This decision is significant because it places a focus on the *Alice* test. It shows how the courts are likely to proceed with 35 U.S.C. § 101 issues. Instead of creating a solid definition for “abstract idea” or another interpretation to the *Alice* test, the courts will likely compare the facts of the case at issue to similar prior cases and evaluate whether the case at hand is closer to a case that upheld the claims, or a case that found the claims patent-ineligible under 35 U.S.C. § 101.



FEDERAL CIRCUIT

Synopsys, Inc. v. Mentor Graphics Corporation

On October 17, 2016, the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") affirmed a summary judgment of the U.S. District Court for the Northern District of California ("District Court") that claims related to a logic circuit design were invalid under §101. Synopsys, Inc. ("Synopsys") owned U.S. patents 5,530,841; 5,680,318; and 5,748,488 ("Gregory Patents") related to logic circuit design process. The Gregory Patents constructed control flow graphs providing a scheme to translate HDL base functional descriptions into hardware component descriptions.

In 2012, Synopsys filed suit in the District Court against Mentor Graphics Corporation ("Mentor") alleging infringement of the Gregory Patents by a logic synthesis product of Mentor. The District Court used the two-step test described by the Supreme Court in *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347 (2014) ("*Alice*") in evaluating the claims. The District Court determined the Gregory Patents claims were directed to a mental process not requiring use of a computer or any other type of hardware, but were directed to a process fundamental to IC design.

The District Court rejected the argument of Synopsys that the claims necessarily contained an inventive concept because Mentor failed to present prior art that disclosed the claimed methods. In 2015, the District Court granted a summary judgment invalidating the claims under 35 USC §101. Synopsys appealed the decision to the Federal Circuit arguing the claims were not directed to ineligible subject matter as they related to complex algorithms used in computer-based synthesis of logic circuits. The Federal Circuit reviewed the claims and arguments using the two-step *Alice* test.

I. *Alice* Step 1: Are the Asserted Claims directed to an abstract idea?

The Federal Circuit stated that the claimed steps could be performed pencil and paper as supported by the specification regardless of complexity. Synopsys argued that even if the claims could be performed mentally they would, in practice, be performed on a computer. The Federal Circuit indicated that although Synopsys may be correct that claims of the Gregory Patents were intended to be used in conjunction with computer-based design tools, the recited claims were not limited to the same. The Federal Circuit held the §101 inquiry must focus on the language of the claims themselves and the mere incorporation of software code in a claim does not limit performance to a computer.

II. *Alice* Step 2: Do the Asserted Claims include an inventive concept?

The Federal Circuit determined that, while "the §101 patent-eligibility inquiry and, say, the §102 novelty inquiry might sometimes overlap," a claim for a new abstract idea is still an abstract idea. The Federal Circuit distinguished the asserted claims from those in *BASCOM* where it was held that claims "directed to filtering content on the Internet" contained an inventive concept. The Federal Circuit also distinguished the asserted claims from those in *DDR Holdings* where systems and methods of generating a composite web page "involved a technological solution that overcame a specific challenge unique to the Internet."

The Federal Circuit held that the functions in the asserted claims could be performed mentally by one of ordinary skill in the art and did not call for involvement of the computer and therefore cannot be characterized as an improvement in a computer as a tool. The determination of a §101 inventive concept is distinct from demonstrating §102 novelty. Thus, merely having a complex algorithm or abstract idea performed by a computer does not rise to a level of "inventive concept" even if the abstract idea is a new abstract idea.

FEDERAL CIRCUIT***Poly-America, L.P. v. API Industries, Inc.***

On October 14, 2016, the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) affirmed a judgment of the U.S. District Court for the District of Delaware (“District Court”) that a claimed term “short seal” required such seals to extend inwardly in light of the inventor’s disavowal and correctly entered judgment in favor of API.Poly-America, L.P.’s (“Poly-America”). Poly-America’s U.S. Patent No. 8,702,308 (“’308 patent”) was directed toward an improved construction of an elastic drawstring trash bag. A principal feature of the ’308 patent was use of inwardly extended short seals to reduce the width of the trash bag’s upper opening. When coupled with elastic drawstrings, the narrowed opening allowed those drawstrings to wrap around the rim of a trash receptacle more securely than prior art trash bags.

During prosecution, the Examiner twice rejected all of Poly-America’s claims as obvious over a combination of two prior art patents—Schneider (U.S. Patent No. 7,137,737 B2) and Bonke (U.S. Patent No. 5,133,607 A)—to teach a pull-strip bag with short seals at the upper hem and a plastic liner bag with elastic top, respectively. In Poly-America’s response to the second rejection, it distinguished all of the ’308 patent’s independent claims from Schneider on the basis that Schneider’s short seals were not extended to reduce the bag’s “relaxed upper opening width” in relation to the “bag proper width.”

Poly-America sued API Industries, Inc. (“API”) for infringement in the District Court. Poly-America argued the claimed “short seal” be construed as “a seal that inseparably welds or joins the first and second elastic drawstrings and the first and second panels of the bag.” However, the District Court, instead, adopted API’s proposed construction of “A seal for securing the elastic drawstring, which seal is located adjacent to a side seal, and that is not substantially aligned with the side seal, but extends inwardly from the interior edge of the side seal” as consistent with the patent specification and prosecution history.

The District Court ruled in favor of API, and Poly-America appealed. Poly-America argued in construing the term “short seal” to require inward extension, the District Court erred by importing limitations from embodiments described in the specification, misreading the prosecution history, and ignoring principles of claim differentiation.

The Federal Circuit indicated claim terms are generally given their ordinary and customary meaning (meaning they would have to a person of ordinary skill in the art at the time of the invention) except when a patentee acts as his own lexicographer, or disavows the full scope of the claim term in the patent specification or during prosecution. The Federal Circuit found no indication of lexicography, but did find the inventor disavowed trash bags with short seals that do not extend inwardly to narrow the upper opening width in relation to the bag proper width.

The Federal Circuit pointed out that disavowal can be evidenced by language in the patent specification or the prosecution history, must be clear and unequivocal, but need not be explicit. However, an inventor may disavow claims lacking a particular feature “when the specification distinguishes or disparages prior art based on the absence of that feature.” The Federal Circuit held that claim differentiation does not serve to broaden claims beyond their meaning in light of the patent as a whole, and it cannot override clear statements of claim scope found in the specification and prosecution history.

In conclusion, a court may look to both the patent specification and arguments made during prosecution in determination of the scope of the claims (beyond the explicit claim language), meaning of the recited terms, and disavowal of claims as lacking a particular feature. Claim differentiation does not necessarily override statements of claim scope found in the patent specification and prosecution history.

**FEDERAL CIRCUIT*****FairWarning IP, LLC v. Iatric Systems, Inc.***

On October 11, 2016, the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") affirmed a summary judgment of the U.S. District Court for the Middle District of Florida ("District Court") that claims related to a system and method to detect fraud were invalid under 35 U.S.C. §101. FairWarning owned U.S. Patent No. 8,578,500 ("the '500 patent") related to systems and methods to detect fraud by an otherwise authorized user of patients protected health information ("PHI"). While pre-existing systems recorded audit log data of user access of digital digitally stored PHI, the '500 patent claimed systems and methods that recorded the data, analyzed the recorded data against a rule, and provided a notification if the analysis detected misuse.

FairWarning sued Iatric Systems ("Iatric") for infringing claims of the '500 patent in the District Court. Iatric moved to dismiss, arguing the asserted '500 patent claimed patent ineligible subject matter under §101. The District Court used the two-step test described by the Supreme Court in *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347 (2014) ("*Alice*") in evaluating the claims.

The District Court found the claims were directed to a patent ineligible abstract idea of "analyzing records of human activity to detect suspicious behavior" and found nothing to transform the abstract idea into a patentable concept. Furthermore, the District Court found the claims to be nothing more than instructions using an unspecified generic computer.

The Federal Circuit also reviewed the claims and arguments using the *Alice* test and held that "collecting information, including when limited to particular content" and analyzing the information "without identifying a particular tool for presentation" was an abstract idea. The Federal Circuit commented that the '500 patent claims merely implement an old practice in a new environment and that although the '500 patent claims required the use of a computer, it is this incorporation of a computer, not the claimed rule, that improves an existing technological process by allowing the automation of further tasks. Distinguishing the '500 patent claims from *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016), the Federal Circuit held the '500 patent as not directed to an improvement in the way computers operate.

Having defined the '500 patent claims as directed to an abstract idea, the Federal Circuit continued with *Alice* test Step Two to determine "Do the claims include limitations to 'transform the nature of the claim' into a patent eligible application." The Federal Circuit asserted the limitations merely required (1) generating a rule 'related to' the number of accesses, the timing of accesses, and the specific users in order to review 'transactions or activities that are executed in a computer environment'; (2) applying the rule; (3) storing the result; and (4) announcing the result" failed to add "something more: or transform the abstract idea into a patent eligible application."

The Federal Circuit determined the use of the generic computer elements like a microprocessor or user interface do not alone transform an abstract idea into patent-eligible subject matter and that the '500 patent system claims merely added generic computer components to the otherwise ineligible method claims. Additionally, the inability for the human mind to perform each claim step or that calculations are more efficiently performed by a computer or required to be performed by a computer does not alter the patent eligibility of the claimed subject matter.

In conclusion, simply requiring computer implementation with generic computer parts of an otherwise abstract-idea process does not make the claims patent eligible.



FEDERAL CIRCUIT

GoDaddy.com, LLC v. Rpost Communications Ltd.

In January 2014, GoDaddy.com (“GoDaddy”) received notice from RPost, a patent holding company, that several of its email services might be infringing U.S. patents owned by RPost. The patents at issue were U.S. Patent Nos: 8,161,104; 8,209,389; 8,224,913; 6,000,000; 8,468,198; and 8,468,199. These patents covered the collection of information about the delivery and opening of messages and describe a way of tracking and confirming delivery of email.

On June 6, 2016, the United States District Court for the District of Arizona (“District Court”) granted GoDaddy’s motion for summary judgment invalidating RPost’s six patents at issue under 35 U.S.C. §101. The case is currently on appeal to the United States Court of Appeals for the Federal Circuit (“Federal Circuit”).

One of the arguments presented to the Federal Circuit by RPost is that the courts lack authority to invalidate patents on the grounds of eligibility. The basis for this argument is found in the Patent Act, 35 U.S.C. § 282(b), which explicitly enumerates the defenses available to an assertion of infringement. Specifically, 35 U.S.C. § 282(b)(2) says, “Invalidity of the patent or any claim in suit on any ground specified in part II as a condition for patentability.” RPost continues by arguing that in part II, the only sections that are titled “condition for patentability” are 35 U.S.C. §102 and §103, novelty and obviousness. Therefore, the conclusion that RPost arrives at is that because §101 is not titled a “condition for patentability,” eligibility cannot be used to show invalidity in a defense for infringement.

However, the U.S. Patent and Trademark Office (“USPTO”) in the Director’s Forum: A Blog From USPTO’s Leadership posted a message titled “*PTAB and Patentability Challenges from September 24, 2012*”, addressed this issue saying, “We disagree...in our view the ‘grounds available for post-grant review include 35 U.S.C. 101 and 112’...[t]his interpretation is consistent with both relevant case law and the legislative history.” Furthermore, in *Dealertrack, Inc. v Huber*, the Federal Circuit rejected this argument when presented by a dissenting judge.

RPost has made the additional argument that the District Court misapplied the *Alice* §101 patent-eligible subject matter test by over generalizing the asserted claims to fit an abstract idea. The problem of over generalizing claims has been addressed by the USPTO in a memo sent November 2, 2016 to the Patent Examining Corps. In the memo, the USPTO said “[e]xaminers should consider the claim as a whole... and should not over generalize the claim or simplify it into its “gist” or core principles.” Additionally, the Federal Circuit in *McRO* counseled that “courts must be careful to avoid oversimplifying the claims by looking at them generally and failing to account for the specific requirements of the claims.”

In conclusion, while it is important to leave no stone unturned in litigation, the arguments that appear to be more persuasive are those that would suggest the claim interpretation is an over generalization as opposed to disputing the authority of the court to invalidate a patent through patent ineligible subject matter under 35 U.S.C. §101.



USPTO

USPTO Set to Raise Fees

On October 3, 2016, the United States Patent and Trademark Office (“USPTO”) issued a notice of proposed rulemaking. The notice of proposed rulemaking is part of the biennial review of the fee structure, as authorized by the America Invents Act, wherein the USPTO will be raising the fees for certain patent and Patent Trial and Appeal Board (“PTAB”) operations. The increased fees will allow the USPTO to recover the costs of patent examination, operations of the PTAB, and USPTO administrative services that support patent operations. The standard fees for utility applications are expected to increase by about ten percent. Additionally, the following fee increases are expected:

Operation	Previous Fee (Large Entity)	New Fee (Large Entity)
Inter Partes Review Fees (petition + institution)	\$23,000	\$30,500
Post Grant Review (Request + Institution)	\$30,000	\$38,000
Submission of Sequence Listing (300 MB - 800 MB)	N/A	\$1,000
Submission of Sequence Listing (>800 MB)	N/A	\$10,000
Notice of Appeal	\$800	\$1,000
RCE (1)	\$1,200	\$1,300
RCE (2)	\$1,700	\$1,900

USPTO

USPTO Section 101 Subject Matter Eligibility Memorandum

On November 2, 2016, in an instructional memorandum to patent examiners from the Deputy Commissioner for Patent Examination Policy, the United States Patent and Trademark Office (“USPTO”) provided guidance on applying recent decisions on patent subject matter eligibility under 35 U.S.C. § 101 from the United States Court of Appeals for the Federal Circuit (“Federal Circuit”). Specifically, the memorandum addresses the Federal Circuit decision in *McRO v. Bandai Namco Games America Inc.* (“McRO”) and *BASCOM Global Internet Service, Inc. v. AT&T Mobility LLC* (“BASCOM”). It addresses these two cases because they are two of only a handful of cases that have found software claims to be subject matter eligible under § 101 since the United States Supreme Court decided *Alice*. However, since *Alice*, there have been many cases before the Federal Circuit over the issue of subject matter eligibility but most of them have ruled the patents at issue invalid because of subject matter eligibility according to 35 U.S.C. § 101. The USPTO applies these cases as further guidance to using the test provided in *Alice*. The *Alice* test says:

- Step 1. Determine whether the claim is directed to a process, machine manufacture or composition of matter. If not, then it is subject ineligible.
- Step 2A. If the claim is directed to a process, machine, manufacture, or composition of matter, then determine whether the claim is directed to a law of nature, natural phenomenon, or an abstract idea. If it is not, then it is subject eligible.
- Step 2B. If the claim is directed to a law of nature, natural phenomenon, or an abstract idea, then determine whether any element or combination of elements, in the claim is sufficient to ensure that the claim as a whole amounts to significantly more than the judicial exception.

McRo

In applying *McRO*, the USPTO advised its examiners, while examining a claim that may be subject matter ineligible according to 35 U.S.C. §101, to consider the claim as a whole under Step 2A of the *Alice* test. Additionally, the examiners should not over simplify the claim when identifying judicial exceptions. With specific regard to computer-related technology the USPTO said, an “improvement in computer-related technology” is not limited to improvements in the operation of a computer or a computer network per se, but may also be claimed as a set of “rules” (basically mathematical relationships) that improve computer-related technology by allowing computer performance of a function not previously performable by a computer.

BASCOM

In applying *BASCOM*, the USPTO gave directions to its examiners to consider in Step 2B of the *Alice* test the additional elements in combination, as well as individually, when determining whether a claim as a whole amounts to “significantly more” as this may be found in the nonconventional and non generic arrangements of known, conventional elements.

The USPTO further instructed examiners to use the *Alice* test to resolve questions of preemption. Additionally, the USPTO discouraged examiners from relying and citing non-precedential decisions unless the facts uniquely match the facts at issue.

TRADEMARK

USPTO Set to Raise Trademark Fees

On October 18, 2016, the United States Patent and Trademark Office (“USPTO”) published changes to the trademark fees. The change in fees will take effect January 14, 2017. All fees paid for paper filings will increase. The range by which fees will increase is from \$75 to \$200. The change incentivizes applicants to file electronically, by reducing the fee per class for a request for an extension of time to file a statement of use that is filed electronically, from \$150 to \$125. Ten of the Trademark Trial and Appeal Board (“TTAB”) fees will be changing, six of which will increase and four new fees are created for electronic and paper-filed requests to extend time to file a notice of opposition filed after the initial request. Additionally, the following fee increases are expected:

Paper Filing Operations	Previous Fee	New Fee
Filing an Application on Paper, Per Class	\$375	\$600
Request to Divide an Application Filed on Paper, per New Application Created	\$100	\$200
Filing an Application for Renewal of a Registration of Paper, per Class	\$400	\$500
Correcting a Deficiency in a Renewal Application via Paper Filing	\$100	\$200
Certifying an International Application Based on More Than One Basic Application or Registration Filed on Paper, per Class	\$150	\$250
Filing a Petition to Cancel on Paper, per Class	\$300	\$500
Filing a Notice of Opposition on Paper, per Class	\$300	\$500
Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(1)(ii) or (c)(2) on paper	n/a	\$200
Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(3) on paper	n/a	\$300

Electronic Filing Operations	Previous Fee	New Fee
Filing an Application through TEAS Regular, per Class	\$325	\$400
Additional Processing Fee under §2.22(c), per Class	\$50	\$125
Filing an Affidavit under §8 of the Act through TEAS, per Class	\$100	\$125
Filing an Affidavit under §71 of the Act through TEAS, per Class	\$100	\$125
Filing a Petition to Cancel through ESTTA, per Class	\$300	\$400
Filing a Notice of Opposition through ESTTA, per Class	\$300	\$400
Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(1)(ii) or (c)(2) through ESTTA	n/a	\$100
Filing a Request for an Extension of Time to File a Notice of Opposition under §2.102(c)(3) through ESTTA	n/a	\$200

FIRM NEWS



45TH ANNIVERSARY CELEBRATION

On December 2, 2016, Staas & Halsey LLP will be celebrating its 45th Anniversary at the Carnegie Institution for Science located at 1530 P St., N.W. in Washington, D.C. The festivities will begin at 7 p.m. with a cocktail hour followed by dinner and dancing. Staas & Halsey has invited all its clients to join its attorneys and staff in the festivities. Staas & Halsey looks forward to seeing all its invitees at such a momentous occasion.



Carnegie Institution for Science

FIRM NEWS

WASHINGTON, D.C. IN THE AUTUMN



Autumn around the Washington, D.C. Tidal Basin with the Jefferson Memorial in the background.



The Washington Monument on a brisk, blue sky day.



FIRM NEWS

Celebrity Patent Inventor: Walter E. Disney



“If you can dream it, you can do it” so said the creator of an American icon, Mickey Mouse. Walter E. Disney, a man most notably known for some of the most famous cartoon characters and childhood movies ever. Who does not know Snow White, Bambi, Mary Poppins and of course Disney’s mascot, Mickey Mouse. Walt Disney along with his brother Roy founded in 1923 what is today The Walt Disney Company, an American multinational mass media and entertainment corporation. Today, Walt Disney’s legacy claims over 11 Disney Amusement Parks in various countries around the world, 22 Academy Awards, two Special Achievement Awards, an Emmy Award, a star on the Hollywood Walk of Fame, the U.S. Presidential Medal of Freedom, the U.S. Congressional Gold Medal, membership into the USPTO’s National Inventors Hall of Fame, and even a planet named 4017 Disneya. Walt Disney would be awarded his first two patents in a long line of Disney patents, trademarks, and copyrights. U.S. Patent 2,201,689 was awarded in 1940 for a device that allows for a multi-plane camera that created more realistic 3-D images as well as depth and richness to the animation. U.S. Patent 2,942,516 was awarded in 1960 to Walt Disney and UB Iwerks for their invention of a panoramic motion method of presenting a continuous motion picture on a circular screen, also known as Circle-Vision. 360°.

Staas & Halsey LLP
 1201 New York Avenue, N.W.
 7th Floor
 Washington, D.C. 20005
 Telephone: 202.434.1500
 Email: info@s-n-h.com
 Fax: 202.434.1501
www.staasandhalsey.com

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Editor-In-Chief: David M. Pitcher
 Contributor: Paul W. Boboweic

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