Agenda

- Introduction
- Intellectual Property: Trade Secrets, Patents, Trademarks, Copyrights
- Strategies
- Case Study (LinkedIn IP)
Categories of Intellectual Property

- Trade Secrets
  
- Patents
  
- Trademarks
  
- Copyrights
Trade Secrets
Trade Secrets

• Help Protect Secret Information

• Examples:
  – Formula
  – Source Code
  – Manufacturing Process
  – Customer List
Trade Secrets: Reasonable Measures

- Marking documents
- Agreements
- Physical security procedures - sign in, badges, restricted visitor access, guards, locks, fences
- Data security
Trade Secrets: Caveats/Strategies

• Risk: Misappropriation/Taint

➢ Limitations:
  • Disclosure
  • Reverse Engineering and Independent Development
  • General Knowledge and Skills of Employees

➢ Strategies:
  • Agreements
  • Protect secrets – reasonable measures
  • Other IP
Patents
Patents: Subject Matter

- Apparatus
- Process
- Composition of Matter
- Design Patents
Patents: How Obtained

- File Application with Patent Office (PTO)

- Timeliness/Filing Date

- Patentability Requirements, E.g.:
  - Novelty
  - Nonobviousness
  - Description
Patents: Summary of Deadlines

- U.S. (Old) – First to invent. 1-Year grace period.
- Most Other Countries: Absolute novelty – file before invention becoming public.

- Core Technology
- Marketing Advantage
- Improvement
- Different Market
- Alternative
- Related Product/Part
- Future Product
- Future Problems
- Future Opportunities
Patents: Important Attributes

- Written Assignment Agreements Important
- May Cover General Methods
- Cover Independent Development
- Right to Exclude (not Right to Practice)
Trademarks
Trademarks: Overview

- Word, Name, Phrase, Symbol, Design, or Combination
- Source Identifier
Trademark Protection

- Federal registration rights are 10 year term
- Loss of trademark rights by:
  - Abandonment or cancellation
  - “Naked” licensing without adequate quality control
  - “Genericization”
Trademarks: Some Caveats

- Secretary of State Business Name ≠ Trademark Clearance

- Domain Name ≠ Trademark Clearance
Copyrights
Copyright

- Works of authorship -- content + software
- Originality requirement (low standard)
- Covers expression not ideas
Copyright Protection

- Notice: © 2007 John Doe - not required, but recommended

- Registration - not required (except to sue), but recommended
Strategies
Twin Goals of Intellectual Property Management

- Build Value (your IP)
- Avoid Infringement (3rd Party IP)
Recap / IP Cost / Benefit

Protection

Cost

Copyright

Trademark

Trade Secret

Patent
Don’t Need to Choose One Form of IP

Example, Software may have:

- Method Patent
- Copyrights -- Source Code/Displays
- Secret Source Code
- Trademarked Name
- Database Rights
Where Did You Get That?

Need Rights from:

- Founders
- Other Contributors
- University and Government (note related complications)
- Parent (if from spin-out)
- Other Third Parties
Don’t Get Contaminated or Blocked

- Disclosure
- Improvements and Modifications
- Blocking Patents
- Feedback or Residual Clauses
- File Patent Applications in Advance
- Copyleft/Open Source
Licensing Overview

- University/Former Employer
- Founders (Assignment)
- Employees (Invent. Discl./Confid. Agts.)
- Additional In-Licenses
- Products/Services
- Out-Licenses
Case Study
IP at LinkedIn - Trademarks

LinkedIn ©

Follow Us
Join our group
View my LinkedIn® Profile

slideShare

pulse
IP at LinkedIn - Trademarks

- In-Product use
  - conflicts
  - fair use

- Trademark Strategy:
  - Few key trademarks worldwide
  - Usage Guidelines
  - Brand Request
  - Enforce
    - Trademark rights
    - Fraud and Phishing
    - Domains
IP at LinkedIn - Copyrights

- Open Source
- Apps
- Member Content
  - DMCA
- News and Influencers
- Database
IP at LinkedIn - Trade Secrets

- Algos- Recommendations
- Software
- Member Information

How?
- Employee and contractors
- NDAs
- Security
IP at LinkedIn - Patents

**Inventor Program**

- Strategy
- Rewards
- Policy
Questions?
This presentation is provided for educational purposes. The presentation is intended to highlight certain aspects of the business of intellectual property rather than to provide legal advice. The examples included are provided to illustrate concepts and are not intended as an analysis of the rights of any particular party. Participants should consult their own attorney for advice pertaining to any particular situation. The views presented herein are not necessarily those of the employers or clients of the presenters or the positions of the presenters with respect to a particular issue, situation or policy.
Sara Duval Harrington
Sr. Director Legal - IP, Product and Privacy
LinkedIn Corporation
T: 650-605-0680
E: sharrington@linkedin.com

George A. Willman
Attorney at Law
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd.
Palo Alto, CA 94304
T: 650-320-4945
E: gwillman@wsgr.com
W: www.wsgr.com