

4 pieces of patent news you should know right now

Examining the top news from Amazon, Google and more

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1. Amazon Keeps Droning On: Amazon's recent patent application for an [Unmanned Aerial Vehicle Delivery System](#) reveals that the plan for the aerial delivery of items is much more elaborate than had been previously understood. As reported by [WIRED](#), these drones will not simply lift off from a warehouse with a package and drop it off at a programmed destination, the drones will communicate with each other mid-flight, providing each other real-time updates on flight and landing conditions.

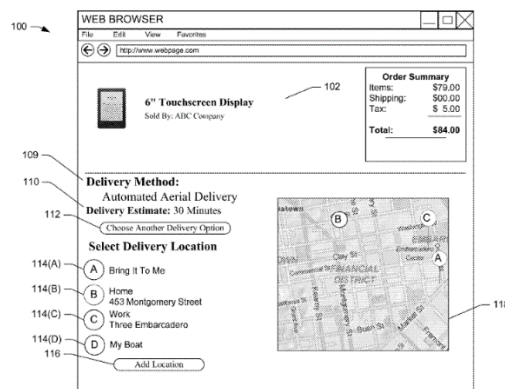


Image from Patent Application

This plan addresses a key concern about how Amazon's drones would be able to securely carry an item weighing up to five pounds from Point A to Point B without it being damaged, dropped or stolen. But it is unlikely that Amazon's futuristic delivery system will be a threat to UPS, FedEx or the Postal Service any time soon. There are still many regulatory obstacles for Amazon to surmount, and there are still innumerable safety and logistics issues to be resolved.

Imagine what it would be like during the busy Christmas shopping season with hundreds of gift-carrying drones flying over pedestrians, homes and busy downtown traffic. The risks – and corresponding liability – would be enormous. For unless these drones are completely unlike the type commonly purchased by consumers, they will tend to fall from the sky at the most inopportune moment. That being said, our money is still on Amazon CEO [Jeff Bezos](#) turning this dream into a reality.

2. Patents Are Really Getting Inside People's Heads: As reported by [BBC News](#), there has been a dramatic rise in non-medical patents related to human gray matter. It appears that companies are seeing a growing market for inventions related to brainwaves, particularly those related to the assessing or altering mental states. [Thync](#), for example, is a startup that hopes to skip the caffeine and enhance people's moods by directly manipulating brainwaves.

Another area that is seeing increased activity is Neuro-marketing. New companies are springing up all over the place that gauge customer reactions to products by employing Electroencephalography (EEG). That is, these marketers are measuring how much people like products or advertisements by attaching sensors to their scalps and tracking electrical activity. Many of these firms are seeking patents based on their particular method for using EEGs to measure the level of a customer's engagement or interest.

3. Google Wants to Buy Your Patents ... or do they?

From May 8 to May 22, Google accepted, at [Google Patent Programs](#), submissions from patent holders regarding patents they wished to sell. The company gave this official statement: “Google is announcing an experiment to remove friction from the patent market and improve the landscape: The Patent Purchase Promotion. Starting May 8, 2015 and continuing through May 22, 2015, we will open a streamlined portal for patent holders to tell Google about patents they are willing to sell.”

Google’s FAQs indicate that, if Google purchased your patent, they will give you the right to continue to practice the patent. Google will let you know their decision by June 26 at which point further information, such as a list of encumbrances and relevant litigation may need to be provided. A sample agreement for transfer can be viewed [here](#).

While Google says that its program is experimental, designed to improve the patent system, and an alternative to having inventors pair up with non-practicing entities, they do not say what other use they will make of the submissions. For example, will Google develop valuation data based on the submissions and areas of technology? Google could conceivably develop a database of “search patents” in the Internet searching field with offering prices in order to contend in future litigations that “search patents” are only worth so much money based on the thousands of submissions they received in this field. Big data analytics across a large number of willing licensors who name specific purchase prices for their patents can provide very interesting tools for a large company such as Google.

Suppose an inventor wants \$75,000 from Google for his patent, Google declines, and the inventor transfers the patent to an assertion entity who sues Google for millions. Will Google retain the inventor’s submission to claim in the later filed case a damages limitation of \$75,000? One can think of many uses Google might make of these submissions. We will wait and see what use or nonuse of the submission information is undertaken by Google, and whether the program is continued in the future or imitated by others.

4. U.S. Trade Representative Demands India and China Stop the Flow of Knockoffs

The [Office of the US Trade Representative](#) Michael Froman has issued its annual [Special 301 Report](#). This report cites India and China for failing to enforce national and international laws intended to protect intellectual property. This comes as no surprise since it has been estimated in a previous [report](#) that trafficking in counterfeit goods by these countries may cost U.S. companies more than \$300 billion in lost exports. The report notes:

“Tens of millions of Americans owe their jobs to intellectual property-intensive industries. Strong and balanced protection and enforcement of intellectual property are critical for promoting exports of U.S. innovative and creative goods and services, and sustaining those jobs here at home. The Special 301 Report is an important tool – and a demonstration of this Administration’s resolve – to ensure that Americans can bring their inventions and creations to people all over the world without their work being infringed or misappropriated.”

The report also highlights progress made by U.S. trading partners to resolve intellectual property concerns, including the following:

- Italy implemented new regulations in 2014 to combat copyright piracy over the Internet, including by providing notice-and-takedown procedures that incorporate due process safeguards and establish a mechanism for addressing large-scale piracy.
- The Philippines carried out administrative enforcement reforms that have resulted in streamlined procedures, enhanced inter-agency cooperation, and more enforcement action, including increased seizures of pirated and counterfeit goods.
- Denmark established a unit to be housed under the Danish Patent and Trademark Office that will assist in enforcement efforts by serving those consumers and businesses that have allegedly been the victims of patent, design, and trademark infringement.