



The Hidden Client?

Jurisdictions throughout the country have expanded an attorney's duty to non-clients which could put lawyers at risk of a malpractice suit in our area. Read the story on page 12.

Steely Library is an Official Patent & Trademark Resource Center for the USPTO

by John Schlipp



The W. Frank Steely Library at Northern Kentucky University in Highland Heights, Kentucky offers an Intellectual Property Awareness Center ("IPAC"). The IPAC educates both creators and consumers of intellectual property ("IP"), assisting them in their research, creativity, and innovation. Inventors, entrepreneurs,

and start-up businesses often have no idea where to start when IP is needed for their innovations. As many IP legal experts best describe it, Steely Library's IPAC service offers vital IP "triage" for its customers, often serving as their first stop before seeking the advice of an IP attorney. To further support this free community service, the US Patent & Trademark Office (USPTO) officially designated our IPAC as a Patent & Trademark Resource Center ("PTRC") in 2013. As a PTRC, Steely Library's IPAC collaborates and partners with regional legal and business support groups to assist inventors, entrepreneurs, and businesses with intellectual property awareness.

According to the USPTO website <<https://www.uspto.gov/learning-and-resources/support-centers/patent-and-trademark-resource-centers-ptrc/history-and-0>>:

"Patent and Trademark Resource Centers (PTRCs) are a nationwide network of public, state and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support the diverse intellectual property needs of the public. Accessing the patent and trademark information at a PTRC with the help of a trained specialist, you may be able to determine if someone else has already patented your invention or obtained a federal registration for a trademark on goods or services. PTRCs also have access to PubWEST and PubEAST, examiner-based search systems. These trained specialists may also help you with specific questions regarding the patent and trademark processes, but they will not provide legal advice."

There are over 80 PTRCs in the United States. Many of these libraries are also Federal Depository Library Program ("FDLP") repositories with Government Printing Office (GPO) documents. In the Northern Kentucky and Cincinnati region there are two PTRCs: NKU's W. Frank Steely Library, as well as the Public Library of Cincinnati & Hamilton County's Main Library in downtown Cincinnati. For a list of all of the Patent and Trademark Resource Centers, see: <http://www.uspto.gov/products/library/ptdl/locations/index.jsp>.

PTRCs provide free patent and trademark searching tools and collections comparable to what the USPTO provides in Alexandria, Virginia (near Washington, D.C.) at the Public Search Facility. Patent attorneys, agents, and paralegals may also want to utilize the PubEAST or PubWEST examiner databases available for free access onsite at NKU's Steely Library or the Public Library of Cincinnati & Hamilton County.

To facilitate the utilization of their patent and trademark searching tools, PTRCs feature helpful, knowledgeable staff and confidentiality. PTRCs convey this confidentiality policy up front so that inventors feel comfortable in sharing essential information. Confidentiality is critical, as public disclosure could prevent allowance of a granted patent. PTRCs provide basic IP instruction that allows library customers to effectively find specialized information on their own. In addition to IP instruction, PTRCs are also able to answer basic IP questions.

Searching for patents is vital to determine if one's invention is indeed original, before pursuing the submission of a patent application to the USPTO. The easiest method to locate a patent is if you have the patent number or the inventor name. Then you can utilize one of the patent databases to find it quickly. However, for an inventor wishing to see if their idea for their invention is original, the search process is not as simple. So, why should an inventor or entrepreneur perform a patent search?

- To prepare for the application process
- To improve awareness of their invention field
- To locate prior art required in an application
- To determine whether an application is feasible
- To prepare for professional consultation with a patent attorney or agent

Do you remember Koosh® Balls? Now how would you describe a Koosh Ball if you were to do a patent search? Sponge-like? Floppy? Strands? Any other words which would describe it? See the U.S. Utility Patent 4,756,529 cover page for how it was titled: Generally Spherical Object with Floppy Filaments to Promote Sure Capture. This demonstrates why keyword searching may not have alone located this patent, whereas a classification-controlled vocabulary search would have found it.

John Schlipp is an Associate Professor and Intellectual Property Librarian at NKU's Steely Library. He directs the Intellectual Property Awareness Center (IPAC) at NKU, assisting everyone from inventors to musicians in becoming aware of their intellectual property. John also teaches LIN 405 Intellectual Property & Information Rights for the NKU Bachelor's Degree in Library Informatics. The IPAC is an official Patent & Trademark Resource Center (PTRC) of the U.S. Patent & Trademark Office. See <http://ipac.nku.edu> for further details.

United States Patent [19]

Stillinger

[11] Patent Number: **4,756,529**[45] Date of Patent: **Jul. 12, 1988**[54] **GENERALLY SPHERICAL OBJECT WITH FLOPPY FILAMENTS TO PROMOTE SURE CAPTURE**

[75] Inventor: Scott H. Stillinger, Los Gatos, Calif.

[73] Assignee: OddsOn Products, Campbell, Calif.

[21] Appl. No.: 60,640

[22] Filed: Jan. 11, 1987

[51] Int. Cl.⁴ A63B 37/14

[52] U.S. Cl. 273/58 K; 273/428;

446/268; 446/490

[58] Field of Search 446/490, 901, 268;

273/58 R, 58 I, 58 K, 199 R, 199 A, 415, 428;

15/244.1, 244.3

[56] References Cited

U.S. PATENT DOCUMENTS

2,290,216 7/1942 Steinmetz et al. 15/244.1
2,521,703 9/1950 Emmitt 273/58 K
2,789,305 4/1957 Well 15/244.14,149,723 4/1979 Simon 273/428 X
4,522,396 6/1983 Girard et al. 273/58 K

FOREIGN PATENT DOCUMENTS

3121758 12/1982 Fed. Rep. of Germany 446/901

Primary Examiner—Richard T. Stouffer
Attorney, Agent, or Firm—Kollisch, Hartwell &
Dickinson

[57]

ABSTRACT

An amusement device which has a substantially spherical configuration, and which is formed from a large plurality of floppy, elastomeric filaments that radiate in a dense, bushy manner from a central core region. The filaments are sufficiently floppy to collapse on impact, thus to absorb enough energy to avoid any tendency to bounce. They are also sufficiently dense and floppy that they tend to quickly thread their way between the fingers of a user on contact with the hand. These features promote sure and quick capture of the device during the act of catching.

etc. If an inventor still has not found their invention, after an exhaustive search, then perhaps they should try again. After all, even if one's idea may be truly new and original, one should find similar inventions to include in their patent application.

PTRCs promote a Patent Attorney or a Patent Agent as an inventor's best friend. The legal language of patent application preparation is a challenge. PTRCs advise inventors

Keyword searching is quick. It requires little specialized search skills. It is more appropriate for very recently developed technologies where the classifications have not yet been developed. However, keyword searching is not comprehensive. Only the European Patent Office's <https://worldwide.espacenet.com> on the web or the USPTO's PubEAST/WEST patent examiner databases (available at Steely Library) provide thorough keyword searching back to 1920. Google Patents keyword searching alone may not be as effective.

There are two classification systems to be familiar with. One is the USPTO classification. The other newly introduced classification system is the CPC: Cooperative Patent Classification. Both classification methods are comprehensive and have no date restrictions. They are organized by invention features described in a patent.

Patent classification systems are thesaurus or controlled vocabulary structures, similar to library subject headings. Both the USPTO and CPC structures are hierarchal systems to organize patents. Each is concept based and utilized as a tool to retrieve patents. Since 2015, all U.S. Utility Patents are currently classified with CPC. US Design and Plant Patents are only classified with the former USPTO classification system, which continues to be used for such purposes.

PTRCs demonstrate the seven-step process for both patent and trademark searching. The seven steps of a preliminary patent search are divided into three functions: Classification; Access Full-Text; and Review and See References. For the most current version of the seven-step patent search, see: <https://www.uspto.gov/learning-and-resources/support-centers/patent-and-trademark-resource-centers-ptrc/resources/seven>.

PTRCs are also able to show inventors how to search foreign patents at the European Patent Office's <https://worldwide.espacenet.com> site, in industry journals, and at various websites,

and entrepreneurs to see a regional patent attorney or agent after a preliminary patent search has not found an identical item. By completing their own preliminary patent search, an inventor has done their homework before conferring with a legal Patent Professional. PTRCs direct their patent customers to the USPTO attorney and agent database (<https://oedci.uspto.gov/OEDCI/>), listing patent attorneys licensed to practice before the USPTO. From this database, inventors may find listings by geographic region. This list is helpful to refer inventors to when they ask for references to find an attorney or agent. PTRCs are advised never to suggest an attorney, but rather to provide directions on how to use the USPTO Attorney and Agent Listings database.

Entrepreneurs and small businesses often come to PTRCs for support using the trademark resources of the USPTO, and state agencies (e.g. Secretary of State offices in Kentucky, Ohio, or Indiana). Federal and state trademarks have different database records, guidelines, agencies, and fees. PTRCs are able to offer instructional assistance on how to utilize free trademark databases such as the USPTO's TESS (Trademark Electronic Search System) <https://www.uspto.gov/trademark> to search federally registered trademarks. Usually searching trademarks is not as complicated as a patent search.

NKU's IP awareness IPAC service offers great benefits to our campus and community for which PTRC serves. NKU students learn about intellectual property and creativity to enhance their future. Today's inventors and entrepreneurs network and learn from one another and from the experts at free PTRC programs. Besides IP customer awareness and use of USPTO patent and trademark resources, IP information literacy through reference and PTRC programs contributes to the economic development of our community.