Intellectual Property Panel
Mass TLC Future of Robotics Seminar

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Intellectual Property Rights

• Exclusive rights to owners of ideas, inventions and creative expression for a certain period of time

• Types
  – Patent: method, apparatus, thing
  – Trademark: word, name, or symbol identifying source
  – Copyright: original works of authorship
  – Trade Secrets:
    • Formula, pattern, compilation, program, device, method, technique or process that is used in one's business, and has independent economic value that provides an advantage over competitors who are not aware of it or use it
IP and the Robotics Company

• IP is important at many stages:
  – Provides value for investors
  – Secures market share
  – Positions technology for competitive threats
  – Measures innovation
Are Robotics Inventions Patentable?

• Inventors can obtain a patent for "any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. . . .“

• Must be useful, novel, and non-obvious
  – Combinations of known technologies may be patentable

• Robotics inventions can be multi-disciplinary
Key Challenges: Obviousness

• What is obvious?
  – Combining familiar elements according to known methods to yield predictable results
  – Arranging old elements performing the same function they were known to perform to yield no more than expected
  – What was obvious to try (e.g., when there is a finite number of identified, predictable solutions)
  – What would have been “common sense” to combine

• What is non-obvious?
  – Unexpected results
  – That which the published references teach against doing
  – Combinations of prior art elements that were thought to be impossible
  – Combinations of prior art elements from widely divergent fields
  – Combinations that are obvious only in “hindsight”
  – That which has provided commercial success or which fills a long felt, unsatisfied commercial need
Key Challenges: Software Patents

- The law on software patenting is in flux
- Some present challenging guideposts to consider:
  - Claims that “can be performed in the human mind, or by a human using a pen and paper” are ineligible. *Cybersource*, 654 F.3d 1366 (Fed. Cir. 2011)
  - Claims must “add [something] specific” to the abstract idea “other than what is well-understood, routine, conventional activity, previously engaged by those in the field.” *Mayo*, 123 S. Ct. 1289 (2011).
- The Supreme Court has granted certiorari and will opine on software patent eligibility this spring in *CLS Bank v. Alice Corp.*
Our Panel Today

• Ted Acworth
  – Founder & CEO, Artaic Innovative Mosaic
• Andrew Hoffman
  – Principal Software Architect, Kiva Systems
• Tom Ryden
  – Co-founder & COO, VGo Communications
• Glen Weinstein
  – EVP & Chief Legal Officer, iRobot Corporation
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