



PROGRAM MATERIALS

Program #30123

May 13, 2020

Protection of Innovation in Times of Covid-19 and Other World Disasters

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GEARHART LAW

Protection of Innovation in times
of Covid-19 and other world
disasters

CELESQ

David Postolski

May 2020



GEARHART LAW

- American Revolution
- 1787- Constitutional Convention
- 1789 George Wahsington becomes President



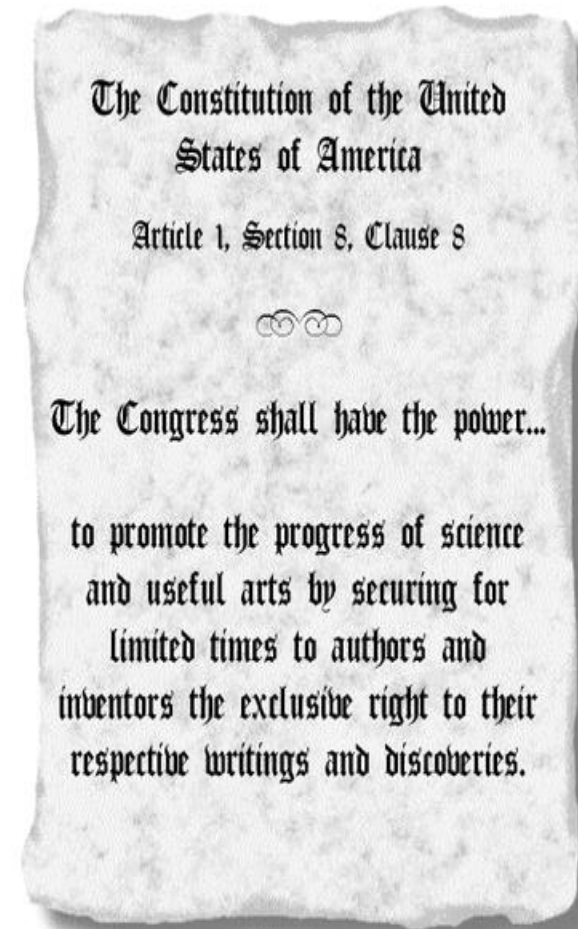
GEARHART LAW

WHAT IS INTELLECTUAL PROPERTY?

U.S. Constitution- IP

*“Congress has the power to promote the Progress of Science and useful Arts, by securing for **limited** Times to Authors and Inventors the **exclusive** Right to their respective **Writings** and **Discoveries**”*

Art. 1, Sec. 8, Cl. 8





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Indeed, on January 8, 1790, President Washington delivered his [first State of the Union speech](#) to Congress. In this first ever State of the Union, only months after the ratification of the Constitution and assuming Office, President Washington asked Congress to exercise its powers granted in the Constitution to enact a patent statute.

Washington's State of the Union was a mere 1,096 words, yet he devoted this passage to patents:

The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation; but I can not forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to the exertions of skill and genius in producing them at home, and of facilitating the intercourse between the distant parts of our country by a due attention to the post-office and post-roads.



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The United States Patent Office was created with the Patent Act of 1790.

James Madison — the fourth President of the United States and the father of the U.S. Constitution — wrote the usefulness of the power granted to Congress in Art. I, Sec. 8, Clause 8 to award both patents and copyrights *will scarcely be questioned.*

The 1790 law gave the Patent Board members the power to grant a patent. Their authority was absolute and could not be appealed. The first board members included Thomas Jefferson, Secretary of State, who was considered the first administrator of the American patent system and the first patent examiner; Henry Knox, Secretary of War; and Edmund Randolph, Attorney General. The Department of State had the responsibility for administering the patent laws, and fees for a patent were between \$4 and \$5, with the board deciding on the duration of each patent, not to exceed 14 years.

Thomas Jefferson, commenting on his softening opposition to patents at the time, stated: “The patent act has given a spring to invention beyond my comprehension.”

On April 10, 1790, President George Washington signed the bill that laid the foundation of the modern American patent system. This date marks the first time in American history that the law gave inventors rights to their creations.

Intellectual property rights are fundamental rights. In other words, the only “rights” mentioned in the Constitution are patents and copyrights.



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“Cotton Seed Planter” “Earth Scraper” “Fence Machine” (barbed wire)
“Wrestling Toy”

On July 31, 1790, the first U.S. patent was issued to Samuel Hopkins for an improvement “in the making of Pot ash and Pearl ash by a new Apparatus and Process.” This patent was signed by then-President George Washington.



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- Congress, to the contrary, designed the Patent Act to promote such investment and innovation, including with respect to its provisions on eligibility and invalidity, *see, e.g.*, 35 U.S.C. §§ 101 & 103. Indeed, Congress later created the Federal Circuit for essentially this same reason, consistent with the Framers’ purpose of authorizing patent laws that “liberally encourage[]” innovation.



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Definition:

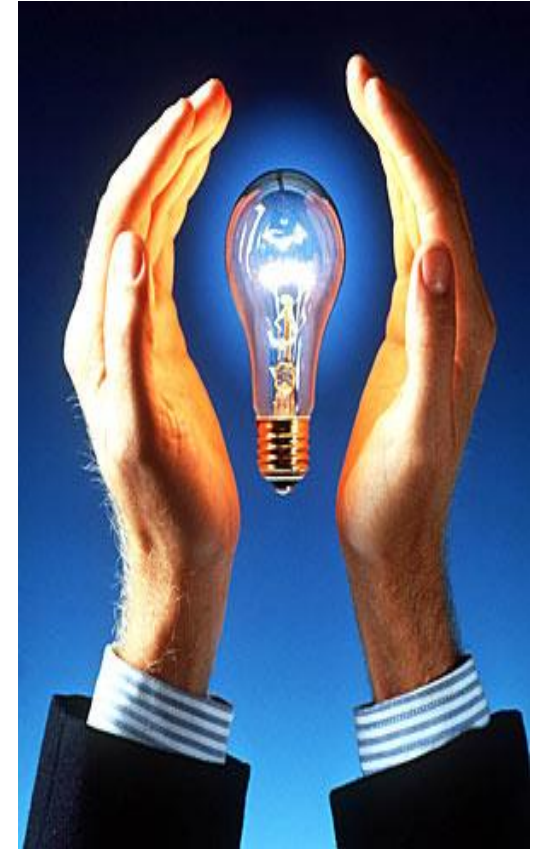
- Intellectual property (IP) is any work or invention that is the result of creativity and can be protected by statute or legislation, the physical embodiment of intellectual efforts
- Includes inventions, discoveries, know-how, show-how, processes, unique materials, original data, and other creative or artistic works.
- Property = The Right to Exclude

Purpose:

- encourage innovation that benefits the public
- allow the public to use the information
- protect the rights of authors, inventors and businesses

Foundation:

- Owners are granted certain exclusive rights to a variety of intangible assets
- Promote Creative Solutions





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What is and is not patentable is not about morality; how and when rights are enforced and under what circumstances is when morality comes into play. Patenting it—the first step—is outside the realm of morality and very much in the public interest. Across the board. Always has been.

One, it creates an incentive for those who would otherwise keep to themselves, i.e., the “wheel”, for only their exclusive use/profit, to share with the public. Two, by virtue of that disclosure, we benefit by not having to re-create the “wheel” and can instead improve the “wheel” and/or put it to good use (i.e., build a pyramid) going forward. In step two, we pay as necessary and as warranted for the use of the “wheel”. I use “wheel” as a reference to any solved unknown. Both the inventor and society benefit. This was and remains the reasonable conclusion of the fundamental discussion between Jefferson and Madison as to whether a patent system should exist in these United States. Jefferson being persuaded that useful ideas would not just spontaneously appear in the public realm without an incentive; and Madison, relying on the ambition of those with the ideas, then located primarily outside the United States, to bring them to the United States, where they could be protected and commercially exploited. Everyone, including the country at-large, becomes a winner; at no cost!



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Ideas are not protectable



- IDEA is the first critical step, but without some identifiable embodiment of the idea there can be no intellectual property protection obtained.
- **Patent-** a set of exclusive rights granted by a sovereign state to an inventor or their assignee for a limited period of time (monopoly) in exchange for the public disclosure of the invention.
- **Trademark-** exclusive rights in a distinctive sign or symbols used in commerce to identify product or service source. Protection of your brand.
- **Copyright-** bundle of exclusive rights to copy, distribute, adapt, perform, display expressive work for a limited time





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Intellectual property protections encourage innovators to embark on the difficult path to innovation by supplying tangible support along the way. When the hours get long and the costs get high, intellectual property rights offer an unyielding confidence that innovators' investments are indeed valuable.

The patent system added the fuel of interest to the fire of genius.

Abraham Lincoln

Our founding fathers wrote the IP clause in the Constitution to send a clear message: innovation is welcome here. In fact, it's encouraged. They understood that in order to achieve unparalleled innovation, our country would have to instill unparalleled intellectual property rights.

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The patent laws offer this exclusive right for a limited time as an incentive to inventors, entrepreneurs and corporations to engage in research and development, to spend the time, energy and capital resources necessary to create useful inventions; which will hopefully have a positive effect on society through the introduction of new products and processes of manufacture into the economy, including life saving treatments and cures. See [Kewanee Oil Co. v. Bicron Corp.](#), 416 U.S. 470, 480 (1974)(patents provide “an incentive to inventors to risk the often enormous costs... [benefiting] “society through the introduction of new products and processes of manufacture into the economy, and the emanations by way of increased employment and better lives for our citizens.”); see also [Universal Oil Products Co. v. Global Oil Refining Co.](#), 322 U.S. 471, 484 (1944)(“As a reward for inventions and to encourage their disclosure, the United States offers a seventeen-year monopoly to an inventor who refrains from keeping his invention a trade secret.”)



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- COVID-19

Unfortunately, we are seeing those consequences play out with U.S. patent law in real time. For nearly 15 years, the Supreme Court's IP opinions that have had the effect of de-valuing U.S. patent rights, making it increasingly difficult (for example) for U.S. intellectual-property owners to obtain injunctive relief against those who infringe, trespass on, or otherwise steal their patented ideas and property rights. See, e.g., [eBay Inc. v. MercExchange, LLC](#), 547 U.S. 388, 391 (2006). (By contrast, the patent laws of China have made such injunctive relief available as a matter of course, with some reporting that prevailing patentees there obtain injunctions for nearly 90% of all requests.) And through the years, whether by Supreme Court precedent or other law-making, it has become increasingly easy to invalidate U.S. patents, see, e.g., [KSR Int'l Co. v. Teleflex, Inc.](#), 550 US 398, 415 (2007), and to render the subject matter of a patent ineligible for protection under §101. (We do not tackle here the separate pitfalls created by the 2011 America Invents Act.) This includes ineligibility not just for diagnostic testing, but for software, business methods, and quite possibly **anything** else in a patent claim that can be subjectively deemed "**directed to**" an "abstract idea, law of nature, or natural phenomena"; and doesn't reflect an "inventive concept," per the Supreme Court's *Mayo-Alice* "framework" for Section 101.



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The larger point here is that, given the expanding uncertainty with the case law on U.S. patents—and whether, for example, they’ll protect the subject matter of a million- (or even billion-) dollar investment—U.S. investment in R&D has dropped. And perhaps most notably, it has dropped among innovative bio-pharmaceutical companies. See, e.g., *Unpredictability in Patent Law and Its Effect on Pharmaceutical Innovation*, by Christopher M. Holman, 76 Mo. L. Rev. 645, 663-64 (summer 2015) (“In recent years, major innovative pharmaceutical companies have experienced two pronounced and significant trends: a decreasing output of innovative new drugs and cutbacks in research and development (R&D) investment”). And innovation—the lifeblood of the American economy—has dropped with it. See, e.g., *id.* (explaining that the “high level of unpredictability in today’s patent law is a significant impediment to the development of new medicines” and cause of the “R&D crisis”); Bloomberg Innovation Index (2018); [The U.S. Drops out of the Top 10 in Innovation Ranking](#), Bloomberg News (Jan. 22, 2018), by Michelle Jamrisko & Wei Lu, available at (visited March 28, 2020).



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*The Patent Act of 1793, authored by Thomas Jefferson, defined statutory subject matter as “any new and useful art, machine, manufacture, or composition of matter, or any new or useful improvement [thereof].” Act of Feb. 21, 1793, 1, 1 Stat. 319. The **Act embodied Jefferson’s philosophy that “ingenuity should receive a liberal encouragement.”** 5 Writings of Thomas Jefferson 75-76 (Washington ed. 1871). See *Graham v. John Deere Co.*, 383 U.S. 1, 7 -10 (1966). Subsequent patent statutes in 1836, 1870 and 1874 employed this same broad language. In 1952, when the patent laws were recodified, Congress replaced the word “art” with “process,” but otherwise left Jefferson’s language intact. The Committee Reports accompanying the 1952 Act inform us that Congress intended statutory subject matter to “include anything under the sun that is made by man.” S. Rep. No. 1979, 82d Cong., 2d Sess., 5 (1952); H. R. Rep. No. 1923, 82d Cong., 2d Sess., 6 (1952).*



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As to invalidity, Congress adopted the Act's provision on non-obviousness, 35 U.S.C. §103, to ensure that courts did **not** require a "flash of genius" moment in order to qualify as inventive or patentable. Rather, the provision made plain that a slow-and-steady analysis leading to the inventive solution could just as well merit patent protection. See 35 U.S.C. § 103, 66 Stat. 798 (July 19, 1952) (mandating that "[p]atentability shall not be negated by the manner in which the invention was made"). Even more, Congress created the Federal Circuit, precisely because it wanted a single court to "bring consistency to the patent field" and to "reinvigorate the patent and introduce predictability to the field." *E.g.*, [Phillips v. AWH Corp.](#), 415 F.3d 1303, 1330 (Fed. Cir. 2005) (*en banc*) (Mayer, J., dissenting); H.R. Rep. No. 312, 97th Cong., 1st Sess. 20-23 (1981).



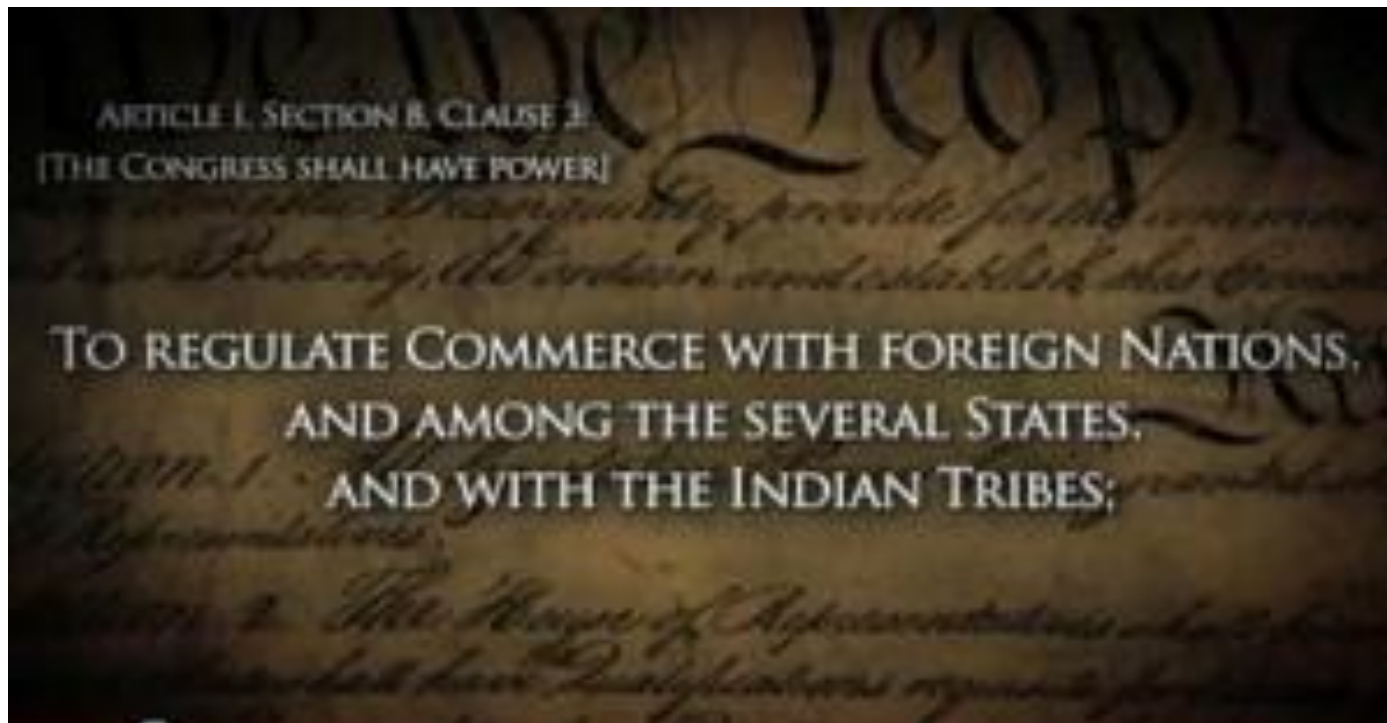
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Almost all present medications/medical devices were, at some point, patented creations. And, indeed, some of the most effective medicines in our present circumstance are generic, cheap, and widely available by virtue of now being “off-patent”. Where would our present exigent “solutions” be but for the creative forces unleashed by the patent system to beget now generic “off-the-shelf” resources? Well, let’s just say that folks are not rushing to places where innovation is dormant seeking solutions to the present crisis.



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- Commerce Clause- Article I, Section 8





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OVERVIEW- TYPES OF IP

- **Patents & Trade Secrets:** inventions (machines, methods, ornamental designs, plants)
- **Trademarks:** a recognizable word, sign, design, logo, or other item which identifies the source of products or services and distinguished from others
- **Copyrights:** expressive works including literary (novels, poems and plays), audiovisual (films, music); visual (drawings, paintings, photographs, sculptures, and architectural designs)





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Patents (and Trade Secrets)





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TRADE SECRET

- Formula, practice, recipes, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers.
- **Secret Sauce; Confidential information, Classified information**

Advantages:

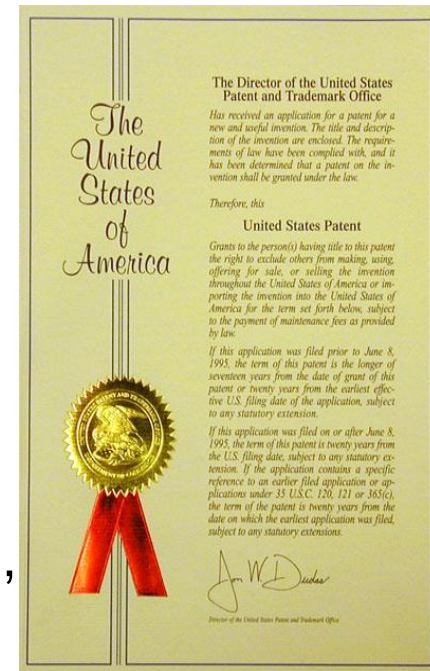
- not limited in time- Patent is limited to 20 years
- continues indefinitely as long as the secret is not revealed – Must disclose everything in a Patent to the public
- No registration costs
- Immediate effect- no formalities

IT'S YOUR CHOICE!



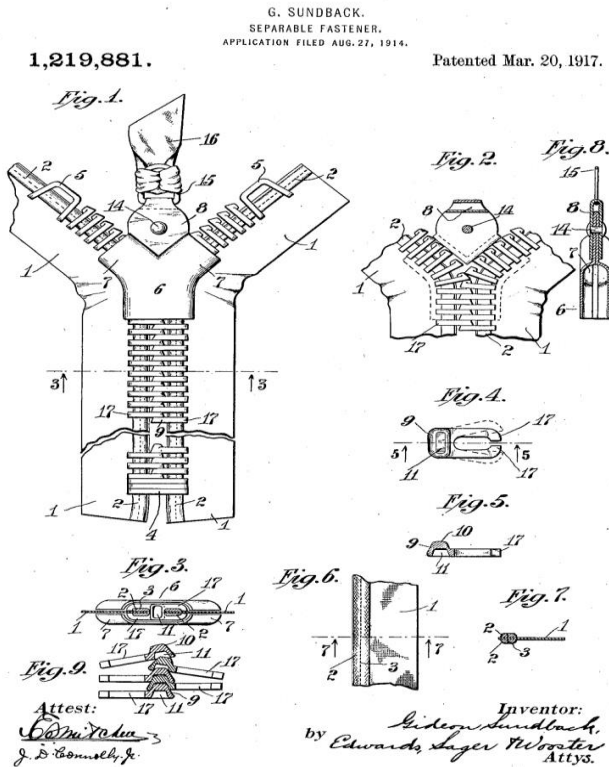
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- IT'S AN ASSET THAT CAN BE SOLD OR ASSIGNED
- IT'S OFTEN THE GREATEST VALUE BEHIND YOUR COMPANY!
- CAN BE USED AS COLLATERAL FOR A LOAN
- MAKES YOU MORE ATTRACTIVE TO VENTURE CAPITALISTS TO RAISE MONEY
- RIGHT TO EXCLUDE SOMEONE ELSE FROM MAKING, SELLING, OFFERING TO SELL, IMPORTING YOUR PATENT
- WITHOUT A PATENT ANYONE CAN STEAL AN INVENTION YOU HAVE DISCLOSED AND YOU WILL HAVE NO WAY TO PREVENT THEM FROM MAKING MONEY OFF YOUR INVENTION
- PATENT MAY BE BEQUEATHED BY A WILL- PASSED TO HEIRS



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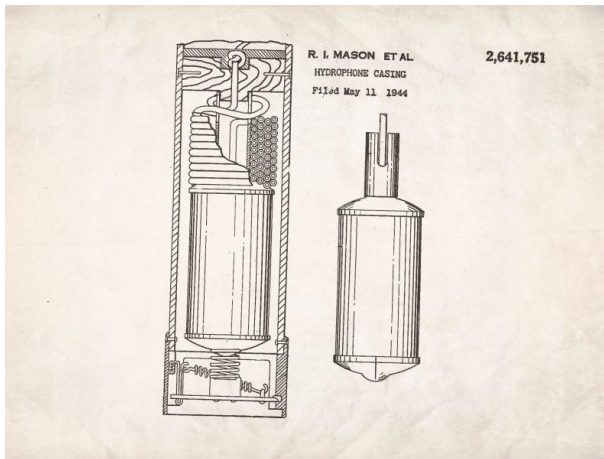
- War time Inventions:



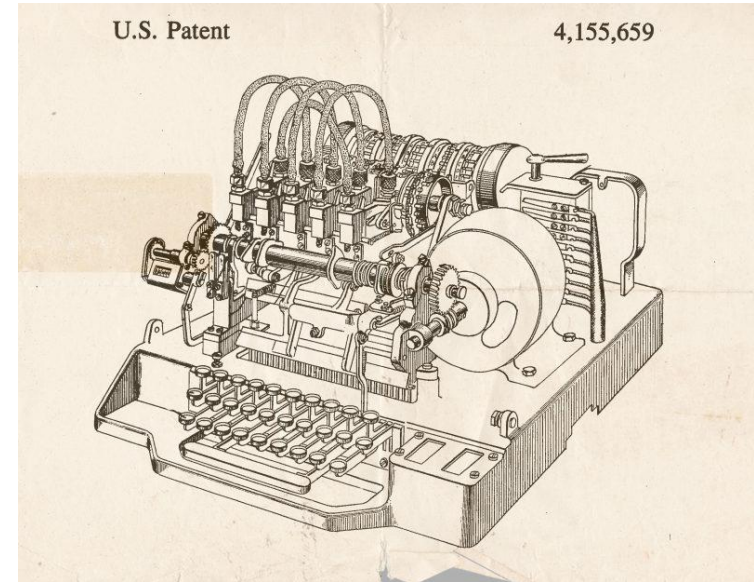
Although not called the zipper until the [B.F. Goodrich Company](#) coined the term in 1923, the “hookless fastener” was perfected by Gideon Sundback during World War I. The first major order of zippers came for money belts worn by soldiers and sailors who lacked uniform pockets. While buttons remained the convention on military uniforms during the war, zippers began to be sewn into the flying suits of aviators and took off in popularity in the 1920s

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Echo Ranging System (FM Sonar) – U.S. Patent 2,724,817



Improved Hydrophone Casing – U.S. Patent 2,641,751



Printing and coding machine – U.S. Patent 4,155,659



- AIDS and SARS

[Primers and probes for detection and discrimination of types and subtypes of influenza viruses](#)

Patent number: 10036076

Abstract: Methods of detecting influenza, including differentiating between type and subtype are disclosed, for example to detect, type, and/or subtype an influenza infection. A sample suspected of containing a nucleic acid of an influenza virus, is screened for the presence or absence of that nucleic acid. The presence of the influenza virus nucleic acid indicates the presence of influenza virus. Determining whether the influenza virus nucleic acid is present in the sample can be accomplished by detecting hybridization between an influenza specific probe, influenza type specific probe, and/or subtype specific probe and an influenza nucleic acid. Probes and primers for the detection, typing and/or subtyping of influenza virus are also disclosed. Kits and arrays that contain the disclosed probes and/or primers also are disclosed.

Type: Grant

Filed: June 15, 2016

Date of Patent: July 31, 2018

Assignee: The United States of America as represented by the Secretary of the Department of Health and Human Services, Center for Disease Control and Prevention

Inventors: Stephen Lindstrom, Lamorris Loftin



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Anti-HIV vaccine constructed based on amino acid mutations in attenuated live EIAV vaccine

Patent number: 10251948

Abstract: Provided are antigenic polypeptides of HIV envelope glycoproteins which are constructed based on amino acid mutation of attenuated live vaccine of Equine Infectious Anemia Virus, DNA constructions and recombinant virus vectors comprising polynucleotides encoding said polypeptides, antibodies against said polypeptides as well as uses thereof in preventing and treating HIV infection. Said antigenic polypeptides and vaccines can induce high titer neutralization antibodies against HIV in organism.

Type: Grant

Filed: January 21, 2015

Date of Patent: April 9, 2019

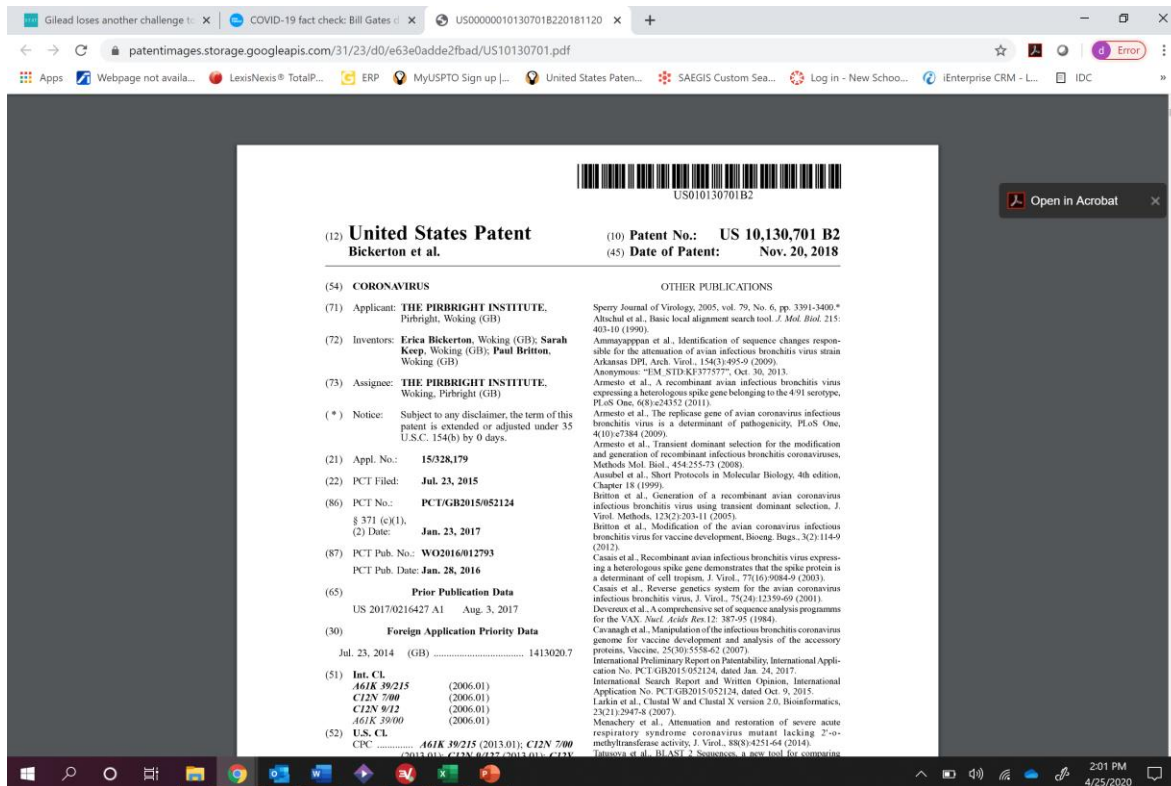
Assignee: National Center for AIDS/STD Control And Prevention, Chinese Center for Disease Control and Prevention

Inventors: Yiming Shao, Lianxing Liu, Rongxian Shen



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The Institute was granted a [patent](#) in 2018 which covers the development of an attenuated (weakened) form of the coronavirus that could potentially be used as a vaccine to prevent respiratory diseases in birds, including IBV, and other animals



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New Tab x Coronavirus Face Masks: Types, H x +

webmd.com/lung/coronavirus-face-masks#2

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f t p

How to Make a Face Mask

The easiest way to make a face mask is to use the CDC's no-sew method:

1. Use a bandanna or other square of cloth measuring about 20 inches on each side.
2. Fold it in half.
3. Fold the top third down and the bottom third up so you have a long rectangle.
4. Slide the rectangle through two rubber bands or elastic hair ties until they're about 6 inches apart.
5. Fold the sides of the fabric in toward the middle, and tuck the ends together.
6. Hook the elastics over your ears and adjust the fabric so it's snug against your face but not too tight.

IN THIS ARTICLE

- [How Face Masks Work](#)
- [Types of Face Masks for Coronavirus](#)
- [How to Make a Face Mask](#)
- [Where to Buy Face Masks or Face Mask Materials](#)
- [When Should You Wear a Mask?](#)
- [How to Wear a Face Mask](#)
- [How to Remove and Clean Your Mask](#)

ARTICLE
Coronavirus 2020 Outbreak: Latest Updates

ARTICLE
What is COVID-19?

TOOL
Worried About COVID-19? Check Your Symptoms

VIDEO
Suze Orman on the Health-Wealth Link

ARTICLE
Tips for Safe Grocery Shopping

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New Tab x US7802572B2 - Face mask - Google Patents

patents.google.com/patent/US7802572B2/en

Google Patents

Face mask

Abstract

A medical face mask comprising a central transparent portion, an outer filter portion and, optionally, one or more antimicrobial agents is described.

Images (6)

Classifications

A41D13/1192 Protective face masks, e.g. for surgical use, or for use in foul atmospheres with antimicrobial agent

US7802572B2

United States

Download PDF Find Prior Art Similar

Inventor: Jeanne Hahne
Current Assignee: Sutter Bay Hospitals

Worldwide applications

2005 - [US WO](#)

Application US11/663,100 events

2004-09-20 • Priority to US61185604P

2005-09-20 • Application filed by California Pacific Medical Center Research Institute

2008-04-24 • Publication of US20080092909A1

2010-09-28 • Publication of US7802572B2

2010-09-28 • Application granted

Status • Active

2026-03-17 • Adjusted expiration

Show all events ▾

Info: Patent citations (33), Non-patent citations (8), Cited by (36)

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IDEA VS. INVENTION

United States– Previously: FIRST TO INVENT COUNTRY (since 1790)

America Invents Act- September 16, 2011

- AS OF MARCH 16, 2013, FIRST INVENTOR TO FILE- the patent will go to whoever filed the application (or published) first.

DO YOU THINK THIS IS FAIR?

- NO MORE INTERFERENCE PROCEEDINGS
- BUT SMALL INVENTORS HAVE A ONE YEAR GRACE PERIOD AFTER A PUBLIC DISCLOSURE





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PTO PROCESS

PATENTABILITY REQUIREMENTS:

- **Novelty**
- **Obviousness**
- **Written Description Requirement**
- **Enablement Requirement**
- **Best Mode Requirement**



Trademarks are:



- Anything that a company or person uses to identify its products or services.
- Purpose: Consumer Protection, Brand Reputation
- Foundation: U.S. Commerce Clause
- Types of trademarks:
Word, phrase, symbol, design/shape, sound, color, smell, etc.
- Rights arise and persist as long as the mark is used.



Idea (Intent) vs. Use

- 15 U.S.C. (The Lanham Act)
- Use in Commerce
 - Transportation/Sale across state or federal borders
 - Product tags, labels, packaging, point-of-sale displays (including ecommerce sites)
 - Service advertising or marketing or shown in the course of providing the services
 - Common law (unregistered) trademarks
 - State trademark registrations
 - Federal trademark registrations

TM ®

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**A MARK SHOULD NOT CONFLICT WITH
OTHER MARKS**





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**A mark should be
DISTINCTIVE**

**Less
Distinctive**

**More
Distinctive**



Generic

**Merely
Descriptive**

Suggestive / Arbitrary / Fanciful

Registrable

**COMMONLY USED
TERM FOR THE
CLASS OF
GOODS/SERVICES
IN CONNECTION
WITH WHICH IT IS
USED**

GENERIC



DESCRIPTIVE

**A MARK DESCRIBES A
CHARACTERISTIC OF
THE GOODS/SERVICES**

AQUA:



LEAK:



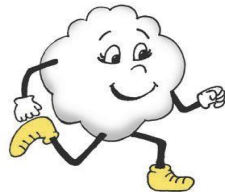
SUGGESTIVE

**INDICATES THE NATURE OR QUALITY OF
THE GOODS/SERVICES BUT DOES NOT
DESCRIBE THE CHARACTERISTICS
WITHOUT FURTHER THOUGHT**

...Is a bus an airplane?

No, but...

AIR:



BUS:





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ARBITRARY

**MEANING OF THE
WORD HAS NO
CONNECTION
WITH THE
RELATED
GOODS/SERVICES**





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FANCIFUL

INVENTED OR “FANCIFUL” SIGN

The term KODAK had no meaning before it was adopted and used in relation to the goods/services

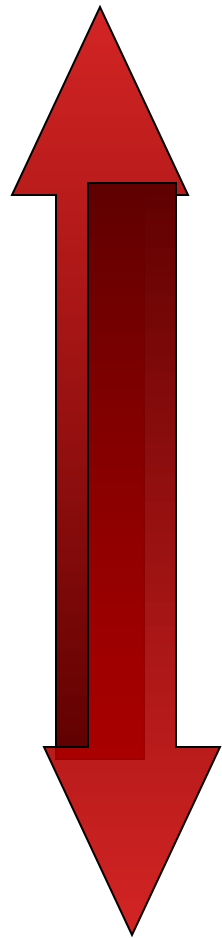




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Spectrum of Distinctiveness

Five categories



	Development Costs	Protection/ Enforcement Costs
Fanciful/Coined	\$\$\$\$	\$
Arbitrary	\$\$\$	\$\$
Suggestive	\$\$	\$\$\$
Descriptive	\$	\$\$\$\$
Generic	\$	\$\$\$\$\$



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1	88874754	CONQUERED CORONA VIRUS	TSDR	LIVE
2	88843437	I SURVIVED "THE RONA" CORONAVIRUS 2020	TSDR	LIVE
3	88864812	CORONAVIRUS FREE	TSDR	LIVE
4	88861298	EVEN HATERS HATE CORONA VIRUS	TSDR	LIVE
5	88861120	CLASS OF CORONA VIRUS	TSDR	LIVE
6	88858806	FCOVID19	TSDR	LIVE
7	88858986	KEEP BACK 6 FEET SOCIAL DISTANCE CORONAVIRUS 2020	TSDR	LIVE
8	88858574	CORONAVIRUS OUTBREAK 2020	TSDR	LIVE
9	88857321	WWW.THECOVID19VACCINATION.COM	TSDR	LIVE
10	88855562	#CORONAVIRUS	TSDR	LIVE
11	88856155	I SURVIVED THE CORONA VIRUS OF 2020	TSDR	LIVE
12	88850676	I AM A COVID-19 SURVIVOR	TSDR	LIVE
13	88843433	WE SURVIVED CORONAVIRUS (OR) COVID-19	TSDR	LIVE
14	88843025	WE SURVIVED CORONAVIRUS 2020	TSDR	LIVE
15	88842484	SURVIVEANDTHRIVECORONAVIRUS.COM	TSDR	LIVE
16	88840253	CORONA VIRUS THE PANDEMIC	TSDR	LIVE
17	88839789	MY CORONAVIRUS EXPERIENCE	TSDR	LIVE
18	88837810	I SURVIVED THE CORONA VIRUS	TSDR	LIVE
19	88836130	ME DURING THE CORONAVIRUS OUTBREAK	TSDR	LIVE
20	88836113	CORONA VIRUS	TSDR	LIVE
21	88836107	CORONAVIRUS INFECTED	TSDR	LIVE
22	88836091	CORONAVIRUS SURVIVOR	TSDR	LIVE
23	88835992	FXCK CORONAVIRUS	TSDR	LIVE
24	88835597	CORONAVIRUS SURVIVOR EST. 2020	TSDR	LIVE
25	88834858	TREATMENT OF CORONA VIRUS WITH ENHANCE OF IMMUNE SYSTEM BY AUTO-HEMOTHERAPY AND CUPPING	TSDR	LIVE
26	88834389	I SURVIVED THE CORONAVIRUS/ COVID-19 OF 2020.!	TSDR	LIVE
27	88834136	I SURVIVED CORONAVIRUS 2020	TSDR	LIVE
28	88834103	I SURVIVED CORONAVIRUS	TSDR	LIVE
29	88834081	I SURVIVED THE CORONAVIRUS 2020	TSDR	LIVE
30	88822405	CORONAVIRUSRX	TSDR	LIVE
31	88790444	CORONAVIRUS	TSDR	LIVE
32	88783939	CORONAVIRUS SURVIVAL GUIDE	TSDR	LIVE

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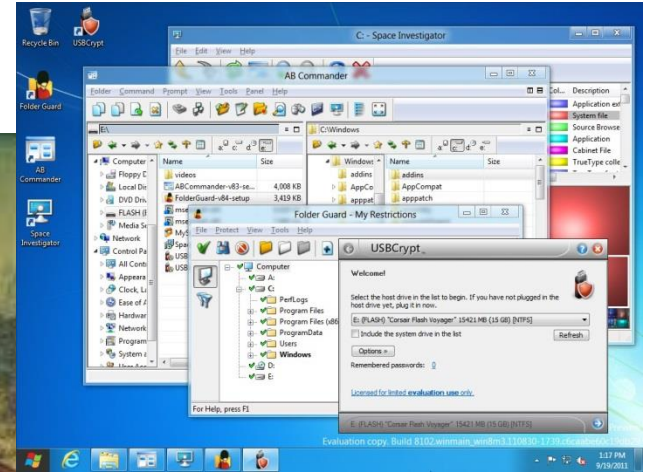
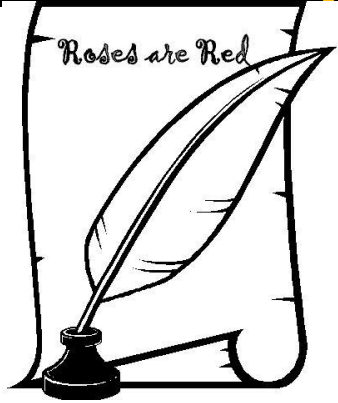
Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88880534	COVID-19	TSDR	LIVE
2	88874486	CHICAGO CEO COVID-19 COALITION LLC	TSDR	LIVE
3	88874259	COVID-19 ANTIBODY TEST	TSDR	LIVE
4	88879383	COVID-19 COMPLIANT	TSDR	LIVE
5	88878748	COVID-19 IMMUNITY HERD	TSDR	LIVE
6	88878411	COVID-19 IMMUNE	TSDR	LIVE
7	88878389	VICTORY OVER COVID-19	TSDR	LIVE
8	88878367	COVID-19 GOLDEN WARRIOR FAMILY	TSDR	LIVE
9	88878351	COVID-19 GOLDEN WARRIOR	TSDR	LIVE
10	88878321	COVID-19 WARRIOR	TSDR	LIVE
11	88878317	COVID-19 WARRIOR	TSDR	LIVE
12	88878184	WE SURVIVED COVID-19	TSDR	LIVE
13	88877471	WORLD WITHOUT COVID-19	TSDR	LIVE
14	88871931	WE FOUGHT COVID-19	TSDR	LIVE
15	88871767	COVID-19 RAPID TEST	TSDR	LIVE
16	88871734	COVID-19	TSDR	LIVE
17	88870268	FVCK COVID-19	TSDR	LIVE
18	88866803	COVID-19 LBS	TSDR	LIVE
19	88866027	COVID-19 DX HUB	TSDR	LIVE
20	88864759	COVID-19 SURVIVOR	TSDR	LIVE
21	88864717	NEW YORK-20 COVID-19	TSDR	LIVE
22	88864568	COVID-19	TSDR	LIVE
23	88864559	STAY INSIDE SURVIVED COVID-19	TSDR	LIVE
24	88864429	I FOUGHT COVID-19	TSDR	LIVE
25	88862685	NEVER FORGET 9.11 USHERED US IN COVID-19 WALKED US OUT BUT NEITHER ONE COULD STOP THESE CAPS FROM COMING OFF "CLASS OF 2020"	TSDR	LIVE
26	88863672	FAMILY LAWYER SURVIVAL KIT: CLAUSTROPHOBIA AND CHAOS IN THE WAKE OF COVID-19	TSDR	LIVE
27	88861922	JABON COVID-19	TSDR	LIVE
28	88861119	COVID-19 2020	TSDR	LIVE
29	88860880	COVID-19 COV	TSDR	LIVE
30	88859620	COVID-19 PRIMER	TSDR	LIVE
31	88859127	WARNING 6 FOOT RULE IN EFFECT KNOW YOUR COVID-19 DISTANCE	TSDR	LIVE
32	88858174	STRONGER THAN COVID-19	TSDR	LIVE
33	88857929	TOGETHER WE ARE STRONGER THAN COVID-19	TSDR	LIVE
34	88855669	COVID-19 BABY	TSDR	LIVE
35	88856476	COVID-19 AMERICAN HEROES	TSDR	LIVE

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Copyrights are:

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 - Distribute
 - Derivative Work / Alteration
 - Display
 - Perform
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- AUTOMATIC BUT Registration is optional, but confers benefits
- Copyright arises when “original” work is “**fixed in a tangible medium**”
- © notice is not required, but may support greater damages
- Term is Author’s Life + 70 Years



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TYPES OF COPYRIGHTS

- Literary Work- computer code
- Visual Arts
- Performing Arts
- Sound Recordings
- Audio Visual Work- movies

Example: © 2005 John Doe



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David Postolski, a partner at Gearhart Law, is a registered patent attorney and Intellectual Property attorney. With over 15 years' experience, David specializes in assisting inventors, creators, artists, start-ups, entrepreneurs, early stage companies and emerging companies with their U.S and International intellectual property strategy, protection, enforcement and monetization. David remains very involved in the creation of New York State's first federally approved patent pro bono program in conjunction with Volunteer Lawyers for the Arts. David is a frequent speaker and author on intellectual property issues surrounding raising capital, business formation, licensing, and reward and equity based crowd funding. David is also a Professor at Parsons School of Design where he teaches master level students about IP, ethics and other regulatory considerations in starting business ventures and products around design. David is the current chair of the Professional Issues Division of the ABA Section of Intellectual Property law as well as a member of the CLE Board, Sponsorship Board, and founder of the International Action Group. david@gearhartlaw.com

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