

Trademarks in the Drone Business World

Presented By:
Eric Hanscom



Phone: (760) 651-0142

Email: eric@icipLaw.com

Website: www.icipLaw.com

5858 Dryden Court, Suite 227

Carlsbad, CA 92008

Intellectual Property

Patents: Protect inventions

- A right to *exclude* others from manufacturing, selling, or using your invention for a number of years.

Trademarks: Protect Names

- Any name, symbol, figure, letter, word, or mark adopted and used by a manufacturer or merchant in order to designate his or her goods or services and to distinguish them from those manufactured or sold by others.


Copyrights: Protect Artwork

- The legal right granted to an author, composer, playwright, publisher, or distributor to exclusive publication, production, sale, or distribution of a literary, musical, dramatic, or artistic work.

Utility Patent: Protects the Function of an invention.

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O'NEILL RECEIVES BOARDSHORT PATENT

By [TransWorld SURF](#)

Mon, Sep 12 2011 1:50 pm | 0 Comments

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O'Neill Receives Final Patent Approval For Superfreak Boardshort Series

New patent marks the latest addition to O'Neill's list of more than 20 awards and patented products

Irvine, CA, September 8, 2011 – O'Neill Clothing (www.oneill.com), the original surf, snow and youth lifestyle brand, has officially received the product patent for its top-selling Superfreak Boardshort Series. This announcement marks eight years in the making, and adds to O'Neill's lengthy list of notable awards and patents. The Superfreak patent also comes on the threshold of O'Neill's 60th anniversary, upon which the brand will celebrate more than a half century of product innovations, including the first wetsuit, surf leash and surfboard bag.

Inspired by Jack O'Neill's famous wetsuit invention, the Superfreak Series led the way for many of the technical boardshorts currently on the market. The Superfreak incorporates patented technology, in which a stretchable panel runs along the rear of the short, providing greater flexibility. The less flexible areas of the loose-fitting boardshort allow for continued durability and comfort. The result is a flexible boardshort that doesn't compromise form or durability for comfort and performance.

"Our patented invention is for a Superfreak boardshort that's constructed with a stretchable panel," said Steve Ward, Senior VP of Sales and Marketing, O'Neill Clothing. "Although the invention is useful in a wide range of clothing and applications, it's especially relevant for apparel with high-intensity physical activity, such as surfing, wakeboarding and paddle boarding."

(12) United States Patent Jorgensen

(10) Patent No.: **US 7,941,871 B1**
(45) Date of Patent: **May 17, 2011**

(54) GARMENT WITH STRETCHABLE SECTION AND RELATED METHODS

(76) Inventor: **Joey Jorgensen**, San Clemente, CA (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **11/092,602**

(22) Filed: **Jul. 31, 2006**

Related U.S. Application Data

(63) Continuation of application No. 10/645,492, filed on Aug. 18, 2003, now abandoned.

(51) Int. Cl. **A61D 1/00** (2006.01)
(52) U.S. Cl. **2/236, 2/228**
(56) Field of Classification Search **2/240, 2/223, 2/228, 2/236, 6/6; 6/02/19**
See application file for complete search history.

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Primary Examiner: **Alissa L. Eboe**
(74) Attorney, Agent, or Firm: **Eric Hansen, Todd J. Langford**

(57) ABSTRACT

The present invention is directed to a garment (such as a short, skirt, pants and other garments) having a stretchable section preferably of neoprene that provides for improved comfort and wearability. The other panels or fabric portions of the garment may be constructed of a relatively less stretchable or even a relatively inelastic material, and the stretchable portion is positioned in an "area of flex" of the garment (so that the stretchable portion can "stretch" when the wearer rotates limbs extending into the garment). Related methods are disclosed for garment fabrication and the like.

10 Claims, 5 Drawing Sheets



Design Patent: Protects the Shape of an Invention.



Roll over image to zoom in



Rattlesnake Coffee Mug Cup - The Late Late Show with Craig Ferguson - 20 Ounce



US00D627605S

(12) **United States Design Patent**
Eubank et al.

(10) **Patent No.:** US D627,605 S
(45) **Date of Patent:** ** Nov. 23, 2010

(54) **MUG**

(76) Inventors: Vera Pauline Eubank, 600 Wilshire Rd.,
Oceanside, CA (US) 92057; Robert
Glen Eubank, 2575 Fortune Way, Unit
G, Vista, CA (US) 92024

(**) Term: 14 Years

(21) Appl. No.: 29/361,561

(22) Filed: May 12, 2010

(51) **LOC (9) CL** 07-01

(52) **U.S. CL** D7/S16; D7/S19; D7/S36

(58) **Field of Classification Search** D7/S16;
D7/S15, 519, 517, 536, 533, 529, 520, 606,
D7/604, 619/2; D9/601, 605; 215/372, 367;
D11/158, 149; 220/703, 715

See application file for complete search history.

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Primary Examiner—Marianne Pundorzi

(74) Attorney, Agent, or Firm—Eric Hanscom; Todd J.
Langford

(57) **CLAIM**

The ornamental design for a mug, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of the mug showing my new design;

FIG. 2 is a front view thereof;

FIG. 3 is a back view thereof;

FIG. 4 is a right-side view thereof;

FIG. 5 is a left-side view thereof;

FIG. 6 is a top view thereof; and,

FIG. 7 is a bottom view thereof.

1 Claim, 7 Drawing Sheets



Copyrights: Protect “Artworks”

1. Drone Photographs and Videos
2. Websites
3. Packaging, owner’s manuals, trade show materials.
4. Registered Copyright: Up to \$150,000 in statutory damages for a knowing and willful infringement.
5. No registered Copyright? Will you please stop stealing my pictures? Pretty please with sugar on top?

Google Image search, followed by demand letter.



Krabi

ZOBACZ

0 Nurkowanie
0 Safari

10 Wycieczki
0 Kursy



Trademarks

Why bother getting a trademark 1: Evolution of a Business Value



When a business begins, much of its **value** is in its inventory, people, and ideas.



Then, hopefully it gets some patents on **ideas**, at which point the patents may become the most **valuable** asset of the business.



Over time, the brand recognition for a **business name** may become the single most **valuable** asset a company has.



So, why not do it correctly from the start?
(Particularly if you intend to franchise or sell your business eventually)

Forbes: 10 Most Valuable Trademarks

Rank	Name	TM Value (\$B)	Market Cap Value(\$B)	% value in TM
1	Google	\$44 B	\$164B	27%
2	Microsoft	\$43 B	\$204B	21%
3	Wal-Mart	\$34 B	\$184B	19%
4	IBM	\$33 B	\$199B	17%
5	Vodafone	\$31 B	\$138B	24%
6	Bank of America	\$31 B	\$109	28%
7	GE	\$31 B	\$197B	16%
8	Apple (computers)	\$30 B	\$307B	10%
9	Wells Fargo	\$29 B	\$143 B	20%
10	AT&T	\$29 B	\$182 B	16%

Key Point:

For large companies, their Trademark is a significant part of their total value.



Why bother getting a trademark 2

A Registered Trademark is the best proof that you can use your business name. Why put a ton of time and money building up a brand name that you may have to give up in the future?

A Registered Trademark is the best initial defense against an accusation of trademark infringement.

What Can Be Trademarked? (normal version)

Logo



Slogan

i'm lovin' it[®]

Name
of
product or company

Microsoft[®]

State v. Federal Trademarks

Federal Trademark covers the entire US.
State covers just that state.

If you only have a state trademark, a federal trademark holder on the same or a similar name can restrict you geographically (goodbye franchise dreams).

What Makes For a Good Trademark Name?

1 Fanciful:

Xerox, Google, Polaroid, Kleenex, M&M's, Kodak, Exxon.
(No common meaning, made-up the word.)

2 Arbitrary:

Apple, Sun (computers), Shell (gasoline), Delta (airline, faucets, insurance). (Common word with no connection to goods/services.)

3 Suggestive:

Microsoft, Citibank, Jaguar (cars), Greyhound (bus line), Nike (Goddess of Victory), Reebok (Dutch spelling of gazelle), iPad, Walkman.

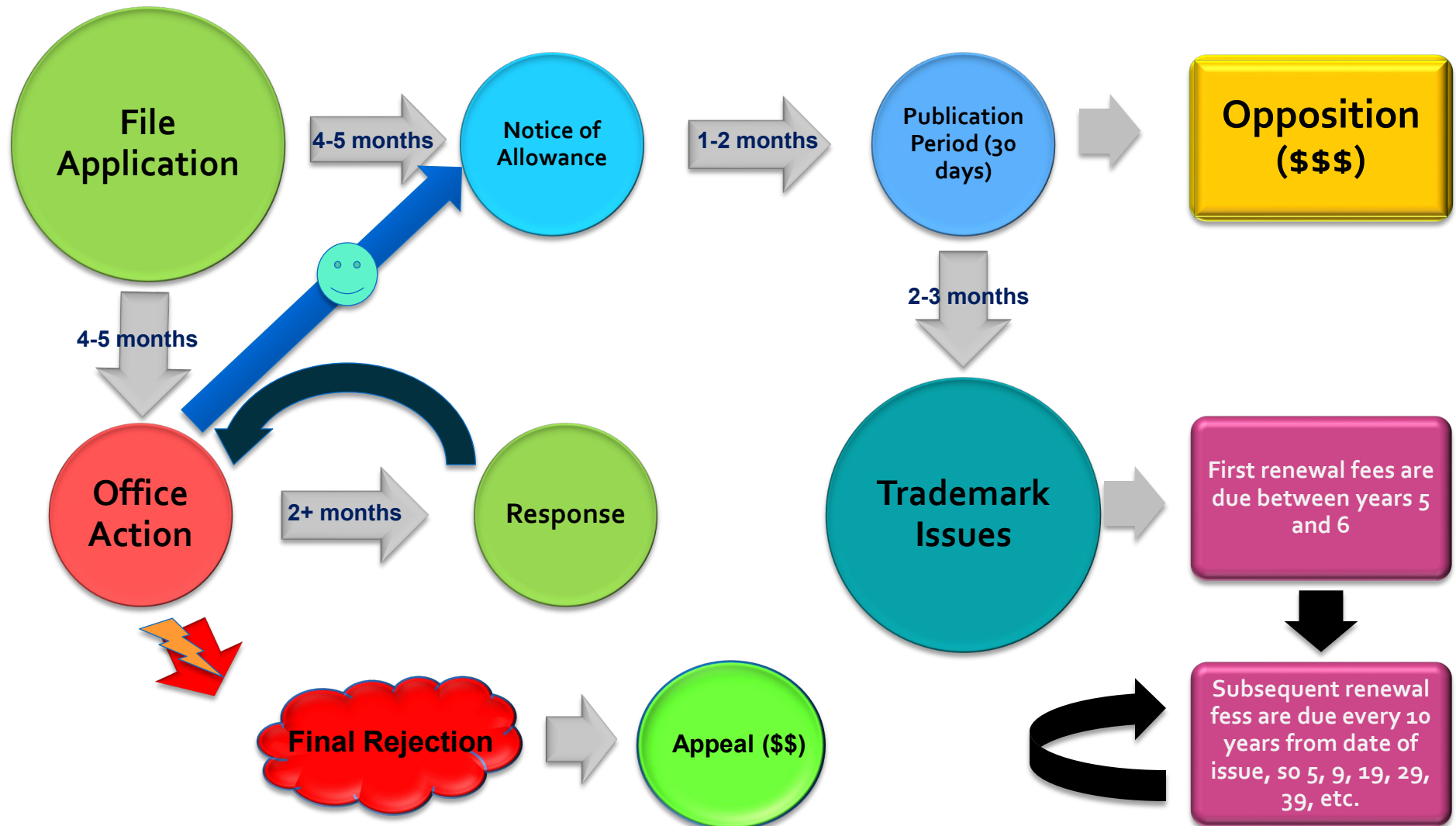
4 Descriptive:

Sharp (TV), Windows (Microsoft), International Business Machines, Digital (computers).

5 Generic:

"Crackers" as a brand of crackers (or 1-4 that was allowed to become generic over time, for example, "aspirin", "Just Google that word", let's "Photoshop" that picture).

Basics of the Trademark Application Process



What to do if you get a **final rejection?**

Stop using the name immediately!

The United States Patent & Trademark Office has put, in writing, that your use of this name may cause unacceptable “consumer confusion” over the source of the goods. Basically, USPTO has just given excellent evidence, in a publicly available document, that you “infringed” the other trademark.

Consider requesting a “Letter of Consent” from the holder of the trademark used to reject your application, but be ready to offer them some \$\$\$\$. Also, this can backfire on you.

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No.

_____. Trademark Act Section 2(d), 15 U.S.C.

§1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant.

Because the marks are similar and the services are related, registration is refused under Section 2(d) of the Trademark Act.

How to get started?

1. Re-read my page on what makes for a good trademark.
2. Do your own Trademark Search. www.USPTO.gov, search trademarks.
3. Consider a Professional trademark search (Digamber@immunisip.com, \$450 / class).
4. Analyze search results.
5. When in doubt, don't use name commercially yet, wait 4 months for initial examination and see.

Droning On and On about: Trademarks

Presented By:
Eric Hanscom
Managing Attorney



InterContinental IP
An Intellectual Property Law Firm

Phone: (760) 651-0142

Email: eric@icipLaw.com

Website: www.icipLaw.com

5858 Dryden Court, Suite 227

Carlsbad, CA 92008