

# **How the Inventor Fares from a Systems Perspective in order to transform an invention into an Innovation**

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## **General Framework and Plenary Keynote Speakers of the Collocated Conferences**

**The 6th International Multi-Conference on Complexity, Informatics and Cybernetics: IMCIC 2015**

**The 6th International Conference on Society and Information Technologies: ICSIT 2015**

**The 5<sup>th</sup> Ibero-American Conference on Complexity, Informatics and Cybernetics**

***Quinta Conferencia Iberoamericana de Complejidad, Informática y Cibernética: CICIC 2015***

***Orlando, Florida USA – March 10 - 13, 2015***

# System - What is a system?



If there are phenomenologically at least two elements (both things and processes), a system can be described, because one element bears at least one type relationship with the other. That is to say, there is no such thing as randomness.

# Types of systems

- **Static**
- **Dynamic**
  - **Homeostatic**
  - **Adaptive**

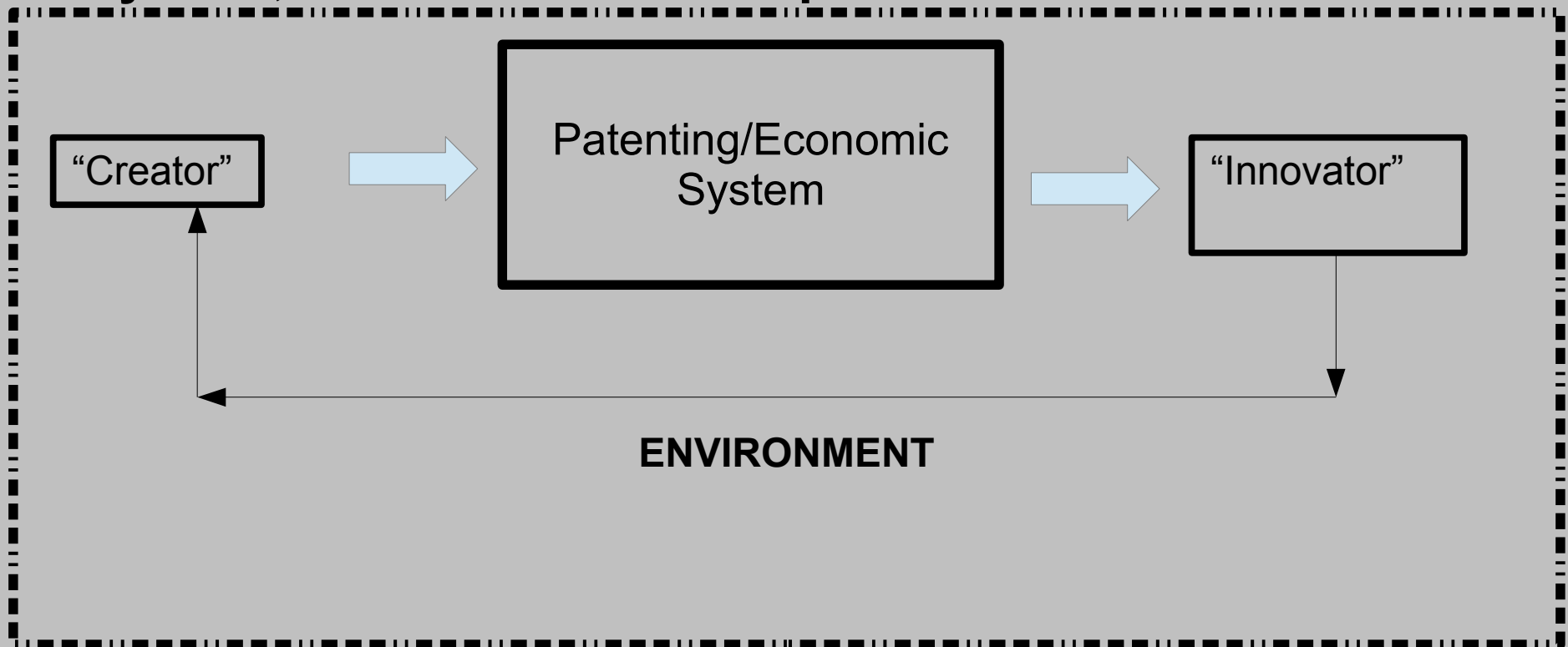
**Organicity**

# Elements of Our System

- **“Creator”**
  - **Element “created” (object/process)\***
  - **Patent Processes – filing, approval**
  - **USPTO tests**
- 
- \* Quotes are used, as this element may already exist as prior art; hence there is no creation.

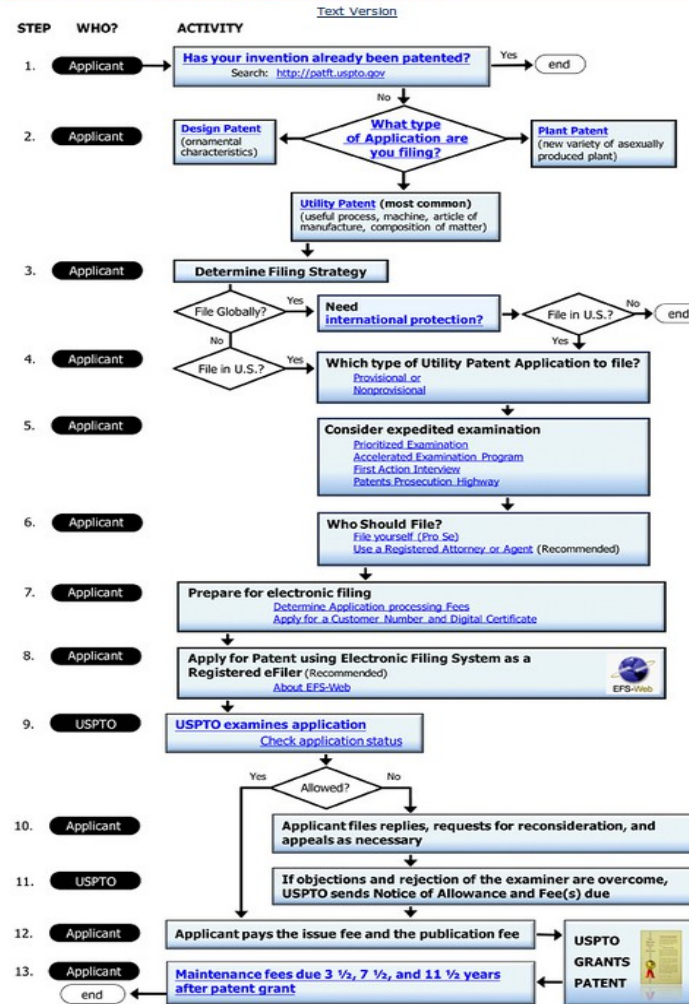
# A Systems Analysis of The Creative Process in the World of Patents and Global Economy

- The creator enters the system and emerges as an innovator.
- One looks at change with respect to the “creator”, the system, and interrelationship between the two.



# The Patent Process

## Process for Obtaining a Utility Patent



# Invention and Innovation

**Invention** is the origination, or etymologically,

from Latin inventionem (nominative inventio) "faculty of invention; a finding, discovery," noun of action from past participle stem of invenire "devise, discover, find.

**Innovation** is the improvement of an invention, its etymology being:

from Latin innovatus, past participle of innovare "to renew, restore; to change.

[Definitions from Online Etymology Dictionary – [www.etymonline.com](http://www.etymonline.com) ]

# Property as instrument of innovation

**You must secure your creation as “property”,  
in this case, “intellectual property”.**





# What is property?

**Aristotle/logic - attribute**

**Dietze – that which is necessary for something to survive**

**Locke – That which a person through labor has transformed from a state of nature – labor theory of value**

**Philosophical – That which gives an individual its identity in the phenomenological world**

- **Deeper question – without being able to claim property as an individual, what then is the status of the individual?**

# Making the idea one's property

**Ownership, control, possession – using Burnham's Managerial Revolution model.**

**Ownership – directly acquiring the benefits of something held by you**

**Control – being able to direct what happens to the product and its manufacture but not reaping the benefits**

**Possession – physical contact with the object**

**One can have property but not an invention or innovation.**

Intellectual property (IP) - Special type of property – emanating from thought (“raw” or “natural” consciousness - idea transformed from this “state of nature”) and sometimes/sometimes not being transformed into physical presence

# Three Step Process

- **EVALUATION**



- **PROTECTION**



- **MARKETING**



# Evaluation

## USPTO Standards

### What can be patented – utility patents

- Process
- Machine
- Article of manufacture
- Composition of matter
- Improvement of any of the above

### What cannot be patented:

- Laws of nature
- Physical phenomena
- Abstract ideas
- Literary, dramatic, musical, and artistic works (these can be Copyright protected). [USPTO]

# Evaluation – other criteria

- **Workable**
- **Ethical**
- **Practical**
- **Useful**
- **Novel**



# Protection

## The Misconceptions and Reality Check

“I wrote myself a letter in which I included a drawing of my idea, described how it works, had it notarized, mailed it to myself, and haven’t opened it since.”

This “legal proof” proves nothing because it is not acceptable in a court of law. You could have mailed yourself an empty envelope with the flap folded in, and later put in whatever you wish. Even if the envelope was sealed, you could have steamed it open.

“I need patent forms to fill out and mail to the patent office.”

Wouldn’t it be nice if it was that easy? There is a lot more to it than filling out a few forms.

“I protected my idea by drawing it and copyrighting the drawing.”

A copyright does NOT protect an idea.

# What IS a patent?

Ownership of a patent gives the patent owner the right to exclude others from making, using, offering for sale, selling, or importing into the United States the invention claimed in the patent. Ownership of the patent does not furnish the owner with the **right** to make, use, offer for sale, sell, or import the claimed invention because there may be other legal considerations precluding same (e.g., existence of another patent owner with a dominant patent, failure to obtain FDA approval of the patented invention, an injunction by a court against making the product of the invention, or a national security related issue). (emphasis included) [USPTO – MPEP 0300.301].

# America Invents Act

**The America Invents Act of 2012 states that in order for an inventor to be able to claim the status of originator of an invention, s/he must file a claim to ownership with the U.S. Patent and Trademark Office (USPTO).**





# PPA or Patent?

<b>Patent</b>	<b>PPA</b>
Thousands of dollars	\$65, 120, or \$240
Long wait time	Instant
Hard to change	Can file successive changes
Has to be formal	Doesn't have to be formal
Get patent pending status	Get patent pending status
Good for 20 years	Good for a year
Need excellent description	Need excellent description
Need claims	No claims

# Anyone can get a PPA

All items denoted by \* are required.

\* Title of Invention

Attorney Docket Number

## First Named Inventor:

\* First Name

Middle Name

\* Last Name

## Correspondence Address:

Enter a customer number for correspondence or provide an address where USPTO should send correspondence for this application.

Customer Number

OR

Correspondence Address

If you do not have a customer number, please provide a correspondence address.

\* Name 1

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Street Address 2

\* City

State

\* Country

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# Are you protected?

**You face challenges:**

- **Patent trolls**
- **Someone later finding prior art**
- **Expiration of patent – 20 years**
- **Maintenance fees**

# Marketing



# Is the ONLY way we should look at invention and innovation?

Tomorrow's keynote from 9:10 AM – 9:45 AM -

“Language As Invention Transformed In Innovation By Its Effective Use By Human Beings”

-

will address this.

**C U there**

