

Fast Tracking Patents for Emission and Renewable Technologies

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Presentation Overview

Patent Overview

US Patent Applications

Petition To Make Special
GTPP

Foreign Patent Applications

Patent Prosecution Highway

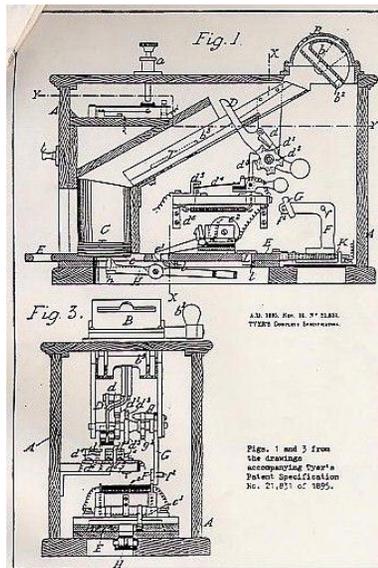
Patents

www.uspto.gov

•The Patent Bargain:

- Inventor gets:
 - Exclusive right for limited time
- Public gets:
 - Full disclosure of the technology
 - Right to use when patent expires

•Patents rights are based on the U.S. Constitution and governed by 35 U.S.C.



•Types of Patents

- Utility Patent
 - Protects the way something works, is used, or is made
 - Usually what is meant by “a patent”
- Design Patent
 - Protects the ornamental design of an article
- Plant Patent
 - Asexually reproduced plants

Examples of What Can Be Patented in the Emission/Renewable Industry

- Equipment (e.g., emission control equipment, transformer/inverter/converter/rectifier, wind turbine)
- Control systems
- Configurations (e.g., equipment)
- Circuit protection schemes
- Methods (e.g., use of equipment, use of chemicals, operating a precipitator, power generation/distribution)



Things to Consider When Applying for a Patent

BAD NEWS...



- In US, most rights dealing with enforcement do not exist until a patent is granted so speed is essential
- For patents in green technology, USPTO estimates that the application process takes about 3 years
- Delays in the application process results in
 - Lost opportunity costs - a recent report estimated over US\$11 billion lost annually worldwide - through inability to enforce/license invention
 - Greater out-of-pocket costs to get through application process

Speeding Up the U.S. Patent Application Process



•Petition to Make Special (PTMS)

- May be based on age (65 or older for at least one inventor) for no charge
- May be based on technology for a charge
 - Inventions that qualify must materially
 - Enhance the environment; or
 - Contribute to the development or conservation of energy resources
- Generally results in a first action within a year

•Green Technology Pilot Program (GTPP)

- Part of PTMS
- Started in December 2009
- Limited to 3k accepted applications
 - 917 granted, 148 waiting decision as of 12/13/10
 - 1,145 granted, 176 waiting decision as of 1/17/11
- GTPP expanded in May and November 2010 to grow interest in GTPP
- No charge for program participation
- Generally results in a first action within a year

Speeding Up the Foreign Patent Application Process



•Patent Prosecution Highway

- Applies to inventions filed in multiple countries
- Not technology dependent
- Reduces application time by sharing work performed in partner country
- Agreements currently in place with Australia, Austria, Canada, Denmark, Finland, the European Patent Office (EPO), Germany, Hungary, the International Bureau, Japan, Russia, Singapore, South Korea, Spain, and the United Kingdom
- Each agreement has varying terms and conditions
- Only applies to patents that have been issued in the U.S. or in a partner jurisdiction

Example of a Well-Used Patent

- **U.S. Patent No. 5,083,039 for a Variable Speed Wind Turbine**
 - Patent granted on January 21, 1992
 - Contains 138 claims (34 independent)
 - Rights held by 4 companies at different times (to date)
 - Used to prevent Enercon from selling direct drive wind turbine in U.S.
 - Generates revenues through multiple licensing agreements
 - Currently being used to try keeping Mitsubishi from manufacturing/selling its 2.4 MW wind turbine in U.S.

Questions?

- Thank you for your attention
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