

INTELLECTUAL PROPERTY LAW RESEARCH GUIDE

NOVEMBER 2009



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NOVEMBER 2009

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About This Guide

In this guide, the graphics and step-by-step instructions are based on accessing Westlaw via the Internet. Because of the evolving nature of Internet technology, there may be recent changes to the Westlaw interface and functionality that are not reflected in this documentation.

Information in this guide is current through October 20, 2009.

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West

610 Opperman Drive

Eagan, MN 55123-1396

Printed in the United States of America

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1 Introduction

Welcome to Intellectual Property Law on Westlaw

This research guide introduces the intellectual property law practice resources available on Westlaw. It provides basic research tips and search examples for retrieving cases, statutes, regulations, administrative decisions, patents, and trademark and copyright registrations, as well as related news and business information, texts and periodicals, and current awareness materials. By modeling your own search requests on the examples in the guide, you can quickly retrieve the information you need.

In addition, the guide provides detailed information on using the resources provided by Thomson Scientific, Ltd., to research patents and by Thomson CompuMark to research trademarks. These resources include the following:

- U.S. Patents Full-Text database (US-PAT), which contains the complete text of every patent issued by the U.S. Patent and Trademark Office (USPTO) since 1976 and the complete text of all patent applications filed with the USPTO since March 2001. Each document in the US-PAT database contains the complete text that appears in the original patent, including the “full disclosure” portion of the patent, which contains precise details on the purpose, structure, and function of the device or substance patented. Each document also includes links to the original patent document, including the patent images.
- Derwent World Patents Legal database (DWPL), which provides access to information gathered from more than 20 million patents issued by 40 patent-issuing authorities, covering more than 14 million patent families as far back as 1963. Each document in the DWPL database provides a concise abstract of an invention, which represents a single patent or patent family. The patent family consists of the basic patent for the original invention plus equivalent patents relating to the invention. The database also includes more than 4 million enhanced clipped images chosen by Derwent editors as most representative of the claims. These images are available beginning with 1989.
- TRADEMARKSCAN databases, which provide information on all trademarks and service marks registered with U.S., Canadian, and European authorities, as well as all applications for registration. You can use these databases to locate known trademarks; conduct preliminary screening, ownership, or design searches; and view trademark images online. Symbols within a trademark, such as a dollar sign (\$), can also be searched.

Selecting the Tabbed Intellectual Property Page

When you access Westlaw, you can select a tabbed page that is customized for intellectual property law research. The tabbed Intellectual Property page places resources and search options within easy reach to help you quickly access the materials you need. To add the Intellectual Property page, follow these steps:

1. Click **Add a Tab** at the top of any page. At the next page, click **Add Westlaw Tabs** to display a list of available tabbed pages.
2. Select the check box next to *Intellectual Property* under *Topical* and then click **Add to My Tab Set**.
3. A list of the pages you've selected is displayed under *In Tab Display*. One page is designated as your default page (the page that is displayed when you sign on to Westlaw). Click **Set as Default** next to *Intellectual Property* to set this page as your default.
4. To display the Intellectual Property page, click its tab (Figure 1).

Note You can also add the tabbed Patent Practitioner page and the tabbed Trademark page to access additional resources for intellectual property law research.

Intellectual Property Page Overview

The left frame provides quick access to common research tasks. The right frame allows you to easily access resources in the following areas:

- Patents, Applications, and Assignments
- International Patents, Applications and Assignments
- Cases
- Administrative Decisions
- Court Records and Litigation Tracking
- Forms
- Statutes and Administrative Materials
- Trademark Databases
- Copyright Databases
- Practice Guides
- Intellectual Property News and Other Current Events

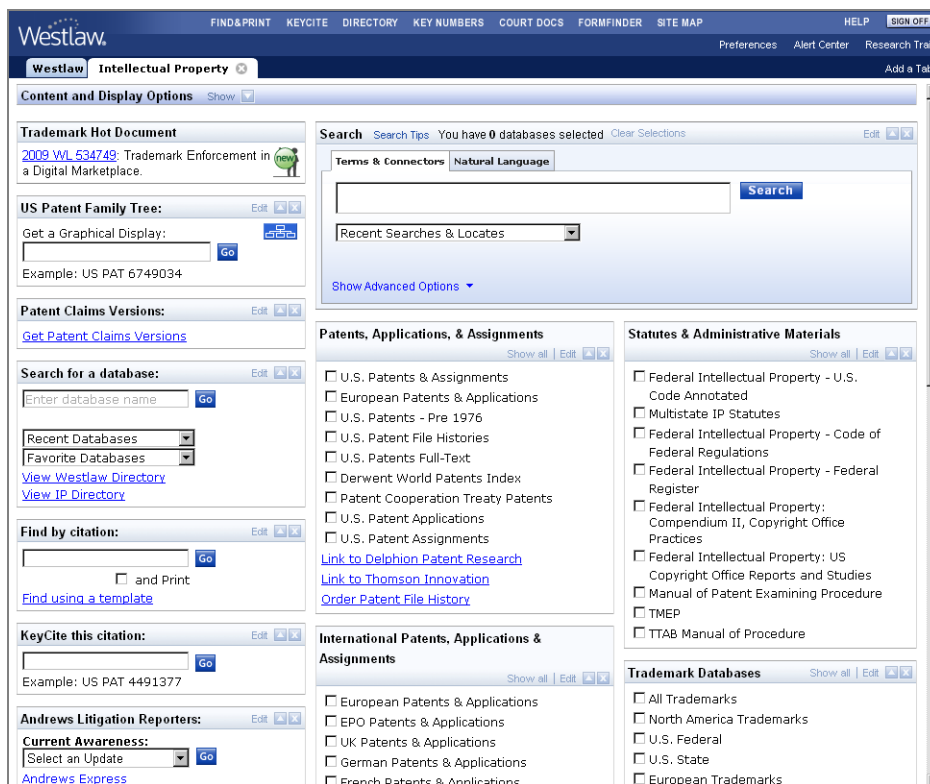


Figure 1. Intellectual Property page

2 Case Law

Key Databases

Database	Identifier
Federal Intellectual Property–Cases	FIP-CS
Federal Intellectual Property–Supreme Court Cases	FIP-SCT
Federal Intellectual Property–Courts of Appeals Cases	FIP-CTA
Federal Intellectual Property–District Courts Cases	FIP-DCT
Federal Intellectual Property Briefs	FIP-BRIEF
Multistate Intellectual Property–Cases	MIP-CS
BNA United States Patents Quarterly	USPQ

For a complete list of intellectual property law databases on Westlaw, see the Westlaw Directory.

Retrieving Case Law

WHEN YOU KNOW THE CITATION

When you know the case citation, use the Find service to retrieve the case. You do not need to access a database. To retrieve *Speedplay, Inc. v. Bebop, Inc.*, 211 F.3d 1245 (Fed. Cir. 2000)

Access: Find

Type: 211 f3d 1245 in the *Find this document by citation* text box

Tip If you do not know the abbreviation to use in Find, click **Publications List** in the left frame of the Find a Document page to view a list of publications and abbreviations.

WHEN YOU KNOW THE NAMES OF THE PARTIES

To retrieve *Speedplay v. Bebop* if you did not know the citation

Access: Federal Intellectual Property–Cases (FIP-CS) and click **Search by Party Name**

Type: **speedplay** in the *Party name* text box and **bebop** in the *Additional party name* text box

WHEN YOU KNOW THE JUDGE'S NAME

To retrieve federal district court cases in which Judge Leonie Brinkema presided and the USPTO was a party

Access: Federal Intellectual Property–District Courts Cases (FIP-DCT) and restrict your search to the judge (ju) and title (ti) fields

Type: ju(brinkema) & ti("patent and trademark office" u.s.p.t.o.)

WHEN YOU KNOW A WEST TOPIC AND KEY NUMBER

To retrieve federal courts of appeals cases with headnotes classified to topic 291, Patents, and key number 133, Extension

Access: Federal Intellectual Property–Courts of Appeals Cases (FIP-CTA)

Type: 291k133

WHEN YOU KNOW A USPQ CLASSIFICATION NUMBER

To retrieve cases with headnotes assigned the BNA classification number 115.0906, Patentability/Validity–Obviousness–Evidence of

Access: BNA United State Patents Quarterly (USPQ) and restrict your search to the topic field (to)

Type: to(115.0906)

WHEN YOU ARE RESEARCHING AN ISSUE

To retrieve federal cases discussing copyright infringement by Web sites

Access: Federal Intellectual Property–Cases (FIP-CS)

Type: website (web internet /s site page) /p copyright /s infring!

Tip To narrow your search result, restrict your search to the synopsis (sy) and digest (di) fields, which contain editorial summaries of the facts and legal issues in a case. You will retrieve only cases in which your search terms are significant. For example, to narrow the search shown above, type sy,di(website (web internet /s site page) /p copyright /p infring!).

To retrieve trademark infringement cases brought under state common law

Access: Multistate Intellectual Property–Cases (MIP-CS) and restrict your search to the synopsis (sy) and digest (di) fields

Type: sy,di(common-law /p trade-mark /p infring!)

Tip While browsing your search result, check the documents in the ResultsPlus list. These documents have a high statistical likelihood of matching the concepts in your search.

3 Statutes and Legislative Materials

Key Databases

Database	Identifier
Federal Intellectual Property–U.S. Code Annotated	FIP-USCA
USCA Popular Name Table	USCA-POP
United States Code Annotated–Tables	USCA-TABLES
United States Public Laws	US-PL
United States Public Laws 1973-2008	US-PL-OLD
Legislative History–U.S. Code, 1948 to Present	LH
Arnold & Porter Legislative History: General Revision of Copyright Law, 1976	COPYREV76-LH
Congressional Bills	CONG-BILLTXT
Bill Tracking–Federal–Summaries and Status	US-BILLTRK
Multistate Intellectual Property–Statutes	MIP-ST

For a complete list of intellectual property databases on Westlaw, see the Westlaw Directory.

Retrieving Statutes

WHEN YOU KNOW THE CITATION

When you know a statute’s citation, use the Find service to retrieve the statute. There is no need to access a database. To retrieve 35 U.S.C.A. § 282

Access: Find

Type: 35 usca 282 in the *Find this document by citation* text box

Tips If you do not know the abbreviation to use in Find, click **Publications List** in the left frame of the Find a Document page to view a list of publications and abbreviations.

To view the section immediately following or preceding the one you are viewing, even if it was not retrieved by your search or Find request, click **Next Section** or **Previous Section** in the document header. To return to the original document, click **Original Results** in the left frame.

WHEN YOU KNOW THE STATUTE'S POPULAR NAME

To retrieve sections of the *United States Code Annotated* (USCA) enacted by the Digital Millennium Copyright Act

Access: USCA Popular Name Table (USCA-POP) and click **Edit Search**

Type: **digital /3 copyright** after deleting the search displayed in the *Search* text box

Tip To retrieve a specific USCA section, click its link.

WHEN YOU KNOW THE PUBLIC LAW NUMBER

To retrieve USCA sections enacted or affected by Pub. L. No. 106-379

Access: United States Code Annotated–Tables (USCA-TABLES)

Type: **106-379** in the *Public Law Number* text box

WHEN YOU ARE RESEARCHING AN ISSUE

To retrieve federal statutes dealing with copyright protection of computer software

Access: Federal Intellectual Property–U.S. Code Annotated (FIP-USCA)

Type: **copyright /p software computer**

Tip To narrow your search result, restrict your search to the prelim field (*pr*), which contains the main statutory headings such as the name of the title and chapter, and the caption field (*ca*), which contains the section number and a description of the section's contents. For example, to narrow the search above, type **pr,ca(copyright & software computer)**.

To retrieve state statutes dealing with damages for the misappropriation of trade secrets

Access: Multistate Intellectual Property–Statutes (MIP-ST) and restrict your search to the substantive-doc field (*sd*)

Type: **sd(trade-secret & misappropriat! & damages)**

Tip The substantive-doc field contains the information in the prelim and caption fields plus the statute's citation, text, and credits. Restrict your search to this field in annotated statutes databases when you do not want to search the historical notes, references, and annotations.

Retrieving Legislative History

WHEN YOU KNOW THE TITLE OF AN ACT

To retrieve congressional committee reports on the Family Entertainment and Copyright Act of 2005

Access: Legislative History–U.S. Code, 1948 to Present (LH)

Type: copyright & 2005 in the *Public Law number and name* text box

WHEN YOU KNOW A SENATE OR HOUSE REPORT NUMBER

To retrieve H.R. Rep. No. 109-33(l)

Access: Find

Type: hr rep 109-33(i)

WHEN YOU ARE RESEARCHING AN ISSUE

To retrieve transcripts of congressional hearings on the 1976 revisions to copyright law regarding an author's reproduction or distribution rights in a collective work

Access: Arnold & Porter Legislative History: General Revision of Copyright Law, 1976 (COPYREV76-LH) and add a citation field (ci) restriction to your query

Type: ci(hearing) & "collective work" /s reproduc! distribut! /p author

Retrieving Session Laws

WHEN YOU KNOW THE PUBLIC LAW NUMBER

When you know the public law number, use the Find service to retrieve the law. There is no need to access a database. To retrieve Pub. L. No. 108-482

Access: Find

Type: us pl 108-482

WHEN YOU KNOW THE NAME OF THE ACT

To retrieve the Work Made for Hire and Copyright Corrections Act of 2000

Access: United States Public Laws 1973–2008 (US-PL-OLD) and restrict your search to the caption field (ca)

Type: ca(hire & copyright)

WHEN YOU ARE RESEARCHING AN ISSUE

To retrieve legislation enacted by Congress in 2005 that enhances copyright protection for motion pictures

Access: United States Public Laws 1973–2008 (US-PL-OLD)

Type: copyright /p "motion picture" movie & da(2005)

Retrieving Proposed Legislation

WHEN YOU KNOW THE BILL NUMBER

When you know the bill number, use the Find service to retrieve the bill. There is no need to access a database. To retrieve the full text of S. 379, 111th Cong. (2009)

Access: Find

Type: 2009 cong us s 379

WHEN YOU KNOW THE PURPOSE OF THE BILL

To retrieve the full text of a bill to provide fair compensation to artists for use of their sound recordings

Access: Congressional Bills (CONG-BILLTXT)

Type: compensat! /p sound /3 record! in the *Bill Text* text box

To retrieve a summary of this bill and status information

Access: Bill Tracking–Federal–Summaries and Status (US-BILLTRK)

Type: compensat! /p sound /3 record! in the *Bill Text* text box

4 Administrative Rules and Regulations

Key Databases

Database	Identifier
Federal Intellectual Property–Code of Federal Regulations	FIP-CFR
Federal Intellectual Property–Federal Register	FIP-FR
Federal Intellectual Property–Copyright Office Circulars and Factsheets	FIP-CPYINFO
Federal Intellectual Property–Copyright Office Practices	FIP-CPYPRC
Federal Intellectual Property–U.S. Copyright Office Reports and Studies	FIP-CPYRPTS
Federal Intellectual Property–Manual of Patent Examining Procedure, Eighth Edition, Revision 5	FIP-MPEP8D5R
Federal Intellectual Property–Trademark Manual of Examining Procedure, Fifth Edition	FIP-TMEP5TH
Federal Intellectual Property–Trademark Trial and Appeal Board Manual of Procedure, Second Edition	FIP-TBMP2D
TTAB Filing Rules	TTAB-RULES

For a complete list of intellectual property databases on Westlaw, see the Westlaw Directory.

Retrieving Administrative Rules and Regulations

WHEN YOU KNOW THE CITATION

When you know the citation of a rule or regulation, use the Find service to retrieve it. There is no need to access a database. To retrieve 37 C.F.R. § 1.2, which states that all business with the USPTO should be conducted in writing

Access: Find

Type: 37 cfr 1.2 in the *Find this document by citation* text box

To retrieve 73 Fed. Reg. 31655, which proposes revising patent fees for fiscal year 2009

Access: Find

Type: 73 fr 31655

Tip If you do not know the abbreviation to use in Find, click **Publications List** in the left frame of the Find a Document page to view a list of publications and abbreviations.

WHEN YOU ARE RESEARCHING AN ISSUE

To retrieve the final rule issued by the Copyright Office in 2009 that adjusted the fees it charges for its services

Access: Federal Intellectual Property–Federal Register (FIP-FR) and add a prelim field (pr) and date (da) restriction to your query

Type: `copyright /s fee & pr("final rule") & da(2009)`

Tip To retrieve proposed rules, substitute `pr("proposed rule")` for `pr("final rule")` in your query.

To retrieve rules that deal with improving the efficiency and quality of the patent examination process

Access: Federal Intellectual Property–Federal Register (FIP-FR) and restrict your search to the summary field (su)

Type: `su(patent /s examin! /s improv!)`

To retrieve the definition of the term *small business* for purposes of paying reduced patent fees

Access: Federal Intellectual Property–Code of Federal Regulations (FIP-CFR)

Type: `"small business" /p reduc! /p fee /p patent`

To retrieve the definition of the term *sound mark*

Access: Federal Intellectual Property–Trademark Manual of Examining Procedure, Fifth Edition (FIP-TMEP5TH) and restrict your search to the caption field (ca)

Type: `ca(sound-mark)`

5 Administrative Decisions

Key Databases

Database	Identifier
Federal Intellectual Property–Board of Patent Appeals and Interferences Decisions	FIP-BPAI
Federal Intellectual Property–Patent and Trademark Office Decisions	FIP-PTO
Federal Intellectual Property–Trademark Trial and Appeal Board Decisions	FIP-TTAB
Federal International Law–International Trade Commission	FINT-ITC
BNA United States Patents Quarterly	USPQ
Uniform Domain Name Dispute Resolution Policy Arbitration Decisions	UDRP-ARB

For a complete list of intellectual property databases on Westlaw, see the Westlaw Directory.

Retrieving Administrative Decisions

WHEN YOU KNOW A PARTY'S NAME

To retrieve domain name arbitration decisions involving Google, Inc.

Access: Uniform Domain Name Dispute Resolution Policy Arbitration Decisions (UDRP-ARB) and restrict your search to the title field (ti)

Type: ti(google)

WHEN YOU KNOW THE NAME OF THE BOARD ISSUING THE DECISION

To retrieve decisions from the Trademark Trial and Appeal Board involving Apple Computer, Inc.

Access: Federal Intellectual Property–Trademark Trial and Appeal Board Decisions (FIP-TTAB)

Type: ti("apple computer")

To retrieve decisions from the Board of Patent Appeals and Interferences regarding angioplasty balloon catheters

Access: Federal Intellectual Property–Board of Patent Appeals and Interferences Decisions (FIP-BPAI)

Type: angioplasty balloon /s catheter

WHEN YOU KNOW THE NAME OF THE JUDGE

To retrieve decisions authored by Senior Administrative Patent Judge Fred E. McKelvey

Access: BNA United States Patents Quarterly (USPQ) and restrict your search to the judge field (ju)

Type: ju(mckelvey)

WHEN YOU ARE RESEARCHING AN ISSUE

To retrieve recent decisions regarding the refusal to register a trademark because it is likely to cause confusion

Access: Federal Intellectual Property–Patent and Trademark Office Decisions (FIP-PTO) and add a date (da) restriction to your query

Type: trade-mark /p refus! /s regist! /p confus! & da(aft 2008)

To retrieve decisions from the International Trade Commission concerning lawn tractors and misappropriation of trade dress

Access: Federal International Law–International Trade Commission (FINT-ITC)

Type: tractor /p trade-dress /p misappropriat! infring!

6 Patents

Key Databases

Database	Identifier
United States Patent Materials–All	US-PAT-ALL
United States Patent Applications	US-PAT-APP
United States Patent Assignments	US-PAT-ASSIGN
U.S. Patent File Histories	US-PAT-HISTORY
U.S. Patents Full-Text	US-PAT
U.S. Patents–Full Text and Images 1970–1976	US-PATPRE76
U.S. Patents Full-Text 1976–1979	US-PAT1970
U.S. Patents Full-Text 1980–1989	US-PAT1980
U.S. Patents Full-Text 1990–1999	US-PAT1990
U.S. Patents Full-Text 2000–Current	US-PAT2000
U.S. Design Patents Full-Text	US-DESIGN
U.S. Plant Patents Full-Text	US-PLANT
U.S. Reissue Patents Full-Text	US-REISSUE
U.S. Utility Patents Full-Text	US-UTIL
U.S. Defensive Publications Full-Text	US-DEFPUB
U.S. Statutory Invention Registrations Full-Text	US-SIR
Derwent LitAlert	LITALERT
Derwent Patent Status File	PATSTAT
Derwent World Patents Legal	DWPL
Patent Cooperation Treaty Patents	PCT-PAT
Dockets–Patent	DOCK-PATENT
Patent Docket Summaries	PAT-DOCK-SUM
USPTO Patent Filing Rules	USPTOPAT-RULES
Patent District Court Filing Rules Combined	PATRULES-ALL
Individual State Patent District Court Filing Rules (XX is a state’s two-letter postal abbreviation)	PATRULES-XX

For a complete list of intellectual property databases on Westlaw, see the Westlaw Directory.

Retrieving U.S. Patents

WHEN YOU KNOW THE PATENT NUMBER

When you know the patent number, use the Find service to retrieve the patent. There is no need to access a database. To retrieve U.S. Patent No. 3,936,384

Access: Find

Type: `us pat 3936384` in the *Find this document by citation* text box

Tip If you do not know the abbreviation to use in Find, click **Publications List** in the left frame of the Find a Document page to view a list of publications and abbreviations.

WHEN YOU KNOW THE TYPE OF INVENTION

To retrieve utility patents for electrosurgical instruments to use with a laparoscope

Access: U.S. Utility Patents Full-Text (US-UTIL) and restrict your search to the title (ti) and abstract (ab) fields

Type: `ti,ab(electro-surg! /p laparoscop!)`

To retrieve a patent for a new variety of hibiscus known as Lillikoi Yellow

Access: U.S. Plant Patents Full-Text (US-PLANT) and restrict your search to the title (ti) and abstract (ab) fields

Type: `tj,ab("lillikoi yellow")`

WHEN YOU KNOW THE INVENTOR'S NAME

To retrieve patents issued to William S. Haworth

Access: U.S. Patents Full-Text (US-PAT) and restrict your search to the inventor field (inv)

Type: `haworth +3 william` in the *Name* text box and choose **Inventor** from the *Type* drop-down list

WHEN YOU KNOW THE ASSIGNEE'S NAME

To retrieve patents assigned to Nintendo Company since 2000

Access: U.S. Patents Full-Text 2000–Current (US-PAT2000) and restrict your search to the patent-assignee field (pas)

Type: `pas(nintendo)`

