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TRAINING REPORT- GREYB SERVICES

By

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DECLARATION

I hereby declare that the work reported in the B.Tech Project Report submitted at **Jaypee University of Information Technology, Wagnaghat, India** under **GreyB Services** is an authentic record of my work carried out under the supervision of **Mr. Harman Singh** and **Miss. Harjasleen Kaur**. I have not submitted this work elsewhere for any other degree or diploma.



Prakhar Bhardwaj

(171303)

This is to certify that the above statement made by the candidate is correct to the best of my knowledge.

Miss. Harjasleen Kaur

Research Analyst at GreyB Services

Date: 24th May 2021

PROJECT REPORT UNDERTAKING

I, Mr. Prakhar Bhardwaj, Roll No. 171303, Branch: Computer Science, am doing my internship with GreyB Services from February 2020 to August 2020.

As per procedure I have to submit my project report to the university related to my work that I have done during this internship.

I have compiled my project report. But due to COVID-19 situation my project mentor in the company is not able to sign my project report.

So, I hereby declare that the project report is fully designed/developed by me and no part of the work is borrowed or purchased from any agency. And I'll produce a certificate/document of my internship completion with the company to TnP Cell whenever COVID-19 situation gets normal.

Signature Prakhar

Name: Prakhar Bhardwaj

Roll No. 171303

Date: 24/05/2021

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Date: 24th May 2021

LIST OF FIGURES

Fig 3.1a: A Patent

Fig 3.1b: Research Papers and Journal Articles

Fig 3.1b: Newspaper Articles

Fig 4.1: Patent Application

ABSTRACT

The term 'Patent Prosecution' is the link between an applicant for a patent and the patent office with respect to a patent filed by the applicant. A person or a group of examiners from the field of the patent are given the task of examining respective applications which have been filed with the USPTO (United States Patent and Trademark Office). A specific examiner from the group of examiners is assigned a certain application which is then studied by them.

The examiner's examination of the filed application entails a review for legal conformity, and a search of the prior patent documents owned by the various international Patent Offices, and other publicly available literature to come to the conclusion whether the invention mentioned in the application is innovative and nonobvious. The examiner or group of examiners determine the outcome of their decision on the aforementioned research and the results of the search for patents and other literature.

CHAPTER 1

INTRODUCTION

1.1 Introduction

The USPTO (United States Patent and Trademark Office) is a department of the US government. The USPTO's task is to provide patents and register trademarks in order to protect inventions. It protects inventors' and businesses' interests when it comes to their inventions, the business' products and various service identifications. Not to mention, the USPTO provides advice and help regarding domestic as well as international matters related to 'Intellectual Property' (or IP) to the President of the United States, the Secretary of Commerce, the Department of Commerce's bureaus and offices, and other government agencies. The Office advances the nation's industrial and technological advancement and enhances the economy by preserving, classifying, and disseminating patent information.

If the invention is nonobvious and novel, the USPTO will review and grant the application so that the invention can be patented. In combination with this, the USPTO disseminates published patent information, maintains a searchable record of US and Foreign patents, and also maintains a search room, which is now available easily on the internet, where the public can view patent information. The USPTO enables public copies of all issued patents. The Manual of Patenting Examining Procedure is also published by the USPTO which educates the practitioners on patent law and its regulations. In the case of trademarks, similar functions are done. The USPTO works to retain the United States' technical advantage, which is critical to our present and future competitiveness, by safeguarding intellectual initiatives and fostering technical innovation. The USPTO also disseminates patent and trademark information. This aids people understand IP rights and help support and empower intellectual property around the globe.

1.2 Necessity

The term 'Patent Prosecution' is the link between an applicant for a patent and the patent office with respect to a patent filed by the applicant. The term pre prosecution involves negotiating regarding a patent with the patent office for the insurance and post grant prosecution of the patent. Prosecution can be divided into two categories.

As mentioned above a group of people in charge of a technical area relevant to the invention are given an application of that field under the United States patent and trademark office. The examining group examines their applications in the order that they come. This order shall not be changed unless the commissioner orders and expedited office activity for a commissioner as you justify this expedited review of an application.

The examination of the application includes a review of the application for legal conformity as well as a search of United States patents, prior foreign patent papers held by the Patent and Trademark Office, and available literature to evaluate if the invention is innovative and non-obvious.

In case a patent is being filed for two specific technologies and the patent examiner feels that both these technologies cannot coexist in a single patent, the inventor will have to choose between one of the two technologies.

If an invention is being succeeded by another invention for which a patent has already been filed, the second invention can benefit from the priority date of the first patent. The examiner may make a further step by requiring the application to be limited to one invention. Two out of every three applications filed will be granted a patent as a result of the Office's review.

1.3 Objectives

The law states that if the patent is not filed by the inventor the patent application will be null and void. In such a circumstance, the applicant who fraudulently asserts that he or she is the inventor might face criminal charges.

If the inventor is deceased, legal representatives, which include the property administrator or executor, may also document the utility. If the inventor is mentally ill, a father or any relative may also document the patent utility on his or her behalf. The co-inventor, or someone with a proprietary hobby with reference to the inventor also can document the patent utility below positive circumstances, if the unique inventor declines to, or in the event that they can't be located. Two human beings operating on a single invention will document for the patent as joint inventors, in the event that they want to. If someone actually makes an economic contribution to the development of the invention, they're no longer a joint inventor and can't be taken into consideration as an inventor within the utility.

According to the USPTO, small errors like omitting an inventor or identifying an inventor incorrectly can be corrected later on. The law states that employees of the United States Patent and Trademark Office (USPTO) are not allowed to file a patent, or apply for patent, in any way, directly or indirectly.

The United States patent and trademark office grants property rights to the inventor. A new patent has the term of 20 years from the date of the filing of the application in the United States or in territories where the United States patent law is applicable. In some cases it can be more than the filing date.

The patent award confers “the right to exclude anyone from manufacturing, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States, as per the laws and the grant itself. Patents grant the inventor the right to exclude others from selling, importing, producing their invention.

1.4 Theme

In most patent applications the things that are included are, a general written description of the invention, at least one embodiment, and a set of claims written in a specific style. The claims are very important as they help the examiner in establishing a difference between the invention and the prior art. In most jurisdictions, a drawing or set of drawings is generally included (if required) with a patent application to aid understanding of the invention.

The search and examination aspect of a patent are the main litigative component that leads to the desired end result.

After the research done by the examiner, the results of the application are compiled in a (SR) search report and sent to the applicant. In general, the examination team or examiner performing the search determines which aspects of the mentioned papers are significant (novelty, inventive step, background), as well as their respective relevant claims. There is no single source where the examiner searches while looking writing the search report, but mostly their results come from previously filed patent and technical literature.

1.5 GreyB Services

1.5.1 About the Company

GreyB is an Intellectual Property research organization that was founded in 2007. It is headquartered in Singapore. GreyB has been helping companies to make profits from their intelligent property and innovations working in an off the site or on the site model. Our customer portfolio comprises of organizations, law offices, item advancement organizations, R&D divisions, in-house IP office, patent gatherings, patent lawyers, Private Equity Funds, IP driven investors, budgetary financial specialists, IP financier firms and scholarly foundations.

We not only limit our services to companies and corporations, but our client portfolio includes various law firms, R&D departments, Patent attorneys and council, IP capitalists and investors, and multiple research institutions. Our solution suite integrates research on patent data, scientific journals and market data to support critical business decisions. We are a team of 250+ members having technical expertise and management skills. GreyB is in the business of dealing with innovation and firmly believes that human resource is our key differentiator. We are one of the top technology management consultants in the world.

Our experience and expertise help us in performing the exhaustive information research for effect creation, management and commercialization of IP and longterm initiatives in developing technologies.

1.5.2 Overview of our Business

We build a close company client relationship net so as to provide 7 star experience for client. The quality and clients satisfaction are one of our prime focus. This involves maintaining the trust of the client by keeping all their provided information confidential, as well as extending our reach to outside the projects for understanding the purpose of the project.

We offer a wide range of IP information search services. The business model incorporates information search knowledge, technical background and patent knowledge in a variety of technical fields.

Our main focus area includes:

- IP Research and Analytic Services,
- Patent Landscape,
- Prior Art Search,
- Infringement Research,
- Patent Litigation,
- Patent Drafting,
- IP Asset Management,
- Licensing Support,
- IP Transaction Support to Clients Across Many Countries.

CHAPTER 2

LITERATURE SURVEY

2.1 Patents

A patent is a right that others grant to prevent others from creating, selling, or exploiting an idea or invention. A patent for an innovation is property right granted by the USPTO (United States Patent and Trademark Office) to the inventor. Therefore, we can define it as territorial, property a negative right granted by a regional or national authority.

2.2 Purpose of Granting Patents

In return of the privileges the authorities present the inventor, the inventor or patent owner ought to aid the authorities, and consequently the overall population, with an in-depth description of the discovery and it's meant to make use of and applications. As a result, the patent system aids technological increase via way of means of organizing a reward system that stimulates the change of vital scientific and technical information.

2.3 Reasons for the Existence of Patents

The patent system has four key incentives: to innovate in the first place, to reveal the innovation after it has been developed; to invest the funds required to develop, create, and sell the innovation; and innovate and improve existing inventions.

1. Patents are a very good start line for purchasing offers for cost-powerful research and development (R&D). Most well-mounted corporations spend hundreds of thousands and billions of bucks on research and development each year. These fees may be particularly decreased or may be abolished without patents, decreasing the capacity of scientific improvements or breakthroughs. Because different parties might be unfastened to make the most any advances, agencies might be far more careful about their R&D expenditure. This 2nd intent is intertwined with the essential ideas that underpin traditional asset rights. Patents promote and stimulate the disclosure of innovations to the overall public for the overall good,

is how the word 'Patent' is defined. Many inventors could need or have a tendency to maintain their improvements hidden in the event that they wouldn't had been included legally through patents. When a patent is granted, the specifics of the brand new era are usually made public, permitting every person to apply it while the patent crosses the 20-yr mark, or for development through numerous inventors. In addition to all this, the general public document is evidence that the discovery created through the inventor did not perish, even after the expiration of the patent.

2. In many production sectors like software program or pc chips, the constant prices for merchandise are high, or the marginal value is low, the value of commercializing the product is better while in comparison to the value of conceptualizing it. Companies made positive earlier than making an investment in merchandise that it turned into not possible to copy stated merchandise, without that affirmation they might now no longer make investments within the product. These restrictions force companies and inventors to think in different ways to achieve the same outcome with an invention without infringing on the patent, which in turn fuels innovation.
3. The rights to a patent may be certified via way of means of the inventor to larger corporations, that's a fascinating facet outcome of cutting-edge patent utilisation. This facilitates the inventor to rapidly acquire budget via way of means of licencing the concept and can allow for immediate innovation due to the fact she or he does now no longer must oversee the technology manufacturing build-up. As a result, the inventors time and power can be targeted on natural innovation, whilst others may also recognition on manufacturing.
4. The patent awards the discovery "the right to exclude absolutely everyone from manufacturing, the use of, imparting for sale, or selling" within the US or "importing" the aforementioned invention into the US, consistent with the patent legal guidelines and the grant associated with the patent. The right to disclaim different producers or inventors from producing, selling, the use of, or importing the discovery is granted, now no longer the right to create, use, provide for sale, sell, or import the invention. Once a patent is issued, the patentee is answerable for implementing it without the help of the US Patent and Trademark Office.

2.4 General Patent Requirements

In order for the patent to be granted, the invention must fulfil certain requirements, which are listed below:

1. **Novel:** The invention which is to be patented must be new and must not be similar to the prior art or publicly known technical papers. i.e., patented or published previously.
2. **Useful:** The invention does not need to supersede an existing invention or product, but should have a definitive use, a positive effect on society.
3. **Non-Obvious:** The invention should be innovative, i.e. people skilled in the art must not find it obvious.

“To an *engineer*, everything is obvious,

To a *patent attorney*, nothing is obvious”

2.5 Different Types of IP (Intellectual Property)

IP can be broadly categorized into 7 different categories, listed below:

1. **Patents:** A novel, non-obvious and useful information is protected under a patent.
2. **Design:** The external appearance or look of an article is protected under a design.
3. **Copyright:** The expression of an idea is protected under a copyright.
4. **Trademark:** Protects a logo or a slogan that differentiates one’s idea from the competitor’s.
5. **Trade Secret:** Commercially valuable information is protected under secrecy.
6. **Mask work:** Protects a mask fixed in a semiconductor product.
7. **Open Source:** A software or a piece of code that is freely available to anyone is an open source software.

2.6 Types of Patents Issued by the USPTO

1. If the discovery portrays usefulness within the technique, the producing or the completed invention may be granted a Utility Patent. Examples: Computer ICs, Communication Apparatus, Fibre Optics. They may be classified as provisional utility patents or non-provisional utility patents.

2. If an inventor invents a product or article with a precise, new design, they could report their software for a Design Patent for his or her invention. Examples: Star Wars Characters, The precise appearance of garb articles, etc.

3. If an inventor creates or discovers a brand-new style of plants, they could follow for a Plant Patent.

To give an explanation for it in some words, Utility Patents cover the application or the technique of an invention while Design Patents guard the appearance and aesthetics of the thing or product.

2.7 Trademarks

The most important function of a trademark is to distinguish a producer's items from their competitor's items. It will be a name, a slogan, a tagline or a logo. Similar to logos, there additionally exist provider marks, which fulfil the equal aim however for offerings in place of products. Both trademarks and service marks are normally known as 'trademarks' and 'marks'.

Trademarks simply help the producer in preventing competition in the usage of comparable searching trademarks or textual content for his or her company, they can not use the safety of a trademark for a person promoting the equal product as them.

The Patent and Trademark Office can check-in trademarks which are utilized in interstate or worldwide commerce. An associate leaflet titled "Basic Facts about Trademarks" describes the trademark registration technique in addition to fundamental statistics concerning trademarks.

2.8 Copyrights

Copyrights protect 'Original Works of an author', which may be posted or now no longer, and may range from literary, artistic, musical, dramatic, or different comparable works. The Copyright Act of 1976 presents the copyright holder the unique proper to derive on the idea of those works, distribute

the works, reproduce the works, publicly carry out the aforementioned copyrighted works, and show these paintings in public.

The style wherein the artist expresses is covered below the copyright, now no longer the real text. If someone describes a gadget and copyrights the description, it does now no longer prevent others from describing the equal gadget in an extraordinary way. The Copyright Office of the Library of Congress registers copyrights.

CHAPTER 3

TRAINING WORK

3.1 Prior Art

While a patent is probably invalidated for lots of reasons, the maximum distinguished cause for the invalidation is that it isn't modern while in comparison to formerly present technology. This can simplest take place if the claims written withinside the patent application are neither innovative nor apparent, as they're used to decide the volume of safety given via way of means of the patent. To invalidate a patent, we start via way of means of seeking out documents that may be regarded as "prior art" in comparison to the claims of the invention. The term prior art means any record present earlier than the submitting date of the patent having comparable contents because of the patent.

It is almost constantly required to examine "prior art" whilst searching into an already active patent or While thinking about submitting application for a patent. If defined in extensive terms, we are able to outline prior art as the entire corpus of information from the start of recorded information to the present. For example, more than 50 years ago, a Supreme Court Case withinside the United States, the artwork of Benvenuto Cellini, a well-known painter from Italy who surpassed away in 1571, changed into stated as previous art withinside the courtroom docket decision, invalidating a patent for lost-wax jewelry casting. However, there has been a wonderful state of affairs that doesn't mirror how previous art is classed in maximum cases.

The prior art is defined by Title 35, United States Code, Section 102, which states: "A person shall be entitled to a patent unless...." Following this statement is a list of definitions, and the important ones have been briefly summarized below.

Firstly, if the discovery became "acknowledged or utilised via way of means of others on this country, or became patented or defined in a published booklet on this or a overseas nation" previous to the candidates date of inventing the discovery, the inventor isn't always eligible to document a patent for his or her invention. If an innovation is understood or utilised in USA, for example, someone who creates the identical invention at a later date and time as compared to the patent might not be eligible to document the patent. Prior know-how or utilization in some other nation, on the opposite hand, isn't always an obstacle to submitting a patent application withinside the US. Internationally, if a patent is posted or a paper of published earlier than the submitting date of the patent, the USPTO will exclude an software for a patent withinside the United States if it became posted in advance than the applicant's invention.

Second, if "the invention become patented or defined in a published e-book on this or an overseas nation, or in public use or on sale on this country, more than 12 months previous to the date of the patent application withinside the United States," a patent is banned. With one most important exception, this perception of previous art is corresponding to the primary. In the primary case, the query is whether or not the previous artwork existed previous to the discovery date. Talking approximately the second situation, the query that arises is that become the prior artwork (patents or different literature) made public to be had more than 12 months earlier than the submitting date of the patent. A lot of instances are testimony to the point that typically the inventor waits too long to document their patent and that they discover that in this time, a few different applicants already filed the patent for the same invention that is more than 12 months earlier than the inventor proceeds to document a patent for his or her invention. This provision additionally mandates that the inventor document a patent application inside 12 months period after the innovations e-book, public use, or marketing. A patent application is likewise banned if it's been more than 12 months because it becomes filed. Hence, if the prior art is a patent record or another piece of scientific literature, the scope of attention is international, however, if the previous artwork is a product already present withinside the market, it must be advertised withinside the United States for the product to be eligible for being beneath attention as prior art. The important issue, though, is that the patent application is banned if such a prevalence of a prior artwork takes location more than 12 months earlier than the submitting date of the patent application. There isn't any such issue as a grace period. The patent application is just too overdue even supposing it's far filed a day after the only 12 months' time period is over.

The third factor is that if the inventor patents their invention outside in the jurisdiction of the USPTO (the United States), they're precluded from receiving a patent. This is likewise the case if the patent becomes filed more than 12 months previous to the submitting date of the patent utility withinside the US. To placed it in a concise way, if an inventor documents a patent for an invention out of doors of America and documents for a patent withinside the jurisdiction of the USPTO within 12 months of submitting the preceding patent, the preceding patent isn't taken into consideration to return back beneath earlier artwork. Similarly, even supposing the inventor is an afternoon overdue, their preceding application will fall beneath the class of prior art.

There are some greater key boundaries to patentability that aren't naturally previous art. Obviously, if an inventor halts the invention technique can be not able to get a patent. Furthermore, if A creates an invention, A is the best person who may file for a patent on it.

Other specialized guidelines might also additionally prevent an inventor from obtaining a patent due to the fact to specific acts which might be taken into consideration in prior art.

All matters taken into consideration, in today’s day and age of technological advancements, it's far as an alternative hard to discover prior art that discloses the identical claims because of the patent that's being tested. Rather than being equal to the authentic invention, the previous art is much more likely to be something comparable. This hassle is also addressed below the patent statutes, however in a poor way. This factor significantly relies upon the talent of the individual submitting the preceding patent and the ability of the examiner to analyse the contemporary patent.

The aforementioned manner will become even greater complicated whilst corporations and corporations are thrown into the combination turn because it includes a group of litigators from wither side, and courtroom docket sessions, concerned with a product this is now not unusual place expertise to a huge percent of the overall public. So, we will say that theoretically, the obviousness of the similarity of a patent with a prior artwork may be tested through first, seeking out sure earlier artwork after which seeking out resemblance among the two, and eventually analysing that resemblance.

Fig 3.1 a, b and c show various documents that can be used as prior art. (non-exhaustive)

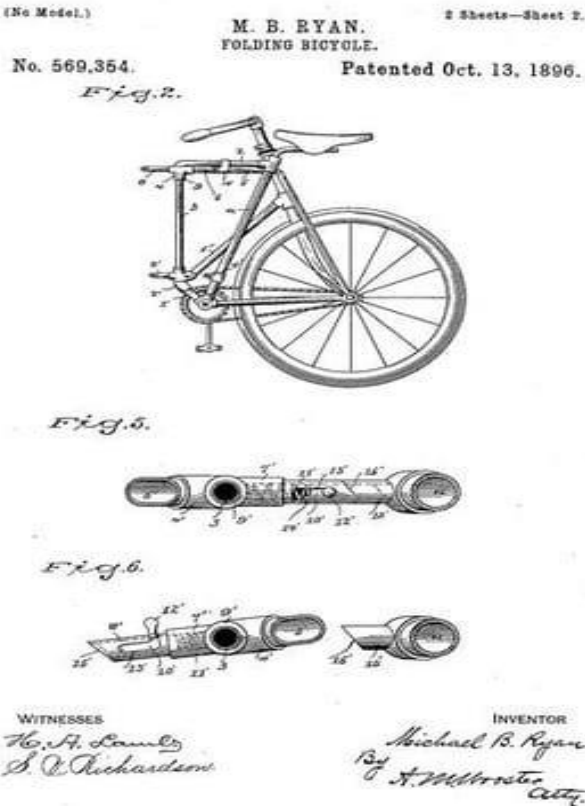


Fig 3.1a: A Patent



Fig 3.1b: Research Papers and Journal Articles



Fig 3.1c: Newspaper Articles

3.2 Types of Searches

3.2.1 Novelty Search

During the evaluation process, patentability searches discover preceding artwork that can restrict innovation or non-obviousness. The vast scope of the applicant's claims within the application for you to be deemed appropriate via way of means of the Patent Issuing Office is described through a vast patentability search, which avoids examiner constraints and the attempt and economic price involved. Furthermore, as an idea also, limit loose exam blessings each the applicant and the PTO seeing that lowering limits restrict the patentee from alleging that the claims breadth encompasses all opposite numbers to the parts of the patent.

Since the PTO handles a large number of patents every day, their searches every so often lack a positive quantity of determination and completeness. If an inventor is predicated completely at the patent workplace for accomplishing the prior art search and anticipate it to be the gold standard, they are probably prone to future licencing issues, which may also make them apprehend that their most treasured claims would possibly simply now no longer be as much as the mark.

3.2.2 Clearance Search

A Clearance Search is initiated through a business enterprise that desires to lawfully use a sure product or method without infringing at the patent rights of others. A clearance search seems for patents that declare to prohibit a business enterprise from generating or advertising a product or prohibiting them from appearing a sure operation. Clearance Searches are extraordinary from patent searches due to the fact the requirements for innovation and non-obviousness within the inspection system vary from the necessities for violating a patent.

Patents best offer you the proper to exclude others from what you're claiming; they don't provide you with the proper to training what you're claiming. Producing, using, or advertising a product or appearing a system often includes exercise the claims of different people's patents, necessitating a clearance take a look at to save you infringing on a person else patent right. A Clearance Search carried out through an expert will spotlight all patents that can be infringed ought to the inventor pick out to record a patent for his or her invention. and could permit the inventor to recognize any ability liabilities concerning the invention or the drafted claims for the patent application.

3.2.3 Landscape Search

The want of the customer is the inspiration behind a landscape search. The perception gained is used to make vital IP and enterprise choices. Agents and legal professionals offer a wonderful service than

IP managers, consultants, and advisers. However, not like agents and lawyers, they often lack the competence to dig the records required to supply strong suggestions and answers to firms.

A corporation needs to have a plan in area to steady and manipulate a patent portfolio so as to absolutely benefit from the advantages and protections supplied with the aid of using patents, in addition, to minimize pointless patent acquisition expenditures. The safety of low acquisition costs, economically giant discoveries, the legitimacy of the truth that the received patents are legitimate, knowledge approximately the liabilities and dependencies the discovery would possibly have with admire to the patent holders, and a nice notion out knowledge of areas in which studies and improvement and patent protection might provide the maximum a success final results are all advantages of a successful patent strategy. Prior Art Searches seek offerings that can help with every one of those goals.

3.2.4 Validity or Invalidity Search

When a party tries to set up the validity or invalidity of an issued patent primarily based totally on novelty or obviousness grounds, inclusive of during litigation or to keep away from expensive licencing costs, validity or invalidity search is commonly done. Validity/invalidity searches are commonly wide and in intensity due to the fact, the searcher desires to discover previous art that the examiner or different searchers overlooked. The motive of this form of search is to find previous artwork that has all the capabilities of the claimed subject matter and has a date this is in advance than, ideally greater than, the priority date of the invention.

3.3 How is Prior Art Used Against a Patent

The most important characteristic of a patent is that it can not be used to claim something obvious or already in lifestyles. To discover a strategy for this problem, patent examiners search for prior art, which as formerly explained, is preceding publications that propose the discovery isn't novel or apparent.

One of the motivations for the existence of a patent system is to compensate innovators for publicly sharing their idea. This suggests that innovation ought to be novel, in any other case the author can be rewarded for giving us something we already know. The evaluation of an innovation's novelty (and obviousness) is for that reason a critical part of the patent system. The patent application is denied if the inspection suggests that the discovery isn't innovative.

We start the patent examination via way of means of scanning thru all to be had literature withinside the subject of the invention to locate something comparable or equal to the contemporary invention. Papers and patents which had been posted or filed earlier than the date of the submitting of the current patent

are taken into consideration on this search. This is noted as "the state of the art" via the way of means of patent attorneys. This prohibition permits the inventor of the discovery to post their invention thru a patent without setting the newness of the discovery in harm's way. Prior art is a time period used to explain documents exposed for the duration of a search.

The claims are tested in each case while a patent application is being tested. As a result, evaluating a prior art record to the claims is likewise required whilst comparing it. As a result, the word "invention" on this record has to be interpreted as "invention as described in one of the separate claims of a patent or application."

If a previous art record explains all the components of a patent claim, both implicitly or explicitly, it's far taken into consideration to assume that claim. The claims traits ought to be a gift withinside the previous artwork withinside the equal composition. "Killer Prior Art" is the time period used unofficially to consult those forms of previous artwork.

3.4 The Obviousness of an Invention

If a claim is deemed to be novel, it means that no previous artwork has data that could give an explanation for the current claim to its complete capacity. This previous artwork file can nevertheless be useful, however in a special way, they cross towards the inventor in portraying that the discovery is query is self-evident. In maximum cases, a couple of prior art records is needed to show that an invention is apparent.

3.5 How to Identify Prior Art

Theoretically, any publicly available information counts as prior art. Because they may be the handiest to obtain, older patents and scientific articles are regularly used. Textbooks, periodicals, seminars, demonstrations, and exhibitions, in addition to another source of information, can all be utilized. Of course, proving what was confirmed or displayed is probably difficult.

1. Any Publication: While patent offices regularly cite older patents and posted patent applications, there's no restrict at the sort of file or the supply of the file to be referred to as prior art. It makes no distinction if the file is in an extraordinary language if it became posted in an extraordinary country, or the posted file became considered with the aid of using absolutely everyone or not. The truth that the file became made public earlier than the submitting of the patent is what's needed. A patent, an IEEE Xplore Research paper, or maybe a newspaper article can theoretically be a previous artwork.

2. Any Public Material: Previous art is handiest taken into consideration earlier artwork if it's far publicly available. It makes no distinction whether or not the paper became absolutely handy with the aid of using the public or the quantity of attempts it took to discover the file. Listing more than one examples, a multimillion-greenback convention for studies papers, an uncatalogued book in the corner of a library, a newspaper article from a flop newspaper, a speech with the aid of using a scientist. All of those are previous art if the general public isn't breaking any legal guidelines or confidentiality agreements to access them.

3. Exhibitions of Products: Even if its not possible to figure out precisely what the product consists of or the way it operates, publicly to be had items matter as prior artwork. A function of a tool will now no longer be taken into consideration revolutionary if that function existed in a tool prior to submitting the patent, Typically, the goods sale or different disposition suffices to represent all of its traits prior artwork for in the end filed applications. Even if the product isn't but open for sale, the mere commercial depicting the functions may be taken into consideration prior artwork as the general public is eligible to realize approximately the ones functions.

4. Disclosure: A file ought to additionally be allowing for it to be taken into consideration as prior art. To positioned it any other manner, the file ought to make it feasible for an decently professional everyday man or woman to perform the steps and recreate the invention. In a sci-fi series, innovation will be defined without delving into specifics. While this could carry the innovation center concept, it's going to now no longer permit a skilled man or woman to construct the invention. The so-referred to as "transporter" used withinside the famous Star Trek TV series, for example, lets Starfleet officials be "beamed down" to the planet's surface. However, no data on how the transporter became intended to function or the way it is probably constructed became ever provided. If a person invented a useful depend on transporter these days that labored exactly just like the one in Star Wars, he might nonetheless be capable of getting a patent for it. The data found out withinside the Films might now no longer be sufficient to dispose of the newness of his transporters traits. This isn't to mention that fiction cant is utilized as prior artwork. If the fiction appropriately depicts the innovation, it counts as prior art withinside the same manner that a technical book might.

3.6 Patent Search

Searching for prior art entails looking for patents withinside the respective area. Bodies of records withinside the respective subject additionally remember toward prior art. Pre-present patents, scientific publications, magazine articles, different publications (which include books and catalogues), public

advertisements, exchange exhibitions, or public utilization or sales anywhere within the international might fall below the class of prior art.

As formerly stated, the search document containing prior art facilitates the inventor in demonstrating innovative and non-evident legal necessities which might be vital for submitting a patent successfully.

The fundamental purpose of a patent search is to dig up patents similar to the discovery in question, which might deliver us the solution to whether or not or now no longer the discovery is patentable. A thorough patent search must bring about comparable patents if now no longer the same ones.

A precise exercise in patent searching is to list down inventors and assignees for whom the examiner finds comparable patents. Their names can lead the search to products or businesses or maybe greater publications which may be beneficial within the patent search.

3.6.1 Why Conduct a Patent Search?

Patenting is a heavy investment, for each time and money. Before going through the system of submitting a patent, the inventor has to get a patent search performed in order that the efforts of having a patent for the innovations aren't in vain. Even if the investor chooses to rent an open doors company to do the attempting to find them, they need to do an initial search alongside their litigation group for a more potent basis of the search report. A lot of capital can be stored further to the opposite benefits indexed above.

Before shifting directly to the third stage, that is making use of the actual patent, cautiously overview the findings of the previous artwork search to look in case your concept is unique.

After submitting the application, you may assume to attend one to a few years for the patent to be issued. You can warn anyone who infringes on your idea at some point of this time which you have implemented for a patent, however, you can't litigate till the patent is issued. Infringement litigation can't be performed until the day the patent is effectively submitted and approved. This is the maximum demanding factor of the patent application procedure.

3.6.2 The Method of Conducting a Search

Simple looking the use of keywords and Boolean operators is the most fundamental manner to conduct a search. It was created with students in mind, however, if you could get past the litigation terminology, you'll be studying and looking at patents online in no time. Only the use of the Internet to conduct a rigorous (full) search for previous artwork will now no longer enough. To do so, one desires to be

familiar with the system of type and categorization of patents as searching in certain classes and classes in comparison to looking aimlessly can take off days, even weeks' really well worth of attempt from the searching procedure.

3.6.3 The Patent Classification System

The Classification system of patents consists of Classes divided by the kind of technology the invention uses or aids, and then various levels of subclasses, with further detailing in each of the technological class. It helps the searching party find patents in their area of expertise with almost pinpoint accuracy.

3.6.4 Databases

In this age of technology, all patent documents and literature can be found online, making them easier to find and read.

Here are some of the patent databases we used in our training.

- Derwent Innovation
- PatSnap
- GooglePatents
- ESpaceNet

But, even once learning such a lot regarding patent searching, it's vital to say that it isn't everything. If your invention is traced while not being filed in a patent that's still against the patentability of the invention. Therefore, an entire prior art search is necessary. This might include, however is not restricted to:

- looking up non patent literature like journals, research papers, magazines, newspapers, all of which could have articles or entries concerning the invention.
- looking up international patent documents, not simply those from your own country.
- It would be unsafe to assume that simply because you haven't seen a commercial for an identical product implies that it doesn't exist.

- And finally, in any case this, the inventor still has to decide whether or not the idea is novel enough that's value looking the method of patenting.

3.7 Restrictions

If an inventor is claiming two articles in an exceedingly single patent and therefore the authority feels that each technology are relevant enough to each receive their own patents, the inventor can ought to decide one in all the 2 articles they're claiming for the present patent. The inventor is assisted by the Patent Office in the way that if they need to file a patent for the second article, that patent application will like the primary patent's filing date. Before the examiner takes any more action, it's needed that the inventor limits their application to either one in all the 2 claimed articles.

3.8 Office Actions

The Patent Offices action' is seemed for the inventor's or assignee's lawyer or litigation team, is what incorporates the choice of the Patent Office concerning the discovery. The Office Action incorporates any discrepancy or any motives for an undesirable action, alongside a few facts that could are available accessible while the applicant is figuring out whether or not or now no longer to pursue his or her application further.

The claims stated withinside the patent application could be outright rejected if the discovery in query isn't associated with the patentable concern matter. The examiner additionally has the proper to disclaim any claims they deem apparent or non-innovative, or if prior art exists to debunk the claims.

3.9 Applicant's Reply

In the case that the applicant desires their utility to be reconsidered, they have to explicit such in writing, pointing out simply the alleged flaws withinside the examiners Office decision. Every purpose of objection and rejection in the sooner Office movement have to be addressed via way of means of the applicant. This written reaction needs to be a diligent respond with the only reason of accepting the issues and transferring the utility forward. Simply writing that the examiner made a mistake of their exam of the utility isn't grounds for reconsideration.

When responding to a denial with an up-to-date utility, the applicant has to provide an explanation for the edits completed to the claims with admire to the remarks of the examiner in both the newness and

non-obviousness factor or how the discovery is now claiming to be something exceptional as compared to the earlier artwork submitted via way of means of the examiner. The inventor additionally wishes to provide an explanation for how the brand-new rewritten claims aren't falling within the equal discrepancies as before, this resubmitted utility is going through the equal stage of scrutiny as before, and just like the primary workplace movement, it's far submitted to the legal professional or the litigation team, containing the reputation of the utility. Speaking from preceding records, the second one workplace movement is typically the very last decision.

3.10 Final Rejection

Usually, on the second one attention of the application, the Office involves a choice. In the case in which the claims are denied, the applicant's reaction is constrained to an appeal. Still, if the inventor feels that the examiner is incorrect in their choice of denying the claims, a petition to the Director may be filed. If any declare is permitted, the inventor desires to consist of it of their reaction to the very last rejection or every other choice the workplace involves and in addition for every declare for this reason rejected, in addition to adhering to any type of unique request, if the declare in query is permitted. The motives the examiner said at the same time as rejecting the claims are repeated and continue them in attendance at the same time as sending the very last rejection or every other choice.

3.11 Nature of Patents and Patent Rights

When a patent is granted, it is granted within the name of America and it has the seal of USPTO. This granted application is then signed with the aid of using the director digitally or attested with the aid of using hand or in unique instances with the aid of using an officer of the patent office. This granted patent has numerous contents surcharge a published copy of the specs and drawings, the claims and the summary are all now a part of the patent. The provide confers "the proper to save you all people from making, using, presenting for sale, or promoting the discovery within the United States or uploading the discovery into the United States" and its territories and possessions, for which the patent time period is usually twenty years from the date on which the patent utility became filed within the United States or, if the utility became now no longer filed within the United States, from the date on which the utility became filed within the United States or, if the utility became now no longer filed within the United States, from the date on which

The time period 'Right to Exclude' is the important thing word and its that means can best be deciphered if you may recognize the language of the declare to its complete extent. The patent best

confers the special proper to create, use, provide for sale, promote, or import the discovery, now no longer the proper to create, use, provide for sale, promote, or import it. Any man or woman is generally unfastened to create, use, provide for sale, promote, or import whatever she or he wants, and a central authority provide isn't always required. The best aspect being granted with the aid of using the patent is proper to exclude others from promoting or creating.

The holder of a patent is likewise now no longer allowed to create, promote, or marketplace whatever that may infringe on a person else's patent. In the case of a unique type of scooter, the inventor can patent their invention, however, that doesn't deliver them the proper to defy the legal guidelines whilst using stated scooter. A using license could nonetheless be important to function the vehicle, despite the fact that they're the patent holder.

A patentee won't create, use, provide for sale, promote, or import his or her personal invention if doing so could infringe on a person else earlier right. Just due to the fact the inventor holds a patent to their invention, they're now no longer authorized to do something they please. The legal guidelines set in the region in numerous business sectors are nonetheless relevant to the patent holder. Normally, not anything prevents a patentee from creating, using, presenting for sale, promoting, or uploading his or her personal invention until she or he infringes on another's patent this is nonetheless valid. For example, if the filed patent is for development on an already present novel device, the discovery could be a problem to the patent of the authentic device

The time period of the patent will be usually twenty years from the date on which the utility for the patent became filed withinside the United States or if the utility includes a selected connection with an in advance filed utility below 35 U.S.C. 120, 121 or 365(c), from the date of the earliest such utility became filed, and problem to the charge of upkeep costs as furnished with the aid of using the law. An upkeep rate is due three 1/2, 7 1/2 and eleven 1/2 years after the authentic provide for all patents issuing from the programs filed on and after December 12, 1980. There is an upkeep rate for the patent utility that wishes to be paid at predetermined instances to preserve the paten 'alive.' When the patent expires, any man or woman is unfastened to create, promote, marketplace or import the generation cited withinside the now-expired patent, furnished that their movements do now no longer infringe on different present energetic patents. These legislative phrases can be moulded in exclusive methods according to important instances.

CHAPTER 4

PATENT PROSECUTION

4.1 Elements of a Patent Application

Given below are the basic elements of a patent application:

Specification: This part of the patent consists of textual content which includes commands and records which permits any reader with the talent withinside the discipline of the patent to recreate the discovery and approaches to apply it. This textual content desires to be very direct and clean withinside the manner it's far written in order that each person professional withinside the discipline wherein the patent exists, can comply with given commands and records and theoretically, create and use the technology defined withinside the invention.

The Specifications can be broken down into the following sections:

Title of the Invention: The title of the invention should be short and crisp, explaining the complet technology of the invention in as few words as possible. There is a limit of 500 characters on the title, and it is visible in a bigger font at the top of the patent, and usually is also found within the first few sentences of the patent.

Background of the Invention: The background of the invention contains vital information that set the scene for the detailed explanation of the patented invention. It should explain the substance and nature of the patented invention. This short summary should be in line with the invention and its usage, and also to all the articles claimed via the patent.

Brief description of the several views of the drawing (if any): If the inventor feels that the invention is better explained with pictures, they can submit drawings of their invention. This section contains the description of the drawings submitted alongside the patent application.

Detailed Description of the Invention: This is the most technically dense part of the patent. It contain a detailed view and explanation of the invention in question, being referenced and explained with the use of the aforementioned drawings.

Claims: Arguably the most important part of the patent, the claims are usually numbered expressions which claim a certain aspect of the invention, some noun phrases, usually placed after the detail description of the patented invention. In very accurate technical terms, the claims are what define the extent of protection that the patent offers with respect to the invention.

As an example, here are 3 different claims:

"An apparatus for catching mice,

comprising a base member for placement on a flat surface member..."

"A chemical for cleaning windows, comprising approximately 10–15% ammonia"

"Method for computing future life expectancies, the method comprising gathering personal data including X, Y, Z, ..."

In the case in which a 3rd birthday celebration is production or promoting a product that during a few manners or the opposite infringes at the claims described within the patent, the inventor has to prove, in court, how those claims are being infringed. Hence, it's far a long way greater treasured to jot down claims in a manner that residence a minimum set of limitations, which may be used to starkly differentiate among the patented invention or a few patent or paper that existed before (that is referred to as earlier art). But, on the opposite side, if the patent includes lesser quantity of claims, the location within the clinical subject wherein the patent exists is being claimed to a lesser extent, theoretically stopping others from by chance infringing at the patent. These claims are divided into two types, Independent Claims and Dependant Claims.

Independent claims: Simply speaking, Independent Claims stand on their own. Their wordings are enough by themselves to claim a certain aspect of the invention, They do not need support from other claim elements to become valid.

Dependent claims: Dependant Claims, on the other hand depend on one or more independent claims. Their content cannot be understood if read without the independent claims. The expressions 'in one embodiment', 'in a preferred embodiment', 'in a particular embodiment', 'in an advantageous embodiment', or other similar phrases are frequently seen in the patent application, and are used to shed light on the part of the patent that the current claim is dependent upon. The aforementioned embodiments are usually what form the foundation of a dependant claim. By law, every dependant

claim must have a narrower area it claims, compared to the parent Independent Claim it stands upon. This could raise the thought that these dependant claims would be rather useless. But, in reality there are multiple advantages to having dependant claims under the umbrella of a dependant claim.

These advantages are listed below.

Clarifying the Meaning of Independent Claims: The Independent Claims are usually written to be as huge as possible; this means that they could declare a bigger region of the patent. This does have a downside, though. One of those downsides is that the use of a broader time period begs the query that what precisely does this term imply. For example, does a "verbal exchange tool" imply a "cellular phone"? This miscommunication may be without difficulty handled the usage of Dependant Claims. The impartial declare will have a Dependant declare which states "in which stated verbal exchange tool method a cellular phone." This rationalization of the usage of a dependant declare is likewise based upon approval from the examiner. Practically speaking, those Dependant Claims are used to similarly pinpoint the location wherein the discovery lies from the huge location this is claimed withinside the Independent declare (e.g., the real product layout that the inventor intends to use.) So, to place it in easy words, an Independent declare is the broadest, the primary dependant declares being narrower, the second one dependant declares similarly narrowing it down, and so forth and so forth.

Possible invalidity of base claim: At the time of submitting an application for an invention, it's far almost not possible to realize whether or not a declare cited withinside the application is a legitimate declare or not. This is because, as defined earlier, any piece of records current previous to a year of the submitting date, may also or not it's a patent or a paper or an article, can invalidate the declare withinside the application, no matter the language it's far written in (U.S. practice [but other countries are even stricter]). This uncertainty may be curbed; however, it cannot be extinguished absolutely because it isn't possible to test every and each piece of public records in this planet. Even so, if a file does arise that invalidates an Independent Claim, it isn't continually the case that the Dependant Claim could be invalidated in conjunction with its parent. The dependant declare is probably wide sufficient to exist withinside the patent as itself.

Claim differentiation: Each claim is deemed to embody an awesome function of the discovery than the alternative claims beneath the principle of claim differentiation. This method may be used to help preserve huge declare scope whilst a declare on its very own is probably considered as having both a huge or constrained meaning. If a based declare is delivered this is primarily based totally at the

"discern" declare however is interested in the narrower interpretation, the discern claim needs to be different - i.e., the wider interpretation needs to be used.

Claims also can be divided into groups, primarily based totally on the content material in their claims. A claim may be made on a bodily object, which includes a product (or substance) or an instrument (or device, system, article). The claim is consequently known as a "product claim" or an "equipment claim," respectively.

Abstract of the disclosure: On a separate page, preferably after the claims, a concise description of the technical disclosure in the specification, including the novelty in the art to which the invention relates, must be put forth. Under the title "Abstract of the Disclosure," the abstract should be a single paragraph of 150 words or fewer.



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(54) **METHOD FOR ESTABLISHING CHANNEL BETWEEN USER AGENT AND WIRELESS ACCESS POINT IN PUBLIC WIRELESS LOCAL AREA NETWORK**

(52) **U.S. Cl.** **370/338**

(57) **ABSTRACT**

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Provided is a method for communication between access points (APs) and for a user agent (UA)'s selecting an AP and establishing a connection by which in establishing a connection between a wireless LAN AP providing a wireless LAN service and the UA in a public wireless LAN service utilizing a wireless LAN technology, a maximum efficiency of the AP a maximum performance of the UA can be obtained. According to the method, the number of user agents connected to a current AP and the amount of traffic being currently processed are compared with the maximum capacity of a neighboring AP and the number of user agents connected to and being serviced by the neighboring AP, to recommend an optimum AP to the user agent. By doing so, the user agent is allowed to comprehensively review information on the number of user agents connected to an adjacent AP and the amount of traffic being processed by the AP as well as reception sensitivity, and then to select an optimum AP.

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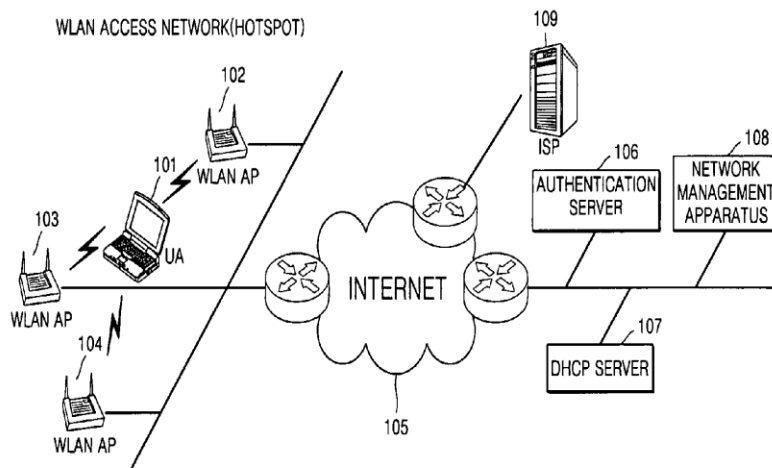


Figure 4.1: Patent Application

4.2 General Procedure for Getting a Patent

A disclosure imparting a define of the invention or the concept imagined thru the manner of the inventors is ready even as an invention is conceived thru the manner of manner of inventors. When the inventors positioned up the disclosure, its ways subjected to a technical assessment. The disclosure is at the end assigned to a Patent Engineer who will perform a look for novelty withinside the disclosed concept or invention. The Patent Engineer appears over the disclosure to understand the concept or invention and to understand the big functions of the concept or invention. In addition, the Patent Engineer examines all associated guides listed withinside the disclosure and searches for an extra relevant generation with a view to assisting him in identifying if the disclosed concept or invention is unique.

The Patent Engineer creates a seek record based completely on the results of the search. A Business Review is also undertaken based completely on the seek record. A Technical Reviewer examines the hunt file in the course of the commercial enterprise evaluation and remarks on whether or not or now no longer the disclosure has to be pursued or now no longer. If its ways decided to pursue the disclosure as application, a legal expert may be appointed to the case. After that, the prison expert appoints a Patent Engineer to assist him in getting geared up a patent utility-based completely on the disclosure. Based on the disclosure, the Patent Engineer draft a patent utility and gives it to the Attorney and the inventors for evaluation, following which the legal professional files the patent application. Later withinside the aspect on the description of the guidance process, the method of making ready the patent application is referred to in-depth. Finally, the Attorney submits the patent application to the Patent Office.

The Patent Engineer examines the Office Action and the references listed in it. The Patent Engineer writes a rejection assessment and an Office Action Response based completely on the Office Action. The Patent Engineer defends the patent software in an Office Action Response file. The Patent Office evaluates the Office Action Response and may hassle more Office Action or hassle the patent utility-based completely on the Office Action Response. The way repeats all over again until the Patent Office is satisfied with the arguments presented withinside the Office Action Response. A patent application may be abandoned in several situations due to an acquired Office Action. Once the Patent Office is satisfied approximately the Office Action response, it troubles the patent utility. The Patent Office gives a patent for the patent application after one year of issuing the patent application.

4.3 The Claim Map

The motive of a Claim Map is to evaluate the Applicants claim with the examiner's references with the purpose to decide whether they map or not. The examiner is accurate if each the Applicants claim and the said references map, but even after correct claim mapping, the Applicant can alter his claims to comprise a few innovative characteristics from the specification (now no longer taught through the references) after which argue. In the event that the claims do now no longer map, the Applicant may honestly argue.

Applicant's Claim 1	Reference cited by the Examiner
An apparatus for providing a bridge between a distribution system and a first wireless network device, the method comprising:	An apparatus of providing bridge between the wired network and wireless UA via AP, the method comprising:
assigning the first wireless network device to a first wireless distribution system port in response to processing a first identification message received from the first wireless network device;	establishing a channel between a user agent (UA) and access point (AP) in response to UA receiving a response message to the request message sent to the AP for establishing a connection.
assigning a second wireless network device to a second wireless distribution system port in response to processing a second identification message received from the second wireless network device after assigning the first wireless network device to the first wireless distribution system port; and	establishing a channel between a user agent (UA) and access point (AP) in response to UA receiving a response message to the request message sent to the AP for establishing a connection.
providing the bridge between the distribution system and the first wireless network device via the first wireless distribution system port.	providing the bridge between the wired network and the wireless UA via the AP.

CHAPTER 5

CONCLUSION AND FUTURE SCOPE OF TRAINING

5.1 Conclusions

We learned about the patent process in USPTO, and International bodies as well. We additionally were given to understand the technical components of patent prosecution, together with carrying out historical past and previous artwork searches, overcoming hurdles whilst prosecuting an application for a patent, and presenting technical information throughout invention review. These positions can also additionally place a robust emphasis on studies and improvement even as additionally taking into consideration patent issues, stressing their technical history as opposed to legal or patent agent qualifications.

5.2 Future Scope

A patent engineer, sometimes known as a patent scientist, is a patent law expert who works on the preparation and prosecution of patent applications. Patent experts with scientific or technical credentials who do not need to be attorneys or patent agents but nevertheless work with patent applications are referred to as "patent professionals." In general, the job entails numerous technical components of patent prosecution, such as conducting background and previous art searches, producing patent specifications and generating reference figures, and providing technical advice during invention review. The Research Analyst position pays a lot of heed to the R&D (Research & Development) aspect and other majorly technical areas of the patent, rather than the litigation and legal side of patent prosecution

The majority of patent scientists and engineers have a bachelor's degree in a scientific area, and many have further degrees such as Ph.D.s or M.D.s. A patent scientist or engineer that also holds a legal degree is uncommon, while patent attorneys are more common.

Patent scientists and engineers frequently pursue patent agent certification and/or law school to become patent attorneys (this is true in the United States but not in Europe). They are frequently referred to as trainees in this regard.

In the private sector, this position can also be reframed as a patent examiner, as the task in both professions is essentially the same, reviewing and understanding patents.

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