

Cyberlaw



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Cyber Law College: Cyber Law The United s Patent and Trademarks Office (USPTO) is a federal body that is concerned with the examination of patent applications in the US. Like any other body, USPTO is expected to work within a limited budget proportion. However, the Patent Dashboard indicates that the patent applications are increasing each year and their number is far much beyond the working capacity of the office. The result is that the office has a backlog of close to a million pending applications that they have to handle annually. The consequence is that such a back log kills innovation as there is delay of handling of the applications. The inventors have to wait for a long time before they can implement their business goals. Besides, such a backlog results in denial of inventors rights of timely and rigorous processing. As each examiner has more files to handle, they have to take less time processing the patents, which will considerably compromise the extensiveness of their applications (Craig, 2013). On this ground, there is a need for the government to focus on the backlog problem to ensure that it does not de-motivate or kill innovation among upcoming investors.

In the emergence of the backlog problem, a number of proposals have been put forward as possible solutions to the problem. Some individuals have come up with the idea that the government should increase its budgetary allocation for USPTO to help them meet the demands for patent examination. While this approach may help to equip the office with more staffs to reduce the backlog, it would impose the burden on the federal government. Another group suggests that the filing fee should be increased to help the office increase its capacity to handle the ever increasing files. However, the weakness with this approach is that it would impose the burden on the inventors, which the government has avoided in its incentive to encourage

investment (Craig, 2013). On this ground, it would be crucial for USPTO to consider the most cost-efficient procedures to streamline the patent examination process. To do this, the organization needs to invest in efficient IT infrastructure that will ensure quick and efficient processing of patent files. Besides, training of the IT office staff would be crucial in ensuring that they have higher work output and hence no delay in file processing. Reducing the backlog would be a milestone in improving the patent application files.

In the recent past, issues of patent infringement have become popular within the public domain as marked by increased court cases. The case of Samsung and Apple is a good example of a recent case involving two technology giants. In this case, Apple accused Samsung of infringing its data-tapping and slide-to-unlock patents. The data-tapping application allows users to make calls based on contacts attached to their e-mails. On the other hand, the slide-to-unlock allows the users to slide their fingers across the device to gain access. The court found Samsung guilty of allegation and compelled the company to pay Apple Inc. \$120 million as compensation for infringement damages (NBC News, 2014). The case shows part of the legal commitment of the government to protect the rights of inventors and to encourage innovation within the country. From a personal perspective, it was crucial for the court to fine Samsung as part of its role to protect patent rights. While this may be seen as a strategy to discourage competition, it is a crucial decision to ensure that companies that intend to use other companies' patents acquire these rights legally. In this case, it would have been crucial for Samsung to buy the rights to slide-to-unlock and data-tapping rights from the Apple as the initial inventor. The consistent protection of patent rights

within America is crucial to support fair business within the State.

References

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