

PIPLA NEWS

The official newsletter of the Pittsburgh Intellectual Property Law Association

**JANUARY BREAKFAST MEETING & CLE –
(JOINT MEETING BETWEEN PIPLA AND THE
PBA INTELLECTUAL PROPERTY LAW
SECTION)**

Wednesday, January 20, 2016

Allegheny HYP Club
619 William Penn Place
Pittsburgh, PA 15219
Phone: 412-281-5858

Time: 8:00am

Buffet Breakfast

CLE: “Update on the Western District of Pennsylvania’s Revisions to the Local Patent Rules and Model Patent Jury Instructions”

Presenters: Judge Cathy Bissoon, U.S. District Court for the W.D. of PA; Robert L. Wagner, Esq., Picadio Sneath Miller & Norton, P.C.; Bryan P. Clark, Esq., The Webb Law Firm; Richard T. Ting, Esq., Beck & Thomas

(1 hour substantive credit)

Payment Required (Please Prepay):

- Members: \$30 Breakfast / \$20 CLE
- Non-Members: \$30 Breakfast / \$60 CLE

Check payable to PIPLA. Mail to:

PIPLA
c/o The Webb Law Firm
One Gateway Center, Ste. 1200
420 Ft. Duquesne Blvd.
Pittsburgh, PA 15222

OR PayPal via website: www.piplaonline.org (under “Activities” and “Regular Meetings,” for the “January 20, 2016 Breakfast Meeting”).

Please RSVP by **January 15, 2016**; late RSVPs contingent upon seating/meal availability with an additional \$20 fee. No refunds for cancellations. Walk-ins cannot be accommodated.



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PIPLA 2016 MEETING DATES

Mark your calendars!

- **January 20, 2016** – Breakfast Meeting (Allegheny HYP Club)
- **February 17, 2016** – Lunch Meeting (Rivers Club)
- **March 16, 2016** – Dinner Meeting (Duquesne Club)
- **April 20, 2016** – Annual Meeting/ Awards Lunch (Eddie Merlot’s)

**CHECK OUT THE NEWLY DESIGNED PIPLA WEBSITE!
www.piplaonline.org**

ALTERNATIVE FILING METHODS: IN CASE OF A MAJOR POWER OUTAGE AT THE USPTO

To add even more excitement to a time of the year traditionally made hectic by the holidays, the USPTO experienced a major power outage on December 22, 2015. The power outage caused equipment damage that shut down the USPTO's IT systems. It took approximately one week, but on December 28, 2015, all USPTO online systems were restored.

During the system shutdown, applicants were unable to electronically file or even fax paperwork to the USPTO. To say the least, e-filing is generally the preferred method of filing applications, responses, and the like, and is often cheaper, as additional paper filing fees are avoided. Fortunately, the USPTO realized the potential confusion and burden the power outage could cause and issued the following statement: “[i]n light of this emergency situation, the USPTO will consider each day from Tuesday December 22, 2015, through Thursday December 24, 2015 to be a Federal holiday within the District of Columbia.” In other words, any due dates falling on December 22-27 were automatically extended to Monday December 28, 2015. This included filing new applications, responding to office actions, applications entering the national phase from a PCT application, etc.

But what if this “free pass” had not been granted by the USPTO?

Although not as convenient as e-filing, the USPTO provides for alternative filing methods than can be important to remember in case of emergencies. Provided below are several helpful references and notes in case such emergencies arise in the future:

- Chapter 500 of the Manual of Patent Examining Procedure (MPEP) includes most of the helpful information regarding filing paperwork with the USPTO. This chapter is a good place to start to ensure you are following proper procedure in submitting all applications, responses, etc.
- Pursuant to 37 C.F.R. § 1.8, except for specifically enumerated situations (37 C.F.R. § 1.8(a)(2)), correspondence required to be

filed with the USPTO within a set time period is considered timely if:

- addressed and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
- transmitted by facsimile to the USPTO; or
- transmitted via the USPTO electronic filing system. (MPEP § 512).
- The procedure described above does not apply to the situations described in 37 C.F.R. § 1.8 (a)(2). This list includes filing of a patent application. No benefit will be given to the Certificate of Mailing or Transmission for these submissions.
- For mailing of patent applications in emergency situations, Priority Mail Express[®], offered by the U.S. Postal Service, can be used. New patent applications filed in accordance with 37 C.F.R. § 1.10 will be stamped by the USPTO with the date of deposit if sent by Priority Mail Express[®]. MPEP § 505.
- Facsimile transmissions are not accepted in a number of important situations enumerated in § 502.01 of the MPEP.
- Paper filing may require an additional fee in some scenarios. The non-electronic filing fee for utility applications filed in paper is currently \$400 for undiscounted entities.
- A return postcard can be submitted with any non-electronic filing to confirm receipt of any item. The postcard should be self-addressed, stamped, and specifically identify the item(s) enclosed with the submission.
- Patent-related papers may also be hand-delivered to the USPTO while the Office is open. The vast majority of filings can be hand-delivered to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Hopefully these tips and the rest of Chapter 500 of the MPEP will prove useful the next time the USPTO e-filing system is temporarily offline.

RECENTLY FILED IP CASES IN THE WESTERN DISTRICT OF PENNSYLVANIA

Case	MICROTECH KNIVES, INC. v. BROUS
Case Number	1:15-CV-00291-BR
Filed	Wednesday December 2, 2015
Presiding Judge	Judge Barbara Rothstein
Cause	Trademark Infringement

Case	LIVE FACE ON WEB, LLC. v. INFORMATION AGE TECHNOLOGIES, INC.
Case Number	2:15-CV-01715-NBF
Filed	Thursday, December 31, 2015
Presiding Judge	Judge Nora Berry Fischer
Cause	Copyright Infringement

PITTSBURGH INVENTION SPOTLIGHT

The robotics program at Carnegie Mellon University has headed the movement towards creating autonomous vehicles for years. This month's invention spotlight highlights a patent that could soon make autonomous driving a reality. "Eyes-Off-The-Road Classification with Glasses Classifier," US Patent No. 9,230,180, issued on January 5, 2016, and is jointly owned by GM Global Technology Operations LLC and Carnegie Mellon University. Two of its five inventors, Fernando De la Torre and Francisco Vicente, hail from Pittsburgh.

In part, the invention discloses a method for determining when an operator of a vehicle does not have his eyes on the road, allowing for the vehicle to provide the driver with a warning system or allow the vehicle to take automatic corrective measures, if necessary. A driver face location is detected from captured image data, which determines whether the driver has diverted his eyes from the road

based on the driver face location using the classifier. A detection of whether the driver is wearing eye glasses is also disclosed so that if it is determined that the driver is wearing eye glasses, a driver face location is determined using a direct Eyes-Off-The-Road (EOTR) detection method, as opposed to a gaze-based EOTR detection method.

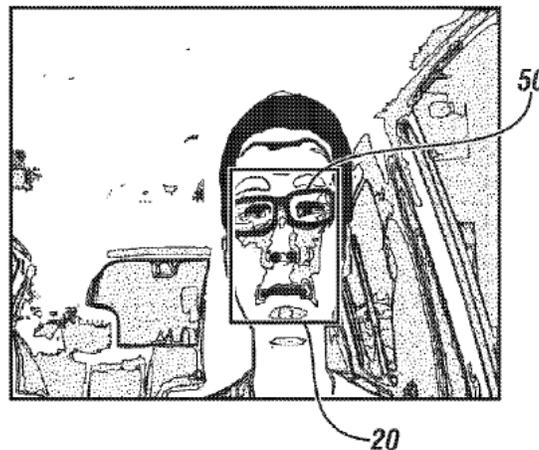


FIG. 2

FROM THE NEWSLETTER COMMITTEE

We hope you've enjoyed this issue of the 2015/2016 PIPLA News, an informative and hopefully entertaining look at the goings on in IP law. We invite our entire readership to contribute to this endeavor with articles, announcements, and job postings of your own. If you have something you would like included in PIPLA News or have questions about how you can contribute, please contact Michael Grese at 412-471-8815 or at mgrese@webblaw.com.

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