

# **New Patent Laws Now What**

By

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# Frito Lay North America

- Convenient foods leader
- \$13 billion annual sales
- Division of PepsiCo
- 48,000+ employees
- Strong presence across U.S. & Canada
- Headquarters - Plano, TX
- 70+ year history



# Broad Product Portfolio



# The Old Agenda

- First to market was important
- Patents are expensive
- Inventions not making money could wait for patents until marketable
- Documentation sufficient for any future battles

# Effects of Old Agenda

**KM**

- Focus on documentation
- Electronic lab notebooks
- Speed not essential
- Less focus on collaboration

**Research**

- More current related research
- More literature than patent
- Individual requests

# First-to-File

## Previously - First-to-Invent

If you could prove that you came up with the idea first and you have the documentation, even if you don't file first, the patent is yours

## New - First-to-File

First person to file gets the patent, regardless if someone else came up with the idea before the filer

→ *This change puts pressure on individuals and companies to file quickly*

# Positives

- Less litigation due to removing First-to-Invent
- USA now on the same system (first-to-file) as the rest of the world
- Funding from additional surcharges allow Patent Office to hire more people
- Patent review process streamlined → 12 months vs. 3 years
- Increase in fees may mean less frivolous patent will be filed

# Negatives

- Small companies and individuals may not be able to afford the increase in fees
- Less time for the individual filer to get financial support
- More filers will be rushing to put a patent in the system without perfecting the invention
- Concern that large companies with more funds will file more patents, making it hard to compete



# Race to the patent office



*By making it a race, the dynamics have changed*

# Knowledge Management



Decline in  
documentation  
for historical  
purposes



Larger focus  
on innovation



Opportunities  
for more  
collaboration



# Research Changes

Shorter turn  
around

Increase in  
analysis

In depth  
research for  
teams

More patent  
research

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