New Patent Laws... Now What?

By

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Frito Lay

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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

BEFORE - 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

NOW - 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
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
For further information, please contact

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