

Intellectual Property UPDATE

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It's Just a Game, Right? Top Mythconceptions on Patent Protection of Video Games



Slow Motion in "Max Payne"

The video game industry is no game: it's a business, and a large one at that. In 2004, the video game industry sold over \$6.9 billion worth of games for game consoles, portable devices, and personal computers.¹ Throw in the additional amounts spent on the consoles themselves, extra game controllers, and other peripherals, and it becomes easy to see that the stakes are enormous. Not surprisingly, competition is fierce. Companies spend millions of dollars developing new and innovative games, and everyone is looking for an angle to secure a larger portion of the video game market. In the video game industry the slightest edge can translate into serious dollars. For example, industry giant Electronic Arts recently secured an exclusive license from the National Football League, making EA the only supplier of authentic NFL football games for the near future. As another example, film director John Woo (Mission Impossible: 2), who made popular the slow motion² movie special effect turned video game resource,

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¹M. Richtel, *Video Game Industry Sales Reach Record Pace in 2004*, New York Times, January 19, 2005.

²Max Payne image from <http://www.xbox.com/media/games/maxpayne/stn-maxpayne-0001.jpg>. Max Payne is a trademark of Take-Two Interactive Software Inc. XBOX is a trademark of Microsoft Corporation. The author's of this article claim no rights in the reproduced image or in the Max Payne and XBOX marks.

Experimental Use Doctrine: Alive and Well

The Federal Circuit in *Lisle Corp. v. A.J. Mfg. Co.*, No. 04-1275, -1346 (Fed. Cir. February 11, 2005) affirmed summary judgment of infringement and found sufficient evidence supported the jury's finding that an invention was not invalid for public use because any use prior to the critical date of the patent-in-suit was experimental. This decision reinforced that the experimental use doctrine remains available to defend against assertion of invalidity.

The patent-in-suit related to an "inner tie rod tool" that automotive mechanics use to service an inner tie rod—a component of a rack and pinion steering system. The patented invention is composed of two main, distinct parts a "C-shaped wrench disc" and a "hollow

tube" having slots and a "retainer" at one end for engaging the wrench disc. The patented inner tie rod tool works by placing the wrench disc over the socket of the inner tie rod tool and then encasing the tie rod inside the hollow tube of the tool. The user of the tool can readily engage or disengage the wrench disc from the tube by rotating a retainer located at the end of the tube portion of the tube.

On appeal, the defendant, A.J. Manufacturing, challenged the district court's grant of summary judgment of infringement, arguing primarily that the court committed legal error by interpreting the claim limitation "retainer" according to its ordinary,

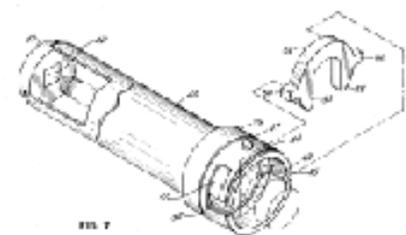


Figure 1 - Lisle's Patented Inner Tie Rod Tool

dictionary meaning. A.J. Manufacturing argued that "retainer" should be construed narrowly because the patent specification referred to the invention as having a "special retainer collar" and every disclosed embodiment included a "retainer" that was a distinct, rotatable

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Foreign Equivalent Words Are Not Always Equal When Determining Likelihood of Confusion

The Court of Appeals for the Federal Circuit (the Court) in *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee en 1772* (Opposition No. 115,438) February 9, 2005, held that the doctrine of foreign equivalents will not be applied when determining likelihood of confusion in situations where an American buyer is unlikely to translate foreign words in a trademark and will take the trademark as it is. Normally, under the doctrine of foreign equivalents, foreign words from common languages are translated into English to determine genericness, descriptiveness, as well as similarity of connotation in order to ascertain confusing similarity with English word marks.

In this case, an appeal was taken from the Trademark Trial and Appeal Board's (the Board) affirmation of the refusal to register mark *Veuve Royale* for sparkling wine on the ground of likelihood of confusion under Section 2(d) with *Veuve Clicquot Ponsardin's* family of registered trademarks namely (1) *Veuve Clicquot Ponsardin*; (2) *Veuve Clicquot Ponsardin Design*; (3) *Veuve Clicquot*; and (4) *The Widow*. The Board held that *Veuve Royale* was confusingly similar to all four of *Veuve Clicquot Ponsardin's* marks. As to the mark *The Widow*, the Board said in part that confusion is likely because, under the doctrine of foreign equivalents, an appreciable number of purchasers in the United States speak and/or understand French, and they

"will translate" applicant's mark *Veuve Royale* into English as "*Royal Widow*." *Palm Bay Imports* appealed that holding on a number of grounds.



The Court sustained the Board's likelihood of confusion analysis and holding with regard to all three of the *Veuve Clicquot* marks. It concluded that the word "*veuve*" is distinctive as it relates to champagne and prominent in the commercial impression created by *Veuve Clicquot Ponsardin's* marks. The Court also concluded that "*veuve*" is "the dominant feature" in the commercial impression created by *Palm Bay's* mark *Veuve Royale*. However, the Court found that substantial evidence in the record did not support the Board's finding regarding its application of the doctrine of foreign equivalents to the fourth mark, *The*

Widow. The Court agreed with the Board that it is improbable that the average American purchaser would stop and translate "*veuve*" into "*widow*." In reversing, the Court said in this instance the Board is inconsistent in its application of the doctrine of foreign equivalents as to the mark *The Widow*. ■

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Nonprecedential Opinions: They May Be Worth Reading

Patent practitioners take note – “any person may request” that the U.S. Court of Appeals for the Federal Circuit (the Court) reissue a nonprecedential opinion as precedential. Federal Circuit Rules of Practice, Rule 47.6(c). Although little used, this rule permits the public (e.g., patent practitioners) to be actively involved in developing the state of the law.

In recent years, there has been a record paucity of published opinions in *ex parte* appeals of patent applications. This seems to be particularly true for reversals of the U.S. Patent and Trademark Office (PTO). An increase in requests to publish these decisions can add to the body of patent law and therefore assist patent practitioners with prosecuting applications.

A recent example is *In re Beasley*, 117 Fed. Appx. 739 (Fed. Cir. 2004) (Lourie, J.) (non-precedential). In the *Beasley* opinion, the Court provided a substantial analysis of the level of evidence the PTO must provide to support an obviousness determination. In particular, the Court determined that the PTO could not support an assertion of motivation to combine a feature from a secondary reference with the disclosure of a primary reference by simply asserting that the feature would be known to be beneficial without presenting substantial evidence of the same. While the Court has issued a few precedential decisions that address this general issue, some of which are cited in *Beasley*, none of these decisions directly take on the issue of whether an examiner can simply assert that the advantages are well known.

The Patent, Trademark and Copyright Section of the Bar Association of the District of Columbia (the Bar Association) is at least one organization of patent practitioners that considers nonprecedential opinions of the Court and their potential value as precedent. As such, the Bar Association filed a petition requesting precedential

publication of *Beasley*. According to the Bar Association request, “patent examiners routinely rely upon such assertions of motivation without any evidentiary support.”

The Bar Association’s request prompted a detailed response from the PTO Director on the particular issue, in which the PTO Director submitted that there was no compelling reason for *Beasley* to be published as precedential. In his response, the PTO Director asserted that *Beasley* has limited applicability, is fact-specific and is an ongoing case. The PTO Director further submitted that there is recent precedent on the same issues, that the unpublished opinion does not add significantly to the body of the law and that the Manual of Patent Examining Procedure had been recently modified to obviate the need for *Beasley* to be a precedential opinion.

As of May 23, 2005, the Court has not ruled on the Bar Association’s request. Regardless of the outcome, however, it can be worthwhile for patent practitioners to consider nonprecedential opinions of the Court and to evaluate filing a request to make them precedential. At a minimum, such requests will force the PTO and the Court to take a closer look at the issues, and, even more significantly, they may have a considerable impact on the body of patent law. ■

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Upcoming Events and Presentations

July 18 Charles Shifley will co-chair the Law Seminar International’s conference on “Standards Bodies & Patent Pools” on July 18 in Chicago, IL.

July 25 Joseph Berghammer will serve as co-chair and Binal Patel will speak on “Advanced Prosecution Practices” at Law Seminars International’s conference on “Patent Law for Business Professionals & Non-Patent Lawyers” in Chicago, IL.

August 4-5 Timothy Meece will speak on “Responding to the letter: Developing your initial strategy; approaches for obtaining opinion of counsel letter and avoiding treble damages” at the Law Seminars International’s conference on “New Developments in IP Strategy.”

September 8-9 Robert Katz will speak on “Who is Obtaining Design Registrations for What?” at the “2005 Worldwide Forum on Marks and Designs”, a conference jointly sponsored by the International Trademark Association and the World Intellectual Property Organization, in Vancouver, British Columbia.

November 2-5 Robert Katz will speak on Comparative Claim Drafting at the FICPI 9th Open Forum in Lisbon, Portugal.

For further information on upcoming events and presentations, please visit www.bannerwitcoff.com or e-mail info@bannerwitcoff.com.



Consent Judgements: Not Necessarily Transferable With Patent Ownership

After months of discovery, motions, and negotiation, you finally are on the verge of settling that intellectual property infringement litigation. Of course, a favorable settlement can greatly enhance the value of the involved intellectual property rights, both for the current owner as well as potential future owners. By making certain that the intellectual property owner's rights under the Consent Judgment ending the litigation are transferable, however, the value of the involved intellectual property can be further enhanced.

The Court of Appeals for the Federal Circuit's recent decision in *Mark Thatcher and Deckers Outdoor Corporation v. Kohl's Department Stores, Inc.* (Case No. 04-1397, February 10, 2005 (unpublished)) illustrates this point. *Thatcher* involved interpretation of a Consent Judgment under Illinois law. The Consent Judgment ended an original lawsuit (containing patent, copyright, and trade dress infringement claims, as well as unfair competition claims) between Thatcher (the intellectual property owner) and Kohl (the alleged infringer). After settlement, Thatcher transferred his intellectual property rights to Deckers. When Deckers attempted to enforce the Consent Judgment against Kohl by bringing a motion seeking to impose sections for civil contempt, the district court dismissed the motion because Deckers lacked standing. The Court of Appeals affirmed the dismissal.

The Court of Appeals reached its decision by interpreting the Consent Judgment that ended the original litigation. While the Consent Judgment enjoined Kohl and its "successors-in-interest" from future infringement, it referred to Thatcher only

as an individual. The Court noted that the Consent Judgment did not indicate that Thatcher's rights and obligations were assignable to "successors-in-interest." Applying Illinois law, the Court of Appeals determined that because the Consent Judgment did not extend Thatcher's rights to possible successors-in-interest, the agreement was not enforceable by such successors. Therefore, Deckers, a successor-in-interest to Thatcher's rights, did not have standing to enforce the Consent Judgment against Kohl.

The *Thatcher* decision demonstrates that Consent Judgments may be used to potentially increase the value of intellectual property. By drafting Consent Judgments to be enforceable by "successors-in-interest," potential future owners can be assured that they will be able to enforce a favorable original judgment against a prior infringer without the costs and time involved in initiating a new lawsuit. As the "flip-side" to this lesson, from a "due diligence" point of view, the *Thatcher* decision cautions potential purchasers of intellectual property assets to carefully consider the content of all agreements involving the assets, including Consent Judgments ending prior litigation, to assure that all favorable rights from these agreements transfer to the new owner. To avoid surprises, do not "assume" that such rights are transferable without an express indication in the agreements. ■

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collar or ring affixed over the surface of the hollow tube. The Federal Circuit affirmed the district court's construction and finding of infringement, noting that the specification placed no "significance on using a separately-affixed rotating retainer component" and, to the contrary, the specification "broadly states that the retainer's configuration and shape may be varied." This decision reinforces that the Federal Circuit will not limit the scope of claims to a preferred embodiment absent clear and compelling evidence in the specification or prosecution history to do so.

A.J. Manufacturing also appealed the denial of its motion for a judgment as a matter of law (JMOL) of invalidity of the patent in suit on the ground of public use and requested that the Federal Circuit overturn the jury's verdict concluding otherwise. The primary issue at trial was whether

Lisle's delivery of four prototype tools to mechanics for purposes of testing more than two years prior to the critical date of the patent-in-suit rendered the patent invalid for public use. Notably, the shape and configuration of Lisle's prototype tool and A.J.'s infringing tool were nearly identical.

A.J. argued that Lisle failed to advance sufficient evidence of control over the prototypes to support a finding of experimental use. A.J. based its argument on the lack of any confidentiality agreement between Lisle and the mechanics, the lack of any restriction placed on the mechanics use of the prototypes, and the absence of documentation regarding the actual testing of the tool.

The Federal Circuit affirmed the denial of A.J.'s motion for JMOL of invalidity, finding substantial evidence supported the jury's verdict. More specifically, the Federal Circuit cited testimony of

a Lisle engineer regarding (i) specific information sought by the testing, (ii) the company's testing protocol and how engineers regularly follow-up with the mechanics to receive testing feedback, and (iii) the redesign of the tool based on the feedback, and contemporaneous meeting reports that gave updates on the then current status of the inner tie rod tool project, plans for future testing, suggestions from the mechanics on how to improve the tool, and concerns regarding the commercial viability of the tool. While many patent practitioners questioned the viability of the experimental use doctrine following the Supreme Court's decision in *Pfaff v. Wells*, this decision demonstrates its continued viability and application in the right circumstances. ■

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recently started his own video game development company, Tiger Hill Entertainment, and immediately teamed up with video game publisher Sega. With all this money being invested in video games, why haven't more video game developers been turning to patents to help give them a competitive edge?

Our informal review of the records at the U.S. Patent and Trademark Office (PTO) revealed a relative dearth of patent applications for the video game industry, especially considering how technology-dependent the video game industry is, and given its size in terms of annual sales.³ Why is that? Patents, by their very nature, grant the right to *exclude* your competitors from stealing the fruits of your labor, and yet this powerful tool appears to be overlooked by the majority of the industry. In an effort to answer this question, we set out below to dispel what we see as the top six myths surrounding patent protection of video games, and hope to encourage innovative game developers to take steps to protect their valuable innovations.

Myth #1 - Video games are just computer programs, and you can't patent those, right?

Many in the industry feel that games are simply software, and that they cannot be patented. This is untrue. To the contrary, patents may be obtained on "anything under the sun that is made by man,"⁴ and computer programs are no exception. Indeed, the Patent and Trademark Office has expressly stated that "computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter."⁵ This means that you can patent that game disc, or the computer system's memory that has the game software loaded. You can also patent a method or process performed by a game, as instructed by the object code executing on a computer or game console.

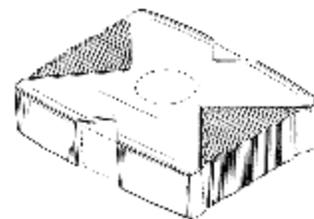
Several savvy game developers have recognized this, and patents have recently been issued on a number of familiar video game concepts and peripherals. Let's see if you can name that game by identifying the video or computer game to which each of the following patents refers (answers appear at the end of this article):

1. United States Patent No. 6,604,008, entitled "Scoring based on goals achieved and subjective elements," and assigned to Microsoft Corp., describes a method of determining points to be awarded to a player, where the points are based in part on style. (Hint: Speed through the town of a certain caped crusader)
2. United States Patent No. 6,695,694, entitled "Game machine, game device, control method, information storage medium, game distribution device and game distribution method," and assigned to Konami Corporation, describes a game method that detects whether a player has placed his/her foot on a plurality of step positions, and calculates an amount of energy

consumed by the player. (Hint: Groovy!)

3. United States Patent No. 6,200,138, entitled "Game display method, moving direction indicating method, game apparatus and drive simulating apparatus," and assigned to Sega Enterprises, Ltd., describes a game method in which movable objects automatically move away from an approaching character. (Hint: Fare approaching!)
4. United States Patent No. 6,729,954, entitled "Battle method with attack power based on character group density," and assigned to Koei Co., Ltd., describes a method of calculating attack or defense strength of a character based on its proximity to other characters in a three-dimensional battlefield. (Hint: Shang, Zhou, Qin, Han, anyone?)

You can even get patent protection on purely ornamental designs associated with games. Those patents, known as "design patents," protect ornamental aspects of items, such as the distinct appearance of a game console (U.S. Design Patent No. D452,282) or an onscreen icon (U.S. Design Patent No. D487,574).



U.S. Des. Pat. D452,282

The bottom line here is if you can make it, you can patent it. Video games are a multi-billion dollar industry, with millions being spent on development, and the fruits of that labor can certainly be protected by a U.S. patent.

Myth #2 - OK, even if you can patent computer programs, my video game is based on old stuff, and is nothing new.

All inventions nowadays build on the work of others, and this myth is just a classic example of selling yourself short. Inventions come in all shapes and sizes, and if your game does nothing more than add one novel concept to a mountain of old game concepts, that novel concept may be patentable. So, for

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³ By comparison, the U.S. toothbrush industry is estimated to make \$1.9 billion in sales in 2005 for manual and power toothbrushes (a fraction of the video game industry), but our search found nearly the same number of patents that mentioned "toothbrush" (4600) as those mentioning "video game" (4873). Dental industry estimate obtained from Euromonitor Market Research; patent searches conducted at www.uspto.gov.

⁴ *Diamond v. Chakrabarty*, 447 U.S. 303, 309 (1980).

⁵ *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995).



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example, if your video game is an automobile racing game, you might use familiar concepts such as turbo boosting your car, damaging your car when collisions occur, and displaying a racer's progress on a map of the race track. However, maybe your particular racing game has a novel way of granting or implementing the boost; maybe your game has a unique way of handling or showing damage; or maybe your game uses a novel approach to displaying the race track progress. Whatever novel aspect you've added, if that aspect is something that will help set your game apart from others, and help sell your game in the marketplace, then that novel aspect may be protectable by a patent.

Indeed, if your game is different from other games in any way, then you have possibilities for a patent covering those differences as inventions. The invention need not even be something immediately apparent to the player. Perhaps your software algorithm takes an approach that maximizes the available memory of a game console, or renders certain images faster. Maybe your game uses a novel method of loading and discarding content to avoid load times during gameplay, or has a novel control scheme. If it will help you sell the game, it is probably worth protecting by patent.

Myth #3 - The patent process is slow, and the industry is fast - by the time the patent issues, it will be worthless.

True, a typical patent application can take three years or more to endure the examination process and emerge from the U.S. Patent & Trademark Office as an issued U.S. patent. However, recent developments have quickened the rate at which you can have patent rights. In 1999, Congress amended the patent laws to provide so-called provisional rights⁶ that can afford you protection beginning just 18 months after you file your application (sometimes even sooner). Of course, there are steps one needs to take to preserve those rights, and your patent application still has to eventually issue as a patent, but these provisional rights can give your patent application "teeth" far sooner than the patents of old. If you time it right, and get your patent application process moving early enough in the video game development cycle, you might begin to have provisional rights at the same time as your game's release.

The length of the examination process is a well-known concern, and the PTO has taken steps to speed up its examination process by setting a timeline for acting on applications. If the PTO fails to meet the deadlines in its timeline, your resulting patent may actually be given extra time to add on to its enforceable term to make up for the delay. Who knows, if your game concept catches on, those extra days/months of term at the "back end" of the patent term may be extremely valuable.

Additionally, this may be another example of selling yourself short. Many inventions are broader in scope than the particular embodiment first produced by the inventor, and a good patent attorney can help an inventor identify the true, full scope of the idea that has been invented. So if the industry happens to slightly modify your original idea, a patent covering the

broader concept may still encompass those modifications. Furthermore, many innovative game ideas last far longer than the few years that a patent takes to issue - concepts such as the mouselook control scheme, "rag doll" physics, and real-time resource gathering simulations will likely be around for many many more years, and that next great concept might just be lurking in your next game.

Myth #4 - I'd never sue someone for patent infringement anyway - the courts are too slow and lawyers are too expensive.

You don't have to sue someone to benefit from your patent. Being able to say "this game is protected by a U.S. patent" can do wonders for marketing, attracting investors and financing, and can give your company negotiating credibility, leverage and strength in the marketplace. You may choose to simply license your patent to others, collecting licensing fees in the process (and making the patent pay for itself). A patent portfolio is also a good defensive tool. Competitors, who will no doubt take advantage of the patent process for themselves, will think twice about suing you if there's a threat of you suing them back (i.e., a countersuit). Remember, the best defense is often a good offense.

Of course, sometimes you do have to sue to enforce your patent rights. However, that suit does not always have to be lengthy, and does not always have to be costly. Some forums (e.g., the District Court for the Eastern District of Virginia and the International Trade Commission, to name two) are well-versed in patent litigation mechanics, and cases can move very quickly in those forums. Additionally, legal fees can be included in the damages sought in a patent infringement suit, and some attorneys may agree to take your infringement case on a contingency basis (meaning they get paid only if you win the suit).

Myth #5 - The "spirit of innovation" works best when there is a free market of ideas, and consumer are better off if video games are not patented.

A classic argument among those who feel that the entire patent system should be abolished. You might want to make that argument to your representative in Congress, because unless the Constitution is amended to do away with patents, they're here to stay. In drafting the Constitution, our founding fathers recognized that the best way to promote progress in the "useful arts" was to reward inventors who come forward and share their inventions with the public by granting them a limited period of exclusivity in which they can exploit the fruits of their labor.⁷ In other words, discouraging slavish copying encourages innovation.

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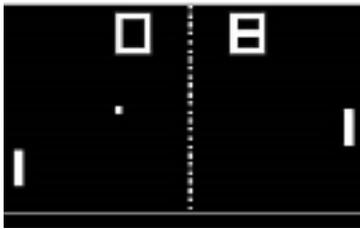
⁶35 U.S.C. 154(d), enacted Nov. 29, 1999.

⁷U.S. Const. Art. I, §8 "The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."



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This debate is largely academic – the patent system is here now, and it's here to stay. Most important to the game developer, however, is the fact that there are others in the industry who will inevitably seek more and more patent protection on their own game ideas. The annals of patent history are full of examples of individuals who lost out, in some cases losing out big, to others in the business who took advantage of patent protection. Indeed, the history of video games bears this out. Ralph Baer is largely credited as the father of video games, having conceived of creating video games in 1966, and making millions for the game Pong.⁸ Baer was meticulous in



Pong

his recordkeeping, and took advantage of the patent system to help develop his fledgling business. However, four years earlier, another individual named Steve Russell finished work on his own computer game: Spacewar. Unfortunately for him, Russell did not seek patent protection on his concept, and did not document his development efforts as well as Baer. We will never know how history may have been rewritten had Russell sought patent protection on *Spacewar*.⁹ The moral of the story is simple: you should act to protect your inventions.

Myth #6 - It costs a lot of money to even get a patent in the first place, and I can't afford that.

True, patents don't come cheap. But when you compare the costs of obtaining a patent to the amount of money often spent on development of modern computer games, it's a reasonable expense for the protection it can provide.¹⁰ There are also approaches you can take that are less expensive, and still don't require you to entirely give up on the patent system. For example, game developers can implement simple internal procedures, and educate their engineers, on how to recognize potentially patentable innovations in their games. Relatively inexpensive patentability searches can be performed, where a search is conducted to see if your particular concept is already out there in the public domain, or in someone else's patent. These approaches are less expensive than pursuing a full-blown patent on all of your potentially patentable ideas, and they at least give your company a chance at identifying and pursuing key innovations.

So in conclusion, video game innovations will play a large role in determining who shares in the ever-growing multi-billion-

dollar video game industry. As more and more companies enter the market, and spend more and more resources developing those innovations, protecting those innovations will become even more critical. We hope this article has been helpful in dispelling some of the myths surrounding patents and video games, and we encourage all software game developers to take their intellectual property rights to heart. For more helpful articles and research information on various aspects of patent law, feel free to look us up at www.bannerwitcoff.com.

Last, but not least, we have the answers to our "name the game" questions:

1. This patent relates to games that reward players with style points for achieving feats with panache, such as Microsoft's Project Gotham Racing® II for the Xbox.¹²
2. This patent relates to games that include a workout mode for a dance pad, such as Konami's Dance Dance Revolution®.¹³
3. This patent relates to computer characters who scramble out of the way of your taxi in Sega Enterprises' game, Crazy Taxi®.¹⁴
4. This patent relates to battlefield strength and morale, as used in Koei's Dynasty Warriors® series of games.¹⁵ ■

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⁸ Image from *Playing with yourself, Pong revolution*, as published by The Current Online at <http://www.thecurrentonline.com/news/2003/03/31/ArtsAndEntertainment/Playing-With-Yourself-Pong-Revolution-403768.shtml>, March 31, 2003. The author's of this article claim no rights in the reproduced image or in the Pong name.

⁹ For an excellent discussion of this history, see "The Ultimate History of Video Games," by Steven Kent, Three Rivers Press (2001).

¹⁰ It has been reported that Id Software spent in the order of M\$15 to develop Doom III, whereas a typical patent can be obtained for around \$20-50K. See Hermida, A, "Long Awaited Doom 3 Leaked Online," BBC News, World Edition, August 2, 2004, printed from <http://news.bbc.co.uk/2/hi/technology/3527332.stm>. Cost estimates of obtaining patents varies. See, e.g., <http://www.depts.ttu.edu/transferandintellectualproperty/faq.html>.

¹¹ Project Gotham Racing and Xbox are registered trademarks of Microsoft Corporation.

¹² Dance Dance Revolution® is a registered trademark of Konami Corporation.

¹³ Crazy Taxi® is a registered trademark of Sega Enterprises, Ltd.

¹⁴ Dynasty Warriors® is a registered trademark of Koei Corporation.

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