

## Legal Hacks for Creators, Inventors and Entrepreneurs

Issue 7, January 2023

*Welcome back to my very short and informal newsletter, sharing a bit of what I find interesting, quirky, or just fun about Intellectual Property Law and Patents. I publish this once a month or so to share with you at least one idea that I think you will find both engaging and useful.*



### #1: How to Patent Software

Without question, software patents have had a rough eight years or so in the patent office. Responding to the patent excesses of the 1990's dot.com boom and the numerous patent troll cases that followed, the Supreme Court answered with their 2014 decision in Alice Corp. v. CLS Bank, providing new guidance for the patenting of abstract ideas. In applying this new abstract invention test, some examiners in the patent office immediately became very unreceptive to inventions involving new software. This [video](#) explores the Alice decision and offers some real-world and practical advice on how to think about software inventions in order to make them patent-eligible.



## **#2: Rapper Cardi B. and the Case of the Stolen Tattoo**

Art, sex, photography and music all got entangled in a theft-of-tattoo case brought against world famous rap artist Card B. Plaintiff Kevin Brophy sued the rapper claiming she used the image of his back tattoo on her sexually provocative album cover for the mix tape "Gangsta Bitch Music Volume 1." In this [video](#) I review the legal claims and defenses in the case and observe that this was a close decision to predict, and one in which any of several factors could have easily changed the outcome. Stay tuned to the end as I point out a couple of key loose ends that may well suggest an inevitable sequel to this tattoo opera.

### **Finally**

Thank you for reading, watching, "liking" and subscribing to my [videos](#) – it does make a difference as YouTube will then serve these videos to others who are looking for them. Have a wonderful and creative month.

Warm wishes,

-john

***P.S. if you've missed the previous issues, [click here and read them all!](#)***

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*John Ferrell is a founder and patent attorney at the Silicon Valley law firm of Carr & Ferrell. The author of two books and a growing YouTube channel on Intellectual Property, John's passion for creating and protecting patent monopolies is reflected in his representation of many of the world's most important companies and inventors - some 5,000 so far. Founded in 1992, Carr & Ferrell has filed more than 10,000 patent applications covering nearly every imaginable technology. John is admitted to practice in California; in numerous Federal jurisdictions, including before the Supreme Court of the United State; and in the U.S. Patent and Trademark Office.*

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**Not Legal Advice:** It will make the bar association of your State or Country sublimely happy if I remind you that this newsletter is not legal advice, it is not a solicitation for business, and it does not itself form an attorney client relationship.

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