


From: Mike Cleckner mcleckner@gmail.com 
Subject: #NoAgenda #PatentUS7629918 Build a Brain Scrambler
Date: September 5, 2014 at 9:16 PM
To: Adam Curry adam@curry.com

Adam,

Listening to episode 648 the other day and I've been thinking about the discussion on the Brain Scrambler patent discussion.

I looked up information on patent infringement. John was right, just building it is infringement.

http://www.uspto.gov/patents/resources/general_info_concerning_patents.jsp#heading-28

Infringement of Patents

Infringement of a patent consists of the unauthorized making, using, offering for sale, or selling any patented invention within the United States or U.S. Territories, or importing into the United States of any patented invention during the term of the patent. If a patent is infringed, the patentee may sue for relief in the appropriate federal court. The patentee may ask the court for an injunction to prevent the continuation of the infringement and may also ask the court for an award of damages because of the infringement. In such an infringement suit, the defendant may raise the question of the validity of the patent, which is then decided by the court. The defendant may also aver that what is being done does not constitute infringement. Infringement is determined primarily by the language of the claims of the patent and, if what the defendant is making does not fall within the language of any of the claims of the patent, there is no literal infringement.

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But wait a minute, I think you have an out besides just arguing it in the courts!

If you build it and they come, then just point it at them and scramble their brains. Then they won't remember what was going on. Repeat as necessary.

And if it doesn't work, then you didn't infringe on the patent because you didn't build it correctly!

LGY!

Have a great day!

Mike

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