

ECONOMIC TERMS

Production cost – expense to produce
Price – what consume will pay for it
Value to consumer

Profit = Price – cost

Creative / Intellectual work produces most of value

\* At least in volume, physical costs of reproduction is small part of product price

PRECLASS CONTINUED

\* Cost to photocopy 200 page book at \$0.05/page?

\* Cost to scan book at 10page/minute?

\* Cost to perform a 10s copy onto flash drive?

\* Cost of portion of flash drive used

+ \$8 for 16GB drive, 0.5MB file

OBSERVE

\* With digital representation

- Cost of "physical" reproduction trends to 0

PAST

\* Much of value in physical construction of objects

- Bridge, house, car, screwdriver

\* Expensive to reproduce / copy

\* Reproductions imperfect

- 5th generation analog recording

- 4th generation photocopy of text

\* Inherent barrier to making copies

- Value to buying original

DIGITAL REPRESENTATION

Can represent perfectly in bits
Including sound, words
Can make perfect copies
Bits are cheap...and getting cheaper
Copying "free"

Intellectual value disconnected from physical reproduction

WHAT ELSE HAS THIS PROPERTY?

Digital Intellectual Property Physical IP Renderer
Novel eReader
Song (MP3) MP3 Player
JPEG Photo
Video Player
Video Game
Arduino or Personal Computer
Verilog digital circuit
Web Server
STL (3D CAD drawing)
DNA Sequence DNA Printer

INTELLECTUAL PROPERTY

\* Intangible creations of human intellect

\* Have value

\* Don't necessarily have physical embodiment on their own

INTELLECTUAL PROPERTY CREATORS

\* As Engineers

+ Program, develop algorithms, design circuits

\* Almost everything we create will have this property

+ Value added is intellectual

+ Can be represented digitally in bits

+ Can (increasingly) be copied/reproduced cheaply

\* Easy to have impact

+ Our solutions can reach millions, billions

+ Decreasing physical barriers to propagation of solutions

\* Challenge to protect and reward IP creators

CHILINE

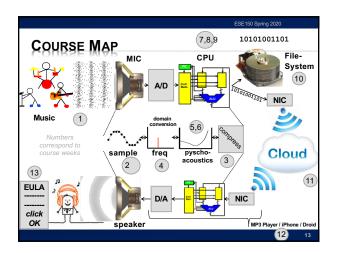
\* Setup Need / Opportunity – What is IP

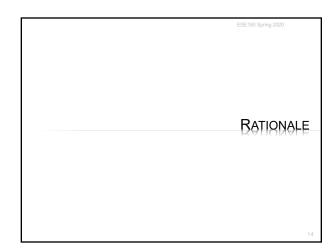
\* Where are we

\* Rationale for IP Protection – Why Protect

\* How protect?

- Patents
- Copyrights
- Open Source
- NDA
- Licensing





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# **PRICING CHALLENGE**

- When cost of copying → 0
- + Inventor/author must recover development cost
  - × Price must include develop cost + copy cost
  - Copier does not have development cost
  - × Price = copy cost + epsilon
  - $\scriptstyle \times$  Competition of copiers will drive epsilon down near 0
- + Inventor/author not compensated for development 

  Remove incentive/reward for development
- Demand: developers need way to exclude others from copying to incentivize creation

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# **ARROW'S INFORMATION PARADOX**

- Customer not know how to value information until see information (see details of product)
  - + Enough information to decide to buy
  - + Enough information to decide what will pay for it
- Once show customer information, sufficient detail, they have enough information to reproduce
  - + Could walk away and produce their own without paying for it
- \* Disclosure of what effectively transfers technology
- Demand: protection for developer
- Arrow, Kenneth J. Economic Welfare and the Allocation of Resources for Invention, in *The Rate and Direction of Inventive Activity*, 609 (Nat'l Bureau of Econ. Research ed. 1962).

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# BALANCE INDIVIDUAL AND SOCIETAL GOOD

- x Individual should benefit form their own effort
- Society advances with the accumulation of knowledge

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# BEFORE COPYING WAS AN ISSUE

- Concern that new developments/ideas would be lost when inventor die
  - + Techniques could remain secret for decades!
- \* Incentive to make inventions known
  - + Advance the general welfare

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# US CONSTITUTION \* Article 1, Section 8, Clause 8: 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

MECHANISMS (TO SUPPORT)

\* Patents

+ Cover inventions

+ E.g., Flying Machine (US 821,393),
ENIAC (US 3,120,606),

\* Copyrights

+ Creative expression

+ E.g., novel, song, movie

securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries

MECHANISMS FOR PROTECTION

Messy and imperfect
Haven't kept up with technology
Likely need (and will need) innovation and refinement

INTERLUDE: NIL
NIKOLAI IVANOVICH LOBACHEVSKY

https://www.youtube.com/watch?v=gXlfXirQF3A

PATENTS

PATENT

\* Inventions

\* Non-obvious to one "ordinary skill in art"

\* Reduced to practice

\* Cannot patent

+ Abstract ideas
+ Laws of nature

\* US: First to file
+ (prior to 2013 was first to invent)

\* Exclusive rights 20 years from filing

WHAT MIGHT BE TRICKY / NON-SATISFYING?

\* First to file? (even invent?)

\* 20 year term?

PATENT

\* Identification of problem is part of invention

\* Claims

- Define the invention
- Technical coverage

\* Requires disclosure

- If really believe no one else will figure it out...or can copy it, maybe better to keep as a trade secret

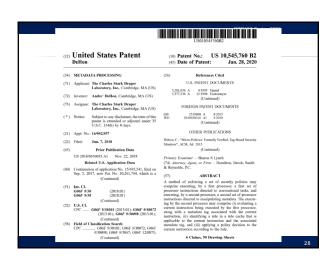
\* License to litigate
- Recover damages is through litigation
- Establish violation
- Validity of many patents overturned in litigation

PATENT PROCESS

\*\*\*US have one year from first-public disclosure to file\*\*
- Many places – public disclosure prevent patent\*\*
- https://www.uspto.gov/web/offices/pac/mpep/s2153.html

\*\*May file provisional patent to get filing date\*
- File patent with claims
- Reviewed by examiner
- Examiner reports on what may be allowable
- As-is
- With tighter qualifications
- Not-at-all
- On a per-claim basis

\*\*Typically requires several iterations
- Often year(s) before patent issues
- Filing costs thousands of dollars
- With lawyer/legal fees tens to hundreds of thousands



What is claimed is:

1. A method of obtaining control flow information for an application, comprising:
executing a loader that loads the application for execution:
by a processor, wherein executing the loader that includes one or more instructions configured to trigger metadata processing of a first set of one or more rules in a metadata processing of a first set of one or more rules in a metadata processing of a first set of one or more rules in a metadata processing of a supplication metadata accessible to the metadata processing of a supplication metadata accessible to the metadata processing domain and inaccessible to the metadata processing domain and inaccessible to the metadata processing domain and inaccessible to a code execution domain, wherein collecting and storing the control flow information further comprises tagging, by the metadata processing domain, a first target location with first metadata identifying a set of one or more allowable source locations that are allowed to transfer and the supplication of the control flow information, wherein each allowable source location of the set is further tagged with a corresponding source metadata tag;
executing instructions of the application in the code execution domain, wherein executing the instructions of the application triggers metadata processing of a second set of rules tat use at least a portion of the determine whether to allow a transfer of control flow a first source location is included in the set of one or more more allowable source location is included in the set of one or more more allowable source locations, wherein the second set of rules to restore the source floation based on whether the first source location is included in the set of one or more allowable source locations, wherein the second set of rules corresponds to a control flow policy.

United States Patent [19] 5,742,180 [11] Patent Number: Apr. 21, 1998 DeHon et al. [45] Date of Patent: Denneau, M.M., "The Yorktown Simulation Engine," *IEEE 19th Design Automation Conference*, pp. 55-59 (1982). Razdam, R., et al., "A High Ferformance Microarchitecture with Hardware-Programmable Functional Units," *Micro-21Proceedings of the 27th Annual International Symposium on Microarchitecture*, San Jose, California, pp. 172–180 (Nov. 30-Dec. 2, 1994). [54] DYNAMICALLY PROGRAMMABLE GATE ARRAY WITH MULTIPLE CONTEXTS [75] Inventors: André DeHon. Cambridge: Thomas F. Knight, Jr., Belmont: Edward Tau. Boston: Michael Bolotski. Somerville; Ian Edick. Cambridge; Derrick Chen, Cambridge; Derrick Chen, Cambridge, all of Mass. (List continued on next page.) Primary Examiner—Edward P. Westin
Assistant Examiner—Jon Santamauro
Attorney, Agent, or Firm—Hamilton, Brook, Smith &
Reynolds, P.C. [73] Assignee: Massachusetts Institute of Technology, Cambridge, Mass. [21] Appl. No.: 386,851 ABSTRACT 15/1

ABSTRACT
An integrated dynamically programmable gate array comprises a two dimensional array of programmable gates, and the standard of [22] Filed: Feb. 10, 1995 ...... H03K 19/177 ....... 326/40; 326/38 ....... 326/38–40, 46 References Cited U.S. PATENT DOCUMENTS

# CLAIMS 1. An integrated dynamically programmable logic array, comprising: at least a two dimensional array of programmable logic t least a two dimensional array of programmate logic elements, each one of the logic elements receiving plural input logic signals from plural other logic ele-ments and including locally stored multiple contexts dictating different combinatorial logic operations per-formed by the logic elements; and a context signal source that provides a context signal, indicating an active one of the contexts, commonly to the programmable logic elements of the array; and wherein the contexts for each one of the logic elements are individually accessible so that a new context can be loaded into the logic elements while another context is controlling logic operations of the logic elements. 2. A programmable logic array as described in claim 1, wherein the context signal source provides the context signal up to every cycle of the programmable logic array. 3. A programmable logic array as described in claim 1, wherein the context signal source generates plural context signals that dictate contexts for regions of the array of the

XILINX FPGA US 4,870,302 [57] ABSTRACT
A configurable logic array comprises a plurality of configurable logic elements variably interconnected in response to control signals to perform a selected logic function. Each configurable logic element in the array is in itself capable of performing any one of a plurality of logic functions depending upon the control information placed in the configurable logic element. Each configurable logic element can have its function varied even after it is installed in a system by changing the control information placed in that element. Structure is provided for storing control information and providing access to the stored control information to allow each configurable logic element to be properly configured prior to the initiation of operation of the system of which the array is a part. Novel interconnection structures are provided to facilitate the configuring of each logic element. ABSTRACT

I claim:

1. An interconnect structure for programmably interconnecting lines within an integrated circuit comprise connecting lines within an integrated circuit comprising:
at least three sets of interconnect line including a first
set, a second set, and a third set;
programmable means, not including said sets of interconnect lines, for connecting at least one of said
lines in said first set to at least one of said lines in
said second set, for connecting at least one of said
lines in said first set to at least one of said lines in
said set to at least one of said lines in
said set to at least one of said lines in
lines in said second set to at least one of said lines in
said third set.

2. An array of interconnect structures, each said interconnect structure in said array having its own selected
number of interconnect lines and its own programmable
means for connecting interconnect lines in its own first,
second and third sets.

https://patents.google.com/patent/US4870302A/en?oq=us+4870302

# **ENIAC US 3,120,606**

1. MEANS FOR PRODUCING ELECTRIC PULSES IN SEQUENCE, 1. MEANS FOR PRODUCING ELECTRIC PULSES IN SEQUENCE, ELECTRONIC MEANS FOR ALTERNATELY TRANSMITTING CERTAIN ONES OF SAID PULSES AS RECURRENT DIFFERENTIATED GROUPS, ELECTRONIC MEANS FOR SELECTING PARTICULAR PULSES FROM ONE OF SAID DIFFERENTIATED GROUPS TO REPRESENT QUANTITATIVE VALUES, ELECTRONIC MEANS FOR SELECTING PARTICULAR PULSES FROM ANOTHER OF SAID DIFFERENTIATED GROUPS TO REPRESENT CEPTAIN OF MEANS PERSONSENCE. FROM ANOTHER OF SAID DIFFERENTIALED GROOFS TO THE RESOLUTION OF THE PROPERTY O VALUES FOR READING DATA TO BE PROCESSED UPON COMMAND OF AT LEAST ONE OF SAID QUALITATIVE PULSES, STORING THE DATA THUS READ, AND MAKING THE DATA AVAILABLE IN THE FORM OF DATA HIUSES IN RESPONSE TO AT LEAST ONE OTHER OF SAID QUALITATIVE PULSES, AND ELECTRONIC MEANS FOR RECEIVING SAID DATA PULSES AND ELECTRONIC MEANS FOR RECEIVING SAID DATA PULSES AND RESPONSIVE THERETO FOR PERFORMING ELECTRICAL SWITCHING QUALITATIVE VALUES AND OF A DEGREE DETERMINED BY SELECTED ONES OF SAID QUANTITATIVE VALUES.

https://www.computerhistory.org/revolution/birth-of-the-computer/4/99/387

# WHAT'S PATENTABLE

- Not law's of nature
- Not abstract ideas
- $\times$  Cannot patent pi  $(\pi)$
- × Software?
  - Originally not
  - With reference to machine, can often manage
- Genetic sequences?...
- ...evolving...

# COPYRIGHT

COPYRIGHT Cover particular, original expression Including software Technically don't need to register But should... Must register before sue for infringement No review, just registration x Life of author + 70 years Work for hire: 95 years from publication ECE1ED Coring 2020

### TRADITIONALLY: TRANSFER COPYRIGHT ...

### × Publish in ACM, IEEE journal

+ Transfer copyright to them, they license you back rights for derived work and post on person web site.

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FPGA '17, February 22 - 24, 2017, Monterey, CA, USA

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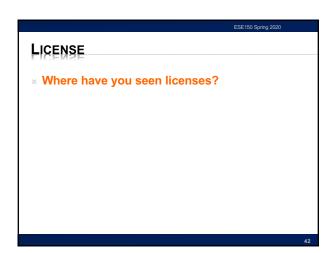
DOI: http://dx.doi.org/10.1145/3020078.3026124

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LICENSING

South Park: Human CenitPad

https://southpark.cc.com/clips/382781/business-casual-g-men



How get right to use

 Something patented, copyrighted by someone else

 Between companies

 Get IP need to build a product

 To consumers

 Technically, most software is licensed, not sold
 ...shrink-wrap licensing agreements...

- ...shrink-wrap licensing

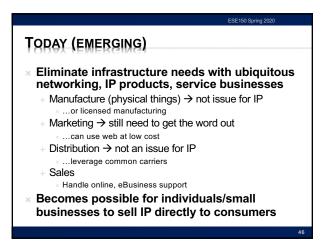
Define terms of use

**LICENSES** 

- + What you are paying for (one copy, many, resale...)
- + What uses (dis)allowed

PIRECT LICENSING/SALES

# PAST \* Selling a product require huge infrastructure and up-front capital costs + Manufacture (physical things) + Marketing + Distribution + Sales \* Demand large business to support infrastructure \* Not easy for individual



DIRECT IP BUSINESSES TODAY

\* Examples?

DIRECT IP BUSINESSES TODAY

\* Kindle Direct Publishing

App Store / Google Play

AWS Marketplace

Café Press

Shapeways

OPEN SOURCE / CREATIVE COMMONS

SHARING

\* Sometimes we want to share

- Isn't it great doesn't cost us anything to give away digital products?

- Isn't it great can build on work of others without necessary cost?

- Cooperation on standards create opportunities for everyone, for an industry

**CHALLENGE CREATIVE COMMONS** Framework and set of licenses for clearly × Patents cost money expressing intent \* Business (people making money) will spend × Issues money to patent things Attribution ...and typically incentivized to patent everything they can Share-Alike Company (individual) could patent something (Non-)commercial and grant free license (No)Derivatives How does individual, non-profit, etc. Apps to choose, logos to show, legal backing to Create something and protect right to share? define precisely https://creativecommons.org/share-your-Variety of Open-Source/Public Domain licenses work/licensing-types-examples/ NDA Tool for protecting IP Legal agreement that you won't disclose someone information shared with you Prevent loss of IP Non-Disclosure Agreement (NDA)

\* Tool for protecting IP

\* Legal agreement that you won't disclose someone information shared with you

+ Prevent loss of IP

\* Typical for collaborating companies

\* Typical for employers

\* In part to make sure sharing with you doesn't count as "disclosure" to preclude patents

\* Define scope of disclosure

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ARMINISTRATIVE INTERLURE: FINAL

FINAL

\* Final Office Hours: (see piazza)

+ Saturday 5/9
+ Sunday 5/10

\* Final: Monday (5/11) Online

+ Regulations posted
+ 15% of grade
+ Comprehensive (intent...does tend to weight 2<sup>nd</sup> half)
+ Last few years final and answers linked to Spring 2018 syllabus

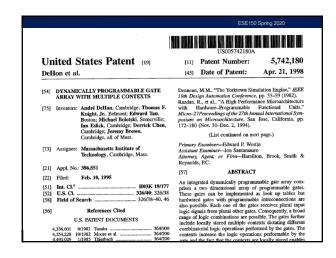
\* Probably mix ideas from first and second half
+ Poll for when you plan to take

\* So someone might be awake to answer questions...

FINAL TOPICS Pre Midterm Post midterm × Combinational Logic Data representation in bits × Sounds waves \* Finite-State Machines × Stored-Program Processors × Sampling \* Processing Requirements Quantization × Process Virtualization × Nyquist x Lossy/lossless compression x Networking × Common case × User Interface \* Frequency domain Intellectual Property Psychoacoustics Perceptual coding



(12) United States Patent (10) Patent No.: US 10,261,794 B2 (54) TECHNIQUES FOR METADATA PROCESSING References Cited U.S. PATENT DOCUMENTS (71) Applicant: The Charles Stark Draper Laboratory, Inc., Cambridge, MA (US) 5,201,056 A 4/1993 Daniel et al. 6,298,432 B1 10/2001 Goto (72) Inventor: Andre' DeHon, Philadelphia, PA (US) (72) Inventor: Anne Barrier (73) Assignee: The Charles Stark Draper Laboratory, Inc., Cambridge, MA (US) GB WO FOREIGN PATENT DOCUMENTS 2519608 A 4/2015 2010028316 A1 3/2010 (Continued) (\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days. OTHER PUBLICATIONS Udit Dhawan, et al., "PUMP: A Programmable Unit for Metadata Processing. In Proceedings of the 3rd International Workshop on Hardware and Architectural Support for Security and Privacy", Jun. 2014. (21) Appl. No.: 15/695,541 (22) Filed: Sep. 5, 2017 Prior Publication Data (Continued) US 2018/0011708 A1 Jan. 11, 2018 Primary Examiner — Sharon S Lynch (74) Attorney, Agent, or Firm — Hamilton, Brook, Smith & Reynolds, P.C. Related U.S. Application Data (60) Division of application No. 15/426,098, filed on Feb. 7, 2017, now Pat. No. 9,785,440, which is a (Continued) ABSTRACT are described for metadata processing that can encode an arbitrary number of security policies



WORK SCENARIOS

\* Hired/paid by company to invent

- Belongs to company

\* Invent on side on free time

- ...may depend on employment agreement

- ...whether or not subject matter overlaps with company

\* Consultant

- By default yours, but consulting agreement may define

UNIVERSITY

\* Based on grant funds and resources

+ Typically goes to university and funding source
+ Right of first refusal...won't always pursue

\* Undergraduate
+ Invent in class, senior-design → yours

\* Graduate students paid RA from grant
+ Typically funded by grant and go to University

\* Undergraduate paid research (employee)
+ Typically funded by grant and go to University

\* Graduate students in class, using class resources
+ Goes to University

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# LAB DUE \* Note: Lab due Today (by midnight) + Last day of classes (not have due during reading period) + Final office hours now to 8pm \* Remember Lecture and Lab feedback form

| ESE150 Spring 2020   |    |
|--|----|
| BIG IREAS  |    |
| We (engineersparticularly in computing space) are knowledge workers, producing IP                                | )  |
| <ul> <li>IP carries great value</li> <li>That is less and less tied to physical objects</li> </ul>               |    |
| Need to equitably reward and encourage IP creation   |    |
| Patents, Copyrights, Licenses  |    |
| <ul> <li>Attempts to provide framework for IP ownership,<br/>sharing, monetization</li> </ul>                    |    |
| <ul> <li>probably not the final answer, particularly as<br/>technology landscape continues to evolve.</li> </ul> |    |
|  | 64 |

| ESE150 Spring 2020  |
|---|
| LEARN MORE  |
| EAS 507 – IP and Business Law for Engineers     EAS 545 – Engineering Entrepreneurship     Has sections on IP |



(NOTES FOR PREVIOUS SLIDE)

\*\*Bold – required

\*\* Not bold – restricted elective

\*\* Simplified to fit on one slide

- (e.g. should show many more analog circuits courses as restricted-electives for EE)