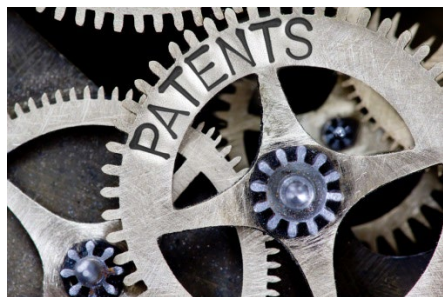


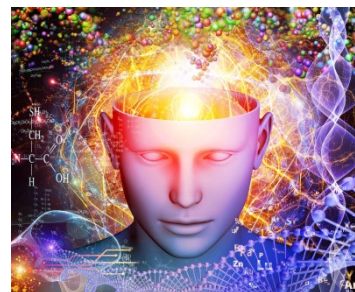
TECHNOECONOMICS®

Magazine Of Intellectual Property, Strategy & Monetization

Covering Patents, Trademarks, Trade Secrets, Licensing & More - IP Development, Valuation, Acquisition & Use - IP Strategic Planning & Marketing



Sponsored By
TECHNOECONOMICS®, TM, SM*
Brand Products & Services
www.technoeconomics.com
www.technoeconomics.ca
www.technoeconomics.us
www.technoeconomics.world



Additionally, Sponsored by Wright IP®

Introduction To Non-Correlated Assets

A non-correlated asset is not directly tied to U.S. stock market equities. Examples of non-correlated assets include precious metals (especially gold), real estate, cryptocurrency, non-fungible tokens (NFTs), digital assets, and even physical collectibles, such as antiques, jewelry, and card collections. A swing in the stock market could affect the value of a non-correlated asset. However, for true non-correlated assets there is not enough correlation in respective value changes to establish a statistical relationship between the two.

In addition to those identified above, there are many other digital assets which hold monetizable value, such as digital images, audio files, data bases and information, domain names, social media handles, and others. Of course, each non-correlated assets has its investment and monetization pluses and minuses. Further, in some instances digitally-based non-correlated assets can be more volatile and more difficult to liquidate than traditional equities for a variety of reasons including a lack of a centralized marketplace. Additionally, depending on the non-correlated asset there may be fewer interested, or knowledgeable, investors.

Source: "Non-Correlated Assets: A Deep Dive." *Kubera*. <https://www.kubera.com/blog/non-correlated-assets/>

Current IP News

In Europe, McDonald's Big Mac Means 'Beef' not 'Chicken.' Irish Fast-Food Chain, Supermac's, Wins Big, Sets Stage for European Expansion

After a legal conflict with Supermac's Irish fast-food chain for nearly a decade, McDonald's Big Mac lost big to a European Union trademark dispute when the European Court of Justice (ECJ) ruled to delist Big Mac as a registered restaurant name and stopped McDonald's from using the name specifically on poultry products, on June 5th, 2024.

The ECJ clarified its most recent decision, stating that the "Big Mac [name] can be used as a meat product, a burger, but it can't be used as a chicken product."

Don't underestimate the power of chatbots! Actress Scarlett Johansson Claims Her Voice Was Stolen, Takes Legal Action against Open AI

"Sky," a chatbot on the ChatGPT 4.0 app, mysteriously sounded exactly like Scarlett Johansson's, according to the actress who voiced an AI virtual assistant in the 2013 film, *her*. The actress claimed that the chatbot's voice was "eerily similar" to hers and indistinguishable to friends and family.

"Sky" is one of five ChatGPT 4.0 voices that users can interact with while using the app.

Nine months prior to the release of "Sky," Johansson said she was approached by Open AI CEO Sam Altman to use her voice, but she decided to turn down his offer. Just days before the release of "Sky," Johansson said Altman reached out to her agent seeking her reconsideration before Sky's debut.

The court found that McDonald's had failed to prove use of the Big Mac label for poultry products over a five-year period.

The dispute began nearly a decade ago when Supremac's applied to register its company name in the EU in order to expand in 2015. A year later, McDonald's won a partial victory when Supremac's was granted the trademark for its restaurant name but not food items. The following year, Supremac's argued before the EU Intellectual Property Office (EUIPO) that McDonald's should lose its exclusive use of "Big Mac" because it hasn't used the label in connection with a restaurant name in a continuous five-year period.

Source: Reed, Betsy. "Big Mac v Supremac's: McDonald's loses EU trademark fight." The Guardian (June 5, 2024), <https://www.theguardian.com/business/article/2024/jun/05/big-mac-supremacs-mcdonalds-loses-eu-trademark-fight#:~:text=The%20legal%20tussle%20began%20in,a%20name%20and%20a%20logo>.

Source: "McDonald's loses "Big Mac" trademark as EU court sides with Irish rival Supremac's." CBS News (June 5, 2024) <https://www.cbsnews.com/news/mcdonalds-loses-big-mac-trademark-as-eu-court-sides-with-irish-rival-supremacs/>

U.S. Senators Tillis and Coons Submit Bi-Partisan Legislation to Reform Current U.S. Patent Laws

U.S. Senators Thom Tillis (R-NC) and Chris Coons (D-DE) introduced The Patent Eligibility Restoration Act of 2023 (S.2140) on June 22 of the same year, but the fate of the bill remains in limbo after the Senate Committee of the Judiciary's subcommittee hearing on Intellectual Property on January 24, 2024.

In response, Johannsson decided to take legal action against Open AI for "stealing" her voice. Her attorney wrote two letters to Open AI, citing the similarities between Johannsson's voice and "Sky." In response, Open AI paused Sky's voice from its app, while stating that it was in imitation of another actress's and wasn't intended to sound like Johannsson's.

"In a time when we are all grappling with deep fakes and the protection of our own likeness, our own work, our own identities, I believe these are questions that deserve absolute clarity," Johannsson said. "I look forward to resolution in the form of transparency and the passage of appropriate legislation to help ensure that individual rights are protected."

Source: Pruet, Jana J. "Scarlett Johansson threatens to sue Open AI over Chatbot voice that sounds 'eerily similar' to hers" The Signal (22 May 2024) <https://signalscv.com/2024/05/scarlett-johansson-threatens-to-sue-openai-over-chatbot-voice-that-sounds-eerily-similar-to-hers/>

Supreme Court Unanimously Invalidates Pharmaceutical Company Amgen's Broad Patent of Antibodies, Creates Challenge for Biotech

Last year, the U.S. Supreme Court ruled against pharmaceutical company Amgen, in *Amgen Inc. v. Sanofi*, declaring invalid its genus patent for antibodies that lower LDL cholesterol.

"Both Amgen and Sanofi make drugs based on monoclonal antibodies that ... bind to ... particular proteins, blocking them from binding to LDL receptors."

The two companies each have patents covering the specific antibody that they use to make the drugs, "described by specific amino acid sequences."

The case, however, did not focus upon the company's specific patents, but the broader patents, or genus class

“More than a decade after the Supreme Court waded into patent eligibility law, uncertainty remains about what areas of innovation are eligible for patent protection. Critical technologies like medical diagnostics and artificial intelligence can be protected with patents in Europe and China, but not in the United States,” said Senator Coons. “The Supreme Court has repeatedly failed to clarify the law, so Congress must act.”

“For too long, fields like diagnostics, precision medicine, cell and gene therapy, RNA medicine, and digital health have been threatened by unclear and uncertain patent-eligibility standards that put America’s innovators at a disadvantage, and that discourage local investment,” stated the North Carolina Biosciences Organization’ (NCBIO).

Current patent eligibility according to the USPTO.gov website must be “processes, machines, manufactures and compositions of matter.... the claimed invention also must qualify as patent-eligible subject matter”. Historically, patent eligibility has excluded abstract ideas, laws of nature and natural phenomena (including products of nature).

The bill would provide expanded patent eligibility for inventions, such as artificial intelligence, medical diagnostics, quantum computing, and telecommunications. It would also resolve “legitimate concerns over patenting of mere ideas, the mere discovery of what already exists in nature, and social and cultural content that everyone agrees is beyond the scope of the patent system.”

Source: Tillis, Coons Introduce Landmark Legislation to Restore American Innovation. Thom Tillis, U.S. Senator for North Carolina (June 22, 2023) <https://www.tillis.senate.gov/2023/6/tillis-coons-introduce-landmark-legislation-to-restore-american-innovation#:~:text=%E2%80%93Today%2C%20U.S.%20Senators%20Thom%20Tillis,mere%20ideas%2C%20the%20mere%20discovery/>

patents, which include millions of antibodies. Genus patents are “particularly common in the pharmaceutical, chemical, and biotech fields.”

“If a patent claims an entire class of processes, machines, manufactures, or compositions of matter,” U.S. Supreme Court Justice Gorsuch wrote, “the patent’s specification must enable a person skilled in the art to make and use the entire class.”

While Amgen identified 26 antibodies in detail, they failed to make a claim to win protection for a vast array of antibodies.

Source: Fraser, Eric M. “Supreme Court rules invalid Amgen’s patent on cholesterol-lowering drug.” SCOTUSblog (May 19, 2023, 12:45 PM) <https://www.scotusblog.com/2023/05/supreme-court-rules-invalid-amgens-patent-on-cholesterol-lowering-drug/>

Supreme Court rules against the Andy Warhol Foundation in a copyright infringement case

The Supreme Court voted against the Andy Warhol Foundation (AWF) in a dispute over whether Warhol violated copyright when he based his silkscreens off Lynn Goldsmith’s photograph of Prince. In 1984, Goldsmith granted Vanity Fair a limited license, that allowed for a single use of her photo in an article. Warhol created 16 silkscreens, but only one was used in the article. In 2016, Vanity Fair paid AWF \$10,250 to use a different silkscreen on the cover of a special edition magazine commemorating Prince. Although the silkscreen was still based on her photo, she didn’t receive pay or credit, leading her to pursue legal action. While the use of a copyrighted work can potentially be fair if its use is sufficiently distinct from the purpose of the original; in this case, the court decided that both pieces shared a commercial purpose.

Chloe Veltman, Supreme Court sides against Andy Warhol Foundation in copyright infringement case, NPR (May 18, 2023),

2 Live Crew's Ill-Fated Battle for Copyright Termination Still to be Determined

2 Live Crew, a pop group back in the 80s and 90s, is well-known not only for their explosive lyrics but also legal troubles.

When Two Live Crew's lead, "Uncle Luke" and his record label, Luke Records, ended up in bankruptcy court in 1995, Joseph "Lil' Joe" Weinberger, a tax lawyer hired by Luke Records to act as CFO and general counsel, listed himself as a creditor.

He then purchased 2 Live Crew's master recordings and trademarks out of bankruptcy, using them to form his own label, Lil' Joe Records. Today, every time a 2 Live Crew song is played, or an album is sold, Lil' Joe receives royalties, not 2 Live Crew.

Decades later, 2 Live Crew sent a formal notice terminating all previously acquired copyrights, filed under Section 203 of Copyright law, which allows authors to terminate grants of copyright if 35 years have passed. In response, Lil' Joe filed suit in district court in Florida seeking declaratory judgment that the rights could not be terminated and that the members were employees whose recordings were created as works-for-hire, meaning that they are ineligible for termination.

There was an order staying the case for rulings on summary judgement on 9/26/2023. As of 3/29/2024, the case is awaiting detailed summary judgement. (Lil Joe Records, Inc v. Ross)

Source: Antoine, Heather. Standing Up for Hip Hop: 2 Live Crew's Decades-Long Legal Battles and Its Current Fight for Copyright Termination. *Forbes* (December 19, 2022)

<https://www.forbes.com/sites/legalentertainment/2022/12/19/standing-up-for-hip-hop-2-live-crews-decades-long-legal-battles-and-its-current-fight-for-copyright-termination/?sh=224fe76a1f5e/>

<https://www.npr.org/2023/05/18/1176881182/supreme-court-sides-against-andy-warhol-foundation-in-copyright-infringement-cas.>

How One Company's Bankruptcy Becomes Another's Marketing Genius. Overstock's Acquisition of Bed Bath & Beyond's IP Reaps Profit

When Bed Bath & Beyond filed for bankruptcy in 2023, Overstock seized the opportunity to acquire its intellectual property. The assets Overstock acquired

include Bed Bath & Beyond's website names, mobile platforms, social media, trademarks, and business data. Founded in 1999, Overstock's business model was buying and selling failed companies' merchandise at a discount. However, Overstock has recently been looking for a way to transition from a liquidator to a home goods retailer.

By acquiring Bed Bath & Beyond's IP, Overstock has benefited from the associated goodwill and reputation as a home goods retailer. This deal encapsulates the importance and potential of intellectual property monetization. By acquiring Bed Bath & Beyond's IP, Overstock not only developed a strategy to catalyze its transition from to a home goods retailer and also to keep an iconic brand alive.

Source: Raymond, Art. "The Deal Behind the Deal: Overstock and Bed Bath & Beyond." *Utah Business*. (December 1, 2023),

<https://www.utahbusiness.com/the-deal-behind-the-deal-overstock-and-bed-bath-and-beyond/>

Source: Holman, Jordyn. "Overstock Sees a Future in Calling Itself Bed Bath & Beyond." *The New York Times*. (June 28, 2023),

<https://www.nytimes.com/2023/06/28/business/overstock-bed-bath-beyond.html/>

Source: Lil Joe Records, Inc. V. Ross, 1:21-cv-23727, *CourtListener*.
<https://www.courtlistener.com/docket/60665441/lil-joe-records-inc-v-ross/>

U.S. Government Sues Drug Maker, Loses Lawsuit against Gilead Sciences, Jury Renders CDC HIV Drug Patent Invalid

Five years ago, the U.S. sued Gilead Sciences “arguing that the company was profiting off of CDC patents through its sales of Truvada and Descovy, oral medications taken to prevent HIV infection.” This marked the first time the U.S. government has ever sued a pharmaceutical company over patent infringement.

Truvada and Descovy each contain emtricitabine and tenofovir. But Gilead asserts it invented these drugs, and moreover that the concept of using Truvada to prevent HIV was well-known at the time of filing of the U.S. government’s patents.

Jurors found that the government’s patents were invalid.

Source: Kimball, Spencer. “Gilead Sciences defeats U.S. government lawsuit alleging HIV drug patent violations.” *CNBC* (May 9, 2023)
<https://www.cnbc.com/2023/05/09/gilead-did-not-violate-patents-hiv-prevention-drug.html/>



Source: Walker, Ron. “Overstock’s Rebrand as Bed Bath & Beyond May Go Down as the Best in Marketing History.” *Fast Company*. (August 11, 2023),
<https://www.fastcompany.com/90935192/overstock-bed-bath-beyond-best-rebrand-marketing-history/>

Source: “Overstock.com Is Back.” *Beyond*. (March 28, 2024)
<https://investors.beyond.com/news-events/press-releases/news-details/2024/Overstock.com-is-Back/default.aspx/>

Door Dash .v Door Dabz, Re Cannabis Delivery

Door Dash was founded as an online food delivery service in 2013. In 2021, Greenerside Holdings, LLC, a medical cannabis delivery service, filed to register ‘Door Dabz’.

Door Dash filed an Opposition against the registration of ‘Door Dabz’. As a result, Door Dash’s temporarily halted Door Dabz. Greenerside Holdings had until July 3, 2023 to respond. Currently, the California company is still doing business as Door Dabs.

Source: <https://doordabs.ca/>;

Source: Mandour & Associates. *California Intellectual Property Blog*. “Company Says Door Dash Trademark Infringed by Cannabis Service.” California Trademark Attorneys (June 1, 2023)
<https://www.mandourlaw.com/doordash-trademark-vs-door-dabz-trademark/>;

Source: *DoorDash, Inc. v. Greenerside Holdings, LLC*, Opposition No. 91285160 (USPTO TTAB May 24, 23).

TECHNOECONOMICS®

Magazine Of Intellectual Property, Strategy & Monetization

Patents, Trademarks, Trade Secrets, Licensing, IP Development, Valuation, Acquisition & Use, IP Strategic Planning & Marketing

Magazine - Summer 2024

Vol. 3, No. 1

August 25, 2024

IP Monetization In Cinema: Top Grossing Movies of 2024

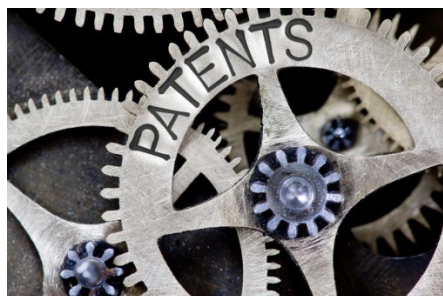
No.	Movie Title	Worldwide Box Office (As Of July 2024)
1	Inside Out 2	\$1,505,606,731
2	Dune: Part Two	\$711,844,358
3	Despicable Me 4	\$677,665,260
4	Godzilla x Kong: The New Empire	\$567,650,016
5	Kung Fu Panda 4	\$545,626,023
6	Deadpool & Wolverine	\$438,300,000
7	Kingdom of the Planet of the Apes	\$396,906,534
8	Bad Boys: Ride or Die	\$395,242,578
9	A Quiet Place: Day One	\$253,729,330
10	The Garfield Movie	\$221,850,048

See. 2024 Worldwide Box Office, Box Office Mojo by IMDbPro. <https://www.boxofficemojo.com/year/world/>

Subscribe To:

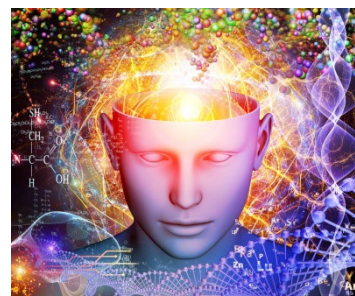
TECHNOECONOMICS®

Magazine Of Intellectual Property, Strategy & Monetization



Sponsored By
TECHNOECONOMICS®, TM, SM*
Brand Products & Services
www.technoeconomics.com
www.technoeconomics.ca
www.technoeconomics.us
www.technoeconomics.world

Additionally, Sponsored by Wright IP®



For subscriptions: subscribe@technoeconomics.com

Editor In Chief
Eric G. Wright

magazine@technoeconomics.com
Copyright 2024

For subscriptions: subscribe@technoeconomics.com

*TECHNOECONOMICS is a trademark and service mark in Canada, as well as a registered trademark in the US & elsewhere.