

November 2011

Patent notice

Bryan M. Carson J.D., M.I.L.S.

Western Kentucky University Libraries, bryan.m.carson@gmail.com

Follow this and additional works at: <https://docs.lib.purdue.edu/atg>



Part of the [Library and Information Science Commons](#)

Recommended Citation

Carson, Bryan M. J.D., M.I.L.S. (2011) "Patent notice," *Against the Grain*: Vol. 23: Iss. 5, Article 44.

DOI: <https://doi.org/10.7771/2380-176X.6018>

This document has been made available through Purdue e-Pubs, a service of the Purdue University Libraries. Please contact epubs@purdue.edu for additional information.

processing could not be done (usually because of printed material in the location where the date due slip is attached). These exceptions have to be handled the “traditional way” by passing the materials from receiving to cataloging to processing before being shelved. The same staff person that handles exceptions also responds to any holds or notifies, which keeps the number of times the materials are handled to a minimum.

Subsequently, we worked to further enhance our streamlined processes by having selectors build “carts” of materials at our vendors’ Websites. This enhancement means selectors no longer have to mark print selection slips with fund codes or other information and then have staff enter that information into the order record. Selectors were willing to use carts once they discovered that the vendors’ Websites had adequate selection and review information so they could use the sites for collection development with confidence. Acquisitions staff need to check for duplicates before placing orders, then brief records are imported from the vendor’s site into our ILS. Once again, a load table is used that builds an order record with the correct fund, status, vendor name, and other pertinent codes. We then send this order information back to the vendor electronically so each order includes a unique purchase order number, which we use as a match point when downloading the electronic invoice.

Other improvements to our workflow include electronically downloading vendor status reports, which inputs information directly into the order records. Information added may in-

clude shipping status, backorder information, outsourcing the order to a third party vendor, cancellations, etc. When the firm order claiming program is run after the download, we have updated information in order to make informed claim decisions. Prior to getting these reports electronically, a staff member received the print status reports from the vendors and had to manually type the information into each order record.

The technical services department has been able to apply these same principles to media orders we place with our vendor **Midwest Tape**. In fiscal year 2010/2011 we ordered 141 shelf-ready DVDs from **Midwest Tape** and 78 DVDs from other vendors. Media shelf-ready services are quite slick, and the vendor worked with us to embed the library’s name across the cover of every DVD we purchase. We set up material profiles which spell out what types of containers to use with different materials, what to do with multiple discs, how to handle supplemental materials, and other processing details. We also set up two different accounts, one for our popular DVD subscription and one for media that supports our curriculum. Our media collection is shelved by accession number, so we supply **Midwest Tape** with spine labels to affix to the media containers, as well as barcodes and other customized labels.

All the vendors we have used for processing services (**YBP, Midwest Tape, The Book-House, Eastern Book Company**) are willing to work directly with libraries. Bibliographic records can be obtained from **OCLC** at no additional cost if your library has a cataloging subscription, but quality records can often be purchased directly from vendors at competitive prices. If you need items processed differently

for different parts of your collection, you can set up multiple accounts with different processing profiles. The trickiest part of the process is to make sure we order materials on the correct account, but keeping account profiles as simple as possible and not making the process too complicated seems to be the key.

It is important to work with the vendor to decide where processing costs will be itemized on invoices. We have the processing costs included at the individual line item level for each item we purchase. Other options are possible, including getting a separate invoice for processing costs, or having all processing costs associated with titles on an invoice billed as a separate line item. You have to figure out what works best for your accounting and spending practices. Philosophically you have to decide if these costs should be considered part of the purchase of the item or whether processing charges should be paid out of overhead and expenses.

Another helpful streamlining tool has been to document all processes and make the documentation available to everyone in the department. We used **MediaWiki** (open source software) to set up the wiki and since we did not customize the product, the set-up time was less than an hour. The wiki is only accessible from the **Sonoma State** server, so there is no public access, and it requires minimal technical support. The wiki is used by all technical services staff to document procedures, record short cuts and tips, and to keep track of changes in procedures. The entire staff adds information to the wiki, and at department meetings any documentation that has been recently added or changed is discussed. This is a great way to make sure everyone is keeping up with the numerous procedures as they change and evolve.

The best part about streamlining our workflow is staff were able to take on new tasks and assignments that keep their skills sharp and reduce much of the repetition that filled their days. Technical services staff now assist in many parts of the library, from Reference to Circulation to digital projects and media. The department is also able to put more energy into data cleanup and data maintenance: cleanup of inventory reports, searching for missing items, correction of incorrect item types, etc. With a clean catalog there is less frustration for patrons and public services staff that are looking for available materials.

By working smarter instead of harder we have been able to considerably cut down on the backlog of materials in the technical services department. Our small remaining backlog consists of materials that need original cataloging and gifts. We can easily make changes to our load tables as well as our cataloging and processing profiles with vendors to accommodate any new types of materials or processes. We have to pay for these vendor services, but the overall savings in staff time makes the additional charges well worth the cost. We have been able to get materials in the hands of patrons quicker and have reduced repetitive tasks. Staff have developed new skill sets, have a tool to assist them in sharing knowledge, and have more time to take on new challenges throughout the library. 🌸

New Patent Act Signed Into Law

by **Bryan M. Carson, J.D., M.I.L.S.** (Professor, Coordinator of Reference and Instructional Services, Western Kentucky University Libraries, 1906 College Heights Blvd. #11067, Bowling Green, KY 42101-1067; Phone: 270-745-5007; Fax: 270-745-2275) <bryan.carson@wku.edu>

There is big news in the world of intellectual property. On September 16, **President Obama** signed into law the new patent act, known popularly as the **Leahy-Smith America Invents Act**. The new patent act will amend Title 35 of the U.S. Code by replacing the current statute, which was passed in 1946. The text of the statute, H.R. 1249, can be found at <http://aiplalist.aipla.org/t/50218/5270755/942/20/> or <http://tinyurl.com/3dnsdm5>.

There are a number of significant changes in the new act. For a good overview of these changes, see Gibson, Dunn & Crutcher, *Leahy-Smith America Invents Act Revises Patent Law* (September 22, 2011), at <http://gibsondunn.com/publications/pages/Leahy-Smith-AmericaInventsActRevisesPatentLaw.aspx#page=1> or <http://tinyurl.com/3ov59zd>.

A number of changes went into effect immediately upon enactment, while other provisions will roll in over the next 18 months. For the schedule of changes, see the timeline at <http://www.intellectualpropertylawfirms.com/resources/intellectual-property/patents/timeline-patent-reform-act-america-invents-act.htm> or <http://tinyurl.com/6bwbmh4>.

The most important (and most publicized) change is that the U.S. will now grant patents using the first-to-file system, rather than the first-to-invent rule previously in effect. Because the U.S. was the only country in the world using first-to-invent, this change will harmonize domestic patent law with the laws of other nations. The first-to-file rule (35 U.S.C. § 102) goes into effect on March 26, 2013. For an analysis of the first-to-invent vs. first-to-file systems, see **Bryan M. Carson**, *What’s Coming Down the Pike: Trademark and Patent Bills Pending in Congress, 17-4 Against the Grain* 58, 60-1 (September 2005). 🌸