The modern day wall and ceiling contractor with an ingenious way of doing something easier, better and cheaper has a luckier time of it than his predecessors.

Prior to the 15th Century, his idea—and his yen for inventing—could have got him burned as a wizard.

Today, that same inventor has the encouragement and profound good wishes of all of his fellow contractors, any of whom doubtlessly would advise him warmly: “If you’re so $#$@! smart, why don’t you patent it!”

So, why don’t, you patent that special idea you have? It’s easier than you think. What’s more, you don’t really need to hire a patent lawyer and to spend a lot of money getting your idea patented—provided, of course, that the invention is truly patentable.

You can tell if the latter is true if your invention is “new, novel, and useful, over existing analogous inventions.” So long as you command sufficient English to describe your invention properly you can write your own application and prosecute it.

Be there never a contractor who secretly feels that his inventive skills are not of patentable dimensions. If this be your case, then this article may be of some value to you: you can pursue a patent for that favorite idea without the dangers of getting involved with expensive “experts” who will patent your idea for you and then do some so-called “marketing”—at a staggering price sometimes.

Kinds of Patents

The first thing you must know about a patent is whether you intend to apply for a utility or a design patent. A utility patent involves art (a process, mode, or method), machine (a combination of mechanical parts), manufacture (a manufactured article), or composition of matter (a mixture of different materials or chemical union).

A design patent is given for attractiveness of appearance rather than utility. The Patent Office is getting very sticky about these kinds of patents because they tend to make people believe a utility patent protection has been extended to the owner when, in point of fact, only the design has been patented.

Actually, there are only about a half dozen steps needed to prosecute a patent, plus a couple of things you should do to protect your idea.

Get It Witnessed and Dated

Once you’re fairly certain that your idea is practical, you should
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get a trustworthy friend to sign his name as witness on a dated drawing or description of the invention. You should always also keep careful records of the steps you take and their dates.

You should also be aware that the Patent and Trademark Office offers a Disclosure Document Program. What this is, is a service for storing, for two years, papers disclosing your invention.

The service doesn’t diminish the value of the conventional witnessed and notorized records, but it does provide a creditable form of evidence. You can get a free brochure on the procedures of this program from: Commissioner of Patents and Trademarks, Washington, D.C. 20231. The service doesn’t provide for an effective filing date on any patent application, and the document will be destroyed at the end of two years unless it is referred to in a separate letter in a related patent application filed within two years.

The next step is to make a careful search through patents already issued to find out if it is new as compared to other patents. You can’t obtain a valid patent if your invention is anticipated by any earlier printed publication or patent in any country, or by commercial use in the United States.

The search can be made by you or by a patent attorney (a lawyer) or a patent agent (non lawyer). It can be made in the Search Room of the Patent and Trademark Office in Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, VA.

It’s a little more difficult but you can also conduct a search in any one of 22 libraries located throughout the country which keep a numerical file of U.S. Patents. The book, “General Information Concerning Patents,” lists these libraries. Because of the skill and experience needed to conduct an efficient search, many inventors hire practitioners to make their searches.

List Available Of Practitioners
The Commissioner of Patents and Trademarks will provide you with a list of all registered practitioners available to prepare and prosecute patent applications, if you want one.

After studying carefully the patents found in the search to determine if it is feasible, practically and economically, to push ahead with your own invention, you next step.

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obviously is the preparation of the patent application.

If you decide to go ahead, you must send to the Patent and Trademark Office a formal written application describing your invention. This is called Filing the application.

Every inventor has the right to prepare his own patent application and Prosecute it in the Patent and Trademark Office without the help of any attorney or agency. It is, though, the strong recommendation that an attorney is most helpful in obtaining the strongest protection possible owing to his experience in such matters.

The application consists of a description of the invention, called the Specification, which ends with definitions of the invention called Claims and filing fee.

There will also be a drawing if the invention is one that can be illustrated. If a practitioner is used, a power of attorney is also included.

Great care is essential at this point. If you fail to provide enough information for a strong specification and claims, the patent may be so restricted that it has little value. You could even lose your right to obtain a patent.

The patent specification must provide a description of the invention which is sufficiently full and clear to teach a person skilled in the field of the invention to make and use it.

The patent must also contain claims that distinguish your invention from others so that you will be able to secure a grant of claims which cover your invention full and give your patent the best chance for commercial success.

Claims Define Patent Boundaries

In effect, the claims are the most important part of the patent application because they define the boundaries of your patent rights and fix the amount of protection granted to you by the patent.

Your invention will be studied by a Patent and Trademark Office examiner and there will usually be an exchange of letters between you and the Patent and Trademark Office. If you’re using a practitioner, be sure to instruct him to send you a copy of every letter he receives from the Patent Office, and to send you a copy of every letter and/or amendment he sends to the Office.

The Examiner will make a much more thorough search of your invention, and will make an Office Action in the form of a letter in which he will reject your claims where there has been earlier patents or publication.

Every Office Action must be answered within the time period required by the examiner to avoid abandonment. The letter to the Commissioner of Patents and Trademarks may direct him to cancel some of the original claim and to change the language of other claims. Such a letter is called an Amendment, and it’s good to avoid adding limitations that will restrict your patent unreasonably.

After the Examiner receives your answer, he will again study the application and make a second office action. This may be a notice of allowance, a rejection of all claims, or a rejection of some claims while allowing others.

In any event, this exchange of office actions and amendments may be repeated until the application is allowed, or until the examiner states that the rejection is final.

The prosecution of your application may include an appeal from the decision of the examiner to the Board of Appeals of the Patent and Trademark Office. Other procedures are also available.

In the final analysis, a patent may be more valuable in one person’s hands than in another’s. The value, then, of a patent is not a fixed, definite thing.

Some inventors, after issuance of a patent, lay it aside and do nothing about it. A patent can lose value quickly that way, either through a similar invention or simply in reduced sales value.

At the least, an uncommercialized patent can be depreciated and tax deductible after 17 years, the useful life of the patent.

But, the truth of the matter is, if you really are so smart and got your idea patented, chances are you know a thing or two about getting more than a mere deduction out of your idea.