

## **Patent Applications (In a Nutshell)**

*By*

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The US Patent and Trademark Office grants patents in response to applications filed by or on the behalf of inventors. While it is possible for an inventor to draft and file a patent application himself, it is very difficult for an inventor to get the specialized knowledge that is required in order to file an application that can result in a good patent that adequately protects the inventor's rights to his invention. Like most things that involve government agencies and lawyers, the value of a patent often depends on the minute details of the wording. It is easy to get a patent granted that is almost worthless because it is so easy for a competitor to "design around" the patent. A patent agent can help you get the strongest patent possible.

A patent agent will want you to start by answering several questions, such as:

1. What problem does your invention solve?
2. How is your solution different from how others have tried to solve the same problem?
3. Why is your solution better than how others tried to solve the same problem?
4. Why is your solution not obvious to others with similar knowledge and skills?

Often, the patent agent will interview the inventor and ask these questions, but it is often better to provide these questions in writing and give the inventor time to come up with brief but informative answers. From the answers, the patent agent will begin to attempt to identify the true inventive concept behind the invention, rather than one particular narrow embodiment that the inventor may be concentrating on with his prototypes. After an exchange of additional questions and answers intended to clarify the details, the patent agent will attempt to draft a description and perhaps one or two claims. Once the agent and inventor agree on the initial draft of the description and claims, the agent will spend a fair amount of time drafting a more thorough description and a series of claims that will make a strong patent. Much specialize knowledge of the requirements and court case histories go into choosing just the right words and phrases in the claims.

The inventor then reads the application and provides feedback to the agent, who will make changes to his draft. Once the inventor is in agreement with the application that the agent has drafted, the agent will complete a few forms and file the application with the patent office. The patent office will (eventually) respond by accepting or rejecting each of the various claims in the application and they will provide their reasons for any they reject. The agent and the inventor will sit down together and attempt to draft an explanation or argument for why some or all of the rejected claims should be allowed. The agent may draft some changes that will make some claims acceptable. The agent sends the response to the patent office and generally a patent is granted with at least some of the claims requested by the inventor.

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