



Article 98

August 16, 2009

Patent: The First Line of Defense for a Money-Making Idea

By Bruce Winchell, Registered Patent Attorney and Senior Attorney for Sandia National Laboratories assigned to Technology Ventures Corporation

Every business has some type of intellectual property, whether it's a patent, copyright, trademark, trade name or trade secret. Intellectual property is what sets one business apart from another and gives it the kind of competitive advantage that attracts customers and investors.

The exclusive right to this property — the ownership of an idea or creation — is something an entrepreneur or inventor should take pains to protect.

The price of protection

Patents offer the most protection for technology-based business startups. They're also a concern for serious investors who want assurances that a business's intellectual-property rights are established and safe from infringement by competitors.

Patents are the most expensive of all intellectual properties. Over the 20-year life of a patent, U.S. Patent and Trademark Office fees run about \$5,000, but lots more money is spent paying patent attorneys to prepare the documents that are necessary to retain and protect the patent. Attorney costs can be two to six times what the patent office charges.

While the cost of getting a patent in the U.S. is cheaper than almost anywhere else in the world, it can still be unaffordable to many entrepreneurs and inventors.

How to save money on legal fees

Patent law is complex enough to be the only legal specialty that requires a separate bar exam and a federal license to practice before the U.S. Patent and Trademark Office. But entrepreneurs can save money by learning how to draft their own patent applications.

Having the inventor involved in the application improves the quality of the final documents because the inventor usually knows more than anyone else about what he or she has invented. The patent attorney can then review and complete the documents and file the patent application.

Technology Ventures Corporation offers frequent workshops on do-it-yourself patent applications. Individuals learn about patent laws and the latest case law pertaining to patent applications. They learn how to maximize the probability of being issued a patent, which often

involves properly drafting claims — the parts of a patent that define the legal boundaries of an invention and aim to inoculate it from legal challenges. Claims — the numbered sentences at the end of a patent application — are detailed descriptions of every component or step involved in the creation of an apparatus, a technique or a design, among other inventions and innovations.

The next TVC patent workshop is 8:30 a.m. to 12:30 p.m. Thursday, July 30, in the Stanford Room of the TVC headquarters at 1155 University Blvd. S.E. in Albuquerque. Admission is free. To register, e-mail Margaret Speer at Margaret.speer@lmco.com.

Finance New Mexico is an initiative of the New Mexico Small Business Investment Corporation (NMSBIC) and its partners to assist individuals and businesses in obtaining skills and funding resources for their business or idea. To learn more about resources available to New Mexicans, go to www.FinanceNewMexico.org.

