

Got Invention? Save Time and Money When Seeking a Patent

Any patent agent or patent attorney who has been working for any length of time has undoubtedly had a call from a small company, startup, or individual inquiring about obtaining a [patent](#). And most, if not all, of us have had to have...the talk.

First, we explain the process for filing the application and what will happen at the [U.S. Patent and Trademark Office \(USPTO\)](#), which is typically followed by some jovial banter regarding [how long it will take](#) the USPTO to act on the application. Then, we start to talk about costs, and on the other end of the line is a palpable silence as the potential dollars coast across the telephone line.



The United States

To all to whom these Presents shall come, Greeting.

Whereas Samuel Hopkins of the City of Middletown and State of Vermont has both discovered an Improvement, not known or used before and known in the making of Pot ash and Charcoal, by a new Apparatus and Process, that is to say, in the making of Charcoal 1st by having the raw timber in a Furnace, 2^d by splitting and boiling the same as heretofore, 3^d by drawing off and setting the liquor, and 4th by boiling the liquor into salts which show neither the Charcoal, and also in the making of Pot ash, by having the Charcoal so made as aforesaid, which Operation of having Charcoal in a Furnace, according to their Definition and boiling in Water, is now known to the Christian; and further a new and great Invention of salts: That as therefore in pursuance of the Act, entitled "An Act to promote the Progress of useful Arts," to give to the said Samuel Hopkins, his Heirs, Administrators and Executors, for the Term of fourteen Years, the sole and exclusive Right and Liberty of using and vending to others the said Discovery of having Charcoal as aforesaid, and of boiling the same, according to the true Intent and meaning of the Act aforesaid. In Testimony whereof Have caused these Letters to be made public, and the Seal of the United States to be hereunto affixed Given under my Hand at the City of New York this thirty first Day of July in the third Year of our said most excellent Lord, King George the Third.

Washington

City of New York July 31st 1790.

I do hereby certify that the foregoing Letters patent were delivered to me in pursuance of the Act entitled "An Act to promote the Progress of useful Arts," and I have compared the same and find them conformable to the said Act.

Edm: Randolph Attorney General for the United States.

First U.S. Patent to Samuel Hopkins of Pittsfield, VT

Let's face it – filing a patent application is no [small feat](#) – much has changed since Samuel Hopkins (notably a fellow Vermonter) obtained the very [first U.S. patent](#) which described a process of making potash in 1790 (right). Today's patents are technical documents that can involve considerable costs, and, while patenting an invention yourself can be done—taking on that challenge is like taking on that home improvement project that, if done correctly, will make you look like a [Bob Vila](#), but if done incorrectly, you're likely to be *calling* Bob Vila and crew to fix the mess you've made.

(Unfortunately, turning to professional patent help *after* filing an application may significantly limit the ability to salvage the value of your idea, but that is a discussion for another time.) Importantly, **there are ways** to reduce costs of preparing the application. Best to start from the beginning:

A Typical Inventor Meeting

After exchanging pleasantries, the inventor supplies a summary of the invention, which includes a picture or drawing, a two-to-three paragraph written description, and a verbal description. While the session is generally productive and provides the basis for the patent application, inevitably details that are essential for a complete patent application are not discussed.

The costs of drafting the application increase, as all relevant aspects of the invention must be extracted during follow-up conversations and as new details, drawings, or design documents drift in from the inventor. Additionally, the inventor often is not readily available (due to other responsibilities) to answer further questions, provide documentation, critique [prior art](#), or even to review drafts of the application. The effort required to integrate new information increases as the application nears completion—not to mention that drafted [patent claims](#) to the invention may need to be reworked in light of the new materials.

How do you avoid these costs?

- *Generate a thorough written description of the invention, illustrative diagrams, and design documents*
- *Be a resource for the patent attorney*
- *Respond to questions thoroughly and in a timely manner*
- *Gain and keep perspective*

In my next several posts, I'll share some additional tips on how to avoid mounting costs by following these four simple suggestions.