

How to Write Your First Patent

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Abstract— this paper presents guidelines for students writing their first patent in the field of computer science and electronic/computer engineering. The set of guidelines is comprehensive and presents a step-by-step approach that allows beginners to produce the text description for their first patent. The proposed methodology is used to teach invention abstraction and claiming to both graduate and undergraduate students.

Keywords—*intellectual property; invention abstraction; invention claiming; patents*

I. INTRODUCTION

Patents are receiving growing attention due to recent litigation processes. One example of this is the acquisition of Motorola Mobility by Google. An official press release by Google [1] states that: “*Motorola Mobility’s patent portfolio will help protect the Android ecosystem*”. Many other sources affirm that patents played a main role in this acquisition.

In general, engineers lack formal training in writing, or the training is restricted to practical paper or report writing. Patents are a field that link several areas of expertise, including: writing, logical thinking, legal knowledge and technical knowledge. In order to write a good patent, an inventor/writer has to have a complete view of the contents that a patent must incorporate.

In order to provide a holistic view of the contents of a patent, this paper proposes a method of writing that is based on a 26-step procedure. Initial steps are directed to decide what the invention is and how it should be claimed. Final steps are related to the construction of a patent text by cutting and pasting answers in a template. The 26-step procedure can be used either to generate a final text (by cutting and pasting in the templates), or to produce the necessary information for an initial invention disclosure to be handled afterwards by a patent attorney.

This paper is organized as follows. Section II briefly introduces the structure of a patent. The 26-step procedure is presented in section III. Some additional advice is given in section IV. Finally, Section V presents the conclusions.

II. THE STRUCTURE OF A PATENT

A patent is composed of four sections: Abstract, Invention description, figures and claims. The part that has legal value is the claim section, which can contain several claims. The scope of protection of a patent is given by the text of the claims

interpreted with the help of the invention description and the figures. Patents follow what is called the all element rule, which says that to infringe a patent a product has to have all elements listed in a single claim. For this reason, claims with fewer elements have a broader scope of protection. Conversely, claims with many elements have a narrow scope of protection and therefore are less valuable. As a first order approach, the value of a claim is inversely proportional to the number of words it contains. The four sections of a patent have to form a seamless ensemble. For this reason, next section presents a set of questions that help to contemplate all aspects to be covered in a patent as well as the relationship among the sections.

III. WRITING A PATENT IN 26 STEPS

This section describes how to generate the text of a patent using the method of questionnaire-based interview with the inventor. The writer/inventor has to complete 26 small steps to produce a patent text.

A. Step 1: Understand what you need to know

Read all the steps listed in this section, which presents a questionnaire interview with the inventor. Read all questions without answering them. This step serves to give an overview of what a person needs to understand before writing a patent.

1) Criteria for success

The writer achieves success in this step by creating a vision of all the issues involved in writing a patent. The inventor has to understand that the proposed questions are distinct and should have different responses, without repetition.

2) Criteria for failure

The writer fails in this step by not having an overview of all the issues involved or if he or she believes that there are questions that ask the same thing.

B. Step 2: Understand what is the novelty of the invention

In this step, the inventor has to read the questions 1-6 described below and focus on question 6. Question 1: What is the name of your invention? Question 2: What is the scope of this invention? (Where it applies, what are the potential customers?). Question 3: What problem the invention solves? Question 4: How the problem that the invention solves was solved earlier by other products or services? Or simply it was not solved? Question 5: In which ways the previously available solutions to the problem that the invention solves were not

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Keesee,2021-09 Intellectual Property IP is the bedrock on which the development of new treatments and cures is built IP is critical to improving patient care spurring economic growth and strengthening an innovation economy The biopharmaceutical industry is directly responsible for more than 850 000 jobs and a total of 4 4 million total jobs direct indirect and induced 7000 new medicines are in development around the world 4 500 industry sponsored clinical trials are currently underway 90% of all clinical trials are led by the biopharmaceutical industry 1 1 TRILLION DOLLARS total value of goods and services supported by the biopharmaceutical sector Biotech Stocks are on fire Potentially 100 s of new little biotech companies will develop new generations of medicines and medical devices while creating vast numbers of new millionaires The Biotech Gold Rush is On What are you waiting for **The Software IP Detective's Handbook** Bob Zeidman,2011-04-28 Intellectual property software plagiarism patents and copyrights are complicated subjects This book explains the key elements better than anything else I have seen I highly recommend it to anyone who develops software or needs to protect proprietary software algorithms and to all attorneys involved with IP litigation Capers Jones President Capers Jones Associates LLC Intellectual property is an engine of growth for our high tech world and a valuable commodity traded in its own right Bob Zeidman is a leading authority on software intellectual property and in this book he shares his expertise with us The book is comprehensive It contains clear explanations of many difficult subjects Business people who study it will learn how to protect their IP Lawyers will use it to understand the specifics of how software embodies IP Judges will cite it in their decisions on IP litigation Abraham Sofaer George P Shultz Senior Fellow in Foreign Policy and National Security Affairs Hoover Institution Stanford University The Definitive Software IP Guide for Developers Managers Entrepreneurs Attorneys and Consultants In The Software IP Detective s Handbook pioneering expert Bob Zeidman creator of CodeSuite the world s 1 software IP analysis tool thoroughly covers all technical and legal aspects of IP theft detection Using his rigorous framework and practical examples you can accurately determine whether software copying theft or infringement has occurred and fully support your findings in any venue This book will help you Understand the key concepts that underlie software IP analysis Compare and correlate source code for signs of theft or infringement Uncover signs of copying in object code when source code is inaccessible Track malware and third party code in applications Use software clean rooms to avoid IP infringement Understand IP issues associated with open source and DMCA Visit www.SAFEcorp.biz to download a free trial version of CodeSuite the 1 tool for detecting software copying *How to Write a Provisional Patent Application* Stephen J Kontos,2022-02-19 While it takes years to master the art of drafting patent applications author and experienced patent attorney Stephen J Kontos seeks to help inventors and entrepreneurs prepare and file their own US provisional patent applications to get to patent pending as quickly and inexpensively as possible Stephen developed these techniques over the course of his career drafting and filing over 500 patent applications for some of the world s largest and most innovative companies Now he present his technique in a plain English easy to understand format This book is for

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with myrtle and wilson swirl and reporters and other gossips prowl around the mansion looking for stories

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