

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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