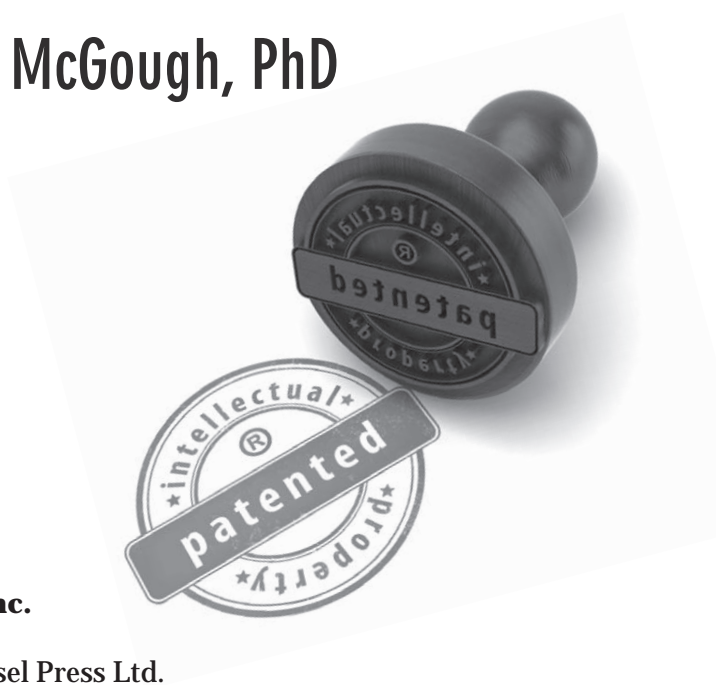


Great Invention! Now What?

Evaluate, patent, trademark,
and license your new invention

Dr. Charles B. McGough, PhD



Self-Counsel Press Inc.

(a subsidiary of)

International Self-Counsel Press Ltd.

USA Canada

Copyright © 2014 by Self-Counsel Press Inc.

All rights reserved.

No part of this book may be reproduced or transmitted in any form by any means — graphic, electronic, or mechanical — without permission in writing from the publisher, except by a reviewer who may quote brief passages in a review.

Printed in Canada.

First edition: 2014

Library of Congress Control Number: 2014941583

Self-Counsel Press Inc.

(a subsidiary of)

International Self-Counsel Press Ltd.

Bellingham, WA
USA

North Vancouver, BC
Canada



Contents

Notice to Readers	ix
Acknowledgments	xi
1 The Inventor's Yellow Brick Road	1
2 Who Are These Independent Inventors?	5
3 Evaluate Your Idea	1
1. Research Similar Products	11
2. Ask for Feedback	12
3. Be Honest with Yourself	13
4 Build a Working Model	15
1. If You Can't Build It, Ask for Help	16

5	Test, Test, Test	17
1.	Record Your Data	18
2.	Test Your Product	18
6	Estimate the Cost of Your New Product	21
1.	Calculate the Cost	22
2.	Reduce the Cost of Your Product	23
7	File Your Provisional Application for Patent	15
1.	Complete the Provisional Application for Patent	16
2.	Available Resources	18
8	Name Your Product and Apply for a Trademark	39
1.	Create a Great Name for Your Product	39
2.	Trademark the Name of Your Product	41
9	Identify Your Market and Find a Licensee	47
1.	Identify the Market for Your Product	48
2.	Send a Proposal Letter to Potential Licensees	48
10	File Your Nonprovisional Patent Application	53
1.	Apply for a Nonprovisional Utility Patent	55
1.1	Conduct a patent search	55
1.2	Elements of the nonprovisional application	56
1.3	Specification	58
1.4	Drawings	60
1.5	Filing fees	61
2.	Find a Patent Attorney or Patent Agent	61
11	Negotiate the License Agreement	75
1.	Prepare the Memorandum of Understanding	76
12	Don't Relax after Signing the Agreement	79
1.	You're Not Done Yet!	79
1.1	Improve your product	80
1.2	Monitor the competition	80

1.3 Support your licensee	80
1.4 Create more inventions	80
1.5 Avoid scams	80
Conclusion: Congratulations for a Job Well Done!	83
Download Kit	95

Samples

1. Provisional Application for Patent	30
2. Specification (Provisional Patent Application)	32
3. Certification of Micro Entity Status	37
4. Trademark Certificate of Registration	44
5. Proposal Letter	51
6. Utility Patent Application Transmittal (Nonprovisional Application)	64
7. Fee Transmittal	65
8. Declaration for Utility or Design Patent Application	66
9. Specification (Nonprovisional Patent Application)	68
10. Drawings	73
11. Approved Patent	85



Notice to Readers

Laws are constantly changing. Every effort is made to keep this publication as current as possible. However, the author, the publisher, and the vendor of this book make no representations or warranties regarding the outcome or the use to which the information in this book is put and are not assuming any liability for any claims, losses, or damages arising out of the use of this book. The reader should not rely on the author or the publisher of this book for any professional advice. Please be sure that you have the most recent edition.

Note: The fees quoted in this book are correct at the date of publication. However, fees are subject to change without notice. For current fees, please check with the appropriate government office nearest you.

Prices, commissions, fees, and other costs mentioned in the text or shown in samples in this book may not reflect real costs where you live. Inflation and other factors, including geography, can cause

the costs you might encounter to be much higher or even much lower than those we show. The dollar amounts shown are simply intended as representative examples.



Acknowledgments

I would like to thank my sweetheart, editorial critic, and wife (one and the same person!) for her invaluable assistance in the preparation of this little book. Liz's love of houseplants and travel was the motivation for my first commercial invention. Without her support and dedicated service as "nagger-in-chief," this book would never have been written.

A sincere shout-out to the SCP team — editors, Tanya Lee Howe and Eileen Velthuis; and Publisher and Editor-in-Chief, Kirk LaPointe — for their skillful and patient guidance throughout the publishing process.

CBM
Savannah, GA
June, 2014



1

The Inventor's Yellow Brick Road

This is an exciting time for inventors! On September 16, 2011, the *Leahy-Smith America Invents Act* (AIA) was signed into law. This act marks the first significant change to United States patent law in 60 years. Among its provisions, the new law allocates additional funds to the United States Patent and Trademark Office (USPTO) so it can hire more examiners to reduce its huge backlog of patent applications.

When President Barack Obama signed the bill into law, he said, "Somewhere in that stack of applications could be the next technological breakthrough, the next miracle drug. We should be making it easier and faster to turn new ideas into jobs."¹

Many Americans today have had at least one great idea for a new product. These ideas are inspired by work, hobbies, recreation, sports, TV, children, travel, medical experiences, or from

¹ "Obama signs 1st major patent law change since 1952," *The Colorado Springs Business Journal*, accessed May 27, 2014. <http://csbj.com/2011/09/16/obama-signs-1st-major-patent-law-change-since-1952/>

simply walking around and observing what people do and need in their everyday lives. Our country has, arguably, the most innovative and creative society in the world. We are a nation of problem solvers, and we solve many problems by inventing exciting new products.

This book was written to help the creative but inexperienced independent inventors who have ideas for new products for consumers and industries. These products may include ideas for new and better tools; board games; manufacturing fixtures; toys, computer games; garden items; athletic equipment; environmental products; hobby aids; apparel; kitchen items; auto accessories, cookware; holiday decorations; medical devices; electronic gadgets; agricultural or farm products; and dozens of other new inventions for work, play, and everyday living.

Although new product ideas will differ greatly, the fundamental steps necessary to evaluate, protect, and market them are quite similar. Depending on the idea, the details will vary in the application of these steps. The sequence and actions, however, will remain basically the same for all.

Many creative people ask: “I have this idea for a great new invention. But now what? How do I turn it into a successful new product?” New inventors are often afraid of explaining their products to others and then having their ideas stolen. These inventors have only a vague understanding of patents and trademarks. They don’t know if, when, or how to hire a patent attorney; and they don’t have a clue as to how they can successfully market their ideas.

Do not be intimidated. This little book will help you, the new independent inventor, to navigate your way step by step through this scary maze. It is designed to help inventors turn a great idea into a successful commercial product. However, as important as it is to protect an idea with a patent, there are other tasks in this book. The chapters will help you through the complex process of evaluating your idea, building and testing a working model, obtaining a trademark and patent and finally, finding a good licensee. The book will not force you to wade through a lot of nonessential verbiage, but rather it will help you stay focused like a laser beam on your true objective: To develop and make some money from your great new invention!

This book tells you not just what to do, but also exactly how to do it. It will help to guide you, chapter by chapter, down the inventor's yellow brick road to a successful commercial product. Some of you will make it all the way, while others may simply want the fun and satisfaction of getting the idea patented and trademarked.

Readers of this book will find the steps helpful for pursuing their ideas while minimizing money spent on patent attorneys. Patent attorneys typically charge \$200 to \$300 per hour, and the cost of having them fully prepare and obtain your patent may cost \$5,000 or more.

To work through the chapters in this book, you will require the following:

- Access to a computer with an Internet connection and browser (e.g., Chrome or Explorer) and search engine (e.g., Google), word processing software (e.g., Microsoft Word), and a good printer. You don't have to be a computer expert, but you should be able to use these tools.
- The ability to think and write clearly. This means you should be able to understand straightforward instructions and forms, and write in clear, plain English (not legalese or Pulitzer Prize-quality prose) to describe your idea and how it works.

If either of these requirements exceeds your comfort level, and you don't have someone to help you, consider enrolling in basic computer and business writing courses to improve your skills. After you have the basics, you will find it easier to proceed with this book.

If you're ready, let's begin your independent journey down the inventor's yellow brick road on the way to fame and fortune. Have fun!