

Having Unrealistic Expectations of the Patent Process Can Cost You! **By: Andrea Hence Evans, Esq.**

Inventors typically invent because they are solving a problem. If you are solving a problem, it is likely that another inventor is also trying to solve the same problem. There is an issue if someone has invented the same invention to solve the problem. The only way to determine if someone published or patented the invention prior to you is to conduct a prior art search and it is necessary to seek the help of a qualified patent attorney to conduct the search and help you to interpret the results.

Often, inventors have unrealistic expectations about their invention and the patent process. For example, inventors often confidently state that their invention is worth millions but they have no factual findings that back their invention's value. Also, inventors say their inventions are patentable because "they have never seen anything like it before." However, all inventions are not patentable and even if the invention is patentable, there is no guarantee that the invention is marketable or that the invention will make millions.

Although the patent process can seem complicated, a qualified patent attorney can help you to navigate the patent process to help to facilitate the patent prosecution process and to help you obtain the broadest allowable claims for your invention. After all, you're an inventor and you should be able to describe the invention so that someone could make or use the invention. The patent attorney's job is to draft a patent application that claims the invention so that the invention is novel, non-obvious and useful and solves a problem. Patent attorneys do not expect you to be fully versed on the patent process, but it cannot hurt you to become familiar with the process so that you have realistic expectations.

Having unrealistic expectations about the patent process and system can cost you unnecessary money. Most patent attorneys charge an initial fee for their consultations. To get the most value out of the consultation, it is beneficial to be prepared. If you conducted a search and you have questions about a prior art reference, the reference can be discussed during an initial consultation. Also, if you have prepared a description of the invention or if you have draft drawings or prototype, these can be discussed during the consultation. It is critical that the attorney understands the invention because they will draft a patent application based off of the inventor's interpretation of the invention. Once a patent application is filed, no new matter can be added to the application. You may jeopardize your rights by not having enough information in the application so that you can distinguish your invention from the prior art. It is critical to fully disclose the invention.

Simply put, the patent process can be complicated. However, having a qualified patent attorney on your team can help to simplify the process. Instead of worrying about the patent system, you can focus on what you do best – inventing!

Andrea Hence Evans, Esq. is the owner of intellectual property law practice, The Law Firm of Andrea Hence Evans, LLC. Prior to launching the Firm, Attorney Evans worked at the United States Patent and Trademark Office (USPTO) for approximately 5 years as both a Patent Examiner and a Trademark Examining Attorney after graduating from The George Washington Law School. She is a member of the Texas bar and the US Supreme Court Bar. She is also a registered Patent Attorney. The Firm currently represents independent inventors, entrepreneurs, small, medium, and Fortune 100 clients in multiple states and multiple countries with patent, trademark and copyright issues.

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