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### What any Entrepreneur should know about IP, Contracts, and Other Legal Issues: Part 3, Bob Hulse, Patent Application Process

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**Bob Hulse '96/'97** is an associate in the Intellectual Property Group of Fenwick & West LLP. His practice involves prosecuting patents in various technical fields, including electronics, computer software, telecommunications, business methods and medical devices.

Bob continued the patent discussion by clarifying the intricacies of the patent application process and talked about the timeline for a patent to issue. The process begins with the invention disclosure, filing of the patent, patent review by examiners and ultimately the patent issues. Bob said the process typically takes 40 months (for a US patent) from start to finish, but can be as long as ten years.

One section of the patent is the specifications. Specifications are the written description of your invention detailed enough to enable a skilled person to practice your invention. At the end of your patent are a number of claims. Claims are your property rights. Each claim is your attempt to define, in a single sentence, what you own.

A provisional patent preserves a patent for a year. They are not examined, are very quick to file, and benefit startups because they postpone payment while demonstrating the intent to protect the IP.



The inventor's role in the patent process is to meet with the patent attorney, complete the invention disclosure form, and review and approve the specifications and claims.

Bob ended by giving these tips for working with your patent attorney:

- disclose all known prior art; the more you tell you attorney up front the better,
- inventors need to carefully review patent drafts, and

Be sure to allow adequate lead-time before public disclosures or sales.

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