

The Importance of a Good Registered Patent Attorney



Filing a patent is a critical step when it comes to monetizing an idea. Therefore, who you select to file that on your behalf is an important decision. And as in any profession, there are some good ones, some bad ones, and a multitude of in between.

You can find really good registered patent attorneys at \$200 an hour and then find some that are really bad and charge \$600 an hour. More is not always better. Sometimes it's just more. Don't get taken in by the cover of the book either. A bigger office doesn't necessarily mean a better patent. It might just mean a bigger bill.

I have heard so many grievances over the years from inventors about the attorneys they worked with filing their patent. One of the most common complaints is about random invoices. A good attorney will give you a scope of the work and an estimate up front so you aren't caught off guard with random invoices/expense. When something is due or there is a notice from the patent office, a phone call or email should be sent (without time being charged for the notification) of what needs to be done.

Another common complaint is the time frame attorneys give the inventor to respond to USPTO inquiries. You, the inventor, should have the right to approve or not before you owe the money for an invoice you weren't expecting. I hate it when an attorney waits until right before a deadline to notify a client that the USPTO needs a response. That gives you no options other than to pay or be abandoned. <https://www.uspto.gov/>

Here's a list of some important points before you engage an attorney:

1. You may not be "the boss", but you are paying the bill. And that means you are owed a certain amount of respect. Don't work with someone that belittles you.

2. The attorney is NOT your partner. Some will use this line to make you think they are your friend. But that is not realistic or correct. The attorney is going to send you an invoice, and you are expected to pay it. A partner doesn't send you an invoice; he is usually sending you a check to invest in the business. An attorney is a service provider and you as the inventor are paying for that service.
3. Does he/she use a template for the Provisional Patent Application (PPA)? If so, find someone else. Patents are not one size fits all. Find someone who will treat your idea with the consideration it deserves.
4. Does he/she always notify you about when something needs to be done and of the cost BEFORE the billable time is generated? You always have the right to refuse the work they are going to do. If they proceed without your permission, that's not a quality attorney.
5. Is the Provisional Patent strong enough to be defended in court if it is challenged? If not, find a new attorney. If the patent is not written in a way that it can protect your idea, it's just a piece of paper.
6. If he/she says to still get a NDA (Nondisclosure agreement) signed before showing anyone, find a new attorney. The PPA or the pending patent filing should be strong enough to no longer need a NDA.

I have been working with inventors a long time. And it pains me to see so many good ideas never get anywhere because of mistakes that could have been avoided. So if your goal is to actually make some money on this endeavor, do it RIGHT! And take the time to find someone that will be working FOR you and doing a quality job on your behalf. Remember, every patent is an original piece of art, and a good patent attorney will write a patent that portrays that, without breaking the bank.