

It's A Wonderful Sock

How do seemingly trivial ideas get patents?

This week we have a great example: Patent # 8522366: *Sock Structure and Method for Use*. This patent was granted for a sock with a pocket attached to it.

At first glance, the objections seem clear. There is no reason to put a pocket on a sock. There is nothing new about pockets or socks. There is no great secret about how to put a pocket on a sock.

So how did this sock get a patent? For that answer we simply have to reverse the logic of the objections.

To get a patent, an invention needs to meet three requirements: Utility, Novelty and Not Obvious. Utility means that the invention is useful. Novelty means that it has not been done before. And "Not Obvious" means just that.

Meeting the Not Obvious requirement turns out to be pretty easy. The invention is a sock with a pocket attached. It isn't a patent for a sock, or a pocket, or even a process to attach the pocket to the sock. The patent is only for the sock and pocket combination. In terms of the Not Obvious requirement, if there is no reason to attach a pocket to a sock, then, almost by definition, it is not obvious why you should attach a pocket to a sock.

The argument for the Novelty requirement is even easier: if there is no reason to attach a pocket to a sock then the odds are pretty good that nobody ever attached a pocket to a sock. Therefore a sock with a pocket attached would be novel.

This leaves the Utility requirement. And it turns out that chemotherapy provides a reason to attach a pocket to a sock. About a third of the patients receiving chemotherapy are affected by a condition called "Hand-Foot Syndrome." The drugs used in chemo sometimes leak directly into the body instead of the blood stream and the body's reaction to this leakage is redness, pain, swelling and a sensation of heat in the hands and feet of the patient. The most effective treatment for Hand-Foot Syndrome is to put cold packs on the feet of the patient.

And our sock is designed to hold that cold pack in place.

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