

What's the Deal? The Basics of Reading a Patent

If you have an invention that is useful novel and not real obvious, the United States Government wants to make a deal. And that's the secret to reading a patent. Because underneath all the details, cross-references, incorporations, and legalese is a deal.

We all know the deal: share with the government how to make and use your invention and the government will grant you an exclusive right to use your invention for 20 years. Fortunately, it is not quite that simple. The United States Patent and Trademark Office issues approximately 5000 patents a week and to do that efficiently, a patent application has to meet specific requirements. And three of these requirements, Drawings, Enablement, and Claims are the key to reading a patent.

Always make the drawings your first stop. They show you exactly what the invention is and many times that is enough for your purpose. If the drawings are confusing, go to the Brief Description of the Drawings section to get your bearings.

Enablement is the term the USPTO uses for the description of how to make and use the invention. This information will be in the Summary and Detailed Description sections. The Summary will describe the purpose and operation of the invention. The Detailed Description is where the nuts and bolts (often literally) of the invention will be. The trick to reading these sections is to read for the concept instead of the details. While the details and legalese are important, they are intended for judges, not people. Once you learn to filter out the details, often in the form of lists, you will find concepts come through quickly. Even if you want to know the details, read for the concept first. The details are easier to digest in the second reading. If you are having trouble finding the concept, scan the Background section. This will often provide the missing context that helps make sense of things.

Finally, every patent has to include a least one claim. A claim is a specific statement of the circumstances that would infringe on the patent. This is where inventors tip their hand. Because an applicant pays for each claim, they will try to limit costs by focusing on what they believe are the important aspects of their invention. That tells you what makes the invention unique.

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