



The OKLAHOMA INVENTOR

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Hugh Wayman & his solar powered, automatic livestock feeder.

Necessity breeds invention, and farmers have plenty of need for new ideas these days. That was evident during the first-ever Inventors Challenge held during the 2006 Farm Progress Show in Amana, Iowa.

The contest drew entries from across the country. Judges chose 10 finalists who traveled to the show where visitors picked the winner. "We had lots of interest in the inventions. People all the time were coming through the area wanting to check out the inventions and find out more information about next year's competition," says Frank Holdmeyer, executive editor for Farm Progress Midwest publications.

Here is a rundown of the winners from this event.

Grand Prize: The Cap Zapper is a two-layer rubber mat that has a conductive layer that attaches to your fence. The bottom layer insulates you from a shock if you wear

rubber or vinyl-soled shoes. Inventors: Ron Franken and Herb Beck, both of Farmington, MO. Top prize was \$3,000.

Runner-Up: The Nifty Nailer allows you to load a staple-type nail and line up the fence wire. Hammer on the opposite end and you can nail the wire without putting your fingers at risk. Inventor: Norbert Foltz, Verdigre, Neb. Second prize was \$1,500.

Third Place: The Automatic Livestock Feeder uses solar power to charge a battery operating a timer that meters feed to cattle at specific times of day. Inventor: Hugh Wayman, Oklahoma City, OK. Third prize was \$750.

Each of the 10 finalists also received a stipend to defray their costs for attending the show. The event was sponsored by Rabobank.

The 2006 Farm Progress Show took place in Amana, Iowa from August 29-31. The 54th annual Farm Progress Show is set for August 28-30, 2007 in Decatur, Illinois. For more detailed information, visit www.FarmProgressShow.com.

Inventors Assistance Service **Spring 2007**

"The Invention Process" - March 31, 2007
Spring Workshop - May 12, 2007

"Ask an Engineer" Days during week of May 21, 2007

Contact Jill Nuckolls, IAS Office Manager
for more details
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PROVISIONAL PATENTS

by Bill Baker

Now that the Disclosure Document (DD) has been retired by the USPTO, the Provisional Patent Application (PPA) becomes more appealing for initially protecting your new idea.

Whereas the Disclosure Document didn't provide protection beyond an official record of your idea, the PPA does. From the recorded date of filing, the PPA provides 12 months of patent pending status before a full patent **must** be filed. This allows you some time for further development of your idea, and conducting market research* to determine if it's worth the time, effort, and expense to pursue a full patent with the objective of making and selling, or licensing it.

The PPA requires more information than the Disclosure Document, but less than a full patent, and the costs of each vary accordingly. The current cost of filing a Provisional Patent Application is \$100, whereas the filing fee for a full Utility patent is \$500. Preparing a Provisional is not as complex as a full Utility patent, and forms and information are provided in the OIC Members' Handbook (which comes with your initial membership dues). How much information you include in a Provisional may depend on how far along you are in the R & D stage of developing your idea, how much remains to be done before it's ready for production, and when you plan to follow up with a full utility patent. If your goal is to license your idea to a manufacturer for making and selling it, the full protection of an issued patent can be a strong selling point.

To someone just getting started in the invention process, the question usually arises, "Can I write my own patent application?", and the answer is, yes. And even the USPTO examiner can assist you in that process. But be aware that there is a tradeoff between saving money and getting the most intellectual property protection for your invention. If your invention idea is merely the improvement of an existing product, the scope of claims may be small; if it's exclusive new technology, the scope of claims may be broad.

Financially, retaining a patent professional to write and file your patent may not be an option, but if it is, you will do well to consider the benefits. The strength of a patent rests primarily on how well it is written, especially the Claims section – in fact, that's the heart of your protection. Minor grammatical errors and lack of highly definitive words in the rest of the patent application can be overlooked by the examiner, and the courts in cases of litigation. But those same errors or weak or missing words needed to define

your claims ***fully and precisely*** in the Claims section can lead to the invalidation of part, or all of a patent, once granted and issued, if challenged. This is where patent professionals really earn their money.

A second role of the patent professional that can pay dividends is in counseling you regarding the additional intellectual property protection of trademarks and copyrights. Typically, patents dominate the thought of the new inventor. However, depending on the nature of your invention and its exclusivity, a trademark or copyright may provide a greater return on your investment than just a patent alone.

For instance, the maximum exclusive protection of a utility patent is twenty years; a trademark may be valid as long as the product is produced and marketed – example: Coca Cola® (in force over 100 years). A copyright may be valid for up to 125 years. After five years of continuous and uncontested presence in the marketplace, a declaration may be filed to declare a trademark incontestable. So trademarks and copyrights offer longer protection, and in some cases, may even provide higher royalty payments as well. Here, too, a patent professional can not only provide counsel, but negotiate for you, in maximizing your intellectual property protection and licensing your product.

Patents, trademarks, and copyrights are separate and distinct, and convey individual forms of intellectual property. Accordingly, each may be negotiated separately for sale or licensing rights.

* ***Credible*** market research can indicate whether the intended market for your product is interested in buying your product. It can also indicate whether you might make more money from its sale than you spend getting it into the marketplace. Instructions for conducting a market research survey are included in the OIC Members' Handbook.

Our thanks to OIC member and Patent Attorney Bill Dorman (Dorman & Gilbert), Tulsa for reviewing the articles which appear on this and the following page.

Jay Martin, a former member of OIC and also founder and VP of Research & Development at Martin Bionics of Oklahoma City was awarded one of 5 Oklahoma Nanotechnology Applications Projects (ONAP). The award is worth \$250,000. Martin Bionics focuses on "state of the art" research in the field of prosthetics and the commercialization of new prosthesis innovations. Their research is focused on adaptive computer controlled prosthetics, neural integration, man/machine interface strategies, and the development of a superhydrophobic nanoparticle material to be applied to various prosthetics products. It is expected that this nanomaterial application will dramatically improve quality of life for many amputees.

NON DISCLOSURE AGREEMENTS

by Bill Baker

A Non-Disclosure agreement or confidentiality agreement is not to be confused with a Disclosure Document, the latter having been discontinued by the United States Patent and Trademark Office while the former is a potential agreement between an inventor and a third party.

The primary function of the Non-Disclosure Agreement is to restrict any trade secrets revealed, to the immediate parties involved on a need-to-know basis. The prime objective of this document is to legally obligate the party to whom the trade secrets are revealed, to negotiate a mutually satisfactory agreement with the inventor before using and/or profiting from, the trade secrets.

In most cases, before presenting your invention to anyone interested in, or capable of, making and selling your invention idea, it is wise to protect your trade secrets with a Non-Disclosure Agreement. Filing a Provisional, or even a Utility Patent, alone, does not fully protect you unless and until the patent is granted and issued. Without a signed Non-Disclosure Agreement, if your patent application isn't approved, and you've revealed it to someone capable of making it and selling it, you have no legal protection of your trade secrets.

Sample Non-Disclosure agreement forms are included in the OIC Members' Handbook. They can be readily customized to fit virtually any appropriate situation.

Large firms commonly have their own Disclosure Agreement forms, and you should know that these are usually designed and worded to protect *them*, not you. In some, there are statements to the effect that if you change any part of their form, it becomes invalid. However, in one case, your editor scratched through one short clause that was unacceptable, and, after allowing time for the form to be delivered, called to explain. The company's representative was very cooperative, and accepted the change.

In these documents, the concern of large companies is to protect any new technology that might be currently in development within their own organization that isn't patent protected, and may bear some similarity to your invention. In other words, they don't want to risk your taking them to court at some point in the future if you are both working on similar concepts at the same time.

Generally, small production companies don't have R & D activities and staffs, so they are more receptive to signing a reasonably simple Disclosure Agreement form that doesn't contain a lot of legal terms and conditions.

In both large and small companies, reluctance in dealing with individual inventors is common. They are far more comfortable in dealing with other companies, rather than individuals. And, the more business-like you are in your dealings with them, at least in your initial meeting, the better your chances are of a successful outcome.

A NEW SEARCH TOOL

Gary Polson announces Google has a new patent search tool that is GREAT. It doesn't need a Tiff viewer. And if you click on "drawing" at top left when it shows you the patent, you will see the actual image pages and it highlights your search words. Google Patents reportedly covers US patents back to 1790. Google Patent Search: <http://www.google.com/patents>.

Suzanne Holcombe, PTL Librarian still recommends class/subclass preliminary searching at www.USPTO.gov. For an appointment call 405-744-6546.

TAX RECORDS

Now that we're in the income tax season, you should be aware of the need to save your receipts for expenditures on materials and services bought for the purpose of researching, developing, and commercializing your invention idea. These also include vehicle mileage driven for that same purpose. If you have an office (even in your home) or shop in which you work toward that same objective, your expenses (utilities, insurance, etc.) may be prorated according to the amount of use in connection with pursuing the development of your idea.

Legitimate business expenses reduce your taxable income dollar-for-dollar as opposed to what you list under miscellaneous expenses, which allow a deduction of only one-third of each dollar spent. Check with your tax accountant for the details, because you need to have *complete* and *accurate* records to qualify for using the business deduction.

Leo Byford, owner of Environmental Toxins Solutions Inc. of Tulsa, and a member of OIC, will be honored for Laura's Mix during the Journal Record's INNOVATOR of the YEAR Awards Banquet on April 5, 2007 in Tulsa. The "On the Brink" award is for Laura's Mix (Patent Pending) which is the first ever designed permanent solution for remediation of super fund sites.

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OIC RENEWAL OF MEMBERSHIP

Dues - \$15.00 - Payable to OIC
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MONTHLY MEETINGS

McALESTER CHAPTER

(Currently inactive)

Further information and a handbook is available by
contacting: Karl Scifres (918) 426-0940

OKLAHOMA CITY CHAPTER

Time: 4th Tuesday, 6-9 p.m. (dinner meeting)
Place: Oklahoma Station BBQ
4331 NW 50th St (East of Meridian)
Contact: Alan Beaty (405) 664-6768
abeaty@oktrooper.com

OIC NEW MEMBERSHIP

Dues - \$25.00 - Payable to OIC - Includes OIC Member Handbook
New applications are available at www.oklahomainventors.com
(click on application tab)

STILLWATER CHAPTER

(Currently inactive)

Further information is available by contacting:
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OSU Patent Librarian (405) 744-6546
Inventors Assistance Service (405) 744-8727
IAS (toll-free) 1-877-577-7632

TULSA CHAPTER

Time: 2nd Tuesday, 6- 9 p.m.
Place: Golden Corral, 9711 East 71st Street (71st & Mingo)
Contact: Jim Quintus (918) 274-1037
William Stone (918) 698-1770