

Patents

What is a patent?

A patent is a right granted to an inventor that permits the inventor to exclude others from making, selling or using the invention for a given period of time. In the United States, patents are granted by the U.S. Patent and Trademark Office (USPTO). Congress was given the power to grant patents in the Constitution, and federal statutes and rules govern patents. (Foreign nations also grant patents; see our page on international protections.)

Patents protect tangible inventions, such as circuit boards, car engines, heating coils, or zippers. But they can also protect inventions that aren't touchable, such as coding algorithms, business and surgical methods, and genetically modified organisms.

Your big ideas need shrewd guidance and sound protection

Patent law is in a constant state of change, as it evolves with the technology it protects. Olive & Olive works directly with the Patent Office-and our attorneys are up-to-date on all the latest legal and regulatory developments that can affect your bottom line.

We work with a comprehensive range of scientific and industrial technologies including:

- biotechnology,
- microelectronics and chip manufacture, software

- electronics and robotics
- pharmaceuticals, medical and surgical devices
- optical devices from lasers to lighting
- textiles
- "green" products and waste management
- mechanical devices ranging from boat components to packaging machines
- financial and investment products,
- new business methods in these and other areas

How do I obtain a patent?

Unlike a copyright, a patent does not take effect automatically. You must apply for a patent within one year of publicly disclosing your invention-disclosure such as publishing a description of your invention or offering it for sale. (Even delaying for that year can result in loss of your invention, if someone unrelated to you comes up with the same idea and seeks a patent before you do.)

Patent law is complicated-yes, you need an attorney

A patent application must strictly adhere to government requirements. It must fully and completely disclose your invention. It must describe the best way to use your invention. It must have appropriate drawings. And, it must properly claim your invention. You have to pay government fees starting when you file your patent application and continuing even after you receive your patent. If everything isn't done correctly, you may get less protection than you deserve, may not get any protection or may get a patent that won't stand up when challenged. Nobody can guarantee that your invention deserves or will receive a patent-but failing to use a patent attorney would be similar to operating on yourself. It might work for something really simple, but even then, it's usually a bad idea.

What is patent infringement?

If you think someone has used your patented invention without permission, you may bring a lawsuit against the infringer. If the court agrees, it may award you costs, attorney's fees, damages and an injunction (an order prohibiting another person from infringing your patent).

Why choose Olive & Olive for your patent work?

The patent attorneys and professionals at Olive & Olive help you transform your great ideas into tangible rights. Our patent practice incorporates patentability searches, patent applications, and patent prosecution both in the United States and overseas. We combine our scientific know-how with our decades of experience in crafting patent applications. We use the experience of our litigation practice to help us write patents that are more likely to stand up to challenges. Finally, we help you keep grounded from a business perspective so that you use your resources where they will be most effective.

High-powered business strategies to commercialize your patents

Patents are assets. We work with you to develop business strategies and commercialize your inventions—for example, deciding what should be protected as trade secret and what should be patented.

Our expert patent attorneys and highly-trained professionals are with you throughout every step of the patent process:

1. **Patent Search to determine if your invention is patentable.** You cannot get a patent if your invention has already been publicly disclosed. If you are not experienced at performing patent searches, you owe it to yourself to work with a registered attorney. Moreover, a search of foreign patents and printed publications should also be conducted.
2. **Filing your patent—"Patent Prosecution."** Your Olive & Olive attorney is an experienced patent "prosecutor," skilled in the process of writing and filing a patent application and pursuing protection

for your patent application with the Patent Office. Your attorney also understands the technology that underlies your invention. Patent prosecution lawyers must not only be licensed to practice law but also registered to practice in front of the Patent Office. That requires scientific expertise, and all of our patent lawyers are programmers, scientists, engineers, chemists, or other technical specialists.

3. **Protecting your patent—"Patent Litigation."** If you are looking for a lawyer to sue another party for violating your patent rights, you are looking for a patent litigator. The patent litigators at Olive & Olive will understand your invention, understand how the Patent Office works, and appreciate why your invention was entitled to protection. Equally important, they can explain both the technical and legal aspects of your patent, in plain English, to a judge and jury.

4. **Olive & Olive-Patents with a Global Perspective.** Olive & Olive has the experience to manage patent portfolios from a global perspective. Our ability to represent companies across the globe provides our clients with both significant legal and competitive advantages and exemplifies the value we bring to our clients.

Our patent practice incorporates patentability searches, patent applications, and patent prosecution both in the United States and overseas. We can enter the international filing system directly in the United States, triggering virtually worldwide patent protection in a single application. In addition, Olive & Olive works closely with a network of foreign colleagues, carefully selected and developed over the past six decades.

Outstanding companies all have one thing in common-innovative products and services. Leading companies turn to Olive & Olive because we have the scientific, legal, and business know-how to help our clients strategically develop strong, innovative, and enforceable patent portfolios that serve as the foundation of their business.