

URL: <https://stvp.stanford.edu/blog/videos/what-is-patentable>

Jeffrey Schox, a patent attorney and lecturer at Stanford University, discusses the best way to describe your unique invention to get a patent application approved. The U.S. Patent and Trademark Office approves 60 to 70 percent of applications, and an ideal description for an invention is about 200 words and could outline a handful of steps, according to Schox.



## Transcript

(crowd murmuring) - Let's move on to, what is patentable? This right here is a clicker.. It's a presentation clicker.. It could be described in one word, clicker, but if you're actually to ship this CAD file it's probably one megabyte.. If we were to try to describe every single one of these ridges, all of this color, the chip, the firmware, the springs, the LED lights, every single thing about this it'd probably take about a million words.. I could describe it in one word or I could describe it in a million words, but it's the same thing.. We're thinking about this and we're trying to say, alright well let's file a patent on this clicker.. If I were to go to the patent office and say, alright I want a patent on a clicker, period.. The patent office would just laugh.. The clickers have been around for awhile.. Presentation clickers have been around for awhile..

And so there would be a 0% chance that you would actually get that.. If we were to somehow to convince the patent office that we should be able to get a patent on a clicker, period.. It would however be incredibly valuable.. Every single clicker that was made after this point would infringe and when it infringes maybe we take one or two dollars each.. That would add up to be a decent amount of money.. On the other end of the spectrum, let's go to the million word version.. I got to the patent office and I say, I want a patent on this exact thing.. And those million words describe every single radius, every single material, every single thing about this.. And the patent office says, yeah we've never seen that before go ahead and take it.. Almost 100% chance of getting that patent, but the value of that patent would be close to zero..

As a competitor, maybe you make 26 ridges instead of 27 and no one even knows the difference, or maybe, it's a slightly different software embedded inside of here or a slightly different arrangement of some of these buttons.. And you've now gotten around it.. What I'm trying to describe here is this concept of abstraction.. And this is incredibly important in patent law.. That we could on one of the spectrum say that this is just a clicker.. One word, there would be 0% chance of getting it, but an enormous value.. Now the other end of the spectrum is the million words that describe every single thing about this.. 100% chance of getting it thought the patent office, absolutely zero value whatsoever.. In an ideal world, an ideal patent application you're going forward with probably about 200 words.. And those 200 words are hopefully going after something that is incredibly valuable to you and to your customers..

And those 200 words are sometimes hard to pick.. You got a million to choose from.. So how are we going to choose those 200 words that we're going to move forward with? Unless you could think of it as like a paragraph or you could think of it as maybe five bullet points in some kind of PowerPoint presentation.. And those five things might be something on the order of this isn't my favorite clicker, but my favorite clicker has, you could push in the back where the little remote fob kind of pops out.. There is no on/off switch on the exterior.. The on/off switch is actually embedded inside it.. And it's pretty cool because when you take the remote out and you plug it in to your laptop.. It turns on.. And when you take the little remote out of your laptop and plug it back in it turns off.. And so it's always on when you need it and it's always off when you don't need it..

And maybe the patent on that says, hey this is a presentation clicker or remote presentation clicker.. It's got a body.. On the top surface of that body there are a few buttons.. And those buttons communicate with a transmitter.. And that transmitter communicates with a little remote fob.. The remote fob has a cavity that it slips into in the body.. There's a switch at the end of that cavity and when the fob is inserted into the cavity the entire device turns off and when it's removed it turns on.. And then there's a transmitter and receiver inside the little remote.. And of course, a connector to connect into some kind of computer.. I didn't do a great job with this, but it is roughly about 200 words..

And so, keep in mind this isn't a clicker, period.. And it's not a million words, period.. It's about 200.. The hope though is that of those, that we picked 200 words that are gonna go through the patent office.. The patent office looks at this and says, I've never seen that combination before.. I've never seen a combination of a body and buttons, and a cavity, and a remote fob, and it slides in and a switch and it turns off and it turns on.. And right on the side, right on the box which we're actually trying to ship this thing, we actually talk about this.. Always on when you need it technology or whatever it is.. And so this is something that we hope to be able to sell at some kind of premium.. And so the company has figured this out, the marketing folks has figured this out, and now the patent attorney hopefully knows these are the 200 words that are actually super important to go after..

What's the percent chance that we get that patent? It's about 60 or 70% chance.. Which ends up being about the national average and when you walk into the patent office with a decent idea.. That's somewhere around the order of a 60 or 70% chance.. Great, we have a 60 or 70% chance of getting something.. It's not 0% chance, not the clicker.. It's not 100, it's not a million words, but it's a 60, 70% chance of getting that combination right there that happens to be super important to the company.. That right there is what we think about when we think about what is patentable and what might (mumbles) go after.. Kind of this meaty part.. Kind of in the abstraction pyramid that is valuable and patentable.. And again, this is about a paragraph long and it's about four or five steps or four or five different components of a device...