

Legal Hacks for Creators, Inventors and Entrepreneurs

Issue 4, September 2022

Welcome back to my very short and informal newsletter, sharing a bit of what I find interesting, quirky, or just fun about Intellectual Property Law and Patents. I publish this once a month or so to share with you at least one idea that I think you will find both engaging and useful.



#1: Seven Rookie Errors You Can't Afford to Make When Selling Your Technology

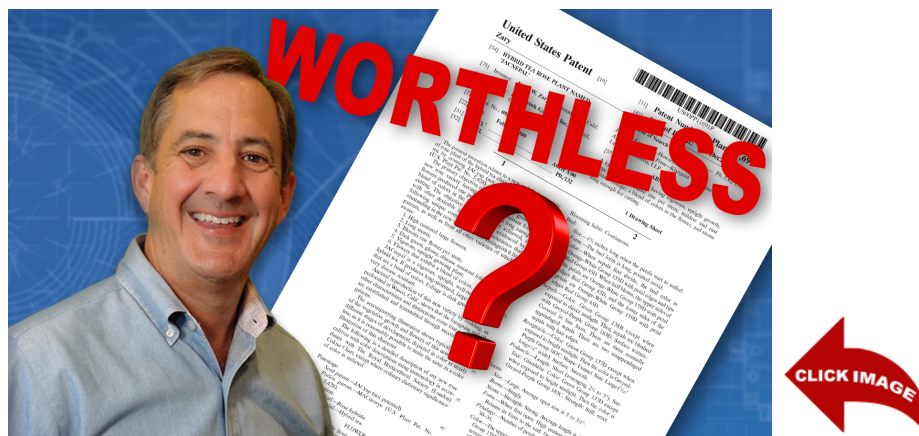
I had a new client come in a few weeks ago with a botched-up technology contract. It was a Pandemic Deal and the CEO decided with the extra time during lockdown to internet-download and negotiate their own contract. The negotiation between the parties no doubt was great, but the form contract they started with was not. The client was selling machine parts using an internet form agreement originally written for hiring a software contractor.

With the changing circumstances of COVID, the deal went sideways (obviously, since the client has decided to find a lawyer) and attorneys for both sides are trying to unpack the term sheet to figure out what was intended during happier times. This is reminiscent of a law school contracts final where the professor jams improbably odd issues into a single exam hypothetical to test the students' commitment to paying next semester's tuition.

Inspired by the conundrum of the client's contract, I decided to post a YouTube [video](#) in which I discuss some of the biggest missteps made when signing an IP contract. There are others, but these are so basic and potentially so damaging that you only make these mistakes once, and so I refer to these seven as Rookie Errors.

Lawyer warning: Before you jump to the video and especially if you are the client who made me smile with your labyrinthian license, please be advised that this video is purely fictitious and any similarities or likenesses to people (especially you), facts or circumstances to those described or depicted herein are purely coincidental. Otherwise, if you are not the client, enjoy!

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#2: 21 Signs that a Patent is Likely to be Strong and Defensible

I will be the first to admit that patents can be difficult to read. Some are mind-numbingly detailed requiring an espresso I.V. drip to avoid smashing your nose on the desk, while others contain paragraphs that seem to be pure techno gibberish with a sprinkling of Greek acronyms – to account for the unlikely chance the reader might be understanding too much of the gibberish.

Yet with their many shortcomings, most patents are incredibly interesting and informative. Each represents a small sliver of the sum of human knowledge and importantly for an instant in time (20 years from filing) the patent grants an exclusionary monopoly to the inventor to stop others from making, using, or selling the described and claimed invention.

Importantly, there is a huge quality disparity among patents. A well written, well claimed patent can provide strong, nearly impenetrable protection for its owner, while a poorly drafted or poorly organized patent can be completely worthless. Although an experienced patent attorney can easily spot the difference, it can be extremely difficult for the average reader or patent owner to know whether their patent is gold or rubbish. The difference is important if you are planning to enforce your patent, or in the market to buy someone else's.

This [video](#) looks at 21 or so of my favorite telltale signs of a really strong patent. Most of these checklist items are super-easy to spot and can be identified with a simple inspection. If you own patents, check this list against yours and see how you come out. If you have some other suggestions for signals of a strong patent, please leave them in the comment section after the video; we would all love to learn from your ideas.

Thank you for reading, watching, “liking” and subscribing – it does make a difference as YouTube will then serve these videos to others who are looking for them. Have a wonderful and creative month.

Warm wishes,

-john

P.S. if you've missed the previous issues, [click here and read them all!](#)

John Ferrell is a founder and patent attorney at the Silicon Valley law firm of Carr & Ferrell. The author of two books and a growing YouTube channel on Intellectual Property, John's passion for creating and protecting patent monopolies is reflected in his representation of many of the world's most important companies and inventors - some 5,000 so far. Founded in 1992, Carr & Ferrell has filed more than 10,000 patent applications covering nearly every imaginable technology. John is admitted to practice in California; in numerous Federal jurisdictions, including before the Supreme Court of the United States; and in the U.S. Patent and Trademark Office.

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