

Thomas Edison is considered one of the greatest U.S. inventors. Having inventions in several areas, Edison had many encounters with the U.S. government. These encounters were beneficial to both sides. The U.S. government gained recognition as the country responsible for the new invention and reap benefits from the technological advances. Meanwhile, Edison was able to complete the arduous process known as the legal patent system and obtain a patent that allowed him to claim rights to his invention in addition to preventing others from creating generics. Patents are government licenses that give the inventor market exclusivity over the new invention. Having sole rights and exclusivity over an invention has enormous benefits, including economic rewards and a monopoly for a limited time. Inventors turn to patents to profit from the long hours and unmeasurable effort and devotion necessary to create something worthy of a patent. Although gaining a patent is time-consuming, the rewards are enough to persuade many to go through it. The legal patent system in the United States contains many steps that require dedication and careful thinking. A patent attorney, my expectant future career, is responsible for helping inventors and walking them through the government process in hopes of obtaining a patent for the efforts.

The patent process is a situation that requires a long interaction with the U.S. government, more specifically, the United States Patent and Trademark Office (USPTO). According to the USPTO, the first step of the patent process is “Get ready to apply.” This step consists of the inventor considering what type of intellectual property protection and what kind of patent is needed, among other details, including whether the inventor needs a patent attorney or if going pro se is best. Pro se means for oneself; in other words, the inventor bypasses an attorney and represents oneself. This is incredibly difficult to do without knowledge of the patent proceedings and can make the encounter with the government less effective and straightforward.

It is essential to file an application as quickly as possible as patents are not given to those who have the idea first but rather to the first to file with the USPTO. The second step is filing the application through the USPTO. The application requires a description of the invention, examples of how it is used, and illustrations. Submitting the application can be done online, and after it is verified by the USPTO that it is complete and without informalities, the attorney will take over the process in the inventor's stead. The third step is application prosecution, which is done by the registered patent attorney or the pro se inventor. The application prosecution step consists of a back-and-forth procession between the attorney and a USPTO examiner with training in the invention field. The USPTO examiner determines whether the application meets the legal requirements for a patent and delivers an office action. The attorney representing the inventor can respond by submitting arguments and amending claims to refute any rejections given by the USPTO examiner. This cycle continues until either the inventor retracts the application or a Notice of Allowance is delivered by the USPTO. A Notice of Allowance is a document sent to the inventor after the request for a patent has been approved. Receiving a patent gives the inventor the rights to the invention and a monopoly over it for twenty years. Of course, the patent is valid only if maintenance fees are paid by the dates required. The process of obtaining a patent tends to take twenty-two months, which is quite a long time. However, the impact of the government process on the inventor can be alleviated with the aid of an attorney, leading to all-around benefits to the inventor, the attorney, and even the citizens of the United States.

The outcome of the patent process for those involved is essential to the development of the United States. For the inventor, market exclusivity provided by the patent is a crucial incentive for the creation of new inventions. Without patents and the government process,

companies would be highly unlikely to invest as there would not be a guarantee of return or profit. Therefore, patent protection through the government is critical for the advancement of society since, with patent protection, improved innovation would follow. Without the USPTO, there would be harmful consequences for inventors as well as society. Inventors would lose the incentive to keep innovating, and citizens of the U.S. would experience the effects of a society with reduced innovation. The role of the patent attorney representing the inventor is to make the patent process run as efficiently and quickly as possible. The attorney takes on the burden of the patent process for the inventor, and in a perfect world, the lawyer is the voice of the inventor, ensuring there are no misunderstandings pertaining to the invention. However, scientists and lawyers do not always communicate successfully due to the lack of understanding between the two fields. The consequences of this can lead to longer processes or perhaps a patent without the full protection of the invention, which brings costly harm to the inventor and society. This disparity is one I aspire to mend, and that is why I am studying mechanical engineering before I attend law school. The consequences of ineffective representation are devastating, and it allows recognition and rewards that should flow to the inventor to dissipate. Citizens are harmed due to the delay of great technology and, in select cases, underdeveloped generics that are pushed out to the public without proper research or proper U.S. vetting. The USPTO process is highly beneficial but likewise can have results that aren't satisfactory if approached incorrectly. Excellent communication and good knowledge of proceedings are vital to seamless interaction with the government. In addition, it is crucial to keep up with the changes in the patent process.

The patent system is constantly evolving, and as a result, so is the relationship between the government and inventors. From 1790 to 1880, the USPTO only required documentation and a three-dimensional model for a patent. At present, the process is different and still progressing

due to government regulation and new patent office rules and policies. Increased government involvement has facilitated a shift in the dynamic of the patent process. New statutes passed by Congress arguably have the greatest effect on the system. For example, the America Invents Act implemented the first-inventor-to-file phenomenon as well as inter partes review process (IPR). IPR is a trial that challenges the validity of an issued patent. The act has led to a more competitive process and patents becoming more challengeable. Another form of government involvement is new court opinions. In recent years, the patent system has seen a rise in Supreme Court involvement credited to the public sentiment that patents are too powerful and quality has diminished, and the SCOTUS decisions aim to mitigate these issues. With the more active government role, government reliance and authority have increased within the patent system. This change in the relationship has led to patents being harder to obtain and more easily challenged when it concerns validity. However, this change isn't necessarily a bad development, as patents deemed valid have become increasingly more valuable due to the Octane Fitness and Halo SCOTUS cases, which cracked down on baseless claims and awarded enhanced damages for patent infringement, respectively. Therefore, the dynamic change can't be condensed to being good or bad as pros and cons coexist.

The interaction between citizens and the government for a patent is unavoidable; however, it isn't a bad one. When done correctly, the results will greatly reward both parties. Even though the patent procedure is long, demanding, and constantly transforming, inventors continue to undertake the process as a patent is the most fulfilling and satisfactory prize for the inventor's hard work. One thing remains unchanged despite the many modifications to the system and increased government involvement, and that is the government's role in ensuring appropriate justice for the quality of the invention.

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