

Protecting the patent: Sequim attorney strives to secure inventors' rights

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Patent attorney Jacques Dulin waxes poetic about patent law, the vehicle through which ideas can be protected.

"A patent is a very limited monopoly," explained Dulin, owner of Innovation Law Group Ltd. in Sequim. "In exchange for disclosing sufficient detail for a person of average skills to be able to make and use the device, you get 20 years from the date of filing to make and sell your invention."

Patenting an idea was one of the main concepts that differentiated the United States from Europe when the founding fathers wrote the Constitution. In Europe, only land and other property could be owned. When the United States was formed, the founding fathers added "ideas" to that list, in Article 1, Section 8, Clause 8 of the United States Constitution:

"The Congress shall have power ... to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Since the writing of the Constitution, many countries, most recently China, have copied or adapted U.S. patent law to enable similar protection of ideas.

Dulin explained that what he loves about patent law is that it requires him to use his

background as a physics, biology and chemistry teacher, his love of the creative process and his law degree. Before opening his private law practice, he worked at the Patent Office in Washington, D.C., and was law clerk and technical advisor to Judge Martin of the Federal Patent Court, where he heard more than 400 oral arguments and wrote more than 90 opinions about patents. He has written more than 350 patents since becoming a patent attorney.

"A patent attorney has to be a technical writer, with the ability to express an idea, know the patent rules, present evidence to persuade the patent office that the idea is non-obvious, and focus on the types of claims that might be made against approval of the idea, to prove that it is new," said Dulin. "I write to multiple audiences—for the patent examiner, potential licensees, patent infringers, judges and juries who might have to review the work at a later date."

Dulin draws an analogy between a barnyard and patent law.

"There are seven factors in bringing an idea to fruition," said Dulin.

"The seed is the idea. The soil is the market in which the idea must grow. The fertilizer is the investors, the venture capital. Farmers are the managers who bring the idea to market, the water is the sweat. Isn't it interesting that those who work the hardest seem to be the luckiest?" he joked. "The

fence is the legal protection required to keep the idea safe, and the weather is the competitive climate, often unpredictable." He sees his part in this barnyard play as that of gatekeeper and fence builder, with the job of clearly delineating who owns what and where legal lines are drawn.

Dulin and his wife Jana moved to Sequim from California in January, and he opened his office at 271 S. Seventh Ave. in Sequim in July, offering legal services in patent, copyright and intellectual property law. Although his business is completely electronic and can be conducted from anywhere via e-mail, he has been pleasantly surprised by the interest and innovative nature of Sequim residents.

In response to the many requests he received from people wanting to learn more about how to "transform their ideas into business assets," (Dulin's trademarked slogan), in September he formed Venture, the Olympic Peninsula Inventors Club, a forum in which inventors and entrepreneurs can network and learn the how-to of protecting their ideas through patents. Future meetings planned to date are from 6-8 p.m. on Thursday, Oct. 24 at the Sequim Library, "Overview of the Patent Process," and Nov. 14, "Trademarks."

For more information about Dulin's Innovation Law Group Ltd., call 681-7305, or for the Inventors Club, call 681-7304.