

Author Topic: **HOW DOES A SMALL ENTITY FIND REPRESENTATION?** (Read 1469 times)

Intellectual Property Forum > Patents > Patent Litigation >

HOW DOES A SMALL ENTITY FIND REPRESENTATION?

(Moderators: Forum Admin, JimIvey, JSonnabend)

Pages: [1] 2,3,& 4 added below (& reproduced for educational purposes only from an earlier saved version originated in a popular INet legal forum.

Author Topic: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

(Read 545 times)

(Anon.)

Newbie

Posts: 4

« on: 11-16-09 at 02:32 pm »

Hello Everyone,

I am new here, and although I've spent considerable time searching the threads to find information regarding my situation, I was unable to find any answers. So, forgive me if I am asking a question that's already been answered someplace else.

Here is a brief rundown of my situation: I am a small company that holds a single patent. I was represented by a firm as a plaintiff in a patent infringement case that was filed in 2007. Upon not being able to find a corporate entity (which ultimately did exist) for the defendant, my litigator was convinced from day one that there weren't any substantial revenues to be recovered, but went ahead and filed the case anyways because we had already entered into an agreement with the firm. After speaking with opposing counsel, our litigator told us the defendant didn't have any money, based upon their counsels "word" only. Repeated attempts were made to get tax returns (promised), etc, to verify revenues, none of which was ever supplied. Ultimately the defendants filed for dismissal or venue transfer, based upon their business structure. In final briefs on the improper venue motion, my counsel did not inform the court that the defendants were actually an LLC and therefore venue was proper. The judge dismissed the case without prejudice based upon improper venue. Simultaneously to filing the venue motion, the defendants were granted an ex-parte reexamination of our patent. Our firm withdrew from the case, and we waited out the results of the reexamination for over a year. Our patent was 100% confirmed in the reexam, all of the claims are intact.

The problem now is, that I am having tremendous difficulty in finding a firm to re-file my case. I have a list of at least a dozen other infringers, in addition to the original defendant. By the way, the original defendant was named as a co-defendant in subsequent patent infringement litigation to our case, of which they took a licensing agreement with the plaintiff. (even though had they stuck it out, that litigation resulted in

a win for the other defendants) Interesting how my litigator believed the defendant when they threatened to go bankrupt before they would pay a dime in either case. I feel if my counsel would have stuck it out, I would be the beneficiary of a licensing agreement. It was apparent that my firm was looking to get the fruit from the low lying branches, and when that wasn't evident, they wanted to bail out.

Does anyone know how I can find someone to go after this company, even though their revenues may only be several million dollars annually? However, I truly don't know what their revenues are, as my counsel never filed a single discovery motion in the case or received promised tax returns. Is there a list of firms somewhere on the web of patent firms that focus primarily on contingency cases? I have been able to find a few and I am in the process of talking with them. Am I destined to fail because my infringers are only making (if so) a few million bucks, rather than 10's of millions of dollars, or is there someplace I can turn to in order to get relief?

I would greatly appreciate any thoughts or suggestions from anyone. I can also provide additional information regarding infringers, etc.

Thanks - anon. (name later withheld by request)

« Last Edit: 11-16-09 at 03:21 pm by Anon.»

Logged

JimIvey
Forum Moderator
Lead Member

Posts: 3401

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #1** on: 11-16-09 at 02:46 pm »

What state are you in? I mean amongst the United States, not as in emotional state. I suppose even more important is the state you'd hope to sue in. You'll need someone authorized to practice law in that state.

Regards.

Logged

--

James D. Ivey
Law Offices of James D. Ivey
<http://www.iveylaw.com>

(Anon.)
Newbie

Posts: 4

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #2** on: 11-16-09 at 03:14 pm »

My company resides in Michigan. Our previous litigation was in the Eastern District of Texas
We are open to any suggestions as to where to file a new case.

Thanks.

Logged

JimIvey
Forum Moderator
Lead Member

Posts: 3401

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #3** on: 11-16-09 at 03:51 pm »

I think Eastern District of Texas is the favorite for patent owners -- most friendly to patents generally. You'll need counsel authorized to represent you there.

I'm not aware of anyone I could recommend. In fact, I'm not really aware of anybody I could recommend. But anyone looking to recommend someone will need to know for which jurisdiction.

Best regards.

Logged

--

James D. Ivey
Law Offices of James D. Ivey
<http://www.iveylaw.com>

bleedingpen
Full Member

Posts: 92

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #4** on: 11-17-09 at 02:43 pm »

It is harder to just file cases in the EDTX since your original litigation filing.

Seeing as how the patent has went through re-exam and is still intact, it sounds like you likely won't get shot down in litigation with an invalid patent. But, attorneys just don't want infringement cases on a contingency basis.

Logged

Kaitlin
Senior Member

Posts: 303

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #5** on: 11-17-09 at 03:21 pm »

Quote from: JimIvey on 11-16-09 at 03:51 pm

I think Eastern District of Texas is the favorite for patent owners -- most friendly to patents generally. You'll need counsel authorized to represent you there. I'm not aware of anyone I could recommend.

Unfortunately, I can't help with any proper recommendations either, but on a whim I tried googling "texas" and "Jerome H. Lemelson" (who, I remember from my patent litigation days, had zillions of patents and was equally prolific in law suits to enforce those patents).

That brought me to the website for this firm
http://www.hallihan.com/Eastern_District_Texas.html
Don't know a thing about this firm, but they do do patent litigation in E.D. Texas. (First two representative cases they list were ones in which they represented the defendant, but they do offensive work as well.)

This approach isn't even as scientific as gazing into a crystal ball, but for what it's worth... Could be a starting place. Don't be afraid to ask straight up if they've represented many small inventors and what their charges are. If they only handle the big guys or if even their best-case scenario is out of your price range, why not see if they can recommend anybody else?

A sample of one of their cases is at:
https://ecf.txnd.uscourts.gov/cgi-bin/show_public_doc?2008cv0606-17
« Last Edit: 11-17-09 at 03:30 pm by Kaitlin » Logged

This post is an off-the-cuff musing and should not be misconstrued as legal advice. THERE IS NO ATTORNEY-CLIENT RELATIONSHIP BETWEEN US. Proper legal advice requires full disclosure of facts-not appropriate to a public forum-and attorney research time and effort which has not been expended here.

(Anon.)
Newbie

Posts: 4

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #6** on: 11-22-09 at 03:29 pm »

Thanks everyone for your replies.

Speaking in a general sense, I would like to know how someone who holds a patent that is being infringed upon, can obtain relief when the infringing party is only making a small amount of money (i.e. 2-3 million/annually) when the patent holder cannot afford legal fees himself or can't find a firm to take the case on a contingency because there isn't 10's of millions of dollars to recover? At this point, realistically, what good is the patent to the inventor? A company two blocks down the street could have literally learned and

stolen the invention from the inventor and now there is ABSOLUTELY nothing he can do about it?

Someone, please tell me what this person is to do, other than the obvious....which is not wasting money on the patent in the first place?

Thanks.

Logged

bleedingpen
Full Member
Posts: 92

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #7** on: 11-22-09 at 03:57 pm »

Quote from: Anon. on 11-22-09 at 03:29 pm

Thanks everyone for your replies.

Speaking in a general sense, I would like to know how someone who holds a patent that is being infringed upon, can obtain relief when the infringing party is only making a small amount of money (i.e. 2-3 million/annually) when the patent holder cannot afford legal fees himself or can't find a firm to take the case on a contingency because there isn't 10's of millions of dollars to recover? At this point, realistically, what good is the patent to the inventor? A company two blocks down the street could have literally learned and stolen the invention from the inventor and now there is ABSOLUTELY nothing he can do about it?

Someone, please tell me what this person is to do, other than the obvious....which is not wasting money on the patent in the first place?

Thanks.

Let's start with some mathematics:

2-3 million in revenue per year, assume the statutory 6 year infringement period, that gives you between 12-18 million USD in revenue. I don't know the technology, so I am just going to blindly aim for a reasonable royalty amount of 10%. OK, that breaks down to 1.2-1.8 million USD in reasonable royalty damages over the 6 year period. (There are other damages calculations, but RR is the most common and easiest to compute).

Of that 1.2-1.8 million, you also have some value tied to future infringement and the risk of an injunction. Assume the patent has 10 years of life left on it. So 6 years~ 1.5

million, another 10 years ~ 2 million. Total risk to competitor ~ 3.5 million, assuming no willful infringement. Now you must discount that into present day dollars and further discount it based on defense of noninfringement or willful infringement and invalidity based on 102, 103, or inequitable conduct. With a discount of only 40%, that could reduce the possible damages to an expected value of ~ 2 million dollars.

So really only 2 million dollars is at dispute here. You aren't going to find a firm to take a case on contingency basis that has an expected value of only ~ 2 million dollars.

From here, there are avenues for a patentee. Obviously, you could reach into your own pocket and file suit. You could also send some cease and desist letters but you may very well likely get stuck into a declaratory judgment suit. Or you could contact a larger competitor and try to sell them the IP rights. Based on the amount of money at dispute, the best solution is probably going to be to negotiate with the competitor and try to reach an amicable resolution. Remember, their total liability is probably only 3.5 million, so they should be open to settling for some amount less than that number minus an appropriate discount rate. They may also have plans for expanding production, plans which they will keep from you, but may force their hand into settling the dispute with you.

Alright I am rambling. Yes patent litigation is expensive and sometimes prohibitively so. That doesn't mean the patent is worthless. In fact, you will find that most companies respect IP rights, so even if you don't have the financial means to sue somebody, the IP may still stop respectful parties. IP also has a certain marketing aspect to it. So no, you aren't entirely wasting money on the patent in the first place.

« Last Edit: 11-22-09 at 04:35 pm by bleedingpen » Logged

InventorA.
Junior Member

Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #8** on: 11-26-09 at 01:35 pm »

With all due respect BleedingPen...

The above-stated explanation is entirely obsolete and impractical Hogwash, for the mentally impaired. The Patent-holder above is a real live honest-to-goodness PERSON, like many others who purchased a product in good faith.

The PRODUCT they purchased was - "IP protection".

You "legalists" seem to have forgotten this simple fact, along with the even simpler "formula" that goes along with it.

THAT FACT IS;

When we (the unwary public), buy something - ANYTHING...
be it goods or services - WE EXPECT IT TO BE BACKED, IN GOOD FAITH!

Here's OUR simpler, "formula".

I buy a toaster.
I take it home & put bread in it.
If it fails to produce the toasty end result (as claimed),
I bring it back where I bought it.
I get either, a product that works, ALL my money back,
OR EXTREMELY MAD!!!

Patents and IP "Protection" - are NO DIFFERENT.
"Legalists"... TAKE OUR HARD-EARNED MONEY,
which they are (in good faith) expected to (at least partially) apply
to providing us with a REASONABLE DEGREE - of sound "Protection".
NOT... ABSOLUTELY NOTHING !!!!!

(Remember;
No patent attorney ever discloses ANY such formula to us - in advance!)

Now, If... NO ENTITY ON THE ENTIRE PLANET (including the USPTO itself)
EITHER ACKNOWLEDGES OR RESPECTS your "end product" as protective,
then you did not provide me with anything of PRACTICAL VALUE for my \$\$\$.
IF - this was simply an honest mistake, THEN - you simply correct it ASAP,
or you REFUND EVERY DIME IMMEDIATELY! (If you don't, I get extremely mad)
IF - however, your "mistake" is not simple... but rather GROSS or BLATANT
in nature (which any reasonable person with a 10th grade intellect can see),
You'd then expect to owe me, a proportionately considerable amount, more.

THIS IS ALL PURE COMMON LOGIC.
IT'S NOT ROCKET SCIENCE... (and it doesn't EVER have to be!)

The FACT, that no one on here can even provide us (we normal individuals),
with even ONE example of ANY SUCCESSFUL INDEPENDENT INVENTOR, who
has realistically brought his brainchild to market, through use of our present-
day System... without it costing an arm & a leg, their LIFE -(or ALL THREE)
more than obviates my point at hand.

The added FACT, that not one single, HONEST INVENTION SUBMISSION CO.
(or REALISTIC, CONTINGENCY-BASED IP FIRM) is NOW anything more than an
ancient myth, ...SHOULD ACT AS A SERIOUS WAKE-UP CALL FOR EVERYONE!

I'm here to alert ALL you so-called "Legalists" (who conveniently ban together in full support of each other's totally reprehensible and UNETHICAL behavior... that "WE THE REASONABLE" ARE COMING FOR YOU, YOUR SYSTEM, AND ALL!

MY LIFE HAS BEEN STOLEN.
YOUR "SYSTEM" ENABLED IT.

I HEREBY CHALLENGE ANYONE NOW WILLING TO STEP UP,
PROVE ME WRONG - AND DO THE CORRECT AND ETHICAL THING,
AND MAKE MY CASE THE CLEAR EXAMPLE IT NEEDS TO BECOME.

IS THERE EVEN ONE, HONEST LEGALIST - AMONG YOU?

MY NAME IS ARNIE GOLDMAN...
...WHAT'S YOURS?

« Last Edit: 11-26-09 at 01:42 pm by InventorA. » Logged

bleedingpen
Full Member

Posts: 92

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #9** on: 11-26-09 at 06:32 pm »

Quote from: InventorA. on 11-26-09 at 01:35 pm

IS THERE EVEN ONE, HONEST LEGALIST - AMONG YOU?

Arnie,

No, there isn't a single honest legalist amongst us.

And yes, you are correct, a patent attorney should refund all of your money if your invention doesn't make you millions. Also, yes, no independent inventor has ever made money off of the patent process.

If your patent attorney told you that you were going to make millions, then you should have an issue with him. I am sorry that you think that "my system" stole "your life." I don't pretend to know the facts of your situation, but maybe adjustable grip bowling aid kits just aren't something that is going to make you bunches of money? All I know is that your chances of making money off of your "brainchild" are likely substantially reduced

without patent protection. That doesn't mean that your "brainchild" is going to make you lots of money. You should be in a better position to answer that question than your patent attorney.

No, I won't give you my name. I post on Intelproplaw in part because I enjoy keeping up on current debates and in part to answer questions for individuals like yourself. I don't want any liability attaching to me when someone runs wild and off course with my otherwise good advice, so I will always remain anonymous.

Logged

bartmans
Full Member

Posts: 70

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #10** on: 11-27-09 at 02:07 am »

Arnie,

my name is Bart van Wezenbeek and I am a Dutch patent attorney (and I'm not afraid of any liability issues).

First of all your comparison of buying legal services with buying commodities is wrong: you should compare it with e.g. medical services. If you are ill and go to a doctor, the doctor has only the duty to do his best to cure you; he can and will never give a guarantee that you will become cured. So, if your doctor fails his duty to give his best efforts, you can sue him; and this is comparable with legal services: if your attorney fails his duty to give his best efforts you can sue him.

Secondly, there are several independent inventors who have been able to bring their products to the market and/or earn money from their patented invention otherwise. As Bleedingpen has said, it will of course depend on the nature of your invention; the improved new mouse trap you have invented will never bring in the millions that you envisage.

One example in The Netherlands (and there are more, also worldwide) is a guy called Theo Tempels who invented that you could more easily get biscuits out of their package if they would contain an indent (see e.g. Dutch patent NL 1012379 http://v3.espacenet.com/publicationDetails/biblio?DB=EPODOC&adjacent=true&locale=en_EP&FT=D&date=20001219&CC=NL&NR=1012379C2&KC=C2). A local Dutch firm developed the same and brought it to the market. Tempels filed suit and was able to recover at least sufficiently more than obtaining the patent had costed him.

I understand your anger if things have not worked out the way that you thought they would. It is, however, also one of the duties of the patent attorney to honestly tell his

clients what to expect and what pitfalls the system has. It's no use of promising the clients mountains of gold.

Lastly, the fact that - apparently - someone is not able to go to court to get more than 1 million dollar from an infringer in damages because he can not find an attorney who would take the case on contingency says more on the problems in the US legal system in general than on the individual legal specialist.

Logged
vman11
Senior Member

Posts: 200

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #11** on: 11-27-09 at 08:16 am »

Here's a painful route, since when you don't have the money, you must invest more sweat equity.

Go down this list in and around your area / close by (or what ever geographic location you find convenient), contact each attorney you can and tell them about your situation. I'd be willing to bet that sooner rather than later you'll come across a recently laid off attorney looking for work / stuff to put on their resume. A few hundred thousand may be quite worthwhile for an independent litigation attorney.

<https://oedci.uspto.gov/OEDCI/>

Best of luck.

Logged
InventorA.
Junior Member

Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #12** on: 11-27-09 at 04:42 pm »

First, I'd like to thank all who (so quickly) replied.
(...I must have struck a chord somewhere)

From the bottom up;

Vman11...

Of the 3 responses I just received (within one day of my original post), I believe yours to be the most sincere... and I want you to know that. I also want to convey that I have thought of and tried your suggestion, in addition to the many other sorts of individuals, companies, associations, and "institutions " (such as Law colleges & Professors of Law) I've contacted over my many years of grappling with this ever-increasing, widespread epidemic. I believe you mean well, but whether it be my particular geographical region or whatever... I can find NO HONEST LEGALISTS around here. Absolutely NONE.

Secondly, to the Dutch atty....

Your first point is well taken, & you are absolutely correct.

I made a poor analogy in order to put my point across. I apologize for that.

I did not think of the Medical field, simply because I see no comparison.

The reason I don't, is because for the most part I BELIEVE that doctors, (on the whole), do tend to do the best job they possibly can in their daily practices, whereas, I DO NOT BELIEVE that Patent Attorneys EVER DO THE VERY BEST THEY CAN.

Reason being, they have little or no incentive to do so - and no one to answer to for doing otherwise. In fact, if the Truth were ever made known, the way our System is now structured they have much incentive to DO THE EXACT OPPOSITE.

I can't speak for your country, but I know how bad things are around here.

Your "advice" on taking Legal action against my former firms (who are both guilty of MP)

(although right on the money) has become a financial impossibility - in today's real world.

NO ONE (and I said no one) SUES PATENT LAWYERS AROUND HERE, unless you have unlimited

\$\$\$ to spend! Remember - I'm speaking for honest, hardworking, prudent, ACTUAL INVENTORS.

Large corporations, Infringers, IP pirates, rich deep-pocketed crooks (in general)... yes, absolutely

THEY CAN GET ALL THE "HELP" THEY NEED, and then some!!! But not pioneering Inventors like me.

Which brings me to YOU, Mr. unnamed attorney...

I'll bet you, that you walk around with a helmet on - by day,

and try to get whatever sleep you can w/ 3 bolts on your door - by night.

I'll also bet that you've invested in a state-of-the-art Home Alarm System.

Am I right?

YOU SIR, DO NOT MEAN WELL.

(especially, where I am concerned)

WHY..?

Because you rightfully consider me a threat to your very existence.

not your life, silly... I'm referring to your livelihood (you know, those "billable hours").

How do I peg you so easily?

Its easy, I've had a lot of experience in dealing with your kind - THAT'S HOW!.

Its easy really, when one looks at THE OBVIOUS FACTS.

FACT 1) MY INVENTION CLEARLY WAS (from the day I'd introduced it) and IS - "PIONEERING".

No matter how hard you and your crooked system, may try to portray it as a "mere

improvement" (over pre-existing prior art), IT IS [WITHOUT QUESTION] - PIONEERING!

FACT 2) Had you taken even 5 minutes to unbiasedly delve into my case-history with GOOD INTENT,

you would have immediately recognized this GLARINGLY OBVIOUS FACT! But, you didn't.

FACT 3) Had you spent a few minutes more, you'd have noticed the many companies (most of

whom were directly involved with me just prior to their) MAKING MILLIONS OF DOLLARS

off of my (previously submitted and) BLATANTLY OBVIOUS - PRIOR ART as obviated herein:

<http://v3.espacenet.com/textdoc?DB=EPODOC&IDX=AU6377200&F=0>
another... piece of "Prior Art" - which, (regardless of status,) still serves to render every

successive "Bad" patent to come down the pike later by my infringers, worthless & Invalid.

You should have immediately noticed that GLARINGLY OBVIOUS FACT! ...But, you didn't.

FACT 4) Somehow during your reflexive rant on me, you seem to have totally missed something minor.

THE FACT THAT I NOT ONLY FILED (and received) A PATENT, but also TRIED DILIGENTLY

TO REPAIR OR REPLACE ITS GROSS OMISSIONS NOT LESS THAN 4 MORE TIMES!, EACH TIME

HIRING A "PROFESSIONAL PATENT FIRM" TO FIX THE - "BOTCHED JOB". Their words not mine.

But then, you're not really interested in any of that... ARE YOU?

FACT 5) All you're really interested in, IS GETTING MY VOICE OFF OF HERE, AQAP! (Right again, huh?)

WELL READ MY LIPS...

MY LIFE, and MY (MULTI-MILLION DOLLAR) VISION - HAVE BEEN OPENLY HI-JACKED!

...I'm TAKING IT ALL BACK!

And, I don't give a rat's behind who likes it, how much money they have, or who they work for.

ITS ALL MINE and NO... INDIVIDUAL, COMPANY, OR GOVERNMENTAL SYSTEM WILL EVER CHANGE THAT!

SO...

I HAVE SOME VERY SOUND "FREE ADVICE" - FOR ALL OF YOU!

IF YOU DON'T INTEND TO BECOME A PART OF MY SOLUTION,
FORGET ABOUT BEING A PART OF MY PROBLEM...
PUT YOUR HELMET ON, & GET OUT OF MY WAY!

HOW'S THAT, FOR "OBVIOUSNESS"

« Last Edit: 11-27-09 at 04:52 pm by InventorA. » Logged

vman11
Senior Member

Posts: 200

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #13** on: 11-27-09 at 07:12 pm »

The problem with this profession is that one encounters the nut jobs and the guys in need and after a while, despite how hard one tries, apathy sets in because every inventor thinks they've got the next multi-million dollar idea.

My personal opinion (also shared by WIPO), an insert for a bowling bowl = not pioneering. Go do something useful in life, somebody figured this out in 1979. And that's what most people don't want to hear from practitioners and some practitioners are dying to cry out (ofcourse other practitioners are most willing to milk an idiot who thinks an insert for a bowling bowl is pioneering) but can't.

But, there are down sides to being forthright in this profession, one obvious one being that the nut job thinks you're trying to steal their idea and comes back with a shot gun. I heard of that happen, it didn't end well.

Logged

InventorA.
Junior Member
Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #14** on: 11-27-09 at 07:42 pm »

Well it looks like I was wrong, again!

...You didn't mean well after all.

FYI,

the invention to which you refer, relates to a BALL FITTING device. Such devices are typically used behind the Pro Shop's counter to fit one's hand. They have metal parts, cranks, square inserts, etc... and were & are, NOT usable in any on-lane application.

In fact, there has never been any "Interchangeable Insert" designed or patented that was acceptable for any on-lanes usage in any standard bowling ball - UNTIL MINE ...WHICH CLEARLY = PIONEERING. (You stand corrected.)

Not only was I the first to invent, and reduce to practice... I actually wrote the ABC/WIBC's and PBA's [original] rule for same. Any TRUE expert in our Sport, would KNOW this fact.)

Besides, BOWLING BOWL INSERT... Does that sound like a Pioneer to you? (or was HE simply represented by the same IP idiots who represented ME?)

Look, I don't mind a little heated debate.
I don't even mind all you lawyers ganging up & taking pot shots at me.
But at least, take the time to know WHAT you are talking about.
I happen to be an EXPERT'S EXPERT, in my own field.
I KNOW EXACTLY WHAT I'M TALKING ABOUT.
Plus, I've been at war for nearly 20 years.

I'm (admittedly) like Kearns, or Tucker...
BUT I WILL BE MUCH WORSE, IF ALL THE NONSENSICAL "BS" DOESN'T STOP!

I AM, WHAT I AM - a Pioneering Inventor.
whether any of you like it, or not.
NOTHING WILL EVER CHANGE THAT FACT.

My "invitation" to do the right thing... STANDS.

Page2)

Author Topic: HOW DOES A SMALL ENTITY FIND REPRESENTATION? (Read 545 times)

vman11

Senior Member

Posts: 200

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #15** on: 11-27-09 at 08:48 pm »

Quote

defeating PBA Hall of Famer Pete Weber in Weber's first nationally televised match in 1980, and later winning the richest bowling event in history--the 1999 July High Roller in Las Vegas, NV (then worth - \$125,000.00).

Very Very Impressive, pioneering indeed, I do stand corrected. A bunch of videos on You Tube too, you seem to have quite a following.

Best of luck.

Logged

Anon.

Newbie

Posts: 4

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #16** on: 11-27-09 at 09:17 pm »

vman11,

Thank you for your reply and provided link, but, to be honest I've actually called quite a few of the attorneys on that list in my geographical area, and others throughout the country and haven't found someone willing to defend my IP as of yet, so I would say it's "later" rather than "sooner." Any more suggestions would be greatly appreciated.

InventorA,

While you definitely have a very bold and unique way of expressing yourself, I must admit, that I do agree with MANY of the points that you made regarding the entire patent "SYSTEM."

Having somewhat of a degree of background in bowling myself, I googled your name which led me to your website and I took the time to review some of the issues regarding the history of your case and your patented technology. Now, I'm certainly no attorney, but, your claims of having a "pioneering" invention in having created the first "interchangeable insert" for on-lane usage (not a fitting device) actually appear to be 100% accurate. Upon further research, I also find it to be true that you did in fact write the rules for it's (never before seen usage) in a bowling ball for the American Bowling Congress and Professional Bowlers Association.

After reading your story, I can definitely see why you are so frustrated, and I thought my situation was bad! Your story seems to be along the lines of a Robert Kearns nightmare.

Therefore, the similarity in our cases lies in the fact that neither of us have managed to find proper representation in defense of what should be rightfully ours. The question I ask and initially posed to those on this forum, is why? Perhaps, I am beginning to understand.

« Last Edit: 11-27-09 at 09:33 pm by Anon. » Logged

BobRoberts
Full Member

Posts: 77

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #17** on: 11-27-09 at 11:22 pm »

InventorA:

Well, hold dear the philosophy of "If you can't say anything nice, don't say anything at all"- I'm going to veer away from that philosophy.

What bothers me most about your posts is how extreme of a person, and apparently emotionally unstable, you are :

You said:

"I DO NOT BELIEVE that Patent Attorneys EVER DO THE VERY BEST THEY CAN."

"WELL READ MY LIPS...

MY LIFE, and MY (MULTI-MILLION DOLLAR) VISION - HAVE BEEN OPENLY HI-JACKED!

...I'm TAKING IT ALL BACK!

And, I don't give a rat's behind who likes it, how much money they have, or who they work for.

ITS ALL MINE and NO... INDIVIDUAL, COMPANY, OR GOVERNMENTAL SYSTEM WILL EVER CHANGE THAT!

SO...

I HAVE SOME VERY SOUND "FREE ADVICE" - FOR ALL OF YOU!

IF YOU DON'T INTEND TO BECOME A PART OF MY SOLUTION,
FORGET ABOUT BEING A PART OF MY PROBLEM...
PUT YOUR HELMET ON, & GET OUT OF MY WAY!"

"I'm here to alert ALL you so-called "Legalists" (who conveniently ban together

in full support of each other's totally reprehensible and UNETHICAL behavior...
that "WE THE REASONABLE" ARE COMING FOR YOU, YOUR SYSTEM, AND
ALL!"MY LIFE HAS BEEN STOLEN.
YOUR "SYSTEM" ENABLED IT."

I say:

I know many Patent attorneys in many sized-firms. There are a couple who I'd not want representing me, but the rest are good, honest, hard-working people with more integrity in their pinky than it sounds like you have in your entire body. You picked a bad attorney. If they were truly bad, sue them for malpractice and let the court decide. If they destroyed your chances at millions in future unforeseen profits, then prove it in court (if the evidence exists) and let their malpractice insurance foot the bill. And, pay the legal fees out of your pocket, because if it was as blatantly bad as you say, the court will almost assuredly award you your attorney fees back to you.

You said:

"IF - however, your "mistake" is not simple... but rather GROSS or BLATANT in nature (which any reasonable person with a 10th grade intellect can see), You'd then expect to owe me, a proportionately considerable amount, more."

I say:

So if it was indeed that bad, see the above point and sue for your damages (thatis your right), but don't expect ME to pay for your dilemma, and don't blame EVERY patent attorney and the Patent System for your dilemma. That makes no sense (which even an unreasonable 9th grade intellect can see). Or, even better, go pro se- after all, you're an Expert's Expert, and can surely do a better job than any of us slouches...

You said:

"(Remember;
No patent attorney ever discloses ANY such formula to us - in advance!)"

I say:

Why would an attorney preparing your patent application, discuss litigation? !? But if that was on your mind, why didn't you just ask the attorney, and pay the attorney's hourly rate (or the fee of some other attorney), to explain it? We are usually pretty good at drafting patent applications, but not at reading minds.

Best of luck, and GET HELP; medical help; lots of it; Seriously. Not ganging-up on you, just pointing out the obvious. Probably psycho-therapy (and electroshock?).

My name is Bob Roberts (well, not really), and I'm a Patent, Trademark and Copyright Attorney. I try my hardest on every issue I handle with for a client- with NO exceptions. I post anon because a friend of mine, a patent attorney in Chicago, was killed by an inventor with illusions of grandeur. An inventor that made assumptions THAT WERE

WRONG (that the attorney was stealing his invention), and killed him. The inventor went around that law firm office looking for attorneys, and when he found one (or thought he found an attorney), he shot them. Four people died that day. Three had no association whatever with the inventor's patent, as my friend (a solo practitioner) leased the office space from the firm the other three were associated with. Now, a young child will grow up without knowing what a terrific individual his father was. All because an inventor made an incorrect assumption about a situation, and indiscriminately decided that ALL attorneys were bad and involved in a conspiracy to get him. Get help, seriously.

Logged
InventorA.
Junior Member

Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #18** on: Today at 04:26 am »

Look Bob (or whatever other alias you go by)...
First off, you're entitled to your callous, worthless, & baseless opinion of me - as asinine as it is.
Let's get something straight here. I'm not the one living in fear, simply because I associate with a band of people who walk around on a daily basis, as if they are above everyone else on the planet, and all others (including their clients) should "pay them", just for the privilege of speaking to them.
If you think anything you do... (for anyone other than a rich corporation out to steal someones idea) is worth hundreds of dollars per hr. you're high on crack (in addition to being extremely delusional)!!!
You lawyers (at least every one that I ever met) are the ones suffering from "delusions of grandeur"!
What ever happened to "The Customer is ALWAYS Right..?" You, my friend are the original "Sick-O".
Because of your obvious mental incapacity, and apathetic inability to accept any blame for the eventual by-products of your "routine practices"... I'm going to do YOU a huge favor, Pro Bono!
Did you ever stop to consider the possibility, that YOU & your kind, DRIVE people like me & others NUTS?

Allow me to clarify, the following points for you to internally ponder;

- A) Clients are all human beings & they have Feelings as well as Dreams & needs.
- B) They (as in WE), were not put on Earth, solely as "cash-cows" for you to milk.

C) Clients like myself, don't print our own money, or pick it off a tree in our yard & we don't all have unlimited amounts of it to just give you, w/o you producing something of value for us - FIRST! That's the way it has always worked in the REAL WORLD.

D) YOU are living in a fantasy world (which your profession itself seems to have created somewhere along the line), during the past 50 years.

E) "RETAINERS" ARE ASININE! and ANY individual who pays one to any "Legalist" he doesn't know well enough to be related to, should have his head examined & deserves everything he gets (ie... "fleeced"). Any subsequent Bill should ONLY be paid IF & WHEN WORTHY svcs. were satisfactorily rendered.

F) MOST IMPORTANT - & LET THIS BE A LESSON TO YOU...

ROBERT J. RINGER once wrote; "ACTIONS HAVE CONSEQUENCES"

Whenever, a client (an otherwise intelligent inventor) comes back to you extremely dissatisfied, it is YOUR OBLIGATION to figure out exactly WHY - and then FIX IT, or refund his money if he is that dissatisfied with your work. Being callous, calling him crazy, or worse yet, IGNORING his outcries are not in your firm's best interest. If people are always ending up on the short end, while the big guys take their ideas & run (either w/ or w/o your help) you can fully expect such consequences. No other profession gang-rapes clients the way yours does & is allowed to get away w/ it. (by design?) When people become wild enough to scream things at you... YOU - aren't doing SOMETHING right. Don't try to blame that firm's inability to properly deal with customers - on ME, or on anyone else (whose head, your "system" had previously placed in a vise!). Funny how you project what happened in your friend's firm onto ME, as if I were somehow responsible! Did it ever cross your mind that if even one person in that firm had LISTENED to that man's problem, WITH A TRUE INTENT TO RESOLVE IT... those 4 people would likely be alive today? ...EVEN ONE PERSON. I don't mean to justify what happened when he snapped, it's wrong, and worse yet VERY likely avoidable.

One thing however is certain, here...

YOU of all people, don't need to be projecting blame onto others (like me) for problems arising from your self-adopted, routinely impersonal (Systematic) behavior. By "you", I mean members of your profession.

I don't know you. You may be a great lawyer & a nice human being. (In fact, you likely would have been... had you thought I had any money.) But because you know I don't & wouldn't spend a dime on you if I did, you feel THAT somehow gives you the right to insult me up & down, infer that I'm somehow "unethical" (and diminish my "contribution to society" and my life's work as if both IT and I were worth nothing at all...) WITHOUT even, taking any time at all to even CONSIDER much less explore the remote possibility that I just might be RIGHT. Your mind just isn't at all open, to that possibility.

(In short) because YOU have already "pre-deemed" me to be financially worthless (to you)... you now attempt to render me worthless to all humanity. And you, claim to be educated?

Logged

InventorA.

Junior Member

Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #19** on: Today at 04:30 am »

just a bit more (food for thought) - for "Bob" to chew on...

FYI,

had you the mindset of an "ethical" lawyer, who sought cases on merit alone... you'd have actually tried to help me (not only out of your "fiduciary duty" to do so, but primarily because it would make you feel good to actually HELP someone), and, as a result you'd have discovered a Kearns-like case of a lifetime. And then, by doing the unheard of (actually cleaning up the unresolved Patent Issues & firing off some letters you'd soon realize the great harvest to be reaped by doing the right thing, simply because its the right thing to do. There is no "Formula" necessary to calculate that.

Had you THAT mindset, you would be an asset to ANY firm and be able to sleep at night.

How many new clients do you suppose you've impressed - by insulting me?

You're probably a loner, but if not - I'm sure your firm is very proud of you right about now.

Your "profession" is sadly out of touch, and out of step with reality.

The Patent System, is totally crippled. (but I guess you lawyers are the last, to know)

I have a feeling, that before long you'll be in a breadline, either one way or another. You'll have your unfeeling attitude to blame for that, but you'll likely try to pin that on me, too.

I may be broke, & my patent may be too,
but at least I have friends & know what it feels like
to help someone for the sake of helping them
I sleep well every night, too as a result of that.

I have DOZENS of Testimonials written by many such people.
Incidentally, WHERE ARE ALL OF YOURS..?

But you're convinced, that I'M the one in need of help!
Sleep well, Buddy!
You've got a big day tomorrow... Lots of small inventors to "help", huh?
(Yeah, we SEE the fruits of your labor)

Hey, & thanks for the great idea! Yeah, I'll just run out & sue everybody.
Brilliant suggestion!!! (Now...why didn't I think of that before?)
I'll just pull a million out of my piggy bank & maybe you'll even help me then?
(Any investors out there interested in paying "Bob" here, a few hundred grand up front?)
Please form a single file line & no shoving please!
You take care now, Bob & have a nice day!

(I hope you spend another HOUR, in response to this!)
Have your sec. send me your overly-detailed Invoice...
who knows I may just be a FOOL (like the rest), & pay it!

Logged
bleedingpen
Full Member

Posts: 92

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #20** on: Today at 05:34 am »

All of these references to Robert Kearns makes me think someone has been watching Flash of Genius way too much.

Robert Kearns' invention was a truly novel and ground-breaking invention that found its way into almost every automobile in this country. Robert Kearns had an interesting story and lived an interesting life, though many of the perceived "failures" of the legal system that Kearns campaigned on were exacerbated by Kearns' borderline crack-pot behavior. In the end, this broken legal system awarded Kearns well in excess of 30 million dollars in 1990 money.

Go ahead, levy the personal insults against me.

Logged
InventorA.
Junior Member

Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #21** on: Today at 12:53 pm »

The "Broken" Legal System wasn't entirely broken back then,
& NO you are wrong... it wasn't so much "The System"
who awarded Kearns the money, originally in that case...
it was those honest & rational thinking people, on that jury.
The System, before that, tried over & over to stall his Day in Court
until anyone (short of the maniac he was forced to become) would
have long-since quit & given up - JUST LIKE WHAT HAPPENS TODAY.
He completely took Ford, and the system by surprise when he turned
down their offer, of 30 million dollars (totally on principle).

Now who in their right mind, would ever have done that?
Ford could have paid him 250 grand (and an apology for what they did)
but not one single "legalist" could even comprehend THAT SOLUTION.
That's why KEARNS won. (because of their inability to SEE the right thing)

I'm not interested in hurling insults at anyone, I'm merely trying to send
all of you a serious wake-up call. Simple solutions to REAL problems are
all around you. Simply dismissing the ever-growing list of furious TRUE
BONA-FIDE INVENTORS (as if they will all just fade away) is no longer an
option - because many have grown wiser to your ways, over the years.

I'm not saying that you never do quality work in writing a patent.
In fact many of you can and quite often DO a fantastic job...but you do so
for the WRONG PERSON, simply because THEY have the money to BUY RIGHTS
that all too often don't belong to them. (at the expense of the ACTUAL INVENTOR).

I have witnessed this routine fiasco, firsthand - many, many, times.
I have seen entire lives ruined over it (& some cases, are even worse than my own).
To you legalists it's all a big cash game. (and you guys write & rewrite ALL of the rules!)
Well guess what? That old "game" is all but over.

I'M not playing.
Your "game" will no longer control ME, or decide the fate of MY personal Innovations.

I SAY "MY Innovations", as in - TOTALLY WITHOUT QUESTION!
I don't care how many fantastic "BAD PATENTS" you guys fashion & submit
(on some obvious crook's behalf), in futile effort to try to diminish THAT FACT...
because it will simply never FLY! - MY CASE IS FAR MORE OBVIOUS THAN
KEARNS'.

Plus... his, was only an "Improvement" (albeit a truly great, and financially attractive
one...)
while... my Invention actually disclosed a whole new Field of Discovery, which makes it
- "Pioneering".
But that is the very reason I can find not one single legalist to properly Depict and/or
Protect it...
because there is a Mother-lode to be made by going the other way (by writing numerous
patents
for the many future Applicants who possess unlimited assets) who will line up in a rapid
succession to
throw money your way - in order to legally TAKE THAT WHICH IS [OFTEN
KNOWINGLY] NOT THEIRS!

THAT'S - the REAL PROBLEM!

You claim to do only "honest" work.
Well there's HONEST work RIGHT HERE... staring you ALL, right in the face.
You all KNOW... that an honest person of normal financial means can not possibly
navigate the
intentionally treacherous pitfalls of your System without YOUR "help". This is ALL
done by design.
That, is why your "help" is so astronomical in price (not because its so hard to do).

You commonly defend the "wrongs" of Rightless people, every day.
Therefore it SHOULD be a piece of cake, to, (at least occasionally) defend a truly
rightful INVENTOR.
Yet despite this fact, I HAVE NEVER SEEN IT DONE. (NOT EVEN ONCE!)

But YOU, along with all of the hundreds of "honest" lawyers now reading this
challenge...
have the chance to now prove me wrong RIGHT NOW, and dispel all of these myths
once & for all.
Just ONE Firm, or solo-practitioner needs to step up - and simply DO WHAT NEEDS
TO BE DONE.

MAKE MY CLASSIC CASE THE EXAMPLE IT CLEARLY DESERVES TO BE!
DO THAT...and you will have earned back the RESPECT you have lost.

As a bonus, you will honestly EARN more money that you can ever hope to spend
(...WHEN we win)!

Incidentally, all my life I have made other people lots of money betting on me...w/o a single horror story.
I have always felt that a 50/50 split after reasonable expenses, was fair & see no reason to change now.
YOU HELP ME WIN... YOU GET 50% (after expenses) - ITS JUST THAT SIMPLE!
THAT'S FAIR (in my world).

YOU EXPECT US TO BET ON "YOUR" GAME?,,, WHEN YOU - WON'T EVER BET, YOURSELVES?
(What's good for the Goose, is good for the Gander)

The case, (although detailed) - will be childs play for you to "prove" and you'll have many fairly "deep-pocketed targets" for you to have your way with. But to actually go against the grain where your peers are concerned...
(...now that's going to take, some brass balls!)

WHO... among you will STEP UP?

My name is,
ARNIE GOLDMAN.

...What's Yours???

Logged
DogDayPM
Senior Member
Posts: 505

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #22** on: Today at 01:42 pm »

Quote from: InventorA. on Today at 12:53 pm
ARNIE GOLDMAN.

Arnie, this was initially all very interesting but at the risk of getting you to spewing yet another bunch of the insults you say you're not interested in hurling, the repetition is beginning to wear.

Try these guys (see link below and a blurb from their website). They're called Rembrandt IP, specialists in infringement solutions. They've taken on the big corps on behalf of the little inventor, and they've won more than a few.

And because several of the cases they took (and won - again against big corps) were by no means slam dunks, if they won't take your case, then that should tell you something.

<http://www.rembrandtip.com/>

(Info from their website)

"Founded in 2004, Rembrandt was started by scientists, investors and businesspeople who realized that for myriad reasons many inventors and companies are unable to obtain the true value of their innovations and the patents that protect them.

Costly and lengthy litigation, coupled with business or legal retaliation, has tilted the playing field against small inventors and patent holders in favor of infringers. The situation threatens the very foundation of U.S. patent law, as established in Article 1, Section 8 of the U.S. Constitution.

Under U.S. patent law, inventors agree to disclose their innovations to the public in exchange for a period of exclusivity, during which time others cannot market the invention without permission, i.e. a license.

Infringers or patent pirates use public disclosure to discover and steal new ideas and unjustly benefit from these innovations at the very time the inventor is most at risk. If patent holders cannot monetize their invention when competition is restricted, they may never recoup their investment or see revenue once exclusivity expires. "

Logged

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InventorA.
Junior Member
Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #23** on: Today at 02:49 pm »

You see them (my observations) as - "insults".
I see 20 years of personal experience as - "facts".

However your new suggestion is most welcome and appreciated.
If indeed, it is a bona-fide resource as you claim it will be viewed as an oasis in the desert by many... and they will become famous.

If they turn my case down, YES, it will Definitely tell me something... it will tell me that they are nothing more than a new version of "Front" for another corrupt "Invention Submission" vehicle, used to steal ideas.

But I will keep an open mind, while checking them out
& remain cautiously optimistic. I'd advise others like me to do the same.
I thank you, sir & will keep you posted should something unusual happen,
be it good or bad. Should they ever find me Justice, I WILL remember you.
(In the meantime, I'll try not to repeat so much, I promise.)

Have a great day.

Arnie.
vman11
Senior Member
Posts: 209

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #24** on: 11-30-09 at 06:54 am » Quote

There isn't any issued patent in the US (or anywhere in the world) as far as I could tell.
Whatever the circumstances, it seems like at least in the US, there was no national phase
entry after PCT. This material is now dedicated to the public.

This isn't an "infringement" case to me (assuming the aforementioned situation is correct)
at least in the US, perhaps malpractice at most. Not sure if RembrantIP is in the business
of suing for malpractice.

Instead of pages of this diatribe, it may have been valuable to post in detail about the
actual situation to get assistance from "legalists" in giving you their opinion. Stay focused
on the actual/ objective issues ... please. No, I do not mean your issues with the legal
profession, and yes, you may wish to consider Bob's advice, get help for all this apparent
anger.

« Last Edit: 11-30-09 at 08:08 am by vman11 » Report to moderator Logged
JustAnotherExaminer
Senior Member
Posts: 175

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #25** on: 11-30-09 at 08:46 am » Quote

Quote from: vman11 on 11-30-09 at 06:54 am
There isn't any issued patent in the US (or anywhere in the world) as far as I could tell.
A 2-second inventor search yielded:
US 5118106

He's legit. The entire thing is 4 pages, including claims. Which may or may not indicate the quality of law firm. I'm not saying, I'm just saying. A quick google search of the law firm resulted in several web pages dedicated to pointing out how much they allegedly suck.

Report to moderator Logged
vman11
Senior Member
Posts: 209

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #26** on: 11-30-09 at 09:42 am » Quote

There's hope yet.

Funny the the damn UPSTO website does not bring up any patents for 'Arnie B. Goldman' as inventor, but I bothered to double check with another source, and indeed I pull up the same document.

Will have to order the file wrapper to look at the prosecution history. Wonder how many claims were filed at the time of application, 3 in the issued.

Report to moderator Logged
DogDayPM
Senior Member
Posts: 521

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #27** on: 11-30-09 at 11:23 am » Quote

Quote from: vman11 on 11-30-09 at 09:42 am

Funny the the damn UPSTO website does not bring up any patents for 'Arnie B. Goldman' as inventor, but I bothered to double check with another source, and indeed I pull up the same document.

PTO database is very idiosyncratic with respect to names, even down to whether the words are comma or semicolon separated, etc. I generally search using only last name as Inventor, then in the other slot (searching all fields or sometimes claims) toss in a subject matter word or phrase. For example, "Goldman" with all fields "bowling ball" precisely locates it.

Quote

Will have to order the file wrapper to look at the prosecution history. Wonder how many claims were filed at the time of application, 3 in the issued.

Gonna ask your accounting dept to route the bill for the FW to you as "personal item"??

Report to moderator Logged

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vman11

Senior Member

Posts: 209

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #28** on: 11-30-09 at 12:31 pm » Quote

Quote

Quote

Will have to order the file wrapper to look at the prosecution history. Wonder how many claims were filed at the time of application, 3 in the issued.

Gonna ask your accounting dept to route the bill for the FW to you as "personal item"??

Wink

Haha, yeah...

Read as:

"Somebody"

Quote

Quote

Will have to order the file wrapper to look at the prosecution history. Wonder how many claims were filed at the time of application, 3 in the issued.

Report to moderator Logged

InventorA.

Junior Member

Posts: 20

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #29** on: 11-30-09 at 12:57 pm » Quote

"The downside for us is that a typical client doesn't later share the millions that sometimes comes of our work." - Kpanlogo...

Hey K,

Do I sound like YOUR... "TYPICAL" client?
Perhaps, you should cease your writing those excellent patents,
for undeserving people, who often mask themselves as Inventors.

Two things for you to consider, with absolute certainty.

- 1) I was never "represented" by anyone who meant well,
or aimed to ever provide me with the "sound protection"
they had agreed to write, (& had been paid for many times),
yet never produced (in spite of admitting it was pioneering).
- 2) You have never dealt with ANYONE like me... and therefore,
you have absolutely no idea what agreements we may have had.

There is one more thing, you should possibly still consider...

I am not your enemy & I have never cheated you out of anything,
(lied to you, insulted you, tried to diminish your personal life's work).
Had you ever properly "represented" me - and actually provided me
with something that even closely resembled actual "IP Protection",
and I became successful due to your prior efforts...you would have
(without question) received far more from me, than from those who
you now help. (But then... you've never dealt w/ anyone like me!!!)
Even by my worst enemy, my "Integrity" has never been at question.
C'mon guys... Really, why the attacks on me?
(I'm wearing the White hat here ...& there's lots of \$\$\$\$\$\$ to be made!)

In closing, I'll simply state that I have put forth "Up-front" money to
members of your System (numerous times spanning many years), in order
to achieve (what should have originally been) ONE - COMMON OBJECTIVE,
which was and is; TO ADEQUATELY PROTECT MY PIONEERING INVENTION.
Each and every time, my money was absorbed & the end result was (at best)
insulting. Therefore, I was forced to adjust my thinking & adopt a new attitude.
Had you lost two long-term relationships, learned that your former friend had
filed & received a patent (on your alternate design), and you had been reduced
to living in a 1978 RV that leaked (while he just bought a house on infringement money)
...what sort of attitude - do you suppose, might you now have?

I'm sorry if you don't like me much... but I am only a by-product, of your environment.
The honest, unbiased exploration that seems to be taking place in posts above
is extremely refreshing after all these years, and opens up a new door to hope.

PS)
I AM LOOKING, (and still awaiting those magic words...)
"Arnie, if you'll have us ...we've decided to take your case"

Thank you, for your time.

Report to moderator 97.85.32.44

DogDayPM
Senior Member
Posts: 520

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #31** on: 11-30-09 at 02:46 pm » [Quote](#)

Quote from: JustAnotherExaminer on 11-30-09 at 08:46 am

A quick google search of the law firm resulted in several web pages dedicated to pointing out how much they allegedly suck.

Was curious to see if you-know-who generated them, but turns out it's an alleged domain name squatter in a row with a strip mall developer named Taubman over the domain name "ShopsAtWillowBend" and the law firm represents Taubman.

So he churns out some web sites and arranges them by length. I think he should make a couple others having shorter names just to top off the pyramid.

TaubmanSucks.com
WillowBendSucks.com
WillowBendMallSucks.com
ShopsAtWillowBendSucks.com
TheShopsAtWillowBendSucks.com
GiffordKrassGrohSprinkleSucks.com

Report to moderator Logged [_____](#)

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bleedingpen
Full Member
Posts: 96

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #32** on: 11-30-09 at 02:49 pm » [Quote](#)

Most patent infringement suits will ultimately reach a point where the inventor is deposed and then possibly put on the stand. The inventor must be well-spoken, knowledgeable, and, most importantly, sane. Anything that the inventor has done in the past that may be found through a quick internet search engine search that can possibly detract from those

necessary characteristics will be discovered and unravel even the most clear cut case of patent infringement.

[Report to moderator](#) [Logged](#)

DogDayPM
Senior Member
Posts: 520

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #33** on: 11-30-09 at 02:54 pm » [Quote](#)

Quote from: InventorA. on 11-30-09 at 02:15 pm
deleted matter (InventorA.'s actual email message to Rembrandt)

GEESH! It's like you're just begging to be ignored. You think they have time to sort through your hyperbolic repetitive rantings? Not to mention all the other stuff in this thread not pertaining to you (like, it was started by another poster, remember?).

Last bit of advice I have for you is to quickly write them another email. In that email (have a neighbor proof it for you, please):

No "ALL CAPS" writing allowed.

No exclamation points.

No ranting, no emotional outbursts.

No references to how unethical all "legalists" are (note 40% of their corporate officers are lawyers).

Just make it a short, sweet recitation of the facts (and again, have the friend review it and tell you when you're going off the rails, which you will).

And in case you're going to end up in litigation, bear in mind that everything you're posting here is going to get found and probably used against you. I sure wouldn't have posted the last thing you did indicating what your next move was.

(In that regard - note you can delete your posting, and if I see that you do, I'll come back and delete from mine any identifying info).

P.S., I don't bill anyone for anything.

« Last Edit: 11-30-09 at 06:10 pm by DogDayPM » [Report to moderator](#) [Logged](#)

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JustAnotherExaminer
Senior Member

Posts: 175

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #34** on: 11-30-09 at 03:10 pm » [Quote](#)

Quote from: vman11 on 11-30-09 at 12:31 pm

Quote

Quote

Will have to order the file wrapper to look at the prosecution history. Wonder how many claims were filed at the time of application, 3 in the issued.

Gonna ask your accounting dept to route the bill for the FW to you as "personal item"??

Wink

Haha, yeah...

Read as:

"Somebody"

Quote

Quote

Will have to order the file wrapper to look at the prosecution history. Wonder how many claims were filed at the time of application, 3 in the issued.

The public pair for Attorney/Agent and Transaction History unveil a wealth of information.

It appears to be pro se until the 312 amendment.

[Report to moderator](#) [Logged](#)

DogDayPM

Senior Member

Posts: 520

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #35** on: 11-30-09 at 03:25 pm » [Quote](#)

Quote from: JustAnotherExaminer on 11-30-09 at 03:10 pm

It appears to be pro se until the 312 amendment.

Can't you read it the opposite way as well?

[Report to moderator](#) [Logged](#)

Any and all disclaimers you may see on this forum used by members more experienced and/or smarter than I, are hereby incorporated by reference as if fully set forth herein.

vman11
Senior Member
Posts: 209

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #36** on: 11-30-09 at 03:45 pm » [Quote](#)

Quote

Last bit of advice I have for you is to quickly write them another email. In that email (have a neighbor proof it for you, please):

No "ALL CAPS" writing allowed.

No exclamation points.

No ranting, no emotional outbursts.

No references to how unethical all "legalists" are (note 40% of their corporate officers are lawyers).

Just make it a short, sweet recitation of the facts (and again, have the friend review this and tell you when you're going off the rails, which you will).

Except for the red stuff, pretty close to feedback on my kindergarten report card.

[Report to moderator](#) [Logged](#)

InventorA.
Junior Member
Posts: 19

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #37** on: 11-30-09 at 05:44 pm » [Quote](#) [Modify](#) [Remove](#)

Sorry guys, but to the best of my knowledge I've never said or written anything that wasn't either fact or my honest opinion, (or both). (unless it was followed by "lol" or said in a sarcastic situation)

So I can't retract, its an Integrity thing.

But... there's always that "Insanity" plea (be it temporary or otherwise).

I'll tone it down from here on in, tho.

Arnie.

PS) I have a complete file history (and a pretty solid e-file too.)

Have a good night.

Report to moderator 97.85.32.44

MYK
Senior Member
Posts: 472

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #38** on: 12-01-09 at 12:59 am » [Quote](#)

Quote from: Anon. on 11-27-09 at 09:17 pm

Therefore, the similarity in our cases lies in the fact that neither of us have managed to find proper representation in defense of what should be rightfully ours. The question I ask and initially posed to those on this forum, is why? Perhaps, I am beginning to understand.

If you don't want to pay for legal representation, and can't find anyone to do it free (i.e., on "contingency", which entails lots of work and potentially might have zero payoff at the end -- much like being an inventor, come to think of it), then you can always file and run your own lawsuit pro se.

If you don't how to do that, then you could take three (or up to seven, including undergrad) years of your life and anywhere from around \$50,000 to \$250,000, fork both over to a law school (and, if necessary, also to an undergraduate school), and learn the law and the process. Or, well, you could pay for legal representation. . . .

Report to moderator [Logged](#)

MYK
Senior Member
Posts: 472

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #39** on: 12-01-09 at 01:25 am » [Quote](#)

Quote from: InventorA. on 11-26-09 at 01:35 pm

The FACT, that no one on here can even provide us (we normal individuals), with even ONE example of ANY SUCCESSFUL INDEPENDENT INVENTOR, who has realistically brought his brainchild to market, through use of our present-day System... without it costing an arm & a leg, their LIFE -(or ALL THREE) more than obviates my point at hand.

I can think of several offhand.

1) At the USPTO's annual inventors' conference a few years ago (I believe 2006), the fine gentleman who invented "spinners" (those wheel kits that allow the hubcap to rotate independently of the hub/tires/rims) spoke rather happily about how much money he made off his four (at the time) patents.

2) The gentleman who invented the "Bounce" fabric softener sheets created a billion dollar market, based on two patents.

3) The CTO of a biotech startup founded in 1999, who invented a radically new fluoroscopy instrumentation system. His most recent patent came through over the summer. It is currently a quarter-billion dollar company.

4) A wise man I know in Taiwan who holds several patents on such simple items as soda-bottle racks, vertical-blind mechanisms, and digital camera lens mechanisms.

5) "Evening Magazine", a syndicated television show, has a segment they used to run every year or two (I haven't owned a TV for five years now, so don't know if they still run it) on the man who invented the freestanding circular fireplace that was so popular in ski chalets in the 1970s. That single invention produced enough income for him to live on for the rest of his life.

I could name at least a half-dozen more in the field in which I do most of my own tinkering, but I have no desire to publicize that field here. Then of course there are all the historical examples who arguably predate the "present-day System".

Quote from: InventorA.

First off, you're entitled to your callous, worthless, & baseless opinion of me - as asinine as it is.

Let's get something straight here. I'm not the one living in fear, simply because I associate with

a band of people who walk around on a daily basis, as if they are above everyone else on the planet,

and all others (including their clients) should "pay them", just for the privilege of speaking to them.

If you think anything you do... (for anyone other than a rich corporation out to steal someones idea)

is worth hundreds of dollars per hr. you're high on crack (in addition to being extremely delusional)!!!

Dude, you're sodding delusional. It's not much of a free country any more, but everyone still has a right to decide how much they think their work is worth, and to reject jobs they feel aren't worth their time.

If you want someone to work for you, you can either pay them what they think they're worth, or you can go look for someone willing to do it for less. If you can't find anyone at all, then I've got news for you: they're not the problem, you are. Either your expectations are wildly off (they really can make more elsewhere), or there may be some

other issue -- in the present example, your patent might have been so badly written and/or badly handled ("prosecuted") that it is unenforceable (someone mentioned looking at your patent's file wrapper and seeing that you handled part of it yourself), or people may see your tirades and decide that they don't want to risk working with you.

Personally, seeing as how you showed up on this board and started making threats about "we the reasonable are coming for you" and how you think patent attorneys are "living in fear" (or at least should be, in your worldview), I think you sound dangerously unstable, and if you were to show up at my place, I'd call the police.

[Report to moderator](#) [Logged](#)

InventorA.
Junior Member
Posts: 19

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #40** on: 12-01-09 at 02:12 am » [Quote](#) [Modify](#) [Remove](#)

Myk, thanks but if you'd read the entire string you'd realize none of that is an option for us... which is precisely why this particular topic was initiated in the first place.

Besides having already depleted my life's savings, I'm a 54-year old who's bordering insanity.
This ordeal has gotten me to the point now, where I'll walk into another room to get something and can't remember what, by the time I get there... so law school and/or pro se' litigation is about 25 years too late where I'm concerned. Plus, I'm aware of a few who went that route did a brilliant job, only to discover an even unkindler Legal & Judicial System... so bad in fact, the man even wrote & published his own book about it. The book was extremely eye-opening.
At first, I doubted the novelty of his idea (which related to the weight block in a bowling ball).
But after I studied it in detail, I realized he was right and he'd actually been victimized as well.
(If you people think I'm crazy, you're gon'na love this gentleman!) We weren't born like this!!!

I don't wish for us to get off topic, but I feel everyone should understand just why so many of us have lost all faith in our present System & now feel so utterly hopeless. This man was in his

80's and still fighting on his own behalf, when he wrote the following letter to me;

" While browsing the internet on the "Findlaw" website, I came across your Oct. 7, 2002 e-mail to Mitch Albom, regarding your Perfecta Grip invention. You mentioned how a fraudulent and corrupt patent system had allowed others to infringe and steal your invention. In trying to get press regarding your problem, you stated that most won't touch the subject for fear of challenging a government system. You also mentioned that you picketed a former law firm for 3 days before you got TV coverage regarding your problem.

I can sympathize with you, because I've also been taken by a corrupt patent system, plus a corrupt Judicial system. In my case I invented a bowling ball covered by Pat. No. Re. 34,614. To talk about corruption in the Patent Office, it took me 12 years to receive the patent, because Patent Office Examiners favor corporations, and therefore, try to force independent inventors into receiving the weakest patent protection possible, so that corporations can easily circumvent or outright steal the patent. This is just the tip of the iceberg, because if you are an independent inventor and successful in receiving strong patent protection, you will more than likely get involved in court litigation, and encounter corrupt federal judges. Since the federal court system favors corporations with the big bucks, your patent will be invalidated, as my patent was.

Since you mentioned that you had a hard time getting press to expose the corrupt patent system, you can imagine the problem I had trying to get press to expose the corrupt United States judicial system. To expose corrupt federal court judges, I picketed the federal courthouse, and was completely ignored by newspaper and TV news media, because of judicial terrorism. Since I was unsuccessful in getting news media coverage, I wrote a book that exposes the corruption occurring in the U.S. Patent Office and the U.S. Federal Courts. To get a more thorough assessment of the corruption, view my website at <http://www.americasjudicialmeltdown.com/>. "

Sincerely,

ARNIE GOLDMAN.

Try these guys (see link below and a blurb from their website). They're called Rembrandt IP, specialists in infringement solutions. They've taken on the big corps on behalf of the little inventor, and they've won more than a few.

And because several of the cases they took (and won - again against big corps) were by no means slam dunks, if they won't take your case, then that should tell you something.

<http://www.rembrandtip.com/>

DogDayPM,

I was referred to Rembrandt by a firm (because they thought I had a strong case) several months ago. I spoke with and forwarded my case to them several weeks ago, and haven't heard back from them at this point (which usually isn't a good sign, but, who knows, maybe they will take my case) and if my case (or anyone else's) is declined, it doesn't necessarily mean that you don't have a good case, as related to validity and infringement. They, like other law firms, aren't the least bit interested in your case if there aren't enormous damages to be collected. My case, which they are currently considering, involves a patent which was granted re-exam to the defendant, and the patent came through the re-exam with all claims confirmed on the INITIAL office action. I now have a patent that is "forged" against this defendant, who chose to roll the dice, and lost. I also have spot-on claim charts showing an obvious infringement by their product. So, what's the problem(?)...damages, just like all the other firms apprehension. It's not that there isn't any money to be made, it's that there is no obvious revenues like that of a fortune 500 company. Rembrandt is NO different -- they WILL fight for the little guy, as long as they can take down a GIANT. Otherwise, it's sorry, but, thanks for considering us.

All of this leads back to the same question, where is there one single attorney for me to turn to, to collect my past RR, even though it may "only" be a couple of million dollars.

In the discussion taking place with InventorA, I think many of the comments (take special note, MYK) towards him about hiring a firm, or going to law school and litigating his own case pro se, are totally and completely ridiculous, as he has made it perfectly clear that he isn't capable of doing either. I am glad to see that some of you have taken the time to look at his file wrapper and hopefully other aspects of his case, despite his somewhat displeasing (at times) disposition towards "your" system, as he calls it.

I would be happy to provide someone who could possibly help me additional information, through a PM. Obviously, there are many other nuances to my case, as it was involved in previous litigation, but, I can assure you that I have this company dead in the water, I just need someone to take them to task. As a side note, they were involved in a subsequent patent infringement suit to ours, so they told my counsel they would just go bankrupt (and he actually believed it) before paying either of us a dime. Well, four

months after my counsel dropped my case, they took a license to settle the other case. I also have a list of at least 15 other potential infringers, some of which make products that produce 100's of millions in revenue per year that cross over into the technology contained in my patent claims.

Best regards to all.

Report to moderator Logged

vman11
Senior Member
Posts: 209

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #43** on: 12-01-09 at 07:15 pm » Quote

Here's an idea.

Why don't you two guys looking for legal representation message "petethebody" or "Jim_W" off this forum.

Both are fresh grads and looking for a break, one's even mastered the fine art of panini making while looking for employment opportunities.

I assume of course that both these posters are admitted to respective bars.

How bad can this turn out, guys with absolutely nobody willing to touch them may potentially be represented by hungry (albeit green) young guns looking to make a name.

Report to moderator Logged

JustAnotherExaminer
Senior Member
Posts: 175

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #44** on: 12-02-09 at 07:54 am » Quote

Quote from: DogDayPM on 11-30-09 at 03:25 pm
Quote from: JustAnotherExaminer on 11-30-09 at 03:10 pm
It appears to be pro se until the 312 amendment.

Can't you read it the opposite way as well?

Well the legal rep is on the issued, so I'm assuming that's the last legal rep at time of publishing.

And I really doubt a pro se knows their way around 312s.

So while yes, it could be the opposite, highly doubtful.

Report to moderator Logged

Author Topic: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

(Read 1469 times)

BobRoberts

Full Member

Posts: 80

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #45** on: 12-02-09 at 08:32 am » Quote

Inventor A,

You said:

“had you the mindset of an "ethical" lawyer, who sought cases on merit alone... you'd have actually tried to help me (not only out of your "fiduciary duty" to do so, but primarily because it would make you feel good to actually HELP someone)” ... “but at least I have friends & know what it feels like to help someone for the sake of helping them.

I sleep well every night, too as a result of that.”

I say:

I wonder what criteria you would use to determine who I should help (with free services) and who I shouldn't? Is it necessary that I (and every other attorney) help everyone that knocks on my/our door, through the patent process, without charging a dime? Or, is it just necessary that we help you, and everyone else can fend for themselves...

As a 'business man' you surely understand that our system is set up that you pay for the services you receive- there is no such thing as a free lunch (again, if you selected someone that did a poor job on your application, sue them, and don't blame me for their poor work product). You've probably sold some of your bowling inserts, the key word being 'sold.' I'm pretty sure you didn't give them away. Why should I give away my services when you charge for your product?

The United States is not a communist commune, but rather a free-market society. If an attorney charges too much for their services, they don't stay in business for very long. But I'm sure you realize this when you are asking everyone for free services... And, only after you've donated several years of your life and over \$100,000 to schooling can you decide who I should charge what.

You said:

“How many new clients do you suppose you've impressed - by insulting me?”

I say:

As I post effectively anon, I'm not on here to impress clients. But you'll see, that I believe in any case prior to yours, I've posted with the utmost of decorum to people regarding their situation, and tried to offer *free* advice. I don't post often because I'm extremely busy... But, you'll notice that in many cases, an attorney can give the basics on a bulleting board like this, but every situation in the law *must* be considered on a case-by-case basis, accounting for all the facts (many of which cannot and should not be discussed on a public forum).

You say:

“You're probably a loner, but if not - I'm sure your firm is very proud of you right about now. “

I say:

I have many friends. I am the leader of a prominent local charitable organization, of which I donate 30 – 40 hours a month to charitable causes. I spend time with my family as much as possible, as family is extremely important to me. I attend church every Sunday without fail, and volunteer my time helping my church, and teaching religious education classes every time each week. Clearly, you don't know me.... You don't know my level of ethics. FYI- I do offer a free consultation, and am always willing to talk and *teach* new, independent inventors over the phone every day. Usually to the tune of 2-3 hours each week of *free* services. Do you donate 3 hours a week to people giving bowling lessons, receiving nothing for your time?

You say:

“I'll just pull a million out of my piggy bank & maybe you'll even help me then?”

I say:

I agree with another poster, that if you walked into my office, and exhibited any signs of what you're spewing on this board, I'd politely ask you to leave, and if you didn't comply, I'd call the police.

What is pretty evident is that you hear what people say, but don't appear to listen. A big difference. Probably the source of many of your problems.

And, my basis for thinking that you need help(I mean apart from all the statements, sharp comments, and *free* advice that you've offered):

From Wikipedia:

Neuroticism is the tendency to experience negative emotions, such as anger, anxiety, or depression. It is sometimes called emotional instability. Those who score high in neuroticism are emotionally reactive and vulnerable to stress. They are more likely to

interpret ordinary situations as threatening, and minor frustrations as hopelessly difficult. Their negative emotional reactions tend to persist for unusually long periods of time, which means they are often in a bad mood. These problems in emotional regulation can diminish the ability of a person scoring high on neuroticism to think clearly, make decisions, and cope effectively with stress.

Sample Neuroticism items:

I am easily disturbed.

I change my mood a lot.

I get irritated easily.

I get stressed out easily.

I get upset easily.

I have frequent mood swings.

I often feel blue.

I worry about things.

Inventor A, your posts here exhibit all of these symptoms.

And another post I believe I read (that appears to be gone now) was the most troubling yet: one that seemed to say that that attorney friend of mine that was killed by the inventor deserved what he got?!? This is extremely troubling, and further supports my assessment of your condition. Even if he did steal the idea (and I assure you that he didn't), it would never be appropriate to take a life to seek revenge for that type of wrong. If you don't understand this concept, then you are even further gone than I had believed.

Get Help...

[Report to moderator](#) [Logged](#)

BobRoberts

Full Member

Posts: 80

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #46** on: 12-02-09 at 08:49 am » [Quote](#)

Anon:

"I am new here, and although I've spent considerable time searching the threads to find information regarding my situation, I was unable to find any answers. So, forgive me if I am asking a question that's already been answered someplace else."

You sound like an extremely classy and reasonable person. I apologize for your situation, and for your having your post hijacked (and my contribution to that hijacking, through my posts to Inventor A).

I do not handle litigation. In short, I am not qualified for that side of the field, as I focus on Patent, TM and Copyright prosecution (assisting people in acquiring Intellectual property rights).

Have you contacted organizations like "Lawyers for the creative arts"? I'm not sure that they do pro bono litigation and may not deal in the patent areas. However, they do refer people and may know an attorney(s)/firm that is willing to work with a small business client where the contingency return would be smaller than with a larger-profile client. The attorney (shot by the inventor) was extremely active with Lawyers For The Creative Arts, and donated much time to pro bono clients, even on the litigation side of the business. Ironically, there is certainly the possibility that if he were alive today, he would be willing to assist you...

I wish you the best of luck...

Report to moderator Logged

ChrisWhewell
Senior Member
Posts: 398

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #47** on: 12-02-09 at 09:32 am » Quote

Quote from: Anon. on 11-16-09 at 02:32 pm
Hello Everyone,

I am new here, and although I've spent considerable time searching the threads to find information regarding my situation, I was unable to find any answers. So, forgive me if I am asking a question that's already been answered someplace else.

Here is a brief rundown of my situation: I am a small company that holds a single patent. I was represented by a firm as a plaintiff in a patent infringement case that was filed in 2007. Upon not being able to find a corporate entity (which ultimately did exist) for the defendant, my litigator was convinced from day one that there weren't any substantial revenues to be recovered, but went ahead and filed the case anyways because we had already entered into an agreement with the firm. After speaking with opposing counsel, our litigator told us the defendant didn't have any money, based upon their counsels "word" only. Repeated attempts were made to get tax returns (promised), etc, to verify revenues, none of which was ever supplied. Ultimately the defendants filed for dismissal or venue transfer, based upon their business structure. In final briefs on the improper venue motion, my counsel did not inform the court that the defendants were actually an LLC and therefore venue was proper. The judge dismissed the case without prejudice based upon improper venue. Simultaneously to filing the venue motion, the defendants

were granted an ex-parte reexamination of our patent. Our firm withdrew from the case, and we waited out the results of the reexamination for over a year. Our patent was 100% confirmed in the reexam, all of the claims are intact.

The problem now is, that I am having tremendous difficulty in finding a firm to re-file my case. I have a list of at least a dozen other infringers, in addition to the original defendant. By the way, the original defendant was named as a co-defendant in subsequent patent infringement litigation to our case, of which they took a licensing agreement with the plaintiff. (even though had they stuck it out, that litigation resulted in a win for the other defendants) Interesting how my litigator believed the defendant when they threatened to go bankrupt before they would pay a dime in either case. I feel if my counsel would have stuck it out, I would be the beneficiary of a licensing agreement. It was apparent that my firm was looking to get the fruit from the low lying branches, and when that wasn't evident, they wanted to bail out. And why not, they had just come off of a 150+ million dollar judgement.

Does anyone know how I can find someone to go after this company, even though their revenues may only be several million dollars annually? However, I truly don't know what their revenues are, as my counsel never filed a single discovery motion in the case or received promised tax returns. Is there a list of firms somewhere on the web of patent firms that focus primarily on contingency cases? I have been able to find a few and I am in the process of talking with them. Am I destined to fail because my infringers are only making (if so) a few million bucks, rather than 10's of millions of dollars, or is there someplace I can turn to in order to get relief?

I would greatly appreciate any thoughts or suggestions from anyone. I can also provide additional information regarding infringers, etc.

Thanks – Anon.

Apologies if my reply is redundant, I haven't read everything on here. I may know of someone who can help you. What field of technology is the invention in ?

Report to moderator Logged _____

Chris Whewell

www.mypatentagent.com

Notice: NOTHING IN THIS MESSAGE SHALL BE CONSTRUED AS LEGAL ADVICE. No representations or warranties are made with respect to any of the information contained in this message, and particularly in reference to its accuracy or suitability for any purpose.

Anon.

Newbie

Posts: 6

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #48** on: 12-02-09 at 04:06 pm » [Quote](#)

BobRoberts,

Thanks for your suggestions.

Chris Whewell,

Please check your PM's.

[Report to moderator](#) [Logged](#)

InventorA.
Junior Member
Posts: 19

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #49** on: 12-02-09 at 06:15 pm » [Quote](#) [Modify](#) [Remove](#)

Mr. Roberts... (This...is in reply to your insinuation, #46 above)

Immediately below you will find the "response in question" which had been written to defend my right to seek whatever kind of help I truly need - in my own way - without the fear of having you constantly trying to twist the truth, each time I try to do so. I find it odd that my straightforward rebuttal to you would be deleted, yet, your highly impersonal, unprofessional, and inaccurate rant would (somehow) simultaneously be allowed to stand....Interesting!

(Luckily, I just happened to have retained a copy of same... just in case I was ever misquoted, or otherwise misrepresented).

So Bob, if you would... show us all (from the supplied copy of my prior response to you (enclosed herein below), the EXACT sentence wherein I had either indicated or implied that I in any way justified or condoned what had happened to your friend.

The very fact that you even wish to believe such nonsense says a lot about you as a person. What kind of individual must you be to even insinuate much less consider projecting such a thing, on me ? What have I ever done?

Here's the deal buddy,

You are free to make whatever claims you like about your system & your work, & you charge whatever you like for whatever it is that you're convinced you do.

That IS your right.

I have been bilked out of tens of thousands, by others in your profession who have promised me all sorts of things, none of which were ever delivered. No one, either within your system or without, will even consider looking at the situation.

As a result, I have been seeking an honest and affordable remedy for many years. I have a right to do so, as well as a right to my freedom of expression so as to bring attention to the problem to rectify it, as well as prevent others from falling into any similar traps.

So I'm sure by now you realize that there is no positive reason for you to continue your personal attacks on me from here on in, simply because you have nothing to gain by it.

The two of us seeking help in this string, have made it very clear we have no money to pay you. Likewise, you have made it painfully clear that you have no intention of helping either of us on our own terms. So, please, simply allow us to seek the kind of help we now deserve (which you have no intention to provide) and allow others their freedom - to hear our views.

I will not waste my time trying to convince anyone on here anything further, about you. I see no reason (economically or otherwise) for you to waste yours, either.

PS) The same God you visit every Sunday, granted me a great gift... an unequalled understanding of the game of Bowling. It may interest you to note that I have helped and instructed hundreds of people over the years, but never taken a dime for a lesson. Nor do I make it a practice to take money in advance for actual work done until its been done. Additionally, if they weren't absolutely thrilled with the end result, I would immediately make it right, or I'd refuse their payment. I'm not trying to infer everyone must operate on this Godly basis. But I am trying to infer that it might be a sound alternative, to correct many problems.

For God's sake and mine, I'm asking you to allow others to hear whatever we have to say (with regard to our business, problems & potential solutions) & then decide for themselves what they wish to accept or reject.

"WELL READ MY LIPS...

MY LIFE, and MY (MULTI-MILLION DOLLAR) VISION - HAVE BEEN OPENLY HI-JACKED!

...I'm TAKING IT ALL BACK!

And, I don't give a rat's behind who likes it, how much money they have, or who they work for.

ITS ALL MINE and NO... INDIVIDUAL, COMPANY, OR GOVERNMENTAL SYSTEM WILL EVER CHANGE THAT!

SO...

I HAVE SOME VERY SOUND "FREE ADVICE" - FOR ALL OF YOU!

IF YOU DON'T INTEND TO BECOME A PART OF MY SOLUTION,
FORGET ABOUT BEING A PART OF MY PROBLEM...
PUT YOUR HELMET ON, & GET OUT OF MY WAY!"

"I'm here to alert ALL you so-called "Legalists" (who conveniently ban together in full support of each other's totally reprehensible and UNETHICAL behavior... that "WE THE REASONABLE" ARE COMING FOR YOU, YOUR SYSTEM, AND ALL!"MY LIFE HAS BEEN STOLEN.
YOUR "SYSTEM" ENABLED IT."

I say:

I know many Patent attorneys in many sized-firms. There are a couple who I'd not want representing me, but the rest are good, honest, hard-working people with more integrity in their pinky than it sounds like you have in your entire body. You picked a bad attorney. If they were truly bad, sue them for malpractice and let the court decide. If they destroyed your chances at millions in future unforeseen profits, then prove it in court (if the evidence exists) and let their malpractice insurance foot the bill. And, pay the legal fees out of your pocket, because if it was as blatantly bad as you say, the court will almost assuredly award you your attorney fees back to you.

You said:

"IF - however, your "mistake" is not simple... but rather GROSS or BLATANT in nature (which any reasonable person with a 10th grade intellect can see), You'd then expect to owe me, a proportionately considerable amount, more."

I say:

So if it was indeed that bad, see the above point and sue for your damages (thatis your right), but don't expect ME to pay for your dilemma, and don't blame EVERY patent attorney and the Patent System for your dilemma. That makes no sense (which even an unreasonable 9th grade intellect can see). Or, even better, go pro se- after all, you're an Expert's Expert, and can surely do a better job than any of us slouches...

You said:

“(Remember;

No patent attorney ever discloses ANY such formula to us - in advance!)”

I say:

Why would an attorney preparing your patent application, discuss litigation? !? But if that was on your mind, why didn't you just ask the attorney, and pay the attorney's hourly rate (or the fee of some other attorney), to explain it? We are usually pretty good at drafting patent applications, but not at reading minds.

Best of luck, and GET HELP; medical help; lots of it; Seriously. Not ganging-up on you, just pointing out the obvious. Probably psycho-therapy (and electroshock?).

My name is Bob Roberts (well, not really), and I'm a Patent, Trademark and Copyright Attorney. I try my hardest on every issue I handle with for a client- with NO exceptions. I post anon because a friend of mine, a patent attorney in Chicago, was killed by an inventor with illusions of grandeur. An inventor that made assumptions THAT WERE WRONG (that the attorney was stealing his invention), and killed him. The inventor went around that law firm office looking for attorneys, and when he found one (or thought he found an attorney), he shot them. Four people died that day. Three had no association whatever with the inventor's patent, as my friend (a solo practitioner) leased the office space from the firm the other three were associated with. Now, a young child will grow up without knowing what a terrific individual his father was. All because an inventor made an incorrect assumption about a situation, and indiscriminately decided that ALL attorneys were bad and involved in a conspiracy to get him. Get help, seriously.

Logged

Report to moderator 97.85.32.44

InventorA.

Junior Member

Posts: 19

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #51** on: 12-02-09 at 06:19 pm » [Quote](#) [Modify](#) [Remove](#)

InventorA. (response part 3)

Junior Member

Posts: 10

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« Reply #18 on: Today at 04:26 am »

Look Bob (or whatever other alias you go by)...

First off, you're entitled to your callous, worthless, & baseless opinion of me - as asinine as it is.

Let's get something straight here. I'm not the one living in fear, simply because I associate with

a band of people who walk around on a daily basis, as if they are above everyone else on the planet,

and all others (including their clients) should "pay them", just for the privilege of speaking to them

If you think anything you do... (for anyone other than a rich corporation out to steal someones idea)

is worth hundreds of dollars per hr. you're high on crack (in addition to being extremely delusional)!!!

You lawyers (at least every one that I ever met) are the ones suffering from "delusions of grandeur"!

What ever happened to "The Customer is ALWAYS Right..?" You, my friend are the original "Sick-O".

Because of your obvious mental incapacity, and apathetic inability to accept any blame for the eventual by-

products of your "routine practices"... I'm going to do YOU a huge favor, Pro Bono!

Did you ever stop to consider the possibility, that YOU & your kind, DRIVE people like me & others NUTS?

Allow me to clarify, the following points for you to internally ponder;

A) Clients are all human beings & they have Feelings as well as Dreams & needs.

B) They (as in WE), were not put on Earth, solely as "cash-cows" for you to milk.

C) Clients like myself, don't print our own money, or pick it off a tree in our yard & we don't all have unlimited amounts of it to just give you, w/o you producing something

of value for us - FIRST! That's the way it has always worked in the REAL WORLD.

D) YOU are living in a fantasy world (which your profession itself seems to have created

somewhere along the line), during the past 50 years.

E) "RETAINERS" ARE ASININE! and ANY individual who pays one to any "Legalist" he doesn't

know well enough to be related to, should have his head examined & deserves everything

he gets (ie... "fleeced"). Any subsequent Bill should ONLY be paid IF & WHEN WORTHY svcs.

were satisfactorily rendered.

F) MOST IMPORTANT - & LET THIS BE A LESSON TO YOU...

ROBERT J. RINGER once wrote; "ACTIONS HAVE CONSEQUENCES"

Whenever, a client (an otherwise intelligent inventor) comes back to you extremely dissatisfied,
it is YOUR OBLIGATION to figure out exactly WHY - and then FIX IT, or refund his money if he is
that dissatisfied with your work. Being callous, calling him crazy, or worse yet, IGNORING his outcries
are not in your firm's best interest. If people are always ending up on the short end, while the big
guys take their ideas & run (either w/ or w/o your help) you can fully expect such consequences.
No other profession gang-rapes clients the way yours does & is allowed to get away w/ it. (by design?)
When people become wild enough to scream things at you... YOU - aren't doing SOMETHING right.
Don't try to blame that firm's inability to properly deal with customers - on ME, or on anyone else
(whose head, your "system" had previously placed in a vise!).
Funny how you project what happened in your friend's firm onto ME, as if I were somehow responsible!
Did it ever cross your mind that if even one person in that firm had LISTENED to that man's problem,
WITH A TRUE INTENT TO RESOLVE IT... those 4 people would likely be alive today? ...EVEN ONE PERSON.
I don't mean to justify what happened when he snapped, it's wrong, and worse yet VERY likely avoidable.

One thing however is certain, here...

YOU of all people, don't need to be projecting blame onto others (like me) for problems arising from your
self-adopted, routinely impersonal (Systematic) behavior. By "you", I mean members of your profession.
I don't know you. You may be a great lawyer & a nice human being.
(In fact, you likely would have been... had you thought I had any money.)
But because you know I don't & wouldn't spend a dime on you if I did,
you feel THAT somehow gives you the right to insult me up & down, infer that I'm somehow "unethical" (and diminish my "contribution to society" and my life's work as if both IT and I were worth nothing at all...) WITHOUT even,
taking any time at all to even CONSIDER much less explore the remote possibility that I just might be RIGHT. Your mind just isn't at all open, to that possibility.

(In short) because YOU have already "pre-deemed" me to be financially worthless (to you)...
you now attempt to render me worthless to all humanity. And you, claim to be educated?

it is YOUR OBLIGATION to figure out exactly WHY - and then FIX IT, or refund his money if he is that dis-satisfied with your work. Being callous, calling him crazy, or worse yet, IGNORING his outcries are not in your firms best interest. If people are always ending up on the short end, while the big guys take their ideas & run (either w/ or w/o your help) you can fully expect such consequences. No other profession gang-rapes clients the way yours does & is allowed to get away w/ it. (by design?) When people become wild enough to scream things at you... YOU - aren't doing SOMETHING right. Don't try to blame that firms inability to properly deal with customers - on ME, or on anyone else (whose head, your "system" had previously placed in a vise!)."

The underlined sentence is probably what I'd read when I initially skimmed your post, and found it (the post) was deleted when I went back to read it in more detail.

"...you can fully expect such consequences."

The 'consequence' of killing someone is, as I said, never justified in this type of circumstance.

Having had the chance to read the post in detail this time around, I do see you mention that you don't believe that it was justified, so I'm glad (and relieved) to have read that part, and I do apologize. I should have not said that in my prior post.

I do believe that you need help, however. Whatever frustration you feel, you seem to have let it dominate your life, and it comes out sounding alot different than frustration. It comes out sounding like threats, uncontrollable anger, and borders insanity. But you are correct, you have a free speech right to give your side. However, that doesn't extend to inciting violence...

InventorA said:

"I'm here to alert ALL you so-called "Legalists" (who conveniently ban together in full support of each other's totally reprehensible and UNETHICAL behavior... that "WE THE REASONABLE" ARE COMING FOR YOU, YOUR SYSTEM, AND ALL!"MY LIFE HAS BEEN STOLEN. YOUR "SYSTEM" ENABLED IT."

And I agree, that I will not let this thread detract any more from my "billable" hours....

« Last Edit: 12-02-09 at 10:10 pm by BobRoberts » Report to moderator Logged

ChrisWhewell

Senior Member
Posts: 398

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?
« **Reply #54** on: 12-02-09 at 09:11 pm » Quote

Quote from: InventorA. on 11-29-09 at 02:49 pm
You see them (my observations) as - "insults".
I see 20 years of personal experience as - "facts".

However your new suggestion is most welcome and appreciated.
If indeed, it is a bona-fide resource as you claim it will be viewed
as an oasis in the desert by many... and they will become famous.

If they turn my case down, YES, it will Definitely tell me something...
it will tell me that they are nothing more than a new version of "Front"
for another corrupt "Invention Submission" vehicle, used to steal ideas.

But I will keep an open mind, while checking them out
& remain cautiously optimistic. I'd advise others like me to do the same.
I thank you, sir & will keep you posted should something unusual happen,
be it good or bad. Should they ever find me Justice, I WILL remember you.
(In the meantime, I'll try not to repeat so much, I promise.)

Have a great day.

Arnie.

As an independent inventor myself, I'm with you on much, but not all, of what you write,
and understand, as I've seen similar situations over the past couple decades. A relative or
Mr. K is an old friend of mine and I learned intimate details of those cases 10 years
before the movies came out but can't comment. I often keep my true sentiments to
myself, so as to not give an improper appearance, but nevertheless retain understanding
that there are probably many others who feel the same way about some aspects of the
system as I. My perspective often makes me ponder the strength of individual property
rights. In a communist system, individuals don't have any. I think some might argue that
the court interpretations of late give the appearance of weakening individual property
rights. One is eBay v. MercExchange but there are others. If given the choice between
communistic and free systems, undoubtedly there would be many lawyers who would
defend either, if paid. I'd also wager that some would not support one of such systems
regardless of the pay. That's what defines a Man, whether his soul can be bought for a
few pieces of paper.

Report to moderator Logged _____

Chris Whewell

www.mypatentagent.com

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InventorA.

Junior Member

Posts: 19

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #55** on: Yesterday at 09:31 am » [Quote](#) [Modify](#) [Remove](#)

Thank you both, for these last two posts.

I also admit that my words and feelings are overly expressed at times, but want you to be assured that I at no time actually condone violent acts as the solution. However, what I am trying to convey, is that I can certainly understand why some people are driven to such extremes. Everyone deals with pressure in different ways. When the pressure is increased to that which becomes beyond the level of human tolerance, with absolutely no form of release, understanding, or compassion - to the point where the innocent victim has lost so much in his life that the very concept of life itself is diminished - at that point the person become dangerous.

Some people, deal with pressure better than others.

Some get violent, because they view violence as their last resort and their only means of drawing attention to the(ir) problem - which at that point then becomes everyone's. They become so frustrated (with what seems to be the entire world ignoring them), and harbor so much built up resentment towards everyone, for simply not seeing the obvious gross injustice that's become so glaringly obvious to them (and, has since defined them), that they may "snap", and seek to take it out on humanity in general (who to them, has become totally inhuman). Of course, skewed thinking like this is seldom understood until it is after the fact...which is a big, big, reason why I am writing as much as I have been.

Others... react by becoming overly "reasonable".

Their minds go into overdrive (usually in futile effort) to make people understand. They become obsessed with finding the exact combination of words, and emotions, necessary to bring enough attention to the "macro-problem", that a total solution is the only rational conclusion they can foresee. They are seeking to first solve the World's problem and figure their own personal solution will simply arise as a by-product of their efforts realized.

Robert Kearns, would be a classic example.

I honestly believe that our particular set of "environmental circumstances", directly contribute to the type of person we become... (in other words, who we happen to be surrounded by,) albeit positive or negative thinkers, how they, and our loved ones interact with us - &... what "breaks" come our way. How we look at, & come to perceive ourselves is without question most important.

No one knows exactly how they themselves would react, until they are put in such a position. This ever-growing problem needs some very serious attention, & that should be accepted as a given.

Anyone, be they Inventors or anyone bordering lunacy or on the verge of potentially violent behavior needs to be heard, understood, and eventually studied - to find out why they have become that way. Simply ignoring them and portraying them as an unnecessary evil, never makes the problems go away.

Both our government and our society, would do well to remember this.

I, myself - happen to have created a future billion-dollar market (yet untapped) but have been forced to live in constant frustration within (my own personal reality) over the fact that there is no realistic way for me to either divulge or protect my vision long enough or well enough for me to ever realize it. As crazy as that may sound to all of you, this - has been my REALITY. What is simple for many of you, is impossible for me. (...and, vise-versa)

What a shame... (and a waste of talent, wisdom, & Life) that we can't somehow alter this paradigm, & harmoniously combine our joint resources for the greater good of us all! Today's economy is no mystery.

Thank you for listening, to one such individual who has been driven to the border (of insanity)... and dropped off.

I'm still
- Arnie.

Report to moderator 97.85.32.44

bleedingpen
Full Member
Posts: 96

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #56** on: Yesterday at 02:05 pm » [Quote](#)

Quote from: Kpanlogo on Yesterday at 01:05 pm

Read Ayn Rand or do whatever you gotta do.

I love some Ayn Rand, but I usually get more angry after reading one of her works.

Report to moderator [Logged](#)

InventorA.
Junior Member
Posts: 19

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #57** on: Yesterday at 04:27 pm » [Quote](#) [Modify](#) [Remove](#)

Kpanlogo
Junior Member
Posts: 32

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #57** on: Today at 01:05 pm » [Quote](#)

Get over yourselves.

We're all inventors.

I invented a game involving a big clown head with mechanized chewing action.

Alas, the world hasn't demanded I be richly rewarded beyond the dreams of Tiger Woods

... I mean shoot, I'd settle for any one of his honies ... but here I am ... an ugly little clown

... with my macabre little game.

You don't see me bashing back windows out of SUV's like a bitter little tart.

So man up.

Philosophical mumblings don't justify misplaced resentments expressed as violence ... period.

Whipping yourself into a frenzy doesn't constitute driven to extremes by anyone but yourself.

bleedingpen
Full Member
Posts: 96

Re: HOW DOES A SMALL ENTITY FIND REPRESENTATION?

« **Reply #59** on: Today at 08:01 am » [Quote](#)

Quote from: DogDayPM on Today at 07:29 am
Quote from: InventorA. on Yesterday at 04:27 pm
...I love, Ayn Rand.

I think the most famous book was called, "Arnie Shrugged".

Ha!

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