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TRIAL TECH

Carlyn Kolker

Patenting the practice

PATENT LAWYERS ARE like scribes: They record a masterpiece someone else has created. But occasionally a lawyer comes along who is an artist—or at least an artisan—in his own right.

Wesley Whitmyer Jr., a partner at St. Onge Steward Johnston & Reens, an 18-lawyer IP firm in Stamford, Conn., has developed a way to eliminate the administrative headaches in tracking patents and trademarks.

“In the process of automating my own law office, I realized there were no good products out there,” says Whitmyer. So Whitmyer, who does computer programming as a hobby, wrote one.

Since he is in the business of writing patents for others, Whitmyer, 38, decided to seek patent protection for himself. He has received three patents—the first issued in 1999. Another application is pending by the U.S. Patent and Trademark Office. (Patents and recent patent applications can be found at www.uspto.gov).

The genesis of the system was in the early

Carlyn Kolker is a technology reporter at American Lawyer Media. She can be reached at ckolker@amlaw.com.

1990s, when Whitmyer set out to create a database to automate the process for the upkeep of patents and trademarks. The firm began to implement the database about five years ago. It has been through about four iterations since then, says Whitmyer.

The database tracks reminders for important dates, like, say, the due date of a notification letter. Whitmyer's system helps him assemble and manage the large volume of documents he manages in his practice. St. Onge has hundreds of form documents stored in its internal database, including models of letters to the U.S. patent office, client correspondence and some litigation-related documents, such as responses to subpoenas. These documents can be assembled automatically with client-specific information, such as a patent's serial number.

“There is no machine that is going to write a patent application for you, but you can use a machine to generate paperwork for an application,” says Whitmyer.

Whitmyer also has automated the process of communicating with clients. The firm's database automatically sends clients reminders with forms requesting a client's authorization to send out a specific form or letter.

Late last year, St. Onge made some of the information in its database available to clients online. (Whitmyer has a patent to deliver services online.) Clients can log on to the firm's Web site and review their patents and trademarks. On another section of the site, clients can enter relevant information about utility patents and a

calculator will figure out when a patent will expire. The system will do the same for trademark renewal dates.

Charles Ankner, a patent administrator who manages patents for the North American arm of Karl Storz GmbH, a German medical devices company, says he logs on to the Web site regularly to track the status of hundreds of patents and trademarks registered around the world. Ankner will also check whether a particular patent is the subject of an infringement lawsuit.

Whitmyer says he spent “the better part of four years” designing this system. This time could have been spent billing clients. To help, St. Onge also hired a full-time programmer. Overall, Whitmyer says, the system was “expensive”—he won't put a dollar figure on it—but St. Onge

believes the system ultimately will make its clients happy, and will give the firm an edge against other boutiques.

“By striking it out in the tech direction we can show clients we are independent and progressive,” says name partner Louis Reens.

Whitmyer says he has considered licensing the technology, but hasn't made any such moves yet. He is still busy enough concentrating on his clients' patents right now. **NLJ**

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No machine will write a patent application.

—Wesley Whitmyer