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Billings patent attorney protects your bright ideas

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Stuck in a rocky relationship? Toni Tease could direct you to an invention aimed at resolving your troubles.

Tease is no marriage counselor. Rather, she's a patent attorney who has helped hundreds of innovative individuals protect the rights to their creations. Among them is a device, brainstormed by a Sheridan, Wyo., inventor, for resolving interpersonal relationship issues.

The unusual invention - a circular "tool" divided into 16 windows that list problems and corresponding solutions - is certainly unique, so unique that it virtually sailed through the patent process, Tease said.

And, unique is precisely the essence of her profession.

"I get to work with creative people, bright people, entrepreneurs," she said. "They're energetic and they're driven."

Clearly energized by what she does, Tease could well fit the same description. Her clients run the gamut from farmers to biologists to creators of software. They've come up with ideas for new computer programs, inventions to flip square hay bales in the field and methods for using fungi to decompose human waste.

"Inventors are a type," she said. "If they have an inventive mind, they have one invention and are ready to move on to the next. They have vision."

She helped one inventor patent a tool that combines a hammer head, crescent wrench and pipe wrench. Another developed a gate that swings both vertically and horizontally. She guided one client through the process of patenting his "frozen vehicle door puller" and has worked with a Shepherd man on a patent for a "renewably buoyant, self-protective floating habitat."

The floating habitats, she explained, are essentially man-made islands that serve a range of purposes, from creating plant and animal habitat to enhancing water quality.

Roughly half of Tease's work, however, involves patenting computer software. And much of it originates from Montana companies.

Tease is one of just a handful of patent attorneys practicing in Montana. She earned her law degree at the University of Connecticut Law School but actually started out as a pre-med student at Harvard.

"I was good at science and math, but my heart wasn't in it," she said.

Today, she benefits from the breadth of her training. Patent law - more specifically, she practices

intellectual property law, which includes registering trademarks and copyrights - is the only branch of law that requires a specialty bar exam, she explained. Even to take the exam, the applicant must have earned a certain number of credits in science or engineering.

"To me, this is really the marriage of the sciences and law," she said.

The science/engineering background is essential for understanding the prototypes and ideas with which she is presented. But a natural curiosity and the willingness to ask questions and listen to explanations are equally important.

"No matter how many degrees you have, you have to let the client teach you," she said. "I have to understand literally every screw and every bolt in that thing and why it's there."

Tease first delved into intellectual property law in the early 1990s and continued her work with the local law firm of Crowley, Haughey, Hanson, Toole and Dietrich. Before opening her own law firm in Billings in 2003, she served as general counsel for Rocky Mountain Technology Group Inc, a Billings-based software development company.

"I thought you'd have to be in Silicon Valley to have an opportunity like that," she said.

As a patent attorney, Tease guides her clients through the complex patent process. She begins by videotaping an inventor explaining his or her prototype. If it's software she's dealing with, Tease asks the creator to provide a detailed, technical description of what exactly the software does. Should the concept seem patentable, a patent search is conducted. Once it's determined that the idea is unique, Tease contracts a draftsman to draw it up. From initial interview to patent application typically takes three months, she said.

Time is of the essence in the patent business, she points out. In the United States, an inventor has only one year from disclosing his idea to getting it on file. After that, it becomes part of the public domain.

"You can't sit on an invention for five to 10 years," she said. "The trigger is when it is first disclosed publicly."

And "public disclosure" can even apply to sharing your idea with family and friends.

Once the application has been filed, it's considered "patent pending." Although it could still take a few years to complete the patent process, the "patent pending" designation gives the applicant the freedom to market or sell his or her idea.

"Their hands aren't tied," Tease said. "A lot of my clients want to be patent pending to deter competitors or to put (the invention) onto the balance sheet. It's a corporate asset."

Eventually, the patent application goes before a patent examiner, whose job it is to determine whether or not the concept warrants a patent. The process is referred to as "prosecuting the patent." If the idea passes the final test, a patent is issued and runs for 20 years from the date of filing.

Should there be issues of infringement, Tease is well versed in patent enforcement. But 99 percent of the time, she said, infringement matters are settled out of court.

Although the patent process deals with cutting-edge ideas, the concept of patenting itself actually traces back several centuries. The first known patent infringement case litigated involved a card game, she said. It took place in England in 1601 under the reign of Queen Elizabeth. In the United States, protecting exclusive rights to an idea dates back to the Constitution (Article I, Section 8), she said, adding that Pres. Thomas Jefferson was one of the first patent examiners.

Due to the highly-specialized nature of patent work, Tease cautions inventors against seeking pro bono help.

"I liken it to trying to do brain surgery on a friend," she said. "Trademarks, you may be able to get them on your own. And copyrights, the same. But patents, I wouldn't try it."

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