

**PRACTICAL SUGGESTIONS ON THE SALE OF
PATENTS: WITH FORMS OF ASSIGNMENT,
LICENSE, CONTRACT, POWER OF ATTORNEY
TO SELL RIGHTS, &C. MANY OF THEM
ORIGINAL AND INSTRUCTIONS RELATIVE
THERETO, WITH HINTS UPON INVENTION, AND
THE UNITED STATES CENSUS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649678204

Practical Suggestions on the Sale of Patents: With Forms of Assignment, License, Contract, Power of Attorney to Sell Rights, &c. Many of Them Original and Instructions Relative Thereto, with Hints upon Invention, and the United States Census by Wm. Edgar Simonds

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

WM. EDGAR SIMONDS

**PRACTICAL SUGGESTIONS ON THE SALE OF
PATENTS: WITH FORMS OF ASSIGNMENT,
LICENSE, CONTRACT, POWER OF ATTORNEY
TO SELL RIGHTS, &C. MANY OF THEM
ORIGINAL AND INSTRUCTIONS RELATIVE
THERE TO, WITH HINTS UPON INVENTION, AND
THE UNITED STATES CENSUS**

UCSB LIBRARY

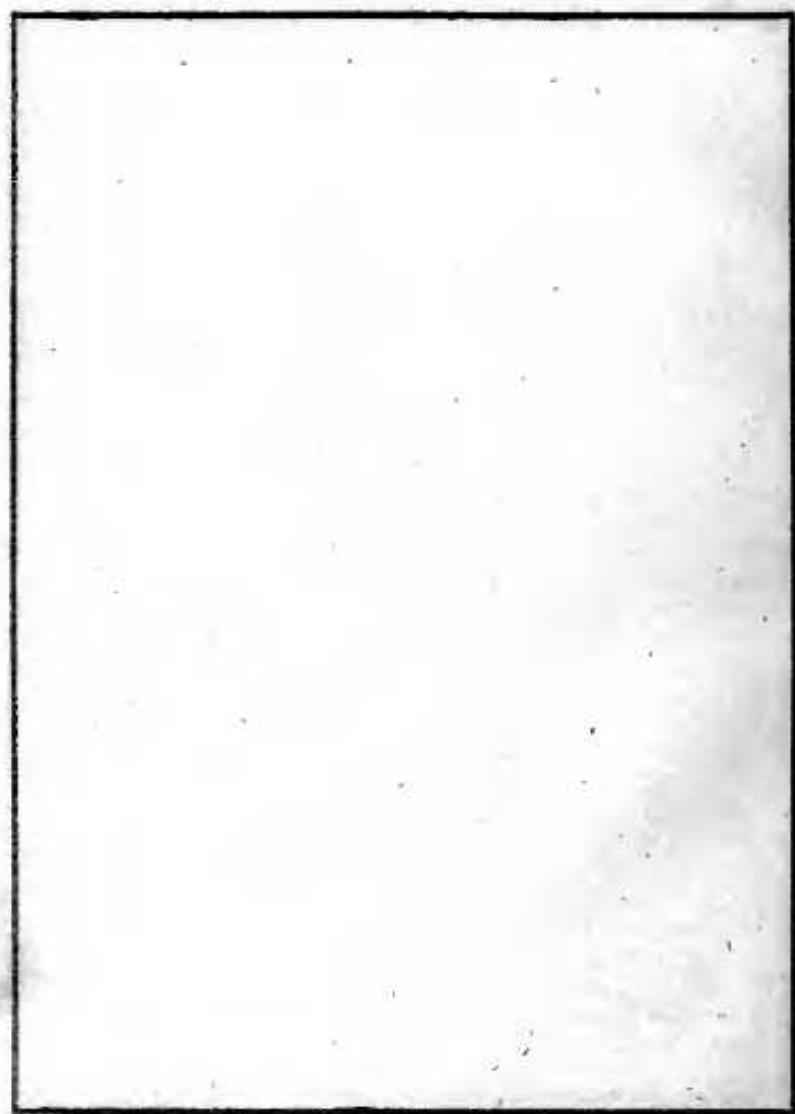
X-55089

PRACTICAL SUGGESTIONS
ON THE
SALE OF PATENTS,
WITH
FORMS OF ASSIGNMENT, LICENSE, CON-
TRACT, POWER OF ATTORNEY TO SELL
RIGHTS, &c. MANY OF THEM ORIGINAL,
AND
INSTRUCTIONS RELATIVE THERETO,
WITH
HINTS UPON INVENTION,
AND THE
UNITED STATES CENSUS.

BY WM. EDGAR SIMONDS,
ATTORNEY AT LAW, SOLICITOR OF PATENTS.



PUBLISHED BY THE AUTHOR,
HARTFORD, CONN.
1871.



PRELIMINARY.

Having made a really meritorious invention, and having secured a patent thereupon, the battle of the inventor, who would sell his patent, is but just begun. Heretofore he may have done some good skirmishing, but now he must face the music of solid battle.

All along till now, from the first crude conception of the invention, on through its various stages of trial and experiment, till the device stands forth completed, and yet on through the ordeal of the Patent Office, till its parchment, ribbon and seal assure the inventor of its protection, he is usually sustained by an enthusiasm which suffuses his whole being with its rosy flush. In a sort of vague way, it has, all along, seemed to him that when his patent should issue, his labors would be done, and he would thenceforth rest on his well earned laurels. Not that the situation has thus stood forth in his mind, clearly and sharply defined, for it rarely occurs to an inventor to seriously consider upon what will be the state of affairs at this juncture, till the progress of events brings him to it, but the cloud which hovered over this bit of promised land roughly assumed this shape.

When the inventor has finally received his patent, and read and re-read it some dozens of times, it begins to occur to him that he will just thrust in his sickle and reap a little of the golden harvest, which imagination has, all along, been sowing for him. Plainly, he looks around for a purchaser, and with a kind of astonishment, waking up, as it were, from a dream, he finds that purchasers do not stand around ready to exchange their filthy lucre for

his invention. Generally unaccustomed to the ways of business and of business men, he finds himself, in a short time, as helpless in his endeavors as can well be imagined. He does not know what class of men will be most likely to take an interest in his invention, nor how to reach them, nor what to say to them. Not rarely, after a year or so of this blind groping, disgust with the whole thing sets in, and the inventor renounces this and all other inventions forever.

This has been the experience, over and over again, of thousands upon thousands of inventors, and in multitudes of cases where a purchaser has been found, the invention has been sold to him for a song, and the buyer, applying business principles to the management of the invention, has realized the lion's share of the money from it.

The Patent Office Reports are full of useful devices, which have never been introduced into the markets of trade, and which, it is easy to say, would have netted their inventors considerable sums of money, if they had been properly brought out in their time.

It is partly with the purpose of indicating to this class of inventors to whom they should present their patents for sale, and how to present them, that this work has been projected.

It must not be supposed that all inventions are salable, or that the directions hereinafter contained are infallible! Some inventions are very far from being improvements, for though they may be very ingenious, yet they are neither simpler, more efficient or cheaper than the common devices in use for the same purpose, and consequently there is no money in them. Such inventions may sometimes be sold to men with more money than good judgment, yet the cases where this can occur are so few, that it is not worth while to place any dependence upon them.

It is, however, believed that a person will rarely fail to dispose of an invention of any merit, if he takes the pains to understand and intelligently act upon the suggestions hereinafter contained.

PATENT BROKERS.

Almost, if not quite, every issue of various scientific and mechanical periodicals are adorned with the advertisements of parties who hold themselves out as making a business of buying and selling patents, almost always strictly "on commission." The following, omitting names and localities, is the actual advertisement of such a party, as it appeared from week to week :

*"PATENT RIGHTS SOLD ON COMMISSION,
And Valuable Inventions introduced by the most experienced Patent Salesmen in the Union. * * * NO CHARGE FOR OUR SERVICES, UNLESS SUCCESSFUL," etc.*

This is a fair sample of a whole class of advertisements.

A letter addressed to one of these advertisers elicited the following reply :

"Dear Sir :

Your favor of the 2d is received. We charge from \$50 to \$250 for expenses of negotiating Patents, and 10 to 15 per cent for commission.

Yours, truly,

A letter sent to another elicited the following reply :

Dear Sir :

Your favor of the 7th is received. We have been so taken up with other matters, have scarcely had time to reply. Our terms require the patentee to furnish \$100, with which to advertise his patent, furnish one perfect model or drawing, and allow us forty-five days within which to make the sale," etc., etc.

Yours, Respectfully,

Similar answers were received to letters written to others of these brokers. They were invariably accompanied by circulars, describing in glowing terms the advantages the senders were able to

offer. There was a striking similarity among these circulars, and, in one case, two were found, parts of which were identically the same, word for word, although they issued from offices more than a thousand miles apart.

It will be observed that these patent brokers always advertise to sell *on commission*. Their letters and circulars disclose that there is always an advance fee, varying from \$25.00 to \$250.00, which can hardly be said to be in conformity with the terms of the advertisements. Commission houses engaged in the sale of other articles always pay their own expenses, and not unfrequently advance money upon goods consigned them, before they are sold. For a patent broker to first advertise to sell patents on commission, and then, afterwards, to charge an advance fee, ought, at least, to subject him to suspicion.

Another thing—it is difficult to see what advantages a patent broker can have over the patentee, if the latter is once made acquainted with the way to reach probable customers. The broker certainly cannot understand the nature of the invention better than the inventor, and besides, as the buyer well knows that the broker must have a large commission from the price realized, he has an incentive to buy from the inventor, and save this commission.

The broker will probably claim—

FIRST, that by education and experience, he is better qualified than inventors in general, to set forth the advantages of the invention, and the profits to be derived therefrom; and,

SECOND, that he keeps an open office, at a settled place, where a person seeking investments in patents may come, examine, and select.

To the first argument it may be replied, that the ability to well set forth the advantages of an invention is not necessarily incident to the occupation of a patent broker; and to the second argument it may be replied that the legitimate market for inventions is found among those who are engaged in manufacturing or selling

articles akin to the invention on sale, and that this class of men will, as a rule, display their usual shrewdness, and much prefer to deal with the inventor, at first hand, and thus save the heavy commission, which they well know the broker must receive.

The sum of money which these brokers require as an advance fee, will, in most cases, pay all the expense of presenting an invention to all that class of persons who will be likely to buy it, which is all that the brokers will promise to do, and the invention is, meanwhile, entirely within the control of the inventor.

These remarks are based upon the supposition that the advance fee paid to the broker is wholly and honestly appropriated for advertising, etc., about which a person is justified in entertaining grave doubts.

At any rate, it is better for the inventor to wait till he has exhausted all the unequivocal resources at command, before resorting to this.

PREREQUISITES.

1. MODELS.

It is absolutely necessary, in offering a patented invention for sale, to have one or more perfect working models. If the invention is a machine, and not too large and costly, and it is within the inventor's means, he should construct, or have constructed, at least one full sized machine that will work to perfec-