

MR MICHAEL LIN (2): MY COMPOSING PROCESS

As a patent attorney, what are the kinds of opinions that you write?

One would be a patentability opinion. I'm a patent attorney, so what I am often asked is an inventor comes to me and says, 'I've got this new invention. It's this widget. It does X, Y and Z. I want to file a patent for it. What do I do?' And then I need to analyze it to say, 'Okay. Is it new? Is it novel? Is there an inventive step or is there something surprising about it? And what's its commercial worth? What's it going to be sold for? How are you going to make money out of this? What's the technical value or commercial value of this?'

The second type of opinion that I do is a freedom to operate opinion, where a company will come to me and say, 'This is the new product we want to sell. We want to make sure that it doesn't infringe any of our competitors' patents or other people's patents in the US or China or Europe or wherever'. We'll then take a look at that. We'll do a search for their competitors' patents. And then we'll analyze that article with respect to the elements of the other patents to find out whether it falls within. And then we'll render an opinion which says either 'Yes, you're free to do it, we didn't find anything that's even close'; usually 'Well, there's a few things that are close, but you're still okay', or sometimes we'll say, 'It's really a big legal risk if you sell this. You probably don't want to do it'.

How do you organize your environment to produce your best work?

Minimize distractions. Make sure I have all the materials I need in front of me. I may play some music on my phone or something like that in my office. Oftentimes, I'll close the door to make sure that people don't knock on my door and come in and interrupt my train of thought. Typically, I will also do it... I'll either start it first thing in the morning, or most times I'll spend it right after lunch because what I'll do is I'll take care of all my emails in the morning, and that way I won't be thinking about emails while I'm trying to write my opinion. I've taken care of all that, I'll go to lunch, I'll come back, and then I'll just immediately start writing.

Are there any specific strategies, activities, tools or settings that you use to do your best work?

I think the planning is important. I mean oftentimes before I start writing an opinion, usually the day before, I'll sit there for five minutes and think, 'Okay. Do I have the drawings that I need? Do I have the technical explanation that I need? Do I have the actual correct search that I need? Are there any holes in the search?' Or something like that.

After I finish writing it, I'll always put it aside, go have dinner, or sleep on it, and then read it the next day after I have done something which is completely unrelated, so that I can look at it with a fresh set of eyes. And then, oftentimes, that's when I'll catch I wrote something in a very strange phraseology. Or I'll do a spell check and I'll realize 'principal' was spelt as the head of the school, not the 'principle' idea, or something like that.

Proofreading is very important because whatever you send out there, whatever you post, represents you as a person, right? And it's a loss of face if you have silly errors in there. And it could also get you into legal trouble too.

What advice do you have for students about adopting a productive process?

I think especially students nowadays, they have so many distractions. You know you've got all your social media, you've got your phone, you've got your Instagram and Whatsapp and Snapchat and everything going on at the same time. I think that for people who are used to such social interactions all the time, you don't want to have that distracting you when you're writing. So you probably want to take your phone, turn it off, stick it in the drawer or whatever.