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Sam Apicelli is passionate about patenting inventions, including this egg-shaped juicer.

Inventing Success

BEHIND MANY GOOD IDEAS

IS A GOOD PATENT ATTORNEY

By Shannon Powers

Sam Apicelli is in the business of making dreams come true—specifically, Great American Dreams. You know, the kind where you have a great idea for a new invention, you patent your idea, your invention hits the mass market and becomes wildly successful as you sit back and become insanely rich.

Well, it's not exactly that easy. Apicelli is no omnipotent genie, granting instant success to inventors' every wish—he is a patent attorney. And truthfully, his clients aren't all insanely rich, but many have seen their ideas go from scribbles on a cocktail napkin to viable devices that someone is actually using.

Apicelli, who lives in Camp Hill, is a partner in the law firm of Duane, Morris & Heckscher LLP. He splits his time between his primary office in Harrisburg and another in Philadelphia, where his practice, to quote his résumé, "involves all aspects of patent, trademark and copyright procurement and enforcement."

Apicelli's niche is limited in terms of the numbers of patent attorneys actually

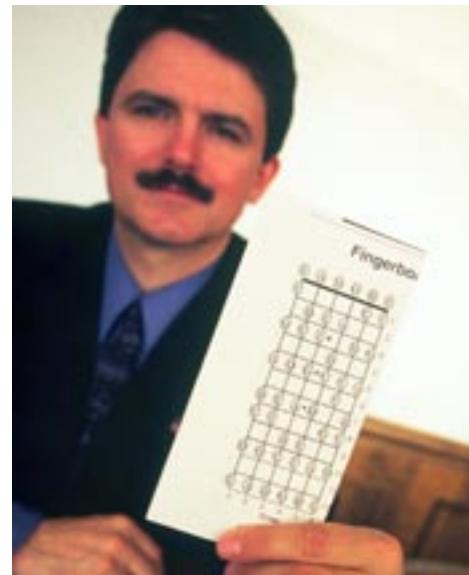
serving non-corporate clients. In fact, Apicelli estimates that out of the one million attorneys practicing in the United States, only about 14,000 or 15,000 do what he does. But what he does is in demand. "There isn't anything in your everyday life that doesn't bump into something I do. It's part of the *Zeitgeist* in America."

Shifting smoothly into teaching mode, he fires off examples of trademarks, intellectual property issues and patented innovations that are pervasive in our society—the Nike swoosh, the desert version of camouflage suits and the Internet ("The Internet is all intellectual property!").

He elaborates, "[The patent and trademark systems] protect wealth and investment; they foster creativity; they point out the absolute amazing variety of ways to do things in the world."

Particular about the particulars

In the field of patent procurement, Apicelli works with the inventor to, as



he puts it, "Particularly point out and distinctly describe a device in clear and concise terms, in order to protect it in as many ways as possible." The patent process, Apicelli points out, creates rights for the inventor that didn't previously exist. In contrast, registering a copyright or trademark protects a right that already existed, once something has been "fixed in a tangible medium of expression."

In order to come up with language that particularly points out and distinctly describes a device in a patent application, Apicelli must become intimately familiar with the device and the way it functions. He spends countless hours poring over inventors' drawings and notes, as well as existing patent documents. He points to this as the unglamorous reality of attorneys' lives, as opposed to the mythical *Ally McBeal* version. "We don't pee in the

same toilet," he points out emphatically. "We don't hang around talking in the restroom stalls or have backup singers. This is dull stuff."

One recent, somewhat more exciting attempt to familiarize himself with an invention took Apicelli into an operating room at Hershey Medical Center. With near gleeful enthusiasm, he describes observing a surgery to implant a device to correct severe scoliosis. "It just blew my mind!" he exclaims. "Here's this kid's back, cut open, backbone fully exposed ... all the muscles pulled back. It was shaped like a question mark. They're putting in a series of metal rods and wires, essentially like you would do on teeth. The wires will protrude through this guy's skin and be tightened on a monthly basis," he explains, gesturing as though he's tuning a guitar and making a ratcheting sound effect. "Just like scaffolding ... they yank his back into place."

Years in the making

If it weren't so readily apparent, Apicelli's enthusiasm for the way things work would be obvious from his career path. He has a bachelor's degree in physics from Bates College in Maine, with healthy doses of theater, English and a three-year stint as an astronomy teaching assistant thrown in "for fun."

"I would pile people in a car and head out to an apple orchard in 20-degree weather," he reminisces, describing chilly New England star-gazing sessions.

He credits his liberal arts education with teaching him to organize and express his thoughts, citing a required undergrad reading of *The Education of Henry Adams* as having furnished a theme for his career.

Adams, in his autobiography said, "All experience is an arch to building." Apicelli's arch includes 12 years at AMP Incorporated in a series of engineering and management positions. The last several of which were spent as Director of Engineering for Southern Europe and Latin America, and as Director of Engineering for Asia Pacific Operations.

During those four and a half years, from his home base in London, he visited every continent but Antarctica and logged about 450,000 miles of air travel. He developed what he describes as a "daily

fluency" in Italian, French, German and Japanese, often taking spur-of-the-moment weekend jaunts to locations where English speakers were non-existent. He recalls a visit to a Club Med in Senegal, taken to get the best view of Haley's Comet. There he spent three weeks as the only English speaker and the resort's first-ever Western guest.

Apicelli's facility for language and affinity for all things mechanical and electrical, combined with a yearning for "a normal life" led him to make a major career change at age 34. At wife Andrea's urging, ("You can do anything with a good wife," he says. "Everyone should have one.") he applied to law school. Twelve years out of college, wielding what he describes as a "less than stellar" undergraduate transcript, Apicelli entered New Hampshire's Franklin Pierce Law Center and obtained a J.D. in patent law in 1993.

In addition to finding a good wife, Apicelli encourages risk-taking. "Popular culture tells [us we] don't have to work hard — you can sit on the couch and win the lottery. But there's no better place than where we are sitting to make money. You can become a millionaire sitting in a coffeehouse."

"I know," he continues, "because I have clients who have done it. They've quit their job, put up the house, raised the money, borrowed the money — done whatever it takes to get their invention on the market."

Apicelli specializes in helping clients with the "whatever it takes" part. He teaches a monthly patent seminar for Harrisburg's Inventor's Resource Network, a group which assists area inventors with the development and marketing of their patents. He also introduces potential inventors to potential investors at a monthly dinner meeting of the Central Pennsylvania Angel Network. "I take clients looking to raise money and introduce them to the structure—the people and the process they need to know. We don't just let anyone in, there's a vetting process to weed out the legitimate business plans from the nut cases and scam artists," Apicelli explains.

"I also do the other side of this," he adds. "Our firm represents numerous persons interested in investing. They like us to bring investment opportunities to their attention. Investors like to know the presenters are vetted, so there's not a Corvette in the fine print somewhere."

Part guitarist, part "geek"

Apicelli practices what he preaches in the risk-taking realm. Besides the mid-life career change, he has several patents and inventions to his credit. Most recently he was the co-inventor of an automatic French press, along with James Pascotti, of L'Equip, Inc. in Lemoyne, for whom he wrote the patent application. This came during the initial discussions of Pascotti's device, when Apicelli was able to tweak the idea with a suggestion for an innovation that made the press more viable.

Asked if he's ever been approached with a really bad idea, he states emphatically, "If I knew what the hell was a good idea, wouldn't I be out doing it? Good or bad misses the point. It's the marketing that matters."

When he's not patent-writing, tweaking or marketing ideas, Apicelli is liable to be found, guitar in hand, playing the blues. He carries a paper fingerboard in his wallet for practicing on the train to Philadelphia and at other moments when an actual guitar is impractical. "It's as much practice as it is mental health," he explains.

One weekend in 1999, Apicelli's passion took him to Fur Piece Guitar Camp, held on a ranch in the Appalachian foothills that is owned by rock and roll legend Jorma Kaukonen, lead guitarist of Jefferson Airplane, and founder of Hot Tuna. "It was remarkable in the diversity of folk that attended," he says. "I sat around picking with a bunch of guys from all walks of life with all levels of ability. I was the only patent lawyer," he adds, laughing.

Unless he's at a conference, Apicelli is generally the only patent attorney in the room wherever he goes.

And it's probably a safe bet that he's also the only star-gazing, blues-guitar-playing inventor in any given room. "I'm also proudly a geek!" he exclaims, pointing out his row of pens in his shirt pocket.

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