

## Sports & Entertainment Spotlight

# Patent Protection for Performance Improvement Ideas of Professional Athletes

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Professional athletes spend considerable time working with sports equipment. Baseball players, for example, use different types of shoes, various protective equipment (such as helmets), devices to block the sun (such as bills of hats), and devices to otherwise improve performance (such as batting gloves to better grip a bat). In part because of the time they spend using such equipment, and the time they spend on a field or court in front of a large crowd, not to mention the impact equipment can have on their athletic careers, professional athletes can recognize the desire for improved equipment to meet a need and can envision such improvements. In at least a few situations, professional athletes have conceived of new ideas and have applied for and received patent protection for their inventions.

As background, a patent is a government grant entitling the inventor or inventors, in exchange for disclosing an invention, to a limited monopoly to practice the invention for a period of 20 years from the filing date for utility patents and, as of December 2013, fourteen years from issuance for design patents. In the U.S., a patent is granted solely by the [United States Patent and Trademark Office](#). Utility patents cover inventions of new and useful methods, processes, machines, devices, items of manufacture or chemical compounds that are not obvious – that is, that provide a resolution to a problem that would not be obvious to a person of ordinary skill in the field. A design patent protects the ornamental appearance of a product, and it requires an invention to be new and not obvious over prior designs.

Garry Maddox, who played for the [Philadelphia Phillies](#) and [San Francisco Giants](#), recognized the need for consistently holding a bat in a particular way, and to solve this need, he conceived of an improved [batting glove](#) using buttons that adhere to the finger strips of the glove to provide a visual indicator to the player of proper finger positioning.

In another example, [Lou Brock](#), who played baseball with the [St. Louis Cardinals](#) and [Chicago Cubs](#), apparently recognized sun-drenched fans' need for a way to shield themselves from the sun while still enjoying their open air seats at the game and having their hands free to cheer or enjoy concessions. He received a patent for a type of [collapsible headgear](#) that served the purpose of keeping a person in the shade without the need to “hold” a device to do so.

Lou Brock filed a patent application for the device while still in the major leagues. It is believed that Mr. Brock holds the distinction of being the only baseball player in the [Hall of Fame](#) who was granted a patent.

In both of these examples, professional athletes saw a need for improved products and, presumably, saw a need for establishing a post-baseball career. Similarly, as athletes or others in sports envision improved products, they should consider patent protection for those products.

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**Tags:** Baseball, Batting glove, Chicago Cubs, Collapsible headgear, Garry Maddox, Hall of Fame, Lou Brock, Major League Baseball, MLB, Patent, Philadelphia Phillies, St. Louis Cardinals, United States Patent and Trademark Office