

IP NEWS QUARTERLY



IP Attorneys Group, LLC

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PATENTS 101

In this issue:

You should always perform a patentability search before filing any application with the United States Patent and Trademark Office in order to determine if there are any similar inventions already patented.

Types of Patents

Before we get started, it is important to know there are three types of patents: utility, design, and plant.

Utility patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, composition of matter, or any new and useful improvement thereof. **Design patents** may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture. **Plant patents** may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

Patent Applications

An easy way to start the patent process is by filing a provisional patent application directed to your invention. Provisional applications are allowed only for utility and plant patents—not designs. A provisional application will establish a filing date and serve as a place holder for any non-provisional application that may be filed later. At this step, "Patent Pending" can then be affixed to any of the invention's commercial embodiments. After filing a provisional application, there is a one year deadline to file a non-provisional application claiming priority to the provisional application. Provisional applications will expire after one year regardless of whether or not a non-provisional application is filed, so once the deadline has passed, priority can no longer be claimed to the provisional application.

Provisional applications are never examined, so many of the USPTO's formal requirements, such as claims or an inventor's oath, are not necessary. However, it is best that the specification and drawings provided in a provisional application match as closely as possible to the specification and drawings in any later filed non-provisional application. It is also highly advantageous to disclose as much subject matter as possible in the provisional application—if subject matter is introduced in a later filed non-provisional application and cannot be found within the disclosure of the provisional application, the matter will be considered "new" and will not receive the benefit of the provisional application's earlier filing date.

Some of the benefits of filing a provisional patent application are:

- ⇒ Establishes a priority date;
- ⇒ Provides an opportunity to make improvements and refine your invention(s);
- ⇒ Provides an opportunity to complete the formal requirements of a non-provisional application; and
- ⇒ Provides an opportunity to determine if the invention will have market value.

The first year of the provisional patent application does <u>not</u> go towards the twenty year term of any patent granted on the filed non-provisional application. Instead, the twenty year term will start on the date of filing the non-provisional application.

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Types of Patents

Patent Applications

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Non-Provisional Patent Applications

First U.S. Patent Number X000001

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Did you know?

The first patent in the United States was an invention by Samuel Hopkins on July 31, 1790. His invention was a process of making potash an ingredient in fertilizer. The patent was signed by President George Washington. With the first patent number assigned X000001, this began our patent numbering system. (see page 2)

Another important patent was the toilet paper roll, receiving the patent number 465,588. It was invented by Seth Wheeler and patented on December 22, 1891.

www.uspto.gov

Non-Provisional Patent Application

Once you have prepared the non-provisional application and before the one year deadline has passed, you will file the non-provisional application with the USPTO. This non-provisional application will include claims, acceptable drawings, an inventor's oath, and the requisite filing, search, and examination fees. The formal examination process has now begun and will hopefully end in a Notice of Allowance.

Best of luck and happy inventing.



The United States.

To all to whom these Oresents shall come. Greeting.

Whereas stamuel Algorius of the bety of Philadelphia and State of Annylvania hath discovered an Ingresement, not known amount before much Discovery, in the making of Ott ash and Arab, by amount proparates and Poverly, that is to vary in the making of Parlach 1st by burning the raw Other in a Turnase, 2st by dispolating and holding through he by briting the bey into deter which them are the true Parlach, and also in the making of Ott ash by fluwing the Analash as made as a forewish which Grantitude burning the Analash as made as a forewish which Grantitude burning the parlace as a Turnase, to produce which Grantitude burning the Analash as made as a forewish which Grantitude burning the parlace as the forewish and produces a much great to the most burning of date. These are therefore in purcuiance of the Other leads to promote the Orogrep of weeful Arts." to grant to themself annes the parlace and to be a subject and the Color of the Cale of the with the work of the said Discovery, of burning the pass of the said Discovery of burning the pass of the special and the said Discovery of burning the pass of the special through the said and the date of the State of State of the State of S

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X000001 July 31, 1790

City of New York July 31 " 1790.

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Edm: Randolph Many General for the Minesceptaces -



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