

Protecting Your Inventions with Patents

Patent Introduction

- Avoid missing a patent for a technology that may be part of your current product, or could be pursued in the future.
- Patents must issue to provide full protection (in most cases).
- Patents must be timely filed.
- A provisional patent application may be appropriate.
- Alternatively, use a trade secret strategy.

Filed May 19, 1952

AUTOMOBILE BUMPER ATTACHMENT

2 Sheets-Sheet 1

FIG. 1

FIG. 2

FIG. 3

FIG. 13

Some Basic Criteria

- Is the innovation in a nonpatentable area?
- Is a thorough description provided, preferably with figures?
- Is the innovation novel?
- Is the innovation a nonobvious invention?

Patent Filing Timing

- What is your competitor doing?
- Some bar dates that may apply based on events that occur more than one year before the filing date (US patent law):
 - On-sale
 - Public use
 - Printed publication
- For many foreign countries, one year grace period does not apply.

Patent Time Line

- Do prior art search.
- File provisional patent application (OK to file more than one).
- File US utility patent application (optionally with new material), and consider international or foreign filings (all within one year of provisional).
- File US continuation-in-part patent application (includes new material).

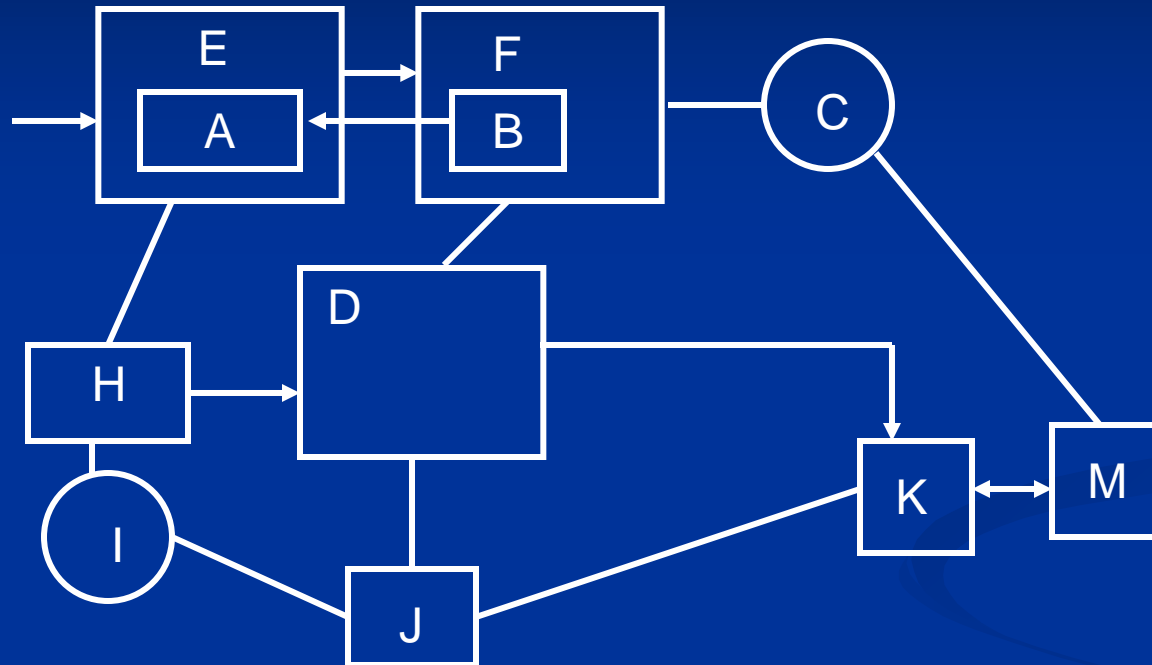
Patent Time Line (cont'd)

- File prior art (IDS)
- Office Action from USPTO
- Amendment (optional interview)
- RCE (continue examination of application)
- Allowance, continue examination, or appeal
- File continuation before issuance of patent (optional)

Software Patenting

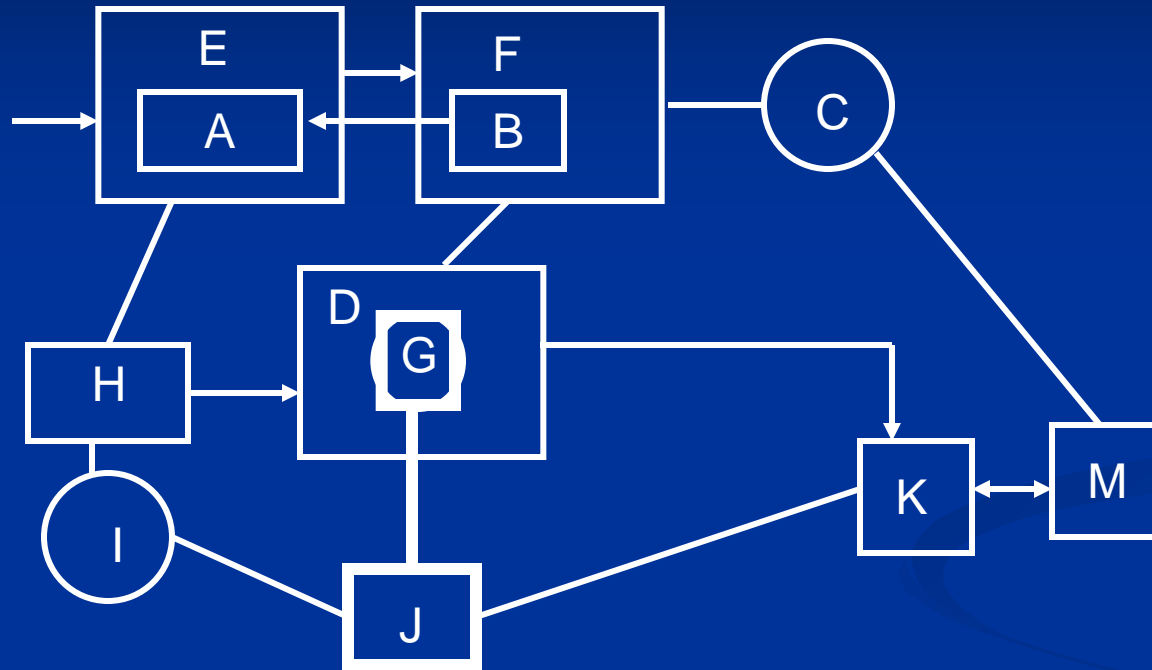
- Software may be patentable if presented properly.
- Not an abstract idea or algorithm.
- A method that is tied to a particular machine or transforms a particular article is OK (but there is a pending court case).
- Not an electrical signal per se, but OK to have network patent applications.

Define Invention



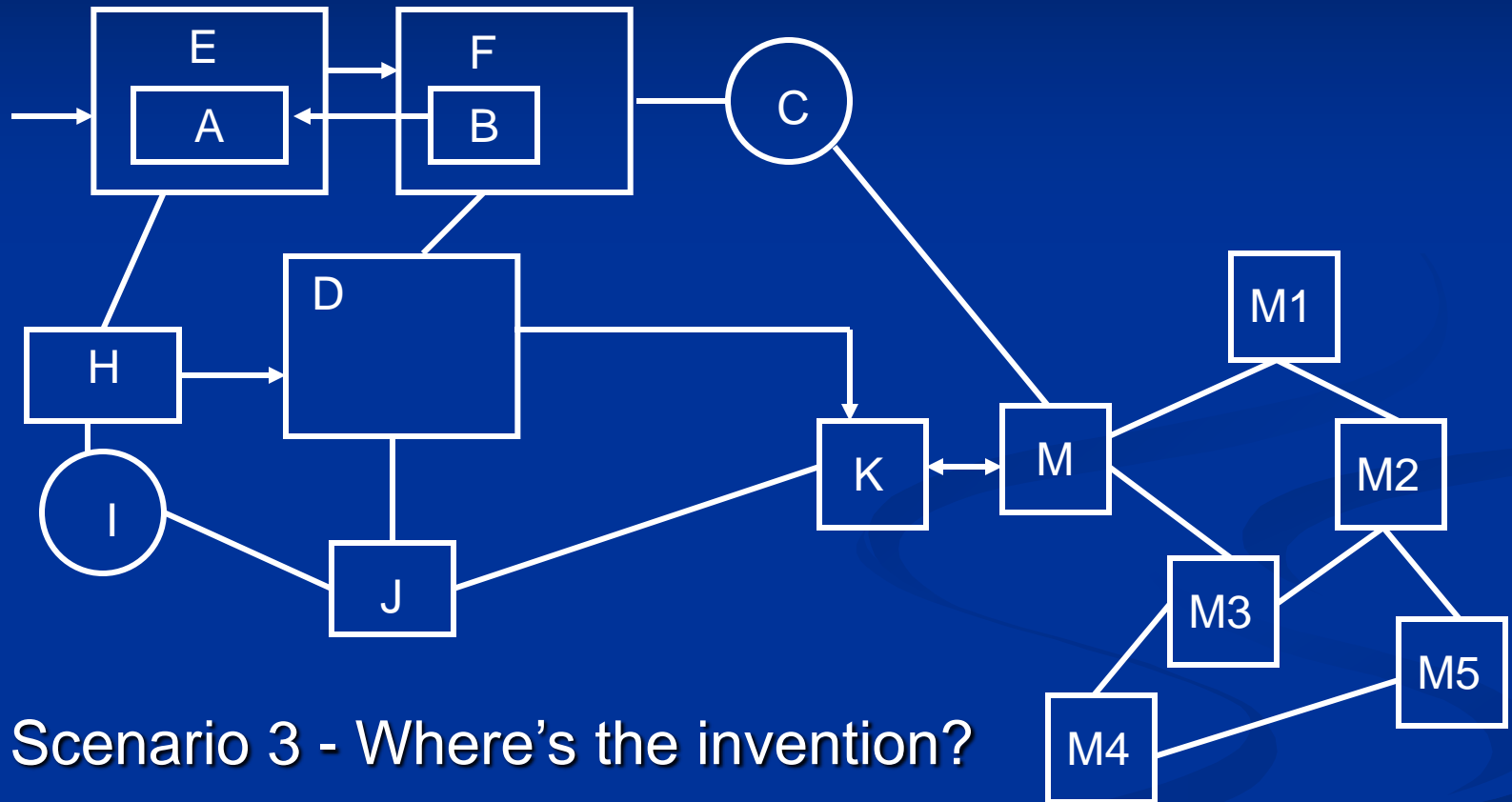
Scenario 1 - Where's the invention?

Define Invention (cont'd)



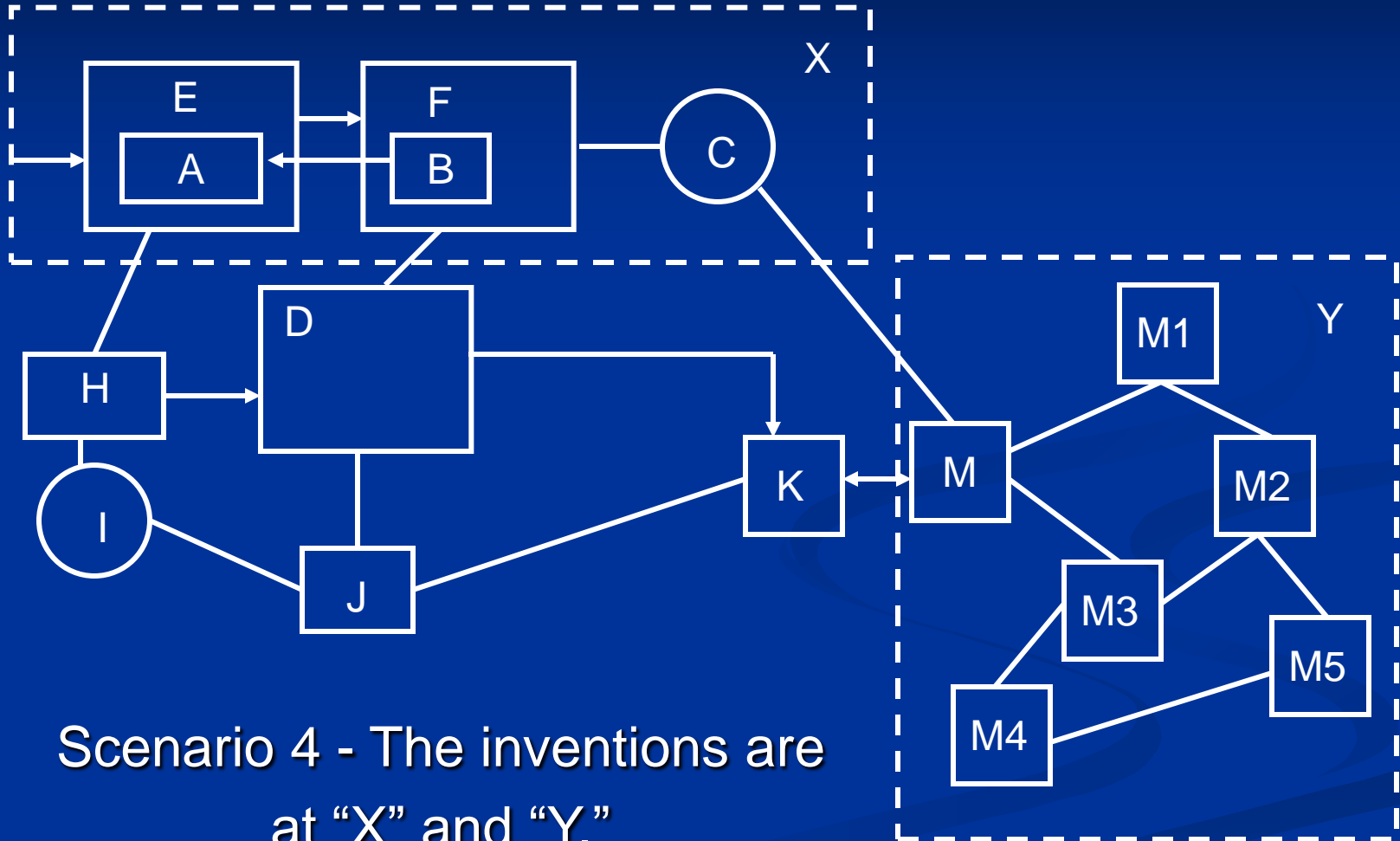
Scenario 2 - The invention is at “G” and “J”.

Define Invention (cont'd)



Scenario 3 - Where's the invention?

Define Invention (cont'd)



Strategies

- Consider what else may be patentable.
- Build a patent portfolio.
- Be alert for infringement issues.
- **Be Proactive.**

Contact Information

J. Scott Southworth

Attorney at Law

Framingham, Massachusetts

www.southworthpatent.com

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