



A Patent is a Property Right that allows you to exclude others from making, using, selling, offering for sale or importing the claimed invention for a limited time in the territory it is granted.

Why Get a Patent?

A patent can be used gain entry to a market, exclude others from a market, as a marketing tool to promote unique aspects of a product, and sold or licensed, like other property.

Types of Patents

- Utility – How an invention works
 - Inventions
 - Functionality
 - 20 year term from filing date
- Design – How it looks
 - Ornamental design described & shown
 - Protects the way an article looks
 - 14 year term from grant date
- Plant – new variety of asexually reproduced plant.
 - 20 year term from filing date

Requirements for Patent

To obtain a Patent what you are trying to be patented must be new and useful and non-obvious. To be non-obvious must be more than a mere obvious modification of the prior art.

Each Patent must have one or more claims that particularly pointing out and distinctly claiming the subject matter which the applicant regards as their invention.

Patent Process

The process is different for each invention but usually starts with a provisional patent application that can be used by a patent applicant to secure a filing date while avoiding the costs associated with the filing and prosecution of a nonprovisional patent application. Followed by a nonprovisional patent application within a year.

After you file your nonprovisional application the USPTO will examine your application and either approve your patent or more than likely respond with reasons why it is not new or nonobvious. You must respond to this response and either change your application based off of the USPTO response or argue why they are wrong. This can go back and forth several times. The process can take at a minimum of 18 months to several years.