



# PROTECTING YOUR INVENTIONS

PRESENTED TO INVENTORS COUNCIL OF CENTRAL FLORIDA

MAY 2019

# OVERVIEW OF THE PATENT SYSTEM

1. Provisional Patent Applications (PPA)
2. Non-Provisional Patent Application (Utility Patent Application - UPA)
3. Design Patent Applications (DPA)
4. Patent Searches
5. Ways to save money

# 1. PROVISIONAL PATENT APPLICATION

– What it is and What it Does –

- A patent application with less formality
  - Does not need to include legal claims
- Allows you to use the term “patent pending” for 12 months after filing
- Gives you a filing date and application number with the USPTO



# 1. PROVISIONAL PATENT APPLICATION

## – ADVANTAGES –

- Allows for a quick filing date
  - Patent System changed from a first to invent to a first to file system
- Not reviewed substantively by the USPTO
- Not published with the USPTO unless referenced in a Non-Provisional Application
- Confidentiality may allow you to keep the idea as a trade secret
  - Confidentiality may allow for legal coverage under a Non-Disclosure Agreement
- Peace of mind
- Discourages would be infringers from stealing your idea
- Defines your idea
- Allows you to test the viability of your invention for 12 months

# 1. PROVISIONAL PATENT APPLICATION

## – DISADVANTAGES –

- By itself does not result in a patent
  - There is no such thing as a provisional patent
- If used to obtain a patent, must be detailed enough to enable a person of ordinary skill in the art to construct and use your invention
- If used to obtain a patent, must be detailed enough to cover the patentable aspect of your invention
- Admissions regarding prior art



## 2. NON-PROVISIONAL PATENT APPLICATION

– What it is and What it Does –

- A patent application that includes legal claims
- Gives you a filing date and application number with the USPTO and allows you to claim “patent pending” while the application is being prosecuted before the USPTO
- If successful, affords you a patent on your invention
- A patent allows you to legally exclude others from making, using, selling, and importing an invention covered by the patent
- Patents last for 20 years from the filing date
- In exchange for the legal right to exclude, a patent must fully disclose an enabling embodiment of the invention, which is made public.

## 2. NON-PROVISIONAL PATENT APPLICATION

### – ADVANTAGES –

- If successful, gives you exclusive right to your invention for 20 years
- Acts as a deterrent to infringers
- Lets investors know you are serious about your invention
- Stronger case for a license deal
- May be assigned
- Forces you to define your invention
- A patent gives you a proprietary right in your idea/invention

## 2. NON-PROVISIONAL PATENT APPLICATION

### – DISADVANTAGES –

- Long process
- More Expensive
- Much more cumbersome to draft
- More rules for drafting and eligibility
- Not guaranteed a patent



### 3. DESIGN PATENT APPLICATION

- In general terms, a “utility patent” protects the way an article is used and works while a “design patent” protects the way an article looks.
- A design patent protects only the ornamental features of an item, not the functionality
- Design patents are often used with things like cars, furniture, and jewelry
- Modern uses of design patents have extended their application



## 4. PATENT SEARCHES

- A search, usually of patents and patent applications, to find the same or similar invention.
- U.S. Patent Search
- International Patent Search
- 35 U.S.C. §102 Anticipation Rejection
- 35 U.S.C. §103 Obviousness Rejection
- Is a formal patent search necessary?
  - Risk of incorporating other patents into your invention



## 5. WAYS TO SAVE MONEY

### - PATENT SEARCHES -

- Conduct your own patent search
  - Google Patents – Free at <https://www.google.com/patents>
    - Doesn't always have up to date patents
    - Sometimes lags for several months or a year
    - Easily searchable and gives you an idea of what is out there
  - USPTO website – Free at <https://www.uspto.gov/patents-application-process/search-patents#heading-1>
    - Has up to date published patents and published patent applications
    - Can search patent categories
- Hire a patent search agency
  - Usually only a few hundred dollars



## 5. WAYS TO SAVE MONEY

### - FILING FEES -

#### Micro Entity Status

1. Must qualify as a USPTO-defined small entity
  2. Not named on more than four previously filed applications
  3. Not have a gross income more than three times the median household income (\$184,116 as of June 2019)
  4. Not be under obligation to assign, grant, or convey a license or other ownership to another entity that does not qualify
  5. Must file a certification stating the above.
- May save \$355 in UPA filing fees (as of June 2019)



## 5. WAYS TO SAVE MONEY

### - PROVISIONAL PATENT APPLICATIONS-

#### Bullock Law Offices, P.A. – Patent Pending Program

- Do-It-Yourself software that steps you through drafting your own provisional patent application
- Programmed by Patent Attorney Stephen Bullock
- Provisional patent application filed by Bullock Law Offices, P.A.
- Cost is a few hundred dollars
- Visit [www.BullFirm.com](http://www.BullFirm.com) or call **877-354-0809** for more information.