

3 More Ways to Help Keep Your Invention Patentable



To receive a patent on an invention, your invention needs to be new, useful, and non-obvious. In an earlier blog, I told you about three actions to take to help ensure your invention is patentable, such as get an enabled patent application submitted; keep your invention out of the public eye; and use non-disclosure

agreements (NDAs) when possible. Today, I'll tell you three more things you can do to increase your chances of getting a patent for your invention.

- **Work diligently to perfect your invention and submit your application** to the United States Patent and Trademark Office (USPTO) as quickly as is reasonably possible. The USPTO grants patents on inventions to the first inventor to file an enabled application, not necessarily the first inventor to come up with the idea. Should somebody else independently develop the idea for your invention after you've done so, they could still get an application into the system before you and would be considered the inventor by the USPTO. They also could place their invention available for sale or publicly start using it before you get an application submitted, which would render your invention unpatentable because it would no longer be considered "novel" by the USPTO.
- **Include as many operational variants as you can enable** in your patent application. When your invention becomes public knowledge, either as a published application or a published invention, others can make variants to your invention which could become patentable in their own right. By having versions of the invention in your application which anticipate any improvements, you can patent the improvements yourself.
- **Consider submitting a provisional patent application** to the USPTO. Provisional applications don't get examined by the USPTO and they simply go away after one year if a non-provisional patent application doesn't claim priority to them within that timeframe.
 - They oftentimes are less formal than a non-provisional patent application.
 - They don't have to include claims and might not provide as thorough of a background about your invention as would be found in a non-provisional patent application, so they should be cheaper and quicker to produce than a non-provisional patent application.
 - Provided a provisional application has your invention enabled (translation: the application lets those skilled in the art make and use your invention without undue experimentation), you get a full year to get a non-provisional patent application submitted to the USPTO

and the invention described in your provisional patent application will be considered prior art against any patent applications submitted to the USPTO after the provisional application's filing date.

- You've essentially given yourself a full year to decide if you want to submit a non-provisional patent application to the USPTO and should you choose not to, you've saved yourself about 50% of the cost of submitting a non-provisional patent application.

These are just a few more tools to try to keep your invention patentable. If you'd like to learn more about patenting or get help in patenting an invention, please contact me at Bassett IP Strategies.

About the Author

Dave Bassett is President of Bassett IP Strategies. He can be contacted at dbassett@bassett.pro or (585) 739-9726. Dave has been registered with the USPTO since 2004.