

*Patents and Records of
Invention*

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What is a patent and who can apply?

- A patent is a right granted by the government to a person or a legal entity (partnership or corporation).
- A patent gives the holder the right to exclude others from making, using or selling the invention “claimed” in the patent deed for approximately 17-18 years, provided certain fees are paid.
- A patent is a form of personal property
 - Can be sold for a lump sum
 - Owner can give permission to use the invention for a royalty fee
- Anyone can apply for a patent, so long as they are the inventor (even dead or insane...)

Utility patents

- Utility patents covers inventions that function in a unique manner to produce a utilitarian result.
 - Velcro hook and fasteners
 - New drugs
 - Electronic circuits
 - Software
 - New bacteria, animals, plants
 - Automatic transmission
 - Etc...
- Must file a patent application
 - Detailed description telling how to make and use the invention
 - Claims that define the invention
 - Drawings of the invention
 - Formal paperwork
 - Filing fee

Design patents

- Design patents cover unique, ornamental or visible shape or design of non-natural object, even if only a computer screen
 - Lamp, building, computer case, screen icons
 - Uniqueness must be ornamental or aesthetic, else the patent should be utility
- Application consists of drawings, formal paperwork and a filing fee.

Novelty and Unobviousness

- Your invention must be different from what is already known to the public. *Any* difference, however slight, is sufficient.
- At the time you come up with your invention, it is considered unobvious to a person skilled in the technology (called “art”).
 - Typically, unobviousness is revealed by showing new and unexpected, surprising or far-superior results, when compared to previous inventions and knowledge (called “prior art”).
- In addition, utility inventions must also fall “in a statutory class” and be useful.

Timelines

- Utility patents expire in 20 years from the date of filing. The terms of some patents, such as drugs or food additives may be extended, pending regulatory review. If delays occur during patent prosecution, terms may also be extended.
- In the US, you must file your patent application within one year after you first commercialize or publish details of the invention. Most European countries don't have this one-year grace-period, so there is some disadvantage to sell or publish before filing. You may file a provisional patent application (PPA) as a safeguard, but you must file a real patent application within one year.

Guide to Filing a Utility Patent

- <http://inventors.about.com/library/bl/toc/blutility.htm>
- USPTO <http://www.uspto.gov/patft/>