

Getting Started

You can't avoid it. If you want to get a patent, you have to do the paperwork. Somebody will have to write an application. And that somebody should not be you. While individuals are permitted to represent themselves before the USPTO, don't do it.

You won't be happy with the results.

Writing, filing and prosecuting a patent application is a technical, complicated and confusing process and mistakes made early in the process can inhibit or even disqualify you from getting a patent. You really need representation at this point in the process.

Once you get representation they will have questions. And to answer those questions, it helps know the components of an application:

Specifications:

This is the heart of a patent. The basic requirements are that it contains a description and claims. The description should describe what the invention is, the process for making the invention, and how to use the invention. The description should also include the "best mode" or the best way known to make and use the invention. The claims contain specific statements of what a person must do to infringe on the patented invention. While a specification usually has multiple claims, only one of the claims needs to be violated for the patent to be infringed on.

The expected structure of the specification also includes the title, abstracts and summaries, background information, and references to other related applications. Program listings, gene sequences, and large data tables can be submitted in a CD format.

Drawings:

With few exceptions, drawings of the invention will be required as part of an application.

The major requirements are that drawings: 1) must be black and white using an India caliber ink on solid lines; 2) must be on 8 1/2" x 11" paper with empty 1" margins; 3) characters must be 1/8" tall; 4) drawings must be numbered; 5) if used, reference characters must be mentioned in the description; and, 6) if a part of an invention is shown in multiple drawings, the same reference character must be used to identify the part in each drawing.

Drawings can be difficult because the drawing requirements are detailed and strict. The goal of these requirements is to insure that the drawings submitted with the application are in condition to be published. Applications are not processed by the USPTO until all the drawing requirements have been met.

Inventor's Oath:

Each patent applicant must complete an oath that: 1) they believe they are the first and original inventor of the invention being patented; 2) they have read and understand the application; and, 3) they understand that they have a duty to disclose all information known to be material to

patentability. In addition, they must provide in the oath their full name and country of citizenship.

Transmittal Letter and Application Data Sheet:

The transmittal letter is a standard cover letter that is used to identify the application and to inventory the application components being filed. The Application Data Sheet contains bibliographic information about the application including applicant names, contact information, representation information, ownership and assignment information and priority relationships to other foreign or domestic patent applications.

Appropriate Filing Fee:

Get used to it because the USPTO charges a separate fee for almost everything it touches. The exact fee will depend on how the application is filed.

Jim Carson is a principal of RB Consulting, Inc. and a registered patent agent. He has over 30 years of experience across multiple industries including the biotechnology, textile, computer, telecommunications, and energy sectors. RB Consulting, Inc. specializes in providing management, prototyping, and regulatory services to small and start-up businesses. He can be reached via email at James.Carson.Jr@gmail.com or by phone at (803) 792-2183.

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