Tip#1: US IP Practice Tips

Where to start? With questions of course!

Getting a good patent depends both on ***what*** is in the patent application and also ***how*** it is written. Getting the ***what*** right might be obvious, but getting the ***how*** right can save not only headaches, but huge amounts of time and money. So this space, which over the coming months will be devoted to suggestions and strategies for US patenting, will sometimes be devoted to the ***what*** (*e.g.* patentability, invention disclosure, etc…) and sometimes to the ***how*** (*e.g.* USPTO formal requirements, initiatives, etc..).

But before we dive into the ‘whats’ and ‘hows’ of US patent practice, I’d like to ask other, even more basic, questions:

1. **Why do you want to get a US patent?** What do you think you will gain from it? Will it help you to actively exclude others from your technology space so that you can proceed in the US market without competition? Will it help you to attract investment?

More than just the importance of self-awareness, your goals (or your client’s) will also drive your decisions during application preparation and examination.

1. **Can your type of technology be patented in 2017? And do you care?** It (still) cannot be said enough: Fewer types of technology are patent-eligible in the US today than were just a few years ago. So before you file a patent application in the US, it is well worth considering whether a patent is even possible. But despite the difficult outlook for certain technologies such asmedical diagnostics, software, and isolated biological materials, you or your client may not actually care about eligibility fights (see question #1). If the value of a patent application is its pending status; or the creation of prior art to prevent others from registering their own patents in your area, then current patent eligibility challenges may not matter.

Read more…

So do you still want a US patent? Then come along, and together we can hopefully answer the ‘what’ and ‘how’ questions, and make your patenting experience more successful, and less difficult.

Tip for next time: What do you mean I can’t patent my new app?!

Do you have questions about the above information? Are there subjects that you would like to hear about? Let me know!