US Practice Tip #2: Patent Eligibility: It all begins (and may end) here

Patents are a government invention. It goes like this: you have new technology, the public wants it, and to get you to tell us about it, the government invented a time-limited monopoly that we call a patent! It sounds simple, except here’s the catch: because patents are the government's invention, the government gets to decide which inventions it wants and considers to be deserving of a patent. This is known as “patent-**eligibility**”.

In the US, the issue of eligibility has developed over the last few years into a critical problem for ***certain technologies***. But is this something you need to worry about?

Maybe….So what should you do? If your technology is related to software (including mobile apps), business methods, isolated biological materials, or medical diagnostic methods, then…..

1. **Recognize that a problem exists.**
2. **Talk to your US patent attorney – early!**
3. **Be flexible**. Be open to a range of IP strategies.

Finally – don’t forget that patents are not the only types of IP relevant to your business! Trade secrets, trademarks and designs are all ways to gain market advantage and keep value for you and your investors.

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