Patent Portfolio Guide

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What is a Patent Portfolio?

- It's a fancy term that means more than one patent
- For many inventions, it takes more than one patent to adequately cover and protect what will be sold on the market
- A "Parent" patent application
 - Is the patent application that was filed first, and has the earliest priority date
- A "Child" patent application
 - Is any patent application that must be filed before the parent patent issues, that seeks to expand the patent claims that are in the parent application, and claims the priority date of the parent application

Types of Child Patent Applications

Divisional Application

During examination, if the parent patent application faced a restriction requirement, where the examiner believed there were more than one invention, the unelected set of claims can be filed as a divisional child patent application of the parent filing to capture the other invention (also called species)

Continuation Application

 This type of child application will not add any new matter to the written specification, but will seek broader or different types of claims than its parent application

Continuation-In-Part (CIP)

This child application does add some new matter to the specification and/or drawings, and will
make new claims to cover the newly added subject matter. It will also seek broader/different
types of claims as well, just like the Continuation.

Design Patent Application

 For many physical devices/apparatuses or systems, while the parent patent application protected the functionality (as a utility patent), the aesthetics or shape/ornamentation is not protected by the utility parent application, and thus, a child design patent may be filed claiming the priority date of the parent utility patent application to protect these other aspects.

Example Portfolio Development Timeline Parent Patent Child CIP Patent Child Design Patent Child Divisional Patent Notice of Allowance for Child Continuation Patent Parent Utility Filing Parent Application Accept (Provisional or Examiner's Allowance on Nonprovisional) [Priority Parent and File child CIP to Date] File (child) Design claim new matter Patent Application **USPTO** Restriction Requirement [Examiner finds two separate inventions] Office Action Rejecting Parent Application Issues. Election of Species 1 (green) Parent Claims Amend No child patents may be filed Divisional (child) claims Parent Claims & Narrow after this date claiming Species 2 earlier Priority date Scope Continuation (child) Claims Broader Scope

Patent Family Tree Example



