

# What Is the Patent Application Process?

A patent application is an important step in protecting your intellectual property rights. While the process can seem overly complicated, it's important to understand the basics of a patent application before you file. Learn more about the application process below.

## What Is a Patent?

A patent protects your valuable intellectual property rights and prevents others from making, using, or selling your patented invention. Patents are typically valid for twenty-year terms. The United States Patent and Trademark Office (USPTO) grants patents after a rigorous and time-intensive application process and review.

However, you cannot patent everything. For example, you cannot simply patent an idea. Instead, your invention must be a:

- Process or method,
- Machine or manufactured article,
- Chemical or other composition, or
- A variety of new plant.

And, your invention must be novel, useful, and nonobvious. Sometimes, a patent application requires careful wording (especially for software applications). If you need help determining the patentability of your invention, contact an IP lawyer.

## What Is a Provisional Patent Application?

An approved provisional patent application (PPA) indicates that a patent is pending. While a PPA does not grant legally enforceable IP rights, it can preserve an earlier effective date. To receive a PPA, you must file an application that adequately describes how to make and use your invention. If you do not file a full (or non-provisional) patent application within one year, your PPA will expire.

If you're unsure whether a PPA is in your best interest, contact an experienced IP lawyer. A lawyer can evaluate your circumstances and help structure an intellectual property strategy that protects your intellectual property and advances your business interests.

## Patent Searches

The USPTO will not approve a patent unless your invention is novel. In other words, your product or idea cannot be issued if the invention was already known, used by others, or patented or described in a publication in the United States or any other country. For this reason, patent searches are a vital part of your pre-filing preparation. A thorough patent search will help you understand the strength of your patent application and whether you need to change the scope of your claims.

## Submitting a Patent Application

Your patent application should include:

- **Specification:** A specification must sufficiently describe the invention so that someone knowledgeable in your field could make and use the invention without additional experimentation. It

must include a title, cross-references to other patent applications, a background statement, an abstract, and descriptions of your invention, claims, and other documentation.

- **Claims:** Claims help define what a patent does and does not cover. There are strict grammatical and formatting rules for claims. And, there are two types of primary claims in a patent application:
  - Independent claims: broadly describing the scope of the patent, and
  - Dependent claims: provide additional details about the invention, such as possible variations.
- **Drawings:** If necessary, you must submit detailed, technical drawings of your invention.

You also must file a series of transmittal forms, declarations, and fees.

## Patent Application Examinations

Once you file a patent application, the USPTO will process and review it. The patent examiner may request additional research or amendments during the examination — especially if your patent application was overly broad. Typically, you have three months to submit your amendments (although extensions are available).

If your patent application is denied, you will receive a final rejection. However, you can always try to explain your claim in more detail, file a continuation application, or appeal the denial. However, if the USPTO denies your application, it is typically best to consult with an IP lawyer before initiating an appeal.

## Steps After a Patent is Approved

You will receive a Notice of Allowance if your application is approved. The USPTO will also publish information about your patent in its Official Gazette. Upon receiving your Notice of Allowance, you must pay an issue fee in order to receive the official patent.

## Work With a Patent Application Lawyer

A patent application requires extensive technical and legal knowledge. Many inventors do not have the time and expertise to successfully complete a patent application on their own. Bold IP provides its clients with agile and comprehensive IP representation. Contact us for a confidential case evaluation today.