

QUICK AND EASY PATENT PROTECTION

By Fred S. Steingold

Many inventors face a familiar conundrum: The creator doesn't want a great idea stolen, yet he or she is reluctant to spend \$5,000 to \$10,000 (or even more) to file a full-fledged patent application, using a patent attorney. They feel that more time might be needed to explore the commercial possibilities of an invention before committing the big bucks.

Fortunately, there's an easy way to resolve this dilemma. A "provisional patent application" can be filed, which will safeguard a claim for up to one

year. This is a do-it-yourself procedure that lets you buy time before you decide to make a bigger investment. Similar to a full-blown patent application, the provisional version is filed with the U.S. Patent and Trademark Office (USPTO).

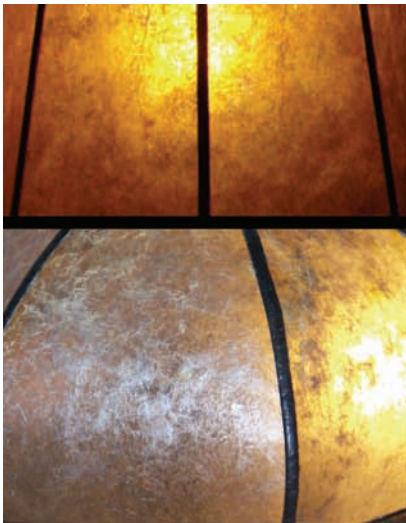
In their book *Patent Pending in 24 Hours*, attorneys Richard Stim and David Pressman say that filing a provisional patent application offers these benefits:

- Up to 12 months can be taken to decide if an invention will be profitable and whether money should

be spent on a regular patent application

- A "Patent Pending" notice can be used to head off competing inventors
- Building and testing the design or device can be delayed
- An official filing date for an invention may be established
- The application is kept confidential
- The expiration date is extended if the patent is later approved

Stim and Pressman recommend that you begin the process by checking on earlier patents so that you are not spin-



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ning your wheels on something that's not really new. You also want to avoid claims of patent infringement by doing research that can be conducted online for the most part.

The Application Process

A provisional patent application consists of two main parts: an illustration and a description. The former can take one of many different forms. Certainly, a line drawing will qualify, but so will a flow-chart, a schematic, or a photograph – it must be understandable and fit in a regular file folder. The description or text can be written in plain English rather than in the technical, formal style required for a full patent.

The heart of the application consists of four types of information:

- Parts or components
- How the parts or components

connect or interact

- How the invention achieves its result
- Alternative ways, if any, that the intended outcome can be achieved

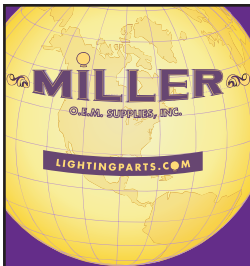
The application may be written in the first person and the use of bulleted lists is advisable, as they are easier to read. Have someone review the document and offer constructive criticism. If you're still uncertain, have a patent lawyer look over your efforts.

Finishing Up

Provisional patent applications can be filed by mail or online. Details are available at the patent office site (uspto.gov) or in the Stim and Pressman book. For small businesses, there's a \$100 filing fee; for others the fee is \$200.

Once a provisional patent application has been filed, an invention and its packaging can be marked as "U.S. Patent Pending," but this cannot be done for longer than a year, unless a regular patent application is filed. However, don't wait until the last minute. At least two or three months before the provisional period is over, start preparing your regular application if you're convinced that your invention can be profitable. A regular application may still be filed past the 12-month deadline, but some benefits will be lost.

Fred S. Steingold practices law in Ann Arbor, Michigan. He is the author of Legal Guide for Starting and Running a Small Business and The Employer's Legal Handbook. Legal strategies may vary depending on the state in which you live and the specifics of your situation. See your lawyer for legal advice.



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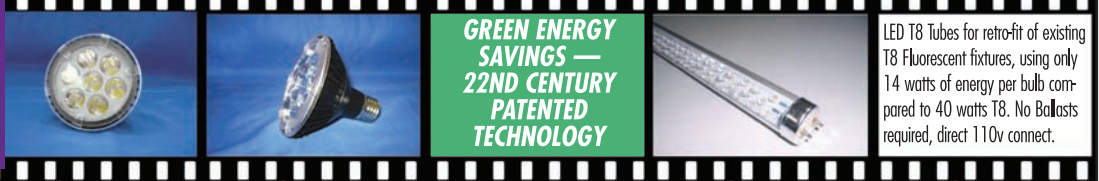


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