



IPWatchdog™

Celebrating 10 Years – 1999 to 2009

PLI



Patent Seminars
Live Webcasts

IP-Contingency-Lawyer.Com

US Patent Search • Patent Attorney • Contact Us
Recommendations • Feed Subscribe • Subscribe by E-mail
Twitter: IPWatchdog • IPWatchdog_Too

- Home
- Search
- About Us
- Business
- Inventing
- Obscure Patents
- Patent Basics
- Patents Advanced
- Patent Bar
- Tech News
- Trade Secrets

ADVERTISE
HERE

125 x 125 pixels



ADVERTISE
HERE

125 x 125 pixels

ADVERTISE
HERE

125 x 125 pixels

ADVERTISE
HERE

125 x 125 pixels

Getting Started for New Inventors



Written by **Gene Quinn**
Patent Attorney & IPWatchdog Founder
Posted: September 11, 2008 @ 2:43 pm
Page viewed 2,556 times
E-mail this article to a friend



Patent Pending Today
Do it Yourself & Save
Invent & Patent - \$99
CLICK HERE

Subscribe to IPWatchdog.com

Posts via E-mail • We Never Sell or Share Our List

Enter your email address:

Subscribe

QUESTION:

I am new inventor. I have a couple of products that are new. The problem is that I have no idea where to start other than a patent.

1809

Retweet

ANSWER:

We do hear this from inventors a lot, but I have spent my career working with independent inventors. There is a road map that you can follow to move forward if you are interested. Doing so will take time and money, but I can help you do it in an economical and sensible way if you are interested.

The first step is typically to file a patent application. I recommend **provisional patent applications**, and for what it is worth I file provisional applications on my own inventions (yes I am an inventor too). When done properly it provides you tremendous benefit for a reasonable price. You will eventually need to file a **nonprovisional patent application** (best to think of it as a regular patent application) but the provisional application gives you benefits. A provisional application will freeze in place your filing date for 12 months, which means that when you later file a nonprovisional patent application it will be entitled to the filing date of your provisional application, at least with respect to whatever you disclose in the provisional application. So if you do a conscientious job describing your invention in the provisional a later filed nonprovisional application, which will hopefully ultimately mature into an issued utility patent, will be entitled to be considered filed as of the provisional filing date.

An early filing date is important because it prevents what others do after you file from becoming **prior art**. So when the Patent Office gets around to reviewing your invention those things that come after your provisional filing date cannot be used against you to prevent the issuance of a patent. Another benefit of a provisional patent application is that it can be used to conclusively prove that you were in possession of your invention at the time of its filing. This is important because the US is a first to invent country, meaning the person who invents first is entitled to the patent if sufficient proof can be provided to demonstrate that you are the first inventor. So having a US Patent Office filing date for a provisional application can be an important piece of evidence to demonstrate your invention date is at least no later than its filing date. So you get "patent pending" status immediately upon filing a provisional patent, you have locked in your priority filing date and you have 12 months to work on your invention to see whether it will ultimately make sense to move forward with the time and expense of filing a nonprovisional patent application.



Patent Filing Made Easy - Patent Pending Today
Do It Yourself & Save - \$99 plus US filing fee
CLICK HERE for INFORMATION

Perhaps the best benefit of a provisional is that the cost is substantially less than the cost of a nonprovisional patent application. Typically my firm can file a provisional application for clients for \$1,500 plus the filing fee due to the US government. A search and drawings can come later, but if you add those to make the provisional application very polished, (which is a good idea if you can afford it). A search with opinion and follow-up consultation typically costs \$1,500, and professional drawings can be acquired for \$300 or so. Many inventors simply do not get professional drawings or do a patent search at this point, which is certainly a viable option. Given the cost of getting an application on file is only \$1,500 it is certainly a viable option to hold off on a search and drawings until later. If you are pretty sure you are ultimately going to move forward with a nonprovisional patent application then doing the search and drawings would be advisable because it makes the provisional application better and you can just rely on the same search later and use the same drawings when you ultimately file the nonprovisional patent application.

SPONSORS

Advertise on IPWatchdog.com

IP-Contingency-Lawyer.Com

Our law firm handles some Patent Infringement cases on a Contingency Fee Basis.

Don't hesitate.

Click here to see if we can help.



THE REEXAMINATION CENTER

SPONSORED BY

Sterne Kessler
Goldstein Fox



LAMBERT
&
LAMBERT

INVENTION
MARKETING
& LICENSING

WE WORK ON
CONTINGENCY

PLI's

Patent Bar Review

#1 in the Nation

Live courses taught by
John White and
Gene Quinn

INVENTORS

EXHIBIT

SUSA
Supp. N

nonprovisional patent application.

In terms of the cost associated with a nonprovisional patent application, that is really tough to estimate without knowing a good deal about the invention. But when someone uses my firm to create a provisional patent application and then ultimately wants a nonprovisional the amount spent on the provisional patent application is credited toward the cost of the nonprovisional application.

During this 12 months you can tell folks that you have a patent pending, and since your application has been filed you can sell the invention and tell others about the invention without worrying about compromising your patent rights. It is always best to get a confidentiality agreement when you talk to others about your invention, but once you have a provisional patent application filed it is less important.

So during the 12 month period that the provisional patent application is pending you then move forward with trying to contact those who could manufacture your invention, those who may be able to help you sell the invention or get it placed in stores and you might consider starting a business to move forward. You can also see if there is interest on the part of anyone to acquire your patent rights. Truthfully, selling patent rights to a provisional application is not that common, although trying is common. Trying won't hurt, but if your ambition is to sell the rights you are probably far better off getting a patent and selling the patent.

We focus on patent practice and do not offer advise or consulting on the manufacturing and/or selling end. I do know some reputable professionals who could help you with that if you are interested. In truth, most of the stuff you can do on your own with some guidance. It just takes determination, and of course some funds to get things off the ground.

About the Author



Eugene R. Quinn, Jr.
 President & Founder of IPWatchdog, Inc.
 US Patent Attorney (Reg. No. 44,294)

B.S. in Electrical Engineering, Rutgers University
 J.D., Franklin Pierce Law Center
 L.L.M. in Intellectual Property, Franklin Pierce

Send me an e-mail
 Phone: 703-740-9835

View my profile on [LinkedIn](#)

FOLLOW ME ON TWITTER

Gene is a **US Patent Attorney**, Law Professor and the founder of **IPWatchdog.com**. He teaches **patent bar review courses** and is a member of the Board of Directors of the United Inventors Association. Gene has been quoted in the Wall Street Journal, the New York Times, the LA Times, CNN Money and various other newspapers and magazines worldwide

Share & Enjoy With Social Networks



Provisional Patent Application
 Cost Effective Patent Pending Status
 The Best First Patent Application to File



Software Patent Attorney
 Specializing in Software, Internet &
 Computer Methods & Systems

2 COMMENTS

LEAVE A COMMENT »

1. Carmen June 5th, 2009 12:48 pm
 This is a great article. Thank you.
 Is it possible to get some contact names for those professionals whom you know that create the drawings, manufacture and help sell inventions.
 Many thanks.

2. Gene Quinn June 5th, 2009 12:56 pm
 For patent drawings take a look at <http://www.inventipatent.com/>.
 For help with marketing Lambert & Lambert is good – <http://www.lambertinvent.com/>.
 Good luck.
 -Gene

INVENTORS

THE MAGAZINE FOR IDEA PEOPLE > DIGEST
 CLICK HERE TO SAVE 33% OFF SUBSCRIPTION

SHARE & ENJOY WITH SOCIAL NETWORKS



MOST RECENT ARTICLES

- 7 Branding Tips for Small Businesses
- Courts Reluctant to Stay Patent Litigation Pending Reexam Requesting Deadline Extension on BPAI Rules of Practice
- A Better Mouse Trap: Patents and the Road to Riches
- My 2010 wishes for the U.S. Patent Examiner
- CAFC: Wyeth and Elan Pharma Win A+B Patent Term Adjustment
- BPAI Rules Reissue Improper When Only Adding Narrower Claims
- The Fundamental Unfairness of Retroactively Applying Bilski Offering Help: A Solution for Addressing the Patent Backlog
- Praying the Supremes Get Bilski Right in 2010

ABOUT SOFTWARE RELATED INVENTIONS

- All Articles Tagged "Bilski"
- How to Patent Software in a Post Bilski Era
- Bilski Not So Bad for Software Patents After All
- The History of Software Patents
- The History of Software Patents II: Arrhythmia Research
- The History of Software Patents III: In re Alappat
- Software is the New Machine and Must be Patentable
- Why Wishes (and Software) Should be Patentable
- Defining Computer Related Inventions
- Writing Software Patent Applications
- Why Not Allow Software Patents?
- Groklaw Response: Software is NOT Math

EDUCATIONAL INFO FOR INVENTORS

- The Risk of Not Immediately Filing a Patent Application
- The Patent Process on a Tight But Realistic Budget
- Not All Invention Companies Are Created Equal
- Understanding Intellectual Property Basics
- The Independent Inventors Handbook
- Inventors Beware: Yugo Prices Suggest Yugo Quality
- Inventor Pitfalls: What is the Patentable Feature?
- How Inventors Can Avoid Scams, Traps and Raw Deals
- Falling Prey to Invention Submission Scams
- Patents: A Most Difficult Legal Instrument to Draft
- Starting the Patent Process on a Limited Budget
- Writing Software Patent Applications
- Don't Get a Patent? Plainly Ridiculous!
- The Top 5 Things Inventors Do Wrong
- Should Inventors Draft Their Own Patent Applications?"
- Understanding Improvement Patents & Inventions
- Beware Invent Help Press Releases

TECHNOLOGY & INNOVATION

- Patent Office to Accelerate Green Technology Patents
- Fact vs. Fiction: The Truth on Biologics and Biosimilars
- Honorable Mention: Gene Therapy Double Helix Health Care
- Honorable Mention: Nanobots – An Invention of the Future
- Congress Urges Strong IP Stance in UN Climate Change Talks
- Study: Industry/University Partnerships Critical to Economy
- Webcast of Knee Replacement to Feature Patented Technology
- Microsoft Seeks Patent for Graphical Representation of Social Network Vitality
- Jobs and Apple Seek Patent on Operating System Advertising
- Innovation Starts with Math and Science Education
- Review: Blackberry Tour Not Ready for Prime Time
- Responding to Critics: My View on Patents & Innovation
- Reality Check: Anti-Patent Patent Musings Simply Bizarre
- President Obama Gives Reaganesque Innovation Speech
- Kappos on the US Economy, Music to My Ears
- Drummond Joins American Innovators for Patent Reform
- How Computer-Automated Inventing is Revolutionizing Law
- What Should a CEO Know About Patents?
- Inventors Beware: Yugo Prices Suggest Yugo Quality
- Client on Fox & Friends

POPULAR PAGES ON IPWATCHDOG.COM

- Patent Search
- Provisional Patent Applications
- Patent Applications
- Free Confidentiality Agreements
- Patent Filings
- US Patent Search

LEAVE COMMENT

Name (required)
Mail (will not be published) (required)
Website



Notify me of followup comments via e-mail

Large empty text area for comment input

Submit Comment

- Patent Filing
Trademark Attorney
Trademark Registration
Invention Help
Design Patents
Copyright
Trademark
Patenting Ideas
US Patent Search
Start-up Funding
Stopping Identity Theft
Cost of Obtaining a Patent
The Invention Process
Business Method Patents
The US Patent Process
Patent Drawings

TAGS

accelerated examination adu anti-patent Anti-patent Nonsense Apple
apple computer barack obama bilski biologics biotech Biotechnology
biotech patents board of patent appeals bpai Business business method
patents business methods cafc claims and continuation rules claims and
continuations computer related inventions computer software
Congress congressman waxman Copyright copyright infringement
copyright litigation david kappos design patent design patents dog
patents Eastern District of Texas Eric Guttag fair use famous inventors fda
Federal Circuit festive patents first to file follow on biologics ftc
gary locke Gene Patents Google Green Technology gsk harmonization
hatch-waxman Holiday Patents independent inventor independent inventors
inequitable conduct innovation intellectual property Internet invent and
patent invent help invention invention submission inventor inventor mistakes
inventors digest ipwatchdog IPWatchdog.com Blog john doll jon dudus
judge newman judge rader ksr ksr v. teleflex legalzoom legalzoom.com
Microsoft mike drummond Museum of Obscure Patents
myriad genetics napp national association of patent practitioners nick
godici obama obscure patent obvious obviousness Open Source
patent patentable subject matter patent allowance rate patent
application patent applications patent attorney patent backlog patent bar
patent bar examination patent bar review patent commissioner patent
damages patent examiner patent examiners patent granting authority patent
infringement patent legislation Patent Litigation patent
office patent pendency Patent Reform patent rules
patents patent search patent searches patent stimulus plan Patent Trolls
patent wishes peggy focarino permanent injunction pet patents Pharma pli
popular press practising law institute president obama provisional patent
provisional patent application pto budget pto director quality review
reagan reexamination Renee Quinn second pair of eyes senate judiciary
committee senator hatch senator kyl senator Leahy Software software
patent software patents supreme court tafas top blogs top patent
blogs trademark trademark application traffic via united inventors
association US Economy USPTO us senate utility patent
wacky patents

Better Tag Cloud

© 1999 - 2009 IPWatchdog, Inc. | Terms & Conditions of Use | Privacy Policy | Contact Information | Search IPWatchdog.com

Powered by WordPress | BranfordMagazine theme by Michael Oeser. Based on Mimbo and Revolution

Log in | Register | 148 queries. 0.448 seconds.

