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Memorial Day

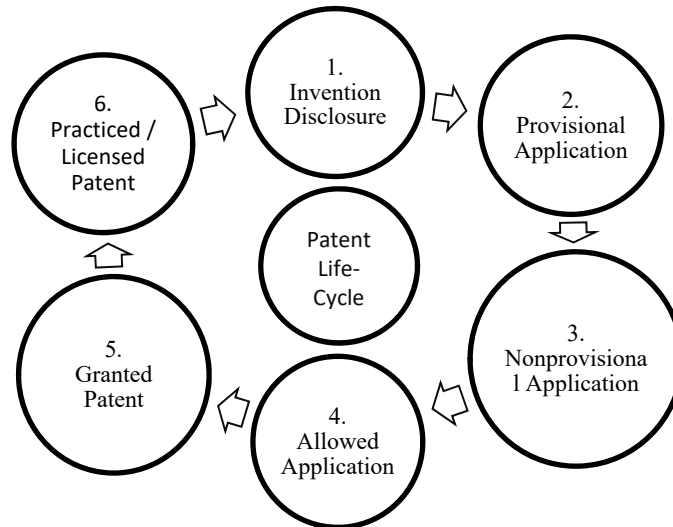
“Tip of the Month”

Invention Protection Life-Cycle

Protection of intellectual property usually falls into three general categories:

- Copyrights: Protect the Expression of an Idea
- Trademarks: Protect the Identity behind an Idea
- Patents: Protect the Implementation of an Idea

However, even the term “patent” may refer to a wide range of documents which can be further categorized. A patent’s “type” refers generally to whether the patent is referencing: a kit, a plant, device, product design, system process, or method of use. A patent’s “field” refers to the area of innovation, which can impact the type. For example, a new plant invention is usually filed as a plant “type” of patent, but depending on your business model, it might make more sense to instead file a method “type” patent covering a method of storing the plant and/or a device “type” patent covering a device necessary to allow the plant to thrive in unusual environments. Regardless of type, or field, “pendency” refers to the various stages of a patent, a life cycle if you will.



1. This is the most vulnerable stage of an invention’s life cycle. There is no “ownership” of an idea or an invention at this stage—any disclosure can kill your patent before it’s begun!
2. Designed to provide a lower-initial-cost option but watch out—it is just a placeholder.
3. During this stage, applications are “pending” before the USPTO.
4. The USPTO has made a ruling, but there is no Issuance until the fee is paid.
5. Congratulations! (But watch your docketing—maintenance fees still apply.)
6. This is the money maker whether by practice or license—and often leads to the development of further concepts which start the life-cycle all over again.

If you need help with your company’s intellectual property protection, please call the attorneys at Mesmer & Deleault today at 603-668-1971, or contact us by email at mailbox@biz-patlaw.com.

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