

Patent Searches and Protecting Your Idea

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When considering whether you have a product idea worthy of patenting, you're likely to think about what others have done — has another person come up with the same idea already? Am I just re-inventing the wheel? An idea can be patented only if it is new, non-obvious and useful.



Patent searches are an important step in developing claims. In order to best determine whether your idea can be patented, and if other similar patents are already registered, you should hire a patent attorney to conduct a thorough search. Although an inventor can search online and find some useful information, only an in-depth patent search can provide all of the necessary information need to develop claims for your non-provisional patent (utility or design) application.



My product already seems patented, should I give up? Should a search indicate that a patent seemingly identical to yours is already registered, it does not necessarily mean you must abandon ship. A skilled patent attorney may be able to offer a design around idea for your product so that it does not infringe on an existing patent.



I'm not quite ready to file a patent, can I still protect my idea? Yes, your best bet may just be to go ahead and file a Provisional Patent Application (PPA). Provisional filings establish a priority date for your invention. They have lower filing fees and fewer details/formal requirements are needed to apply. The cost of professional legal help for preparing a PPA is significantly less as well. Once filed, you have 1 year to perfect your invention, determine if there is a market for it and refine claims for your non-provisional application. The other benefit of a provisional patent is to enable you to mark your invention with the label "patent pending" which makes it more marketable and appealing to potential partners or licensees.

Important Tip! Do not share your idea or designs with a third party prior to filing a provisional application or at least getting a signed nondisclosure agreement from the party. Sharing without these protections could impact your ability to patent your product at all.