

Patents Overview

University of Iowa
Research Foundation



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

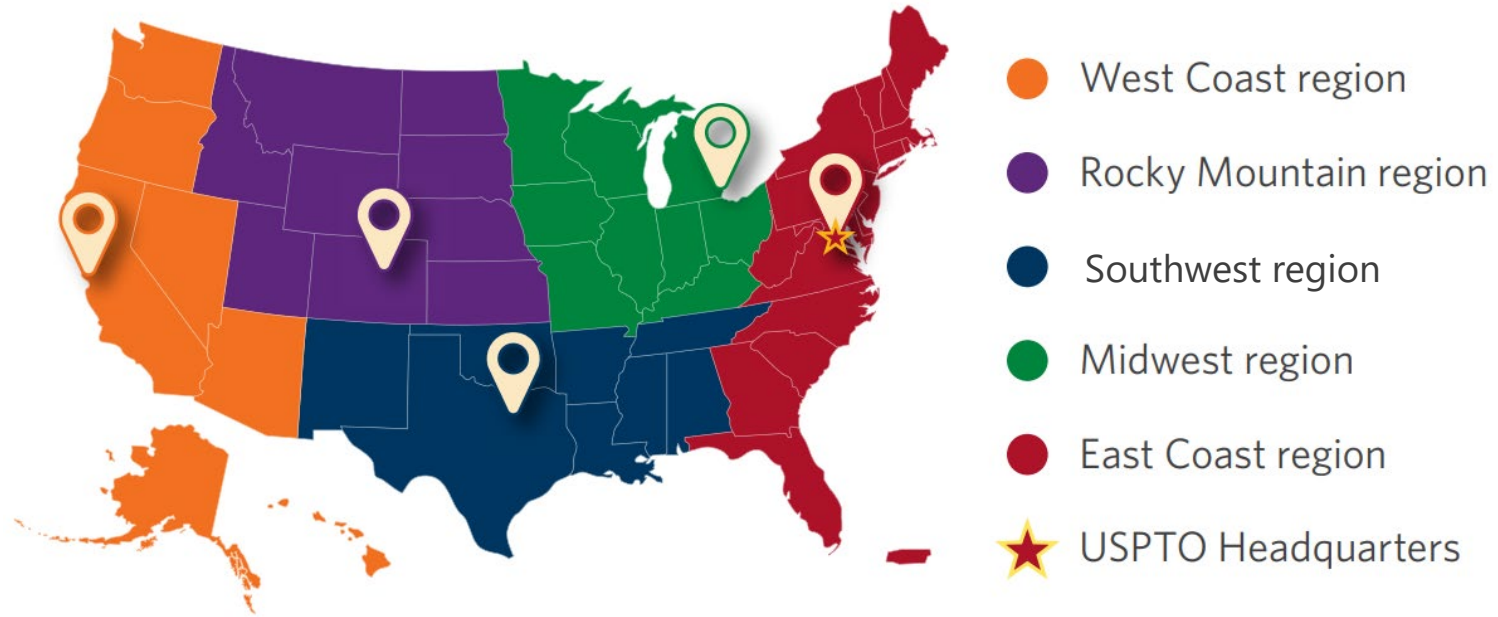
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America's Innovation Agency

The **United States Patent and Trademark Office (USPTO)**, an agency of the U.S. Department of Commerce (DOC), is responsible for issuing patents and for registering trademarks. The USPTO also advises the President of the United States, the Secretary of Commerce, and U.S. government agencies on intellectual property (IP) policy issues, including patent, trademark, and copyright policy.



USPTO regional offices

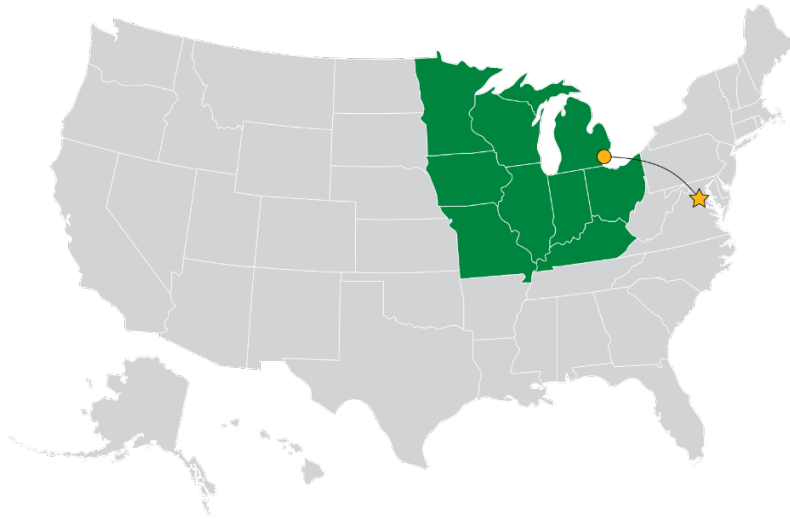


Southeast Regional Office
In Atlanta, GA



Elijah J. McCoy Midwest Regional Outreach Office

300 River Place Drive, Suite 2900, Detroit, Michigan



First regional office, opened in 2012

www.uspto.gov/midwest

Email: Midwest@uspto.gov

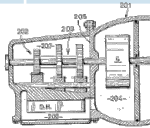
Phone: (313) 446-4800



- Office hours: 8:30 a.m. – 5 p.m. ET, M – F
- Services
 - Public search facility
 - Available from 9 a.m. – 4:30 p.m.
 - PTAB hearing room
 - Public meeting space
 - Examiner training room
 - Monthly public IP educational programs

Overview of intellectual property

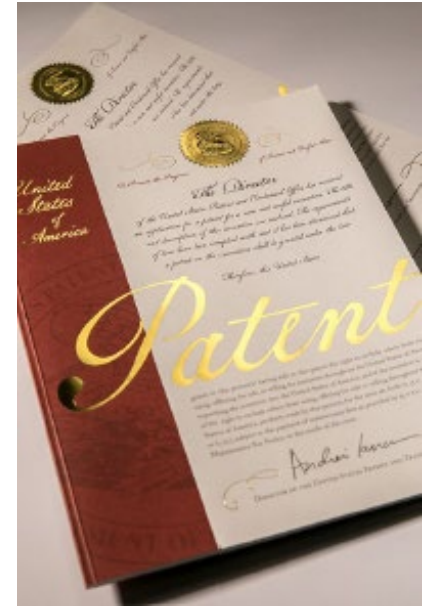
	What's protected?	Examples	Protection lasts for
Utility patent	Inventions	iPod, chemical fertilizer, process of manipulating genetic traits in mice	Up to 20 years from the date of filing regular patent application
Design patent	Ornamental (non-functional) designs	Unique shape of electric guitar, design for a lamp	15 years from date granted
Copyright	Books, photos, music, fine art, graphic images, videos, films, architecture, computer programs	Michael Jackson's "Thriller" (music, artwork, and video)	The life of the author plus 70 years (or for some works, 95 years from publication, and others 120 years from creation)
Trade secret	Formulas, methods, devices, or compilations of information which is confidential and gives a business an advantage	Coca-Cola formula, survey methods used by a pollster	As long as information remains confidential and functions as a trade secret
Trademark	Words, symbols, logos, designs, or slogans that identify and distinguish products or services	Coca-Cola name and distinctive logo, Pillsbury doughboy character	Potentially forever if you continue to meet the requirements under common law, state, and/or federal law



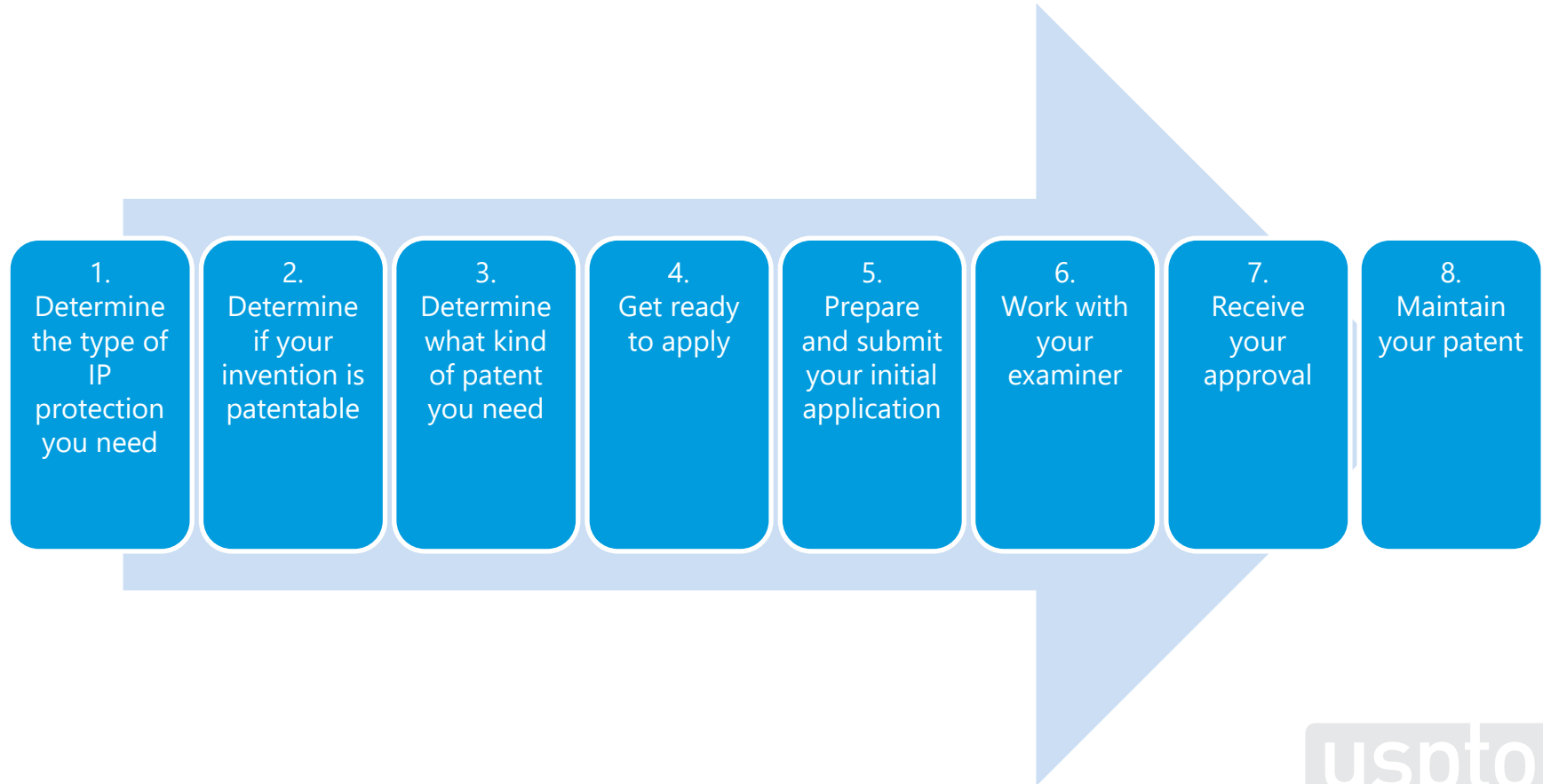
Patents

What is a patent?

- Is a property right granted by the United States government to an inventor; **no world-wide patent**
- **Excludes others** from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States
- Has a limited term of protection
- Requires full disclosure of invention details



Patent process overview



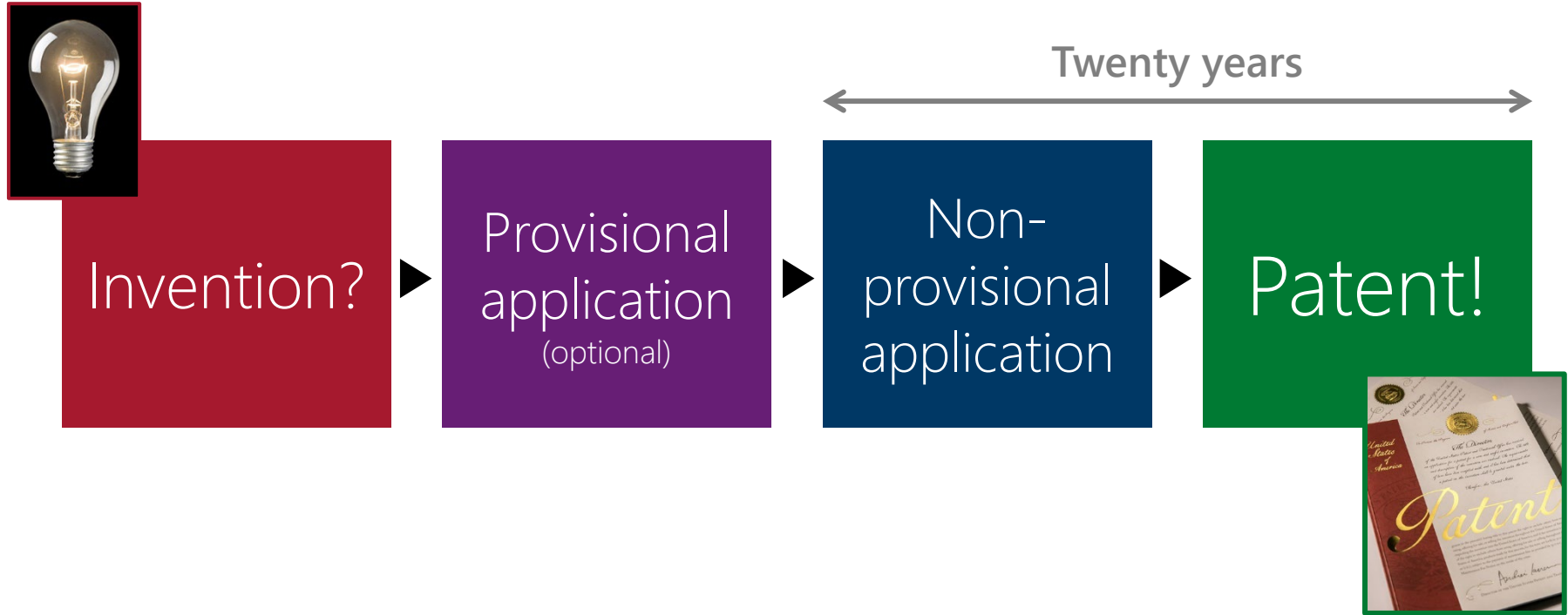
What is patentable?



What cannot be patented?

- Laws of nature
- Physical phenomena
- Abstract ideas
- Literary, dramatic, musical, and artistic works
- Inventions which are:
 - – Not useful or
 - – Offensive to public morality

The path to a patent



Provisional vs. nonprovisional utility patent application

Provisional application

- Can establish an earlier filing date for corresponding nonprovisional application
- No claims required
- Not published nor examined
- One year to pursue nonprovisional application
- Permits use of “patent pending” notice

Nonprovisional application

- Specification, including a description and claim(s), required
- Drawings required, when necessary
- Published and examined
- May result in a patent



Parts of a nonprovisional utility patent application

- **Abstract:** Short summary of the invention.
- **Specification:** How does the invention work?
How is the invention made or used?
 - Ends with one or more claims.
- **Drawings (if necessary):** What does the invention look like?

Filing your application

- Prepare yourself (pro se) or hire a patent attorney/agent
- Submit online using Patent Center
 - Upload all necessary documents
 - Payment of required fees
- Receive an application number and *filing date*



Utility patent application routing and assignment

UTILITY PATENT APPLICATION TRANSMITTAL

APPLICATION ELEMENTS

ACCOMPANYING APPLICATION PAPERS

1. Fee Transmittal Form (PTOL-101) or equivalent.

2. Applicant asserts small entity status. See 37 CFR 1.27.

3. Applicant certifies entire entity status. See 37 CFR 1.28.

4. Specification (Title Page) []

5. Claims (Title Page) []

6. Inventor's Oath or Declaration (Title Page) []

7. Information Disclosure Statement (IDS) (Title Page) []

8. Drawings (Title Page) []

9. Sequence Listing (Title Page) []

10. Certificate of Mailing (Title Page) []

11. Power of Attorney (Title Page) []

12. English Translation Document (Title Page) []

13. Information Disclosure Statement (Title Page) []

14. Copies of citations attached (Title Page) []

15. Priority/Continuation Statement (Title Page) []

16. Return Receipt Postcard (Title Page) []

17. Certified Copy of Priority Document(s) (Title Page) []

18. Other (Title Page) []

19. Correspondence Address (Title Page) []

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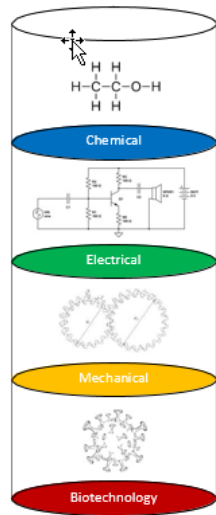
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Chemical Examiner

Electrical Examiner

Mechanical Examiner

Biotech Examiner



Application
filing

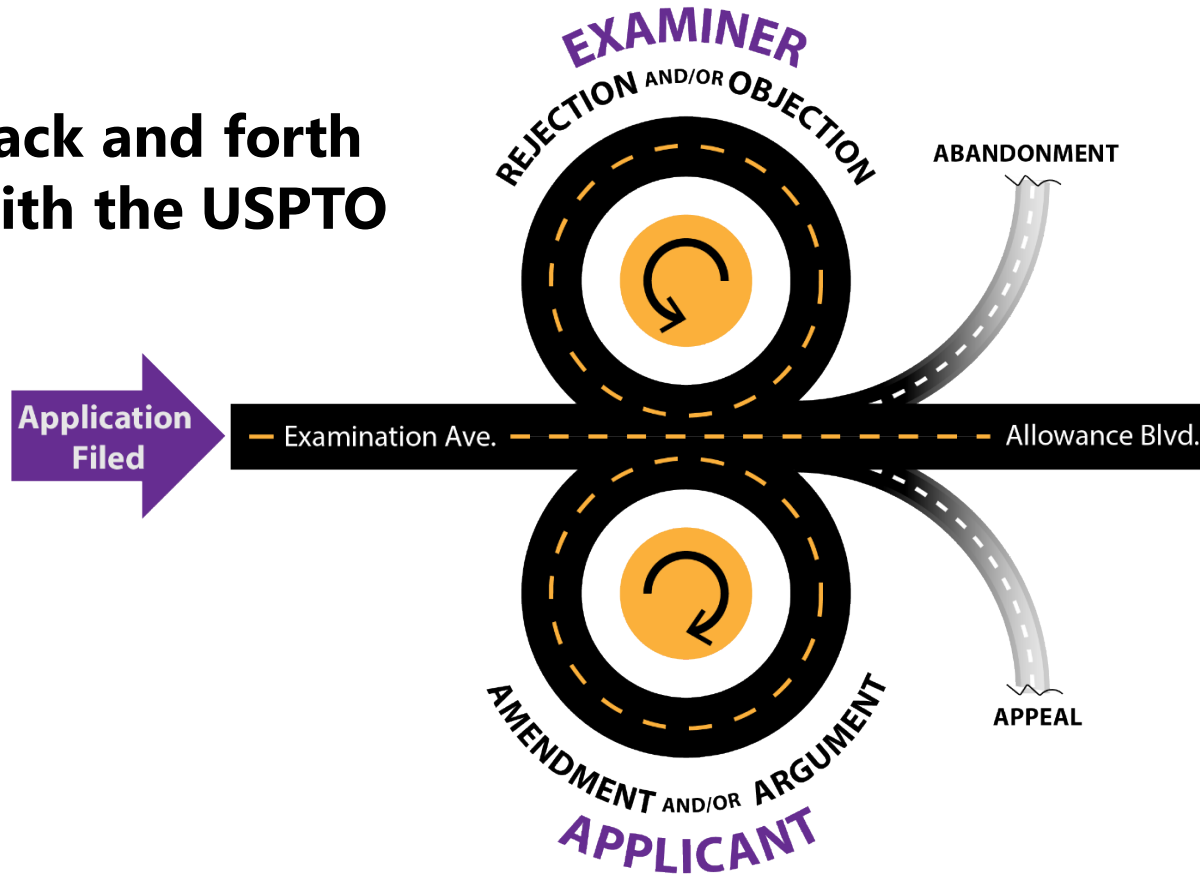
Technological
profile

Examiner
matching

Examination

The patent application roadmap

Back and forth
with the USPTO

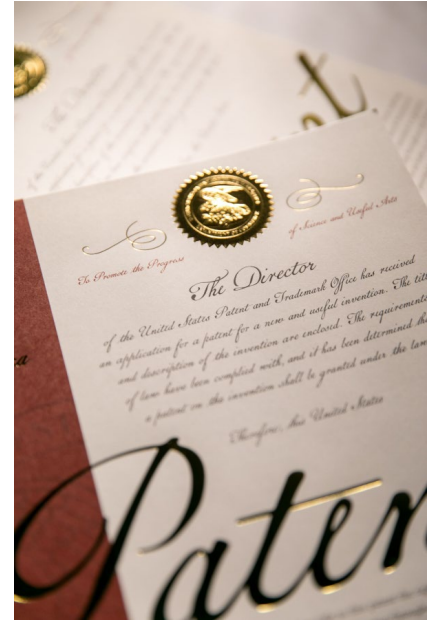


Post grant responsibility

- Must renew a utility patent without surcharge at 3 to 3.5 years, 7 to 7.5 years, and 11 to 11.5 years after the date of issue. You cannot pay early.
- There are no post grant fees for design or plant patents.

Some benefits of a patent

- Attract lenders and investors to obtain funding
- Establish a business to market, sell, or license the invention
- Assert/enforce rights against infringement by filing with the U.S. Customs and Border Protection



Help for applicants

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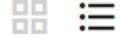
I need help with this topic:

- ☒ All topics
- ☐ Learning the essentials
- ☐ Preparing to file
- ☐ Applying for protection
- ☐ Amending or appealing an application
- ☐ Maintaining your protection
- ☐ Protecting your rights abroad

All (46)

 Patents (40)

 Trademarks (28)



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Application Assistance Unit (AAU)

Get help with questions or issues related to the pre-examination and post-examination processing of patent applications.


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Find It Fast




Patent basics

- > Patent process step-by-step
- > Search patents
- > Frequently asked questions (FAQs)
- > Procedures (MPEP) and guidance




Apply for a patent

- > Register and easier filing resources
- > Check application status
- > Filing fees and payment
- > Forms




Application assistance

- > Contacts for application questions
- > Advanced application resolution
- > Petitions
- > Appeals and proceedings (PTAB)




Maintain your patent

- > Maintenance fees and payment
- > Calculate expiration date
- > Reinstate an expired patent
- > Ownership change and search



Helpful resources

- > CARES Act deadline waivers
- > International patent filing
- > Examiner interview requests
- > In-person help near you
- > Free assistance programs



Independent inventors

- > File a patent application on your own
- > Legal assistance and resources
- > Free resources in your state
- > Inventors Assistance Center

www.uspto.gov/patent





Trademark basics

- > Do I need a U.S.-licensed attorney?
- > Trademark fee information
- > Timeline to process an application
- > Identify if you have a trademark
- > Free resources in your state



Search trademarks

- > Trademark search system
- > Why search for similar trademarks?
- > Comprehensive clearance search
- > Federal trademark searching



Apply to register your trademark

- > Trademark Center updates and training
- > Application requirements
- > Respond to an office action
- > Select goods & services in ID Manual
- > Verify your identity
- > Madrid Protocol international protection



Protect against scams

- > Spoofing phone numbers
- > What to do if scammed
- > Understanding filing firms
- > Administrative sanctions process



Maintain your registration

- > How do I renew my trademark?
- > What happens if my trademark registration is audited?

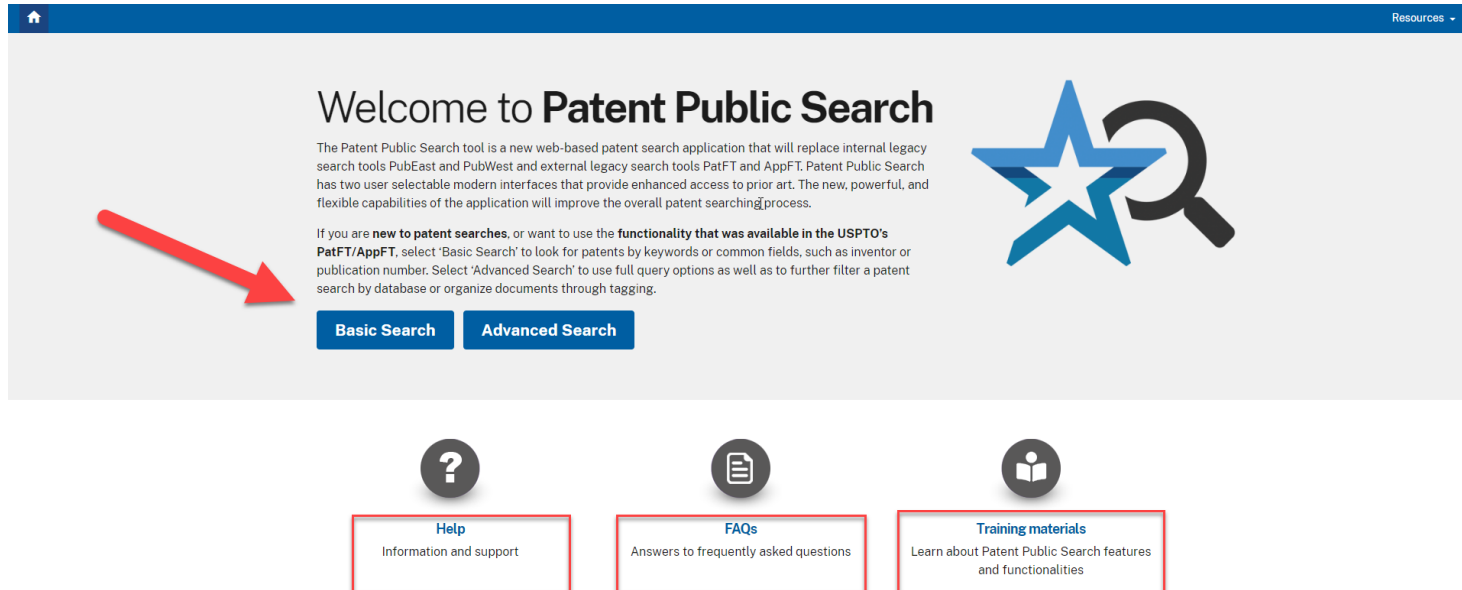


Laws and rules

- > 2025 fee changes
- > Trademark Modernization Act
- > Rule making
- > Examination guides

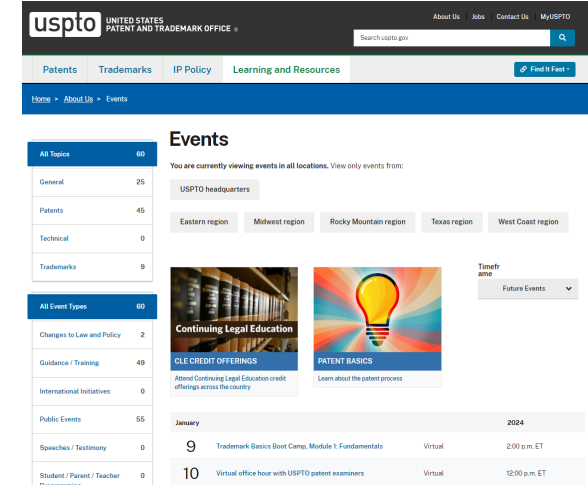
Patent Public Search

- Patent Public Search is a patent search tool available for free from the U.S. Patent and Trademark Office's website (www.uspto.gov/PatentPublicSearch)



USPTO training and programs

- In-person and virtual events
- Training
 - Path to a Patent
 - Trademark Basics Bootcamp
 - ... and more!



The screenshot shows the USPTO website's 'Events' section. At the top, there's a navigation bar with 'uspto' logo, 'UNITED STATES PATENT AND TRADEMARK OFFICE', and links for 'About Us', 'Jobs', 'Contact Us', and 'MyUSPTO'. Below this is a search bar and a menu with 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources'. The main content area is titled 'Events' and includes a filter for 'All Topics' with counts: General (25), Patents (45), Technical (0), and Trademarks (9). There are also filters for 'All Event Types' with counts: Changes to Law and Policy (2), Guidance / Training (49), International Initiatives (0), Public Events (55), Speeches / Testimony (0), and Student / Parent / Teacher Programmes (0). The 'Events' section lists 'USPTO headquarters' and regional filters: Eastern region, Midwest region, Rocky Mountain region, Texas region, and West Coast region. Two featured event cards are shown: 'Continuing Legal Education' and 'PATENT BASICS'. A table at the bottom lists events for January 2024:

January	2024
9	Trademark Basics Boot Camp, Module 1: Fundamentals Virtual 2:00 p.m. ET
10	Virtual office hour with USPTO patent examiners Virtual 12:00 p.m. ET

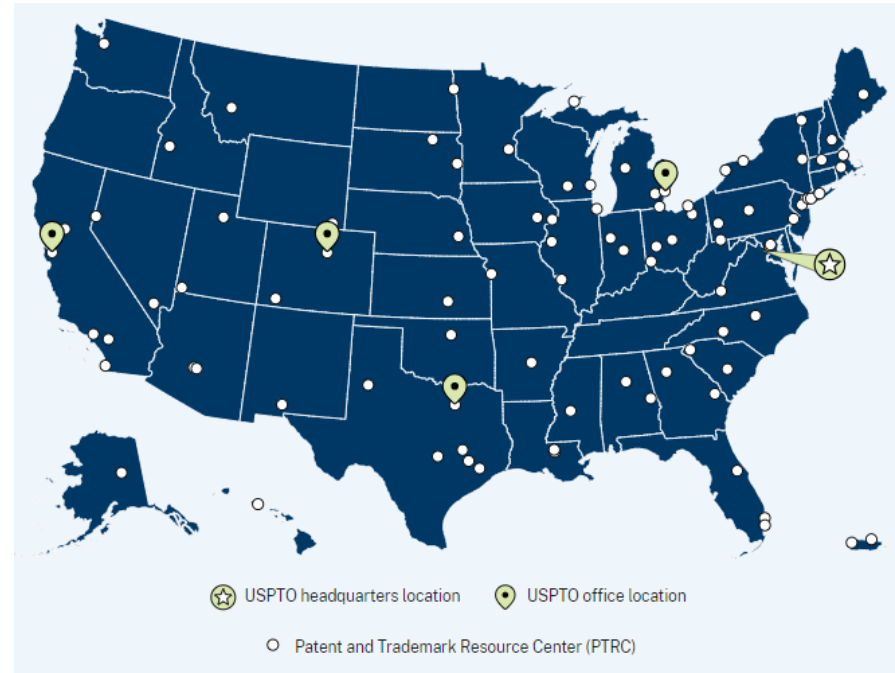
www.uspto.gov/events



USPTO in your region

- Regional Offices
- Patent and Trademark Resource Centers (PTRC)

www.uspto.gov/Locations



Startup resources

The USPTO's hub for startup resources:

- Securing funding
- Finding experts and assistance
- Training and counseling links



Protect IP rights

Guard your valuable work

You need to protect your IP if you want to succeed and attract investors.

- > [Identify the kind of IP you have](#)
- > [Protect your IP in the U.S.](#)
- > [Protect your IP abroad](#)
- > [Fight costly counterfeits](#)
- > [Access IP training modules in five languages](#)
- > [Access resources for small and medium-sized enterprises](#)



Plan for success

Do your homework

Explore free government resources that can help you create a foundation for business success.

- > [Learn the steps to start your business](#)
- > [Find a MBDA Center in your state](#)
- > [Get free business counseling near you](#)



Find funding

Access capital

There are many sources of startup funding, including grants, loans, and different kinds of investors.

- > [Choose the right funding](#)
- > [Search federal grants](#)
- > [Learn about America's Seed Fund](#)
- > [Access SBA loans](#)
- > [Review additional funding resources](#)



Engage experts

Get advice and assistance

Find mentors, partnerships, and technological assistance in your industry. Learn to navigate the domestic and international IP markets.

- > [Get free advice from business experts at SCORE](#)
- > [Get help with manufacturing your technology](#)
- > [Learn about IP protection in other countries](#)
- > [Utilize IP attachés to navigate the global market](#)

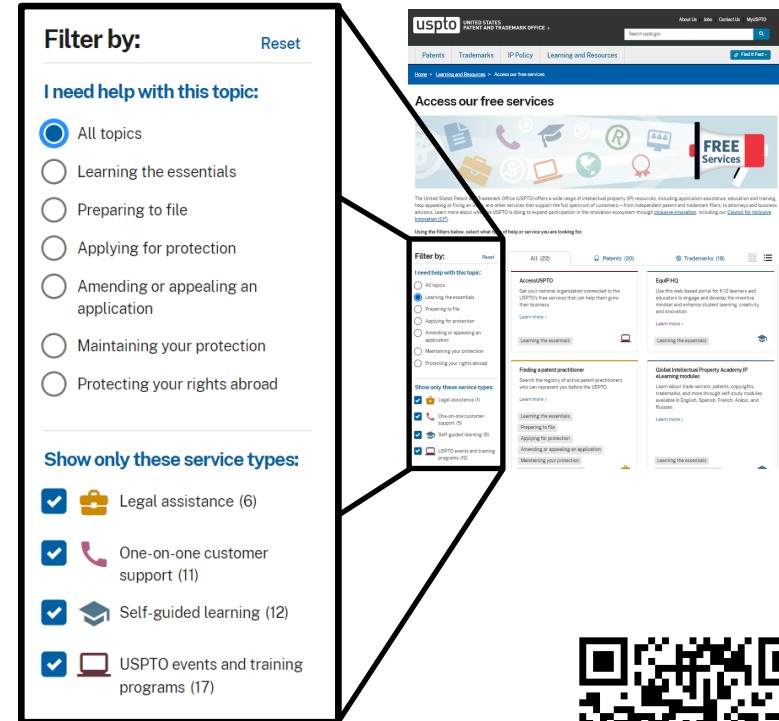
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 - Find an attorney or agent
 - Law School Clinics
- One-on-one customer support
 - Pro Se Assistance
- Protection abroad
 - International IP Attaché Program

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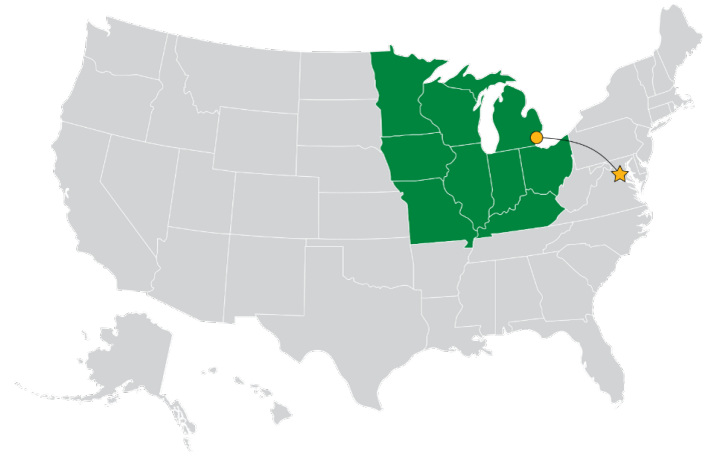
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