

# The Ultimate Patent Protection Checklist for Independent Inventors

This checklist provides a comprehensive guide for independent inventors to successfully file a strong patent application and secure protection for their inventions. It covers key steps from documenting your invention to maintaining your patent after issuance, ensuring you take all necessary steps to protect your intellectual property.



1-888-306-4030



# Document Your Invention

Thoroughly document the conception and development of your invention to establish proof of your ownership and priority.

**1**

## **Detailed Inventor's Notebook**

Keep a detailed inventor's notebook recording the conception and development of your invention, including dated sketches, photos, test results, iterations, etc.

**2**

## **Witness Signature**

Have a witness subject to confidentiality obligations sign and date your notebook pages.

**3**

## **Provisional Patent Application**

File a provisional patent application as soon as possible once you are ready for patenting to establish an early effective filing date.

# Conduct a Thorough Prior Art Search

Performing an extensive prior art search is a critical helpful step in the patent application process. This will help you determine if your invention is truly novel and non-obvious, which are key requirements for obtaining a patent.

1

## **Search Patents and Applications**

Start by searching through issued patents and published patent applications in your field of invention. Use the USPTO patent database, Google Patents, and other online resources to identify any similar existing technologies.

2

## **Explore Non-Patent Literature**

Expand your search to non-patent literature, such as academic journals, industry publications, product manuals, and online forums. This will help uncover any non-patent prior art that may impact your invention's novelty.

3

## **Analyze Prior Art**

Carefully analyze the prior art you've identified to understand how your invention differs and what makes it unique. Document these key distinctions, as you'll want to explain them in your patent application.

4

## **Consider Professional Search**

Consider hiring a professional patent search firm to conduct a more comprehensive prior art analysis. Their expertise and access to specialized databases can uncover critical information you may have missed.

5

## **Document Search Process**

Document your entire prior art search process, including the keywords used, databases queried, and your analysis of the relevant prior art.



# Determine Patentability

Before investing time and resources in patenting, carefully evaluate if your invention meets the criteria for patentability:

- Your invention must be new, useful, and non-obvious.
- It must fit into one of the statutory categories: process, machine, manufacture, composition of matter, or new and useful improvement thereof, and not be a law of nature, natural phenomena, or abstract idea.
- Your invention must be enabled, meaning that a person of ordinary skill in the relevant field can make and use your invention without having to experiment too much.

# Determine Commercial Potential

- Consider if your invention has sufficient commercial potential to warrant the time and expense of patenting.
- Investigate the patent position of key industry players to understand how your invention fits in.
- Evaluate potential workarounds competitors could use to avoid infringement.

# Select the Right Patent Application Type

Choose the appropriate patent application type based on your invention's type, your stage of development, and your budget.

## **Provisional Patent Application (PPA)**

File a provisional patent application (PPA) to secure a filing date and "patent pending" status faster and cheaper. PPAs require only a specification and drawing; no claims needed. PPAs give you one year within which to further develop and market your invention before filing a non-provisional utility application, which may claim the PPA's filing date if filed within that one year.

## **Regular Non-Provisional Utility Application**

When it comes to patent protection, independent inventors have an important decision to make from the start. One option is to file a non-provisional utility application, which can undergo examination and issue as a full blown utility patent.

## **Design Application**

A design application allows you to protect the ornamental design of an item, such a product's shape, configuration, or surface ornamentation. Design patents protect the non-functional aspects of a design. This is different from utility patents, which protect how an item works or is used.



# Prepare a Strong Patent Application

A well-crafted patent application is essential for securing strong patent protection.

- Write a clear specification that fully describes how to make and use your invention.
- Include background on the technical field and prior art.
- Highlight the key novel aspects of your invention.
- Describe different variations and alternatives to your design.
- Include professional drawings.
- Draft broad but defensible claims that capture the key inventive aspects.
- Have a patent professional review and strengthen your application before filing, or draft it from the start.
- Consider filing multiple applications to cover different aspects.



# File Your Patent Application

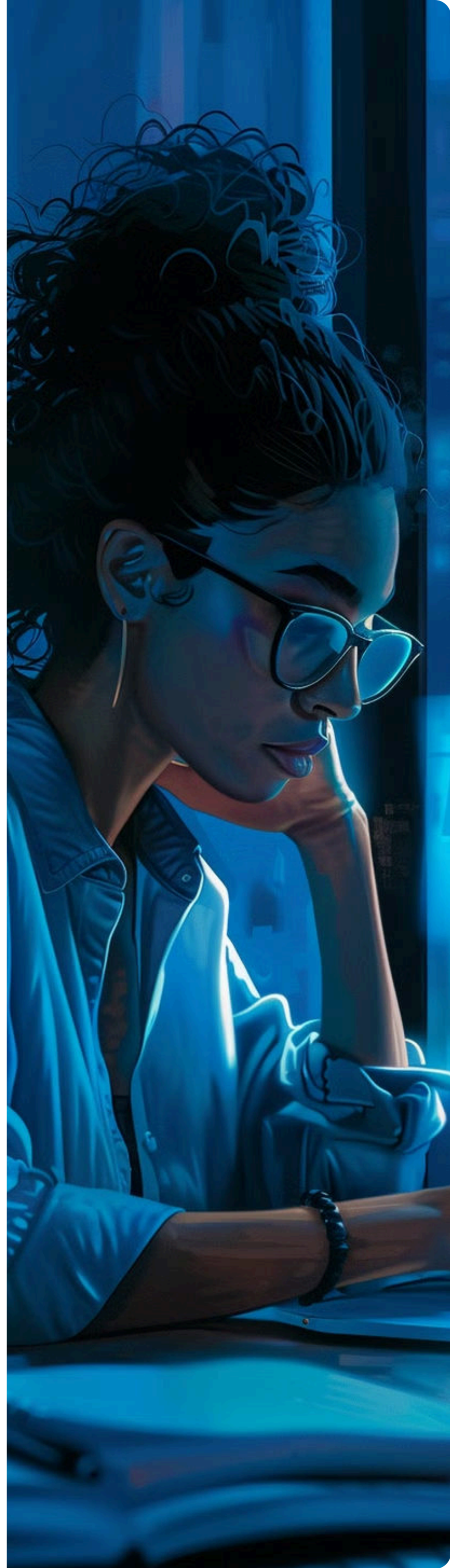
Once your application is ready, file it electronically with the USPTO.

- Pay the appropriate filing fees based on entity size (micro, small or large).
- Receipt will be acknowledged via an official Filing Receipt.
- File your application electronically on the USPTO's EFS-Web system.

## Respond to Office Actions from the Patent Examiner

After filing, expect to receive office actions from the patent examiner, which may require you to amend your application.

- Expect to receive a first office action on the merits within about 12-24 months, likely rejecting your application.
- Carefully review the examiner's arguments and cited prior art.
- Prepare a written response and/or amend your claims as needed to overcome the rejections.
- File your response within the allotted time to avoid extension fees.
- Interview the examiner in person or by phone to discuss the case.
- Consider filing a continuation application to pursue additional related claims.



# How Dunlap, Bennett & Ludwig Can Help Secure Your Invention

**DBL** is a leading intellectual property law firm that specializes in helping independent inventors protect their innovations through the patent process. With decades of experience, our team of patent attorneys and agents can guide you through every step to ensure your invention is properly documented, searchable, and filed for maximum protection.

## Prior Art Search

Conducting a comprehensive prior art search to assess the novelty and patentability of your invention.

## Application Preparation

Preparing a strong, detailed patent application that fully describes your invention and claims its key features.

## USPTO Correspondence

Corresponding with the USPTO on your behalf to respond to any office actions or rejections.

## Strategic Advice

Providing strategic advice on the best patent application types and filing options for your specific needs.

## Drafting Patent Claims

Drafting robust patent claims that give you the broadest possible protection.

**Contact us today to get started on securing the patent rights you deserve.**



To learn more about Dunlap Bennett & Ludwig and how we can help you, call today at **888-306-4030** or email us at [clientservices@dbllawyers.com](mailto:clientservices@dbllawyers.com)

**Schedule Your Patent Application**