

Appendix B

Patents: Questions and Answers

Answers to Questions Frequently Asked

Question 1—What do the terms “patent pending” and “patent applied for” mean?

Answer—They are used by a manufacturer or seller of an article to inform the public that an application for patent on that article is on file in the Patent and Trademark Office. The law imposes a fine on those who use these terms falsely to deceive the public.

Question 2—Is there any danger that the Patent and Trademark Office will give others information contained in my application while it is pending?

Answer—No. All patent applications are maintained in the strictest secrecy until the patent is issued. After the patent is issued, however, the Office file containing the application and all correspondence leading up to issuance of the patent is made available in the Files Information Room for inspection by anyone. In addition, copies of these files may be purchased from the Office.

Question 3—May I write directly to the Patent and Trademark Office about my application after it is filed?

Answer—Yes. The Office will answer an applicant’s inquiries as to the status of the application and inform you whether your application has been rejected, allowed, or is awaiting action. However, if you have a patent attorney or agent, the Office will not correspond with both you and your attorney concerning the merits of your application. All comments concerning your application should be forwarded through your attorney or agent.

Question 4—Is it necessary to go to the Patent and Trademark Office to transact business concerning patent matters?

Answer—No. Most business with the Office is conducted by correspondence. However, interviews regarding pending applications can be arranged with examiners, if necessary, and are often helpful.

Question 5—If two or more persons work together to make an invention, to whom will the patent be granted?

Answer—If each had a share in the ideas forming the invention, they are joint inventors and a patent will be issued jointly on the basis of a proper patent application. If, on the other **hand**, one of these persons has provided all of the ideas for the invention and the other has only followed instructions in making it, the person who contributed the ideas is considered the sole inventor and the patent application and patent shall be in his name alone.

Question 6—If one person furnishes all of the ideas to make an invention and another employs him or furnishes the money for building and testing the invention, should the patent application be filed by them jointly?

Answer—No. The application must be signed by the true inventor and filed in the Patent and Trademark Office, in the inventor’s name. This is the person who furnishes the ideas, not the employer or person who furnishes the money.

Question 7—Does the Patent and Trademark Office control the fees charged by patent attorneys and agents for their services?

Answer—No. This is a matter between you and your patent attorney or agent in which the Office takes no part. To avoid misunderstanding you may wish to ask for estimate charges for: (a) the search, (b) preparation of the patent application, and (c) Patent and Trademark Office prosecution.

Question 8—Will the Patent and Trademark Office help me select a patent attorney or agent to make my patent search or prepare and prosecute my patent application?

Answer—No. The Office cannot make this choice for you. However, your own friends or general attorney may help you in making a selection from among those listed as registered practitioners on the Office roster. Also, some bar associations operate lawyer referral services that maintain lists of patent lawyers available to accept new clients.

Question 9—Will the Patent and Trademark Office advise me as to whether a certain patent promotion organization is reliable and trustworthy?

Answer—No. The Office has no control over such organizations and does not supply information about them. It is advisable, therefore, to check on the reputation of invention promotion firms before making any commitments. It is suggested that you obtain this information by inquiring with the Better Business Bureau of the city in which the

organization is located, or with the bureau of commerce and industry or bureau of consumer affairs of the State in which the organization has its place of business. You may also undertake to make sure that you are dealing with reliable people by asking your own patent attorney or agent or by inquiring of others who may know the organization.

Question 10--Are there any organizations in my area which can tell me how and where I may be able to obtain assistance in developing and marketing my invention?

Answer—Yes. In your own or neighboring communities you may inquire of such organizations as chambers of commerce and banks. Many communities have locally financed industrial development organizations which can help you locate manufacturers and individuals who might be interested in promoting your idea.

Question n--Are there any State government agencies that can help me in developing and marketing my invention?

Answer—Yes, In nearly all States there are State planning and development agencies or departments of commerce and industry which seek new product and process ideas to assist manufacturers and communities in the State. If you do not know the names or addresses of your State organizations you can obtain this information by writing to the Governor of your State.

Question 12--Can the Patent and Trademark Office assist me in developing and marketing my patent?

Answer—The Office cannot act or advise concerning business transactions or arrangements involved in the development and marketing of an invention. However, the Office will publish, at the request of a patent owner, a notice in the *Official Gazette* that the patent is available for licensing or sale. The fee for this service is \$7.

SOURCE: U.S. Patent and Trademark Office, *General Information Concerning Patents*, 1986.