

## **First Step for Inventors: Provisional Application for Patent**

A provisional application for patent provides a low-cost first patent filing in the United States for inventors. The USPTO charges an inventor with fewer than 500 employees a one-time government fee of \$110 upon filing of the provisional application for patent.

By filing a provisional application for patent, an inventor establishes an effective filing date for the disclosed subject matter as long as the necessary information is contained within the provisional application. First, a provisional application for patent must include a written description of the invention, complying with all requirements of 35 U.S.C. §112. Second, any drawings necessary to understand the invention complying with 35 U.S.C. §113 shall also be included. If either of these two requirements are missing, then no filing date will be given to the provisional application for patent. Amendments are not permitted in provisional applications after filing so it is important to comply with the statutory requirements for the provisional application for patent.

Overall, once the provisional application for patent has been accorded a filing date, it shall provide the following advantages:

1. Provides less formal filing requirements with a lower cost to provide up to 12 months to assess the disclosed invention's commercial potential;
2. Establishes an official filing date for the invention which is important in the United States where the rule is "first to invent";
3. Permits 12 months to use "*Patent Pending*" notice in connection with the invention;
4. Facilitates commercial promotion of the invention with enhanced security against having the invention stolen by another; and
5. Preserves application in confidence without publication.

Within 12 months after filing a provisional application for patent, the provisional application for patent will expire. Before the end of the 12 month period, it is important that a Rhode Island inventor should then consider filing a corresponding non-provisional for patent which is entitled to a filing date that claims the benefit of the earlier filed provisional application.

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