



ask *Super Lawyers*

I've come up with a solid invention. Now what?



Charles P. Kennedy
of Lerner, David,
Littenberg, Krumholz
& Mentlik in Westfield
responds ...

Before you know whether you have the next 'million-dollar idea,' you need to find out if your invention is both marketable and patentable. If not, you may spend significant money to obtain a patent suitable only for framing. These points may guide you along the way:

- You have time to investigate commercial appeal. In the United States, an inventor has one year after the date of the first offer to sell, public use or display of an invention to file a patent application. Be careful: one day more than one year disqualifies your patent filing. For nearly every foreign country, this one-year grace period does not apply.
- Contact a patent attorney to find out if a patent can be obtained. A patent attorney can investigate

whether your invention is novel. This may involve a search to see if your invention was disclosed in earlier patents or publications.

- Recognize that the process to obtain a patent is complex, slow and expensive. It takes time and skill to prepare a good application and to address objections by the examiner. A granted patent may be many years down the road.
- When properly pursued, a patent may provide significant benefits. If one is able to achieve a patent, then all others are excluded from practicing that which the patent covers. Your marketable invention will be your own, and you may license others to use the invention.