I. WHAT CAN BE PATENTED

A. Start with the statute - THE PATENT ACT, WHICH IS AUTHORIZED BY THE US CONSTITUTION 
"TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS."

1. MATTER OF FEDERAL LAW

2. §101 SETS FORTH THE BASIC REQUIREMENTS: "NEW AND USEFUL" MUST BE BOTH, 
AND ONE OF THESE: (a) PROCESS; (b) MACHINE; (c) MANUFACTURE; (d) COMPOSITION 
OR A NEW AND USEFUL IMPROVEMENT OF PRIOR ART.

(a) PROCESS + HAS GOTTEN DIFFICULT IN THE INFORMATION AGE

(b) "NEW": THE INVENTION MUST NOT BE KNOWN OR USED BY OTHERS 
in this country. "NOVELTY" = LINGO FOR NOT BEING KNOWN.
"NONOBVIOUS": THIS IS THE TOUGHER ELEMENT; MUST BE NONOBVIOUS 
to a person engaged in the art with ordinary skill.
this is a factual question that frequently ends up w/ a jury.

(c) §102 (d) STARTS A CLOCK THAT REQUIRES YOU TO FILE A 
PATENT IN ONE YEAR FROM DATE OF PUBLISHING.

1. MOST COUNTRIES HAVE A ZERO YEAR PERIOD + YOU MUST 
FILE BEFORE YOU PUBLISH.

2. SO KEEP IT PRIVATE + MAKE PEOPLE SIGN NON-DISCLOSURE 
AGREEMENT.

3. FILING MUST BE "TIMELY" AND INCLUDE FULL DISCLOSURE.

(a) IN US, THE FIRST TO INVENT RULE IS APPLIED. WHEN TWO PEOPLE 
INVENT FIRST TO INVENT IS GIVEN THE PATENT EVEN IF THE 
OTHER IS FIRST TO FILE.

1. SO KEEP RECORDS TO DOCUMENT WHEN YOU STARTED TO 
WORK ON THE INVENTION.

2. THE REST OF THE WORLD USES FIRST TO FILE

4. USEFUL = NO LITIGATION HERE: IF IT ISN'T USEFUL, NOBODY MAKES ANY MONEY 
OFF IT SO THEY DON'T FIGHT OVER IT.

5. "PROCESS": COURTS HAVE SAID OUT TWO EXCEPTIONS:

(a) MATHEMATICAL ALGORITHM EXCEPTION + IS IT ABSTRACT OR CONCRETE?
A CONCRETE OR APPLIED ALGORITHM IS PATENTABLE, BUT ABSTRACT 
FORMULAS ARE NOT. AN ABSTRACT ALGORITHM IS NO MORE THAN 
AN ABSTRACT IDEA.

(b) BUSINESS METHOD AS EXCEPTION + THE NEW PATENT ACT OF 1982 
eliminated the business method exception, if it ever existed

II. WHAT RIGHTS DO YOU HAVE AS A PATENT HOLDER?

A. §164 GIVES YOU THE RIGHT TO "MAKE, USE, AND SELL"? NOPE. YOU GET THE 
RIGHT TO EXCLUDE OTHERS FROM MAKING, USING, SELLING

1. RATIONALE

(a) MOST PATENTS BUILD OFF OTHER PATENTS. IF YOU WERE 
given the right to make, use or sell, it would 
include the right to infringe.

III. HOW DO YOU OBTAIN A PATENT?

A. HIRE A PATENT ATTORNEY

B. REQUIREMENTS FOR FULL DISCLOSURE: (1) FULL AND ONGOING; (2) CONCISE;
(3) EXACT; (4) ENABLING + SOMEONE W/ ORDINARY SKILL IN THE ART 
must be able to do it based on the filing.

1. NO PROTECTION WHILE PATENT IS PENDING