

Patent Application Types And When To Apply Them For What

How Motives for Filing Patent Applications Influence Their Quality, Price, and Speed from
Filing to Grant

The Impact of your motive to file a patent application on your Patent Filing And Prosecution Strategy (1/6)

You have 3 variables that you can directly influence:

- Quality of the patent: scope of protection, strategic value (being invented on top of, being invented around, being blocked for the future), level of detail, being able to keep a divisional patent application open, and many more
- Speed: prosecution time from filing to grant
- Early filing date

And all 3 variables have an impact on costs!

The Impact of your motive to file a patent application on your Patent Filing And Prosecution Strategy (2/6)

type #1: achieve a patent grant quick, „**litigation-grade**“ **quality** required, early filing date

Use that type for all hard-core motives:

- **achieve a greater share of the market**
- **prevent conflicts with competitors**
- **providing a basis for entering into licensing agreements**

4-level patent drafting technique is required. One patent application for each single inventive concept.

This is the Premier League type, and it is the most expensive type.

The Impact of your motive to file a patent application on your Patent Filing And Prosecution Strategy (3/6)

type #2: Achieve any patent grant quick, one patent application can contain several inventive concepts, early filing date.

Important: a litigation-grade patent quality is not needed.

if you want to:

- **make your business more attractive to investors**

and/or

- **deter competitors, based on a long-term business plan**

Use my „ABCD“ filing strategy, together with a less expensive 3-level, embodiment-based patent drafting technique. And always keep a divisional patent application open.

Costs: this is Professional League, and less expensive than Premier League.

The Impact of your motive to file a patent application on your Patent Filing And Prosecution Strategy (4/6)

type #3: Achieve a patent grant quick, the rest does not matter at all, if **a bureaucrat** wants your device, and you want to keep competitors out.

Use a cheap flat-fee claim based patent application drafting style, plus **accelerated patent prosecution**.

Costs: this is Business Class, and less expensive than Professional League and less expensive than Premier League.

The Impact of your motive to file a patent application on your Patent Filing And Prosecution Strategy (5/6)

type #4: time to grant is not important, the quality of your patent application is important, but no litigation-grade patent is needed

- **cross-licensing:** share a market between a limited number of competitors
- **prevent employees from walking away and opening their own business** with your company's know-how
- be used as **evidence in a conflict:** who invented what at what time? Important if two parties work at the same project

Go for 3-level/embodiment-based patent drafting, plus **save costs by low key patent prosecution.**

Costs: this is Premium Economy Class, more expensive than Standard Economy Class and less expensive than Business Class and less expensive than Professional League and less expensive than Premier League

The Impact of your motive to file a patent application on your Patent Filing And Prosecution Strategy (6/6)

type #5: none of the criteria quality, speed to grant, and early filing date does matter

This is relevant if you have one of these special cases:

- **create an asset in the balance sheet**
- **demonstrate the creativity of a person**
- **tax benefits**
- **exemptions from competition law restrictions**
- **comply with legislation, e.g. the German Employee Inventors Act**

Use a cheap flat-fee claim based patent application drafting style, plus save costs by low key patent prosecution. **Go for the cheapest source available, or consider even doing it yourself.**

Costs: this is Standard Economy Class, and less expensive than Premium Economy Class and than Business Class and less expensive than Professional League and less expensive than Premier League.

Call to Action

- Ask the applicant (and NOT the inventor) what they have in mind before they file a patent application
- Be prepared to explain the differences between the various types
 - Standard Economy Class**, none of the criteria quality, speed to grant, and early filing date does matter. Cheap is king.
 - Premium Economy Class**, time to grant is not important, the quality of your patent application is important, but litigation-grade patent quality is not needed
 - Business Class**, achieve a patent grant quick, the rest does not matter at all
 - Professional League**, achieve any patent grant quick, one patent application contains several inventive concepts plus always keep a divisional patent application open, early filing date, but litigation-grade patent quality is not needed
 - Premier League**, litigation-grade
- Be careful when judging a patent application

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