

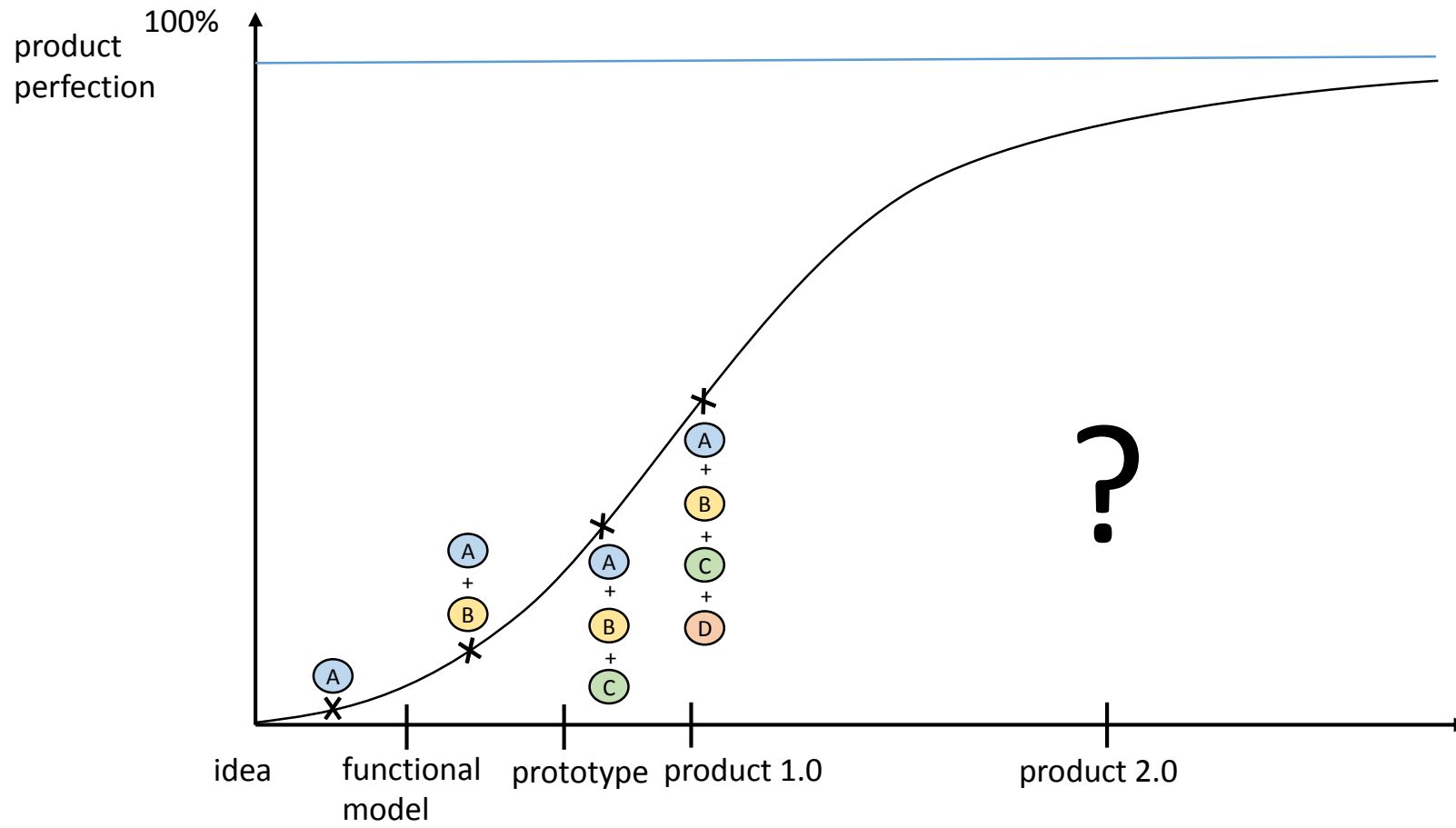
Patent Strategy 5

More alternative Patent Strategies that do not work in practise.

Again The Starting Point

We have a typical product development circle:

- Idea
- Functional Model
- Prototype
- Product 1.0



01.10.2014

A

Idea

01.07.2015

A

+

B

01.09.2015

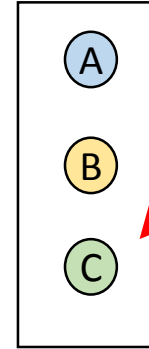
A

+

B

+

C



15.9.,2015:
Competitor
launches own
product + files
patent application

Product 1.0

01.10.2015

non-prov.
PCT filing

A

+

B

+

C

+

D



01.10.2014

A

Idea

01.07.2015

A

+

B

01.09.2015

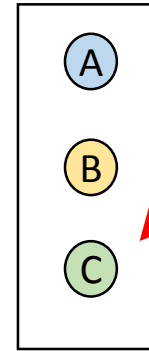
A

+

B

+

C



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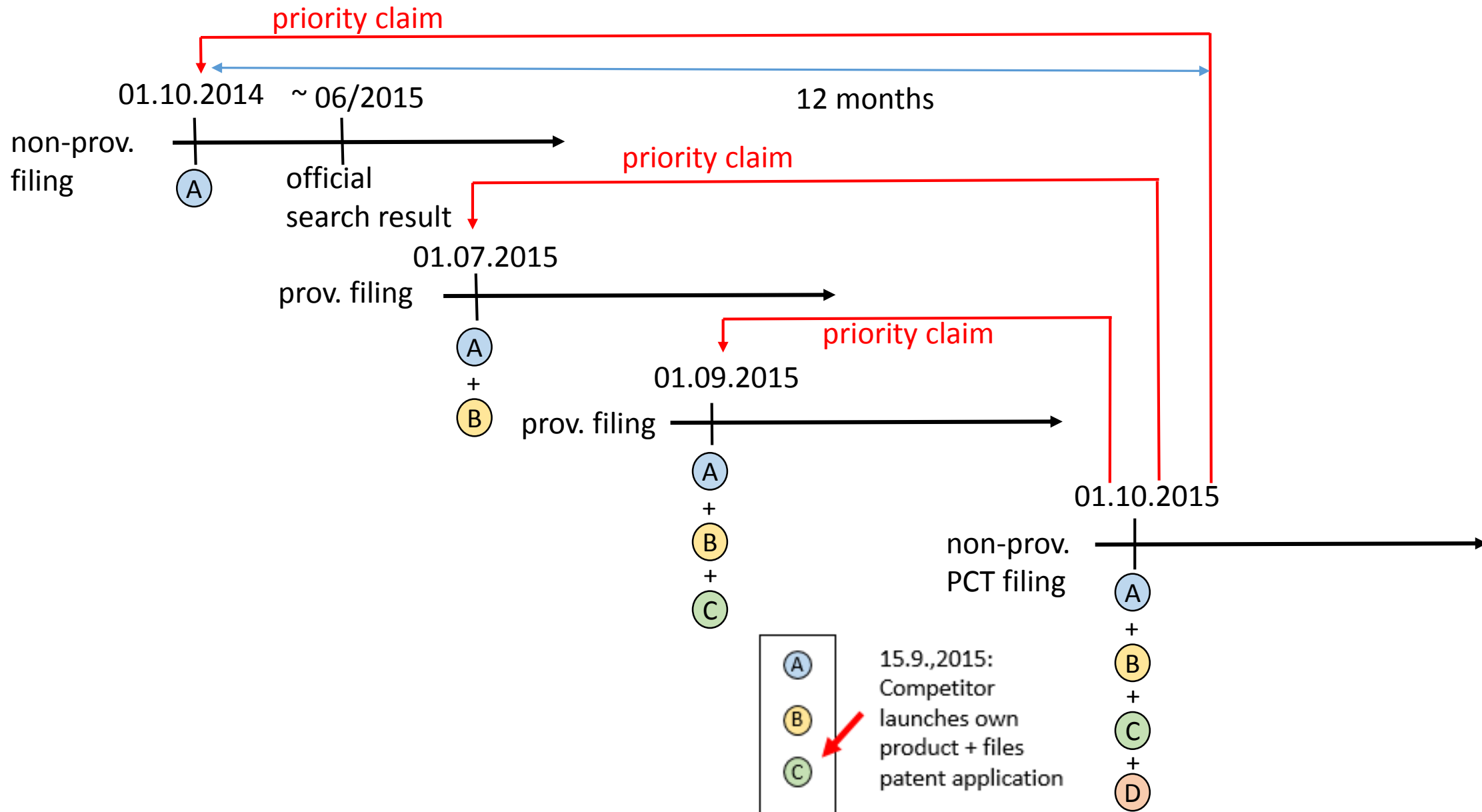
D



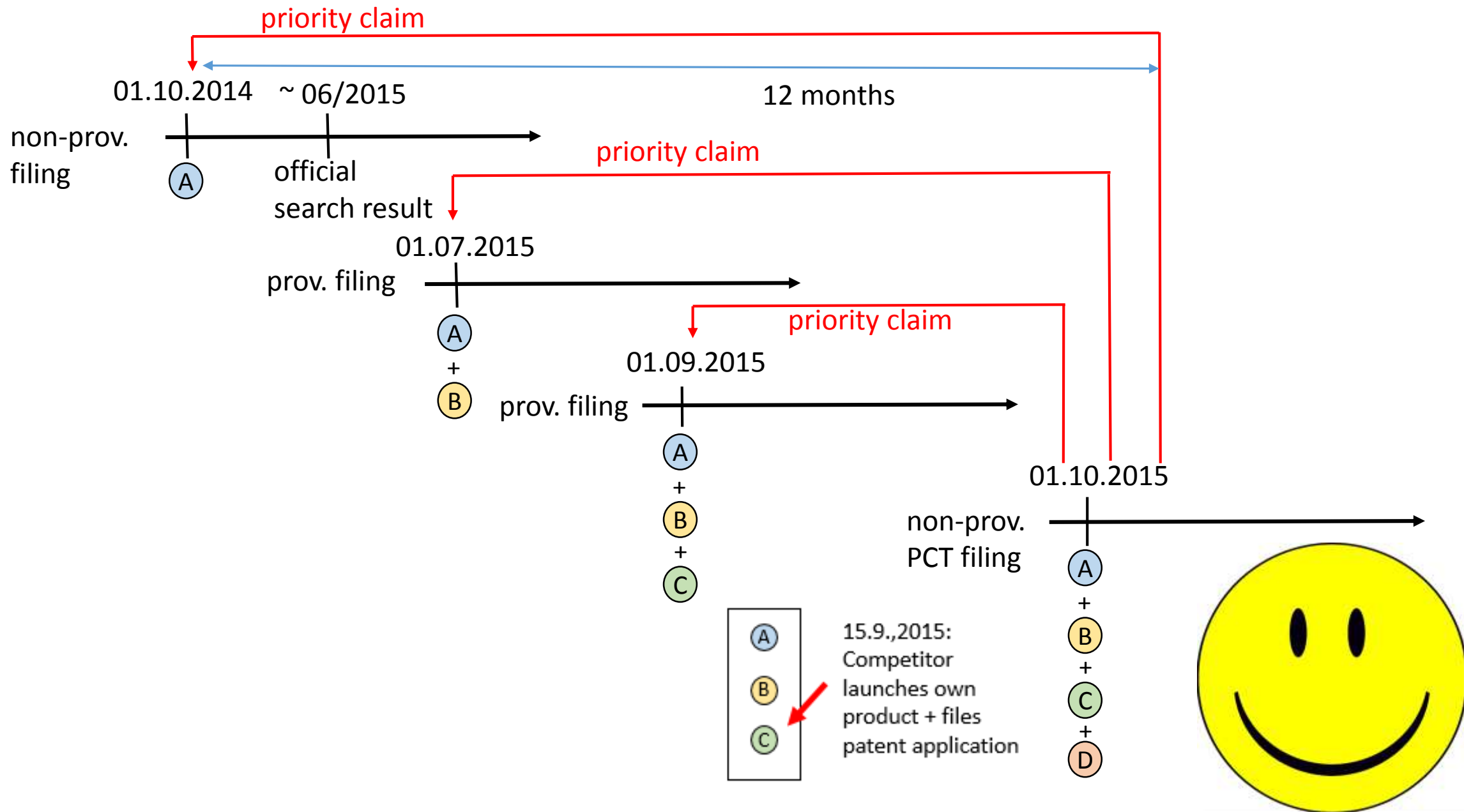
How to do it the right way?

One way is to apply the filing strategy according to lesson #3

How to use a priority claim for adding subject matter to a patent application



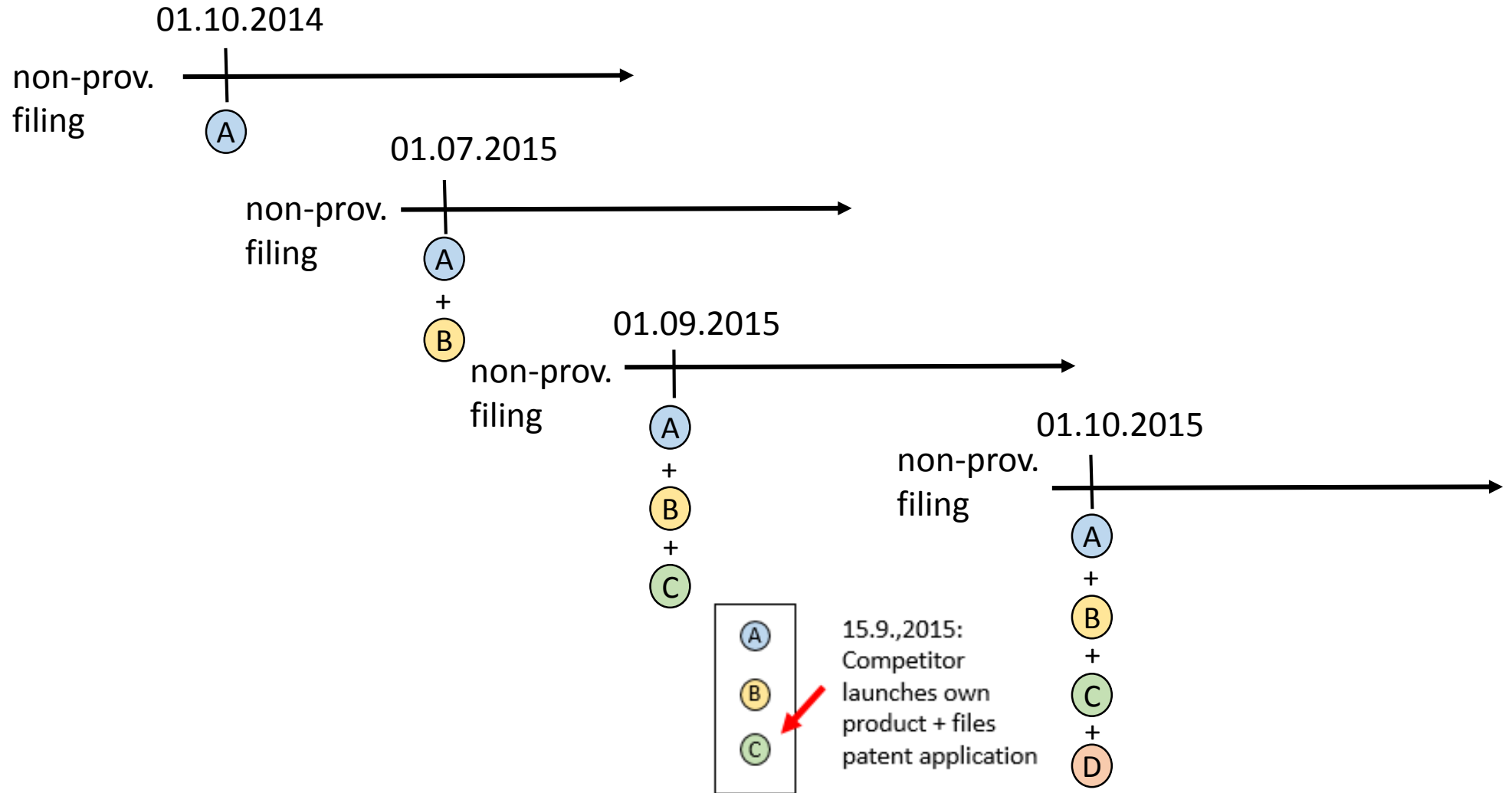
How to use a priority claim for adding subject matter to a patent application



Are there alternatives to the Patent Strategy of lesson #3 and do they work in practise?

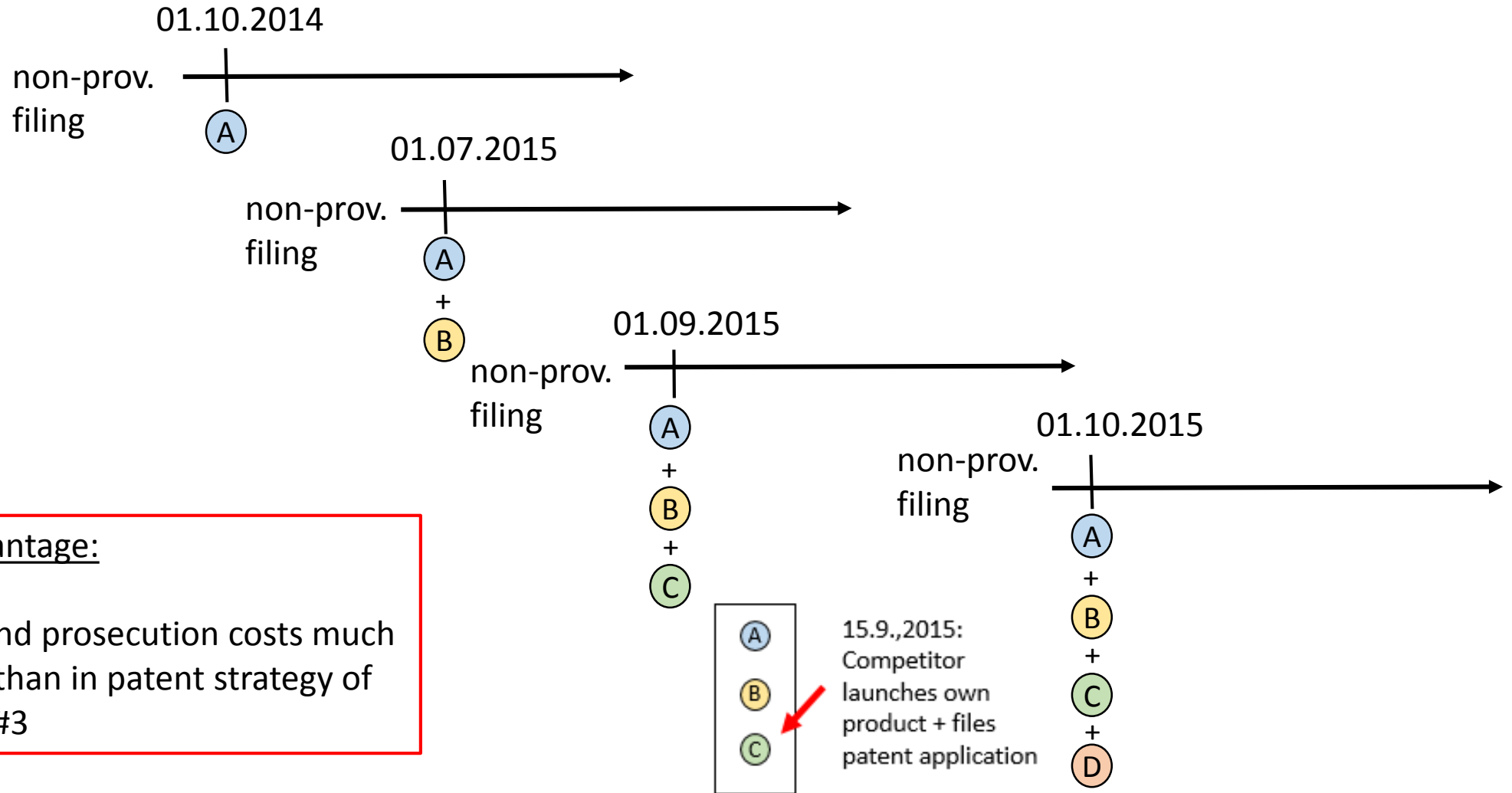
First alternative to Patent Strategy of lesson #3:

File a new non-provisional patent application for each new subject matter A, B, C and D, not claiming priorities



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File a new non-provisional patent application for each new subject matter A, B, C and D, not claiming priorities

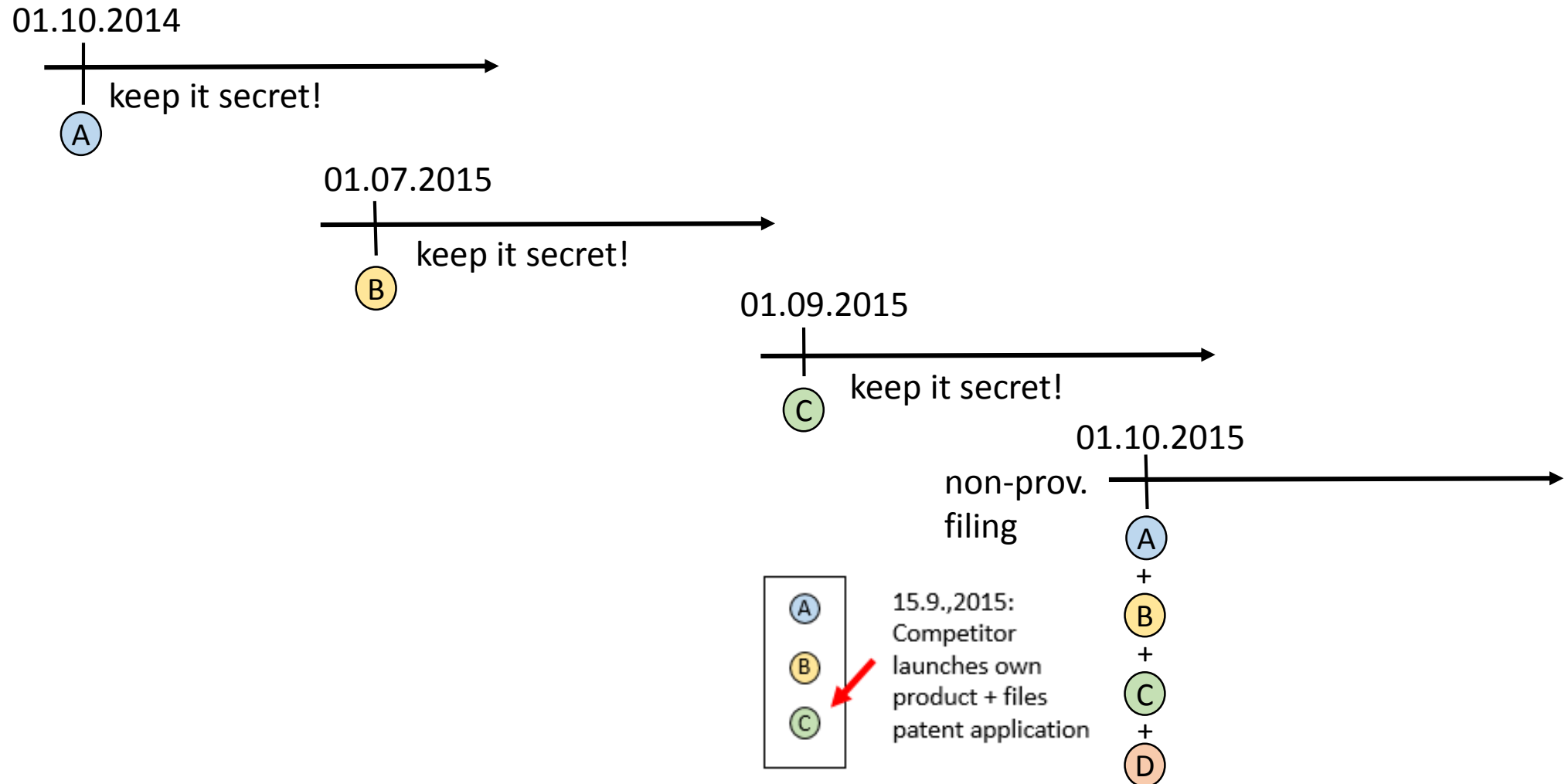


Disadvantage:

Filing and prosecution costs much higher than in patent strategy of lesson #3

Second alternative to Patent Strategy of lesson #3:

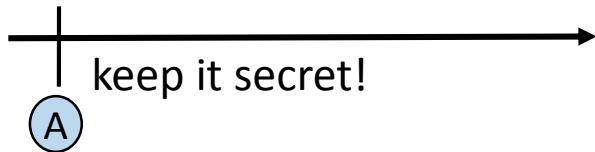
Keep subject matter A, B and C secret and file only one new non-provisional patent application for the combined subject matter A, B, C and D, once the product is ready



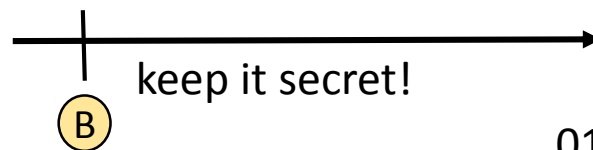
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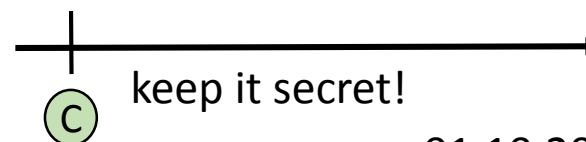
01.10.2014



01.07.2015



01.09.2015



01.10.2015

non-prov.
filing



Disadvantage:

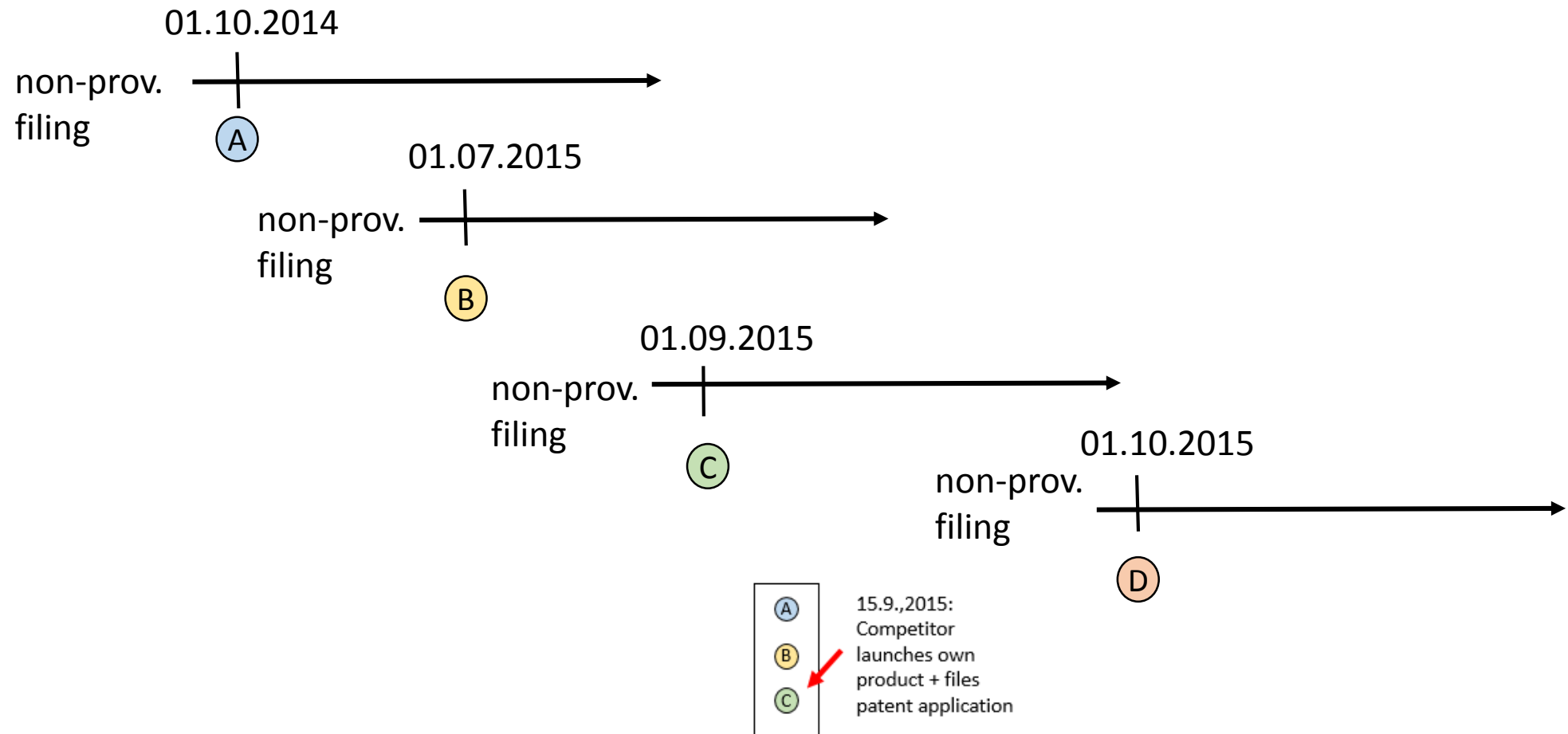
No protection against parallel development by competitor.



15.9.,2015:
Competitor
launches own
product + files
patent application

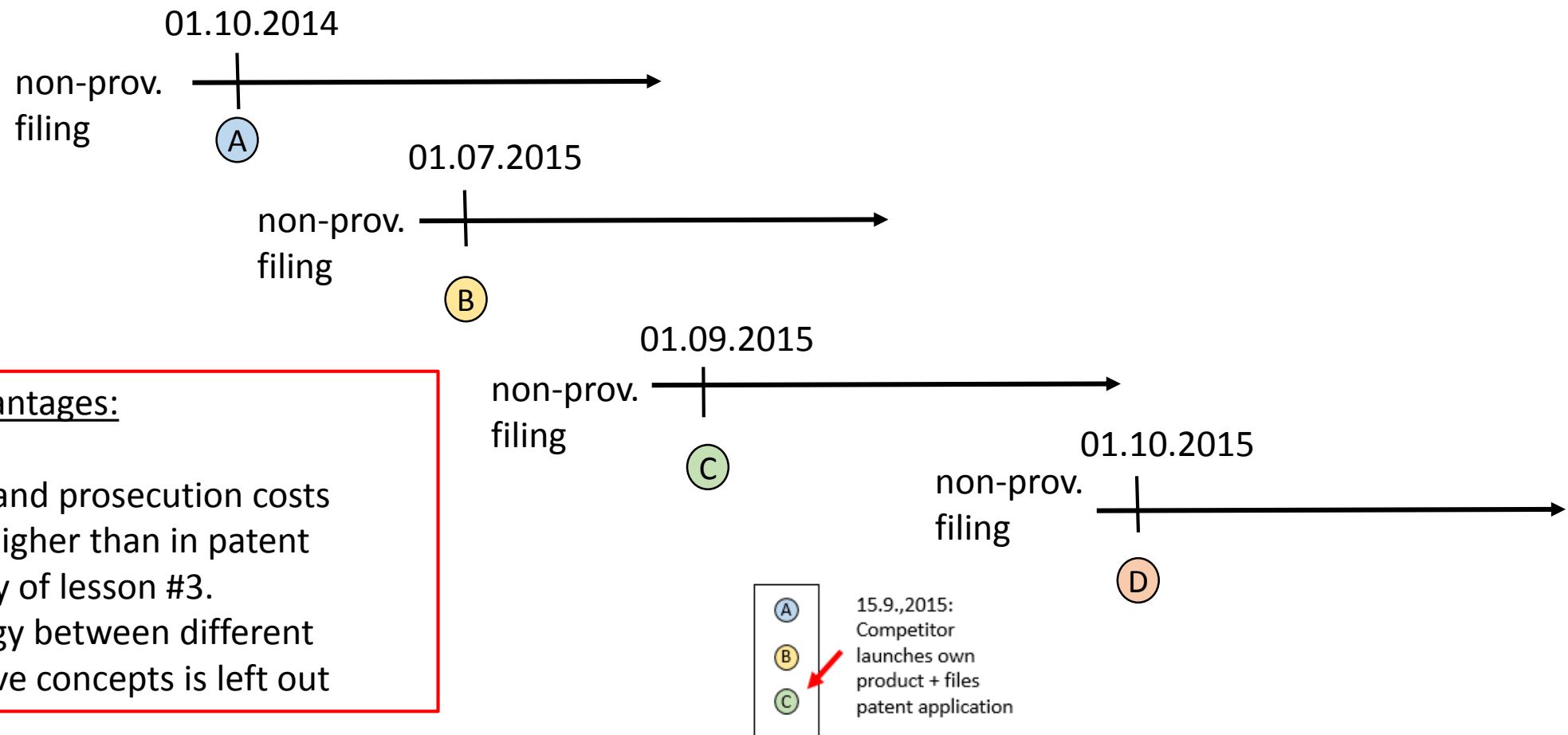
Third alternative to Patent Strategy of lesson #3:

- File a new non-provisional patent application for each new subject matter A, B, C and D, not claiming priorities
- Keep subject matters for each non-provisional patent application strictly separate



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Disadvantages:

- filing and prosecution costs much higher than in patent strategy of lesson #3.
- synergy between different inventive concepts is left out

All these alternative patent strategies are nice in theory but they will in practice never work to a full satisfaction.

These strategies have severe disadvantages, among others:

- Most of them are more costly than necessary and (worse) they contribute to a negative cash-flow: all the money is required upfront
- They require too much attention of all parties involved
- The product development cycle is not taken into account
- Some strategies leave the synergy between the inventive concepts in one single product out
- Relevant prior art is often known only at a very late stage of the prosecution, when major costs have already incurred