

## Guidelines for drafting a provisional patent application

This document is aimed at inventors working with Soquel Group that wish to minimize costs by preparing a first draft themselves of their provisional patent. If Soquel Group is preparing the provisional patent then we request that you supply only the starred "\*" items below.

To draft your patent application you should identify the technical innovation(s) you wish to protect, and provide the following information. Be sure to clearly identify the innovative features.

### 1) **Background discussion of:**

- a. the technical problem(s) that you are solving;
- b. systems that are already in existence today; and
- c. what makes your new system different.

### 2) **How to use your apparatus/system (What is it?):**

- \*a. user interface snapshots, with documentation, in the style of a user manual that explains how a user uses your apparatus/system;
- b. various usage scenarios; and
- c. different applications of your system (be creative in your thinking here).

### 3) **Device/System architecture (How does it function?):**

- \*a. Block diagrams that show the various modules/components of your device/system, indicating the inputs and outputs of each module, and the inter-relationships between the modules, with detailed technical descriptions of the diagrams; and
- b. How does your device/system interface with external systems? What are your application programming interfaces? What web services do you use?

### 4) **Software & Algorithms (What are the major processing steps?)**

- \*a. Flowcharts that describe the major processing steps in the algorithms for the modules in your device/system diagrams; i.e., how the modules operate (how they derive their outputs from their inputs), with detailed technical descriptions of the flowcharts.

## Some Basics

A provisional application is valid for 1 year. It “expires” one year to the day from which it is filed. To take advantage of a provisional patent you must file a “nonprovisional” patent application within one year from the filing date of the provisional patent.

Once you have filed a provisional patent then you can say that a product that incorporates the method, device or system disclosed in the provisional patent is “patent pending.”

Your patent application should correspond to your commercial product/service. Please focus on the technical issues, it's not necessary to discuss marketing matters. Avoid academic language that makes your invention sound like an ongoing research project. It's not required to have a fully operational system in order to file a patent application, as long as you provide an enabling description of the system you plan to release. ("Enabling" means that someone who reads your patent application will have sufficient information to build the system on his own, without consulting you. A patent that is not enabling is invalid.)

The main objective is that the provisional patent application be accurate and complete. There is no limit to how long a patent application can be, and you can "throw in the entire kitchen sink" – i.e. everything that comes to mind. A thorough description can multiply the value of a patent considerably.

A patent application can be treated as a "live" document, which is updated to reflect improvements and changes to the underlying products and technology. After filing an application, the application may be updated as necessary, to protect enhancements. These follow-on applications are referred to as “continuing applications”. As your company and its technology develops, these patent applications propagate to form a "patent family tree," and the first application, which you are working on now, will be the root/parent of the tree, from which the nodes/children will evolve.



## Filing a Provisional Patent

Soquel Group typically files provisional patents for its clients and charges a modest filing and docketing fee in addition to the USPTO fee.

However, if you would like to file the patent yourself you can file electronically or you can mail your application to the US Patent and Trademark Office.

- Online filing is available at <https://efs.uspto.gov/efile/portal/efs-unregistered>.
- Filing instructions are available at <http://www.uspto.gov/web/offices/pac/ProvApp.pdf>.

We at Soquel Group are happy to assist. Please let us know if you would like additional information or material.

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