

GLOSSARY	
abandoned application	An application that is no longer pending. Applications can go abandoned because the applicant expressly abandons them, or because the applicant failed to respond to a final rejection. A parent application of often, but not always, abandoned when a child application is filed.
active patent	A patent that is still in force; i.e., it has not lapsed or gone abandoned.
allowable claims	A claim that is deemed allowable by the patent office. Each claim of a patent application can be allowed or rejected independently of all other claims.
angel investor	An affluent individual who provides capital for a business start-up, usually in exchange for convertible debt or ownership equity.
apparatus claim	A claim to a physical thing, such as a machine or a chemical composition. This contrasts with method claims, which are drawn to steps in a process.
application	A filing for a patent. A utility application can have a status of pending or abandoned. A formal patent application has a specification, usually at least one claim, and usually at least one page of drawing. The specification usually has a title and the following sections: field of the art, background, short description of the drawing, detailed description, and examples. A provisional application can be very short, having perhaps only a few paragraphs and a drawing.
application filing	The date on which an application is filed. Filed applications are pending.
assignee	A person, company or other entity to which title (i.e., ownership) in a patent application or a patent has been transferred.
best mode	The best way that an inventor knows how to practice his invention.
boutique law firm	A small (usually then than 20 attorneys) law firm that specializes in a particular area of law.
child application	An application that claims priority to one or more parent applications.

CIP application	A child application that contains additional disclosure relative to the parent. CIP applications have multiple priority dates, one to the filing date of the parent with respect to subject matter disclosed in the parent, and another to the filing date of the CIP with respect to the additional disclosure (termed "new matter").
claim drafting	The writing of patent claims, especially with an eye to broadly protecting a patentable invention.
claims	Numbered sentences following the patent specification, which define the scope of the claimed invention(s). Each claim covers a slightly different but overlapping scope.
co-inventor	An inventor that shares inventorship with another person. Intentional failure to list a co-inventor on a patent application may render any ensuing patent unenforceable.
commercialize	Placing something into the stream of commerce. Patent and patent applications can be commercialized in many different ways, including selling the patent or application, licensing the underlying technology, or selling products or services that utilize the technology.
commercially viable solution	An embodiment of an invention that is commercially significant. There are almost always many embodiments that are technically feasible, but commercially unimportant. One of the goals of patent drafting is to secure for the applicant patent rights to as many of the commercially viable embodiments as possible.
continuation application	The term is strictly construed to mean a child application that supersedes the parent application. The USPTO used to refer to these continuations as FWC (file wrapper continuations) and used to issue a new serial number. The office then changed the name to RCE (Request for Continuing Application) and continued prosecution without changing the serial number. The latest incarnation is called a CPA (Continuing Patent Application), which also uses the same serial number as the parent, but now there is no pretense that the

	continuing application is anything other than a reincarnation of the parent. The term "continuing application" somewhat confusingly includes continuations, divisionals, and continuations-in-part.
daughter application	A spin-off from an existing application. Possible daughter applications are divisionals, continuations, and continuations-in-part.
dependent claims	A claim that is dependent on at least one other claim. The limitations of a dependent claim are those contained within the dependent claim, as well as all limitations contained within any claims upon which the dependent claim is directly or indirectly dependent. Thus, if claim 3 is dependent on claim 2, and claim 2 is dependent on claim 1, then claim 3 contains all the limitations of claims 1, 2, and 3.
disclosure	This term usually refers to information that an inventor provides to a patent attorney or agent to assist in writing a patent application. The term can also refer to information in a patent or other document that is used as prior art against a later filed patent application.
divisional application	A child application having the same specification as, and claiming priority to, a parent application. A divisional is usually employed to prosecute claims that were withdrawn or cancelled from the parent.
drafting charges	Amount charged for writing the text of a patent application. The term is also sometimes used to mean costs associated with preparation of the drawing.
drawing	The figures of a patent. Technically there is only one drawing, even though the drawing may extend over several pages.
elements	Words or phrases of a patent claim that refer to a portion of the subject matter being claimed. Thus, in a claim to a chair, the elements may be the legs, seat, arms, back, coverings, connectors, and so forth.

embodiment	Implementation of an idea. Embodiments can be actual (in which case the technology is used in the physical world), or constructive (in which case the law deems an embodiment to have been made by virtue of one having filed a patent application with an adequately detailed disclosure).
enforceability	The ability to prevail against an infringer in a court of law on a claim of patent infringement.
examiner	The person at the patent office who reviews the prior art and makes determinations as to patentability. Examiners are not concerned with enforceability.
expired patent	A patent that is past the end of its life span. In the United States, patents issuing from applications filed after June 7, 1995, have a life span extending for 20 years from their earliest claimed priority date, plus whatever extensions may apply.
family	A group of at least two patents and/or patent applications that are linked by virtue of priority claims to one another. A patent family often has three or more "generations".
filing costs	Filings fees plus charges for completion and submission of the various papers that accompany a patent application.
filing date	The date that a patent application is considered to have been received by the patent office. The filing date is the same as the priority date if there is no priority claim.
filing fee	The fee charged by the patent office to accept a patent application for processing.
foreign application	An application that is filed outside of the country having original filing. Thus, if a patent is originally filed in the United States and later in Japan, the Japanese application is a foreign application.
formal application	An application other than a provisional application. This usually means a utility or PCT application. Formal applications must have at least one claim, whereas a provisional application need not have any claims.

green fields patenting	A patenting strategy that focus not on what the inventor thinks he invented, but on what the inventor (or assignee) wants to stop others from doing.
“in force” patent	A patent that has not been invalidated, by expiration (reached the end of its life span), by lapsing (failure to pay a maintenance fee), or invalidated by a court or the patent office.
grandchild application	An application that claims priority to both a parent application, and a parent of the parent.
improvement	An embodiment of an invention that was not disclosed in a prior application.
independent claims	A claim that is not dependent on any other claim. All of the limitations of the claim are therefore contained within the independent claim.
informal application	A provisional application. Such applications are informal in that, among other things, they do not need to include any patent claims.
invalidated patent	A patent that can no longer be used as a basis for bringing a patent infringement action. In many cases some, but not all, claims in a patent are invalidated.
invention	An idea that is new, useful, and non-obvious over the prior art. Years ago the patent office required a working model or other evidence that the idea was actually reduced to practice before a patent would issue. Currently, mere ideas can be patented as long as the patent application can describe to one of ordinary skill in the art (the technology field) how to make and use the claimed invention.
invention-centered approach	A strategy that focuses on claiming an invention by its technical merits, rather than a market-centered approach.
inventor	A person who conceived or helped conceive of an invention. A patent application can name multiple inventors. The head of a department, or other person who might well be listed on a journal article, is only an inventor for patent purposes if he/she actually contributed to the conception of the invention. Similarly, a

	person who helped build a prototype is not necessarily an inventor, despite the fact that he/she may have contributed far more physical effort and time than an inventor. Inventors can be listed on a patent application in any order.
IP	Intellectual Property, which is generally considered to include patent, trademark, copyright, and trade secret rights.
issuance of a rejection	During the course of a patent prosecution, the patent office sends out official notices regarding claims that are being argued. Sometimes the claims are allowed, and sometime they are rejected. It is very common to get rejections, and simply means that more work needs to be done to either amend the claims, or convince the patent office that the claims are allowable.
lapsed patent application	A patent application that has gone abandoned for failure to timely pay respond to take a required action, such as respond to an office action or pay a fee.
lapsed patent	A patent that has gone abandoned for failure to timely pay issue fees.
large entity	In the United States, an assignee that has at least 500 employees. Many countries do not distinguish between large and small entities.
license	A license is a contract or other legal arrangement that gives a licensee (a person, company, government or other entity) a right to do something. In the case of patents, a license provides a right under a particular patent or set of patents. A license under one patent does not necessarily mean that the licensee can legally practice the claimed invention. The reason is that the licensee might also be infringing a claim of a different patent.
limitations	Patent claims are typically parsed into phrases covering the different recited elements. If a claim recites “a computer having a power circuit, a processor, and a memory”, that portion of the claim has three limitations on the computer, namely that it has (1) a power circuit, (2) a processor, and (3) a memory”.

market-centered approach	A patenting strategy that focuses on claiming the commercially viable embodiments that preclude competition, rather than on the technical merits of the invention. Compare with invention-centered approach.
means-plus-function claims	A claim that includes at least one element that is defined by its function rather than a physical limitation (e.g., "means for opening a door" rather than "a door knob"). Means-plus-function claims do not necessarily have to include the term "means for".
method claims	A claim drawn to steps in a process rather than a physical thing <i>per se</i> . Method claims usually begin each phrase with a word ending in "ing", such as "enclosing", or "providing" or "connecting".
method of use claim	A type of method claim in which the applicant focuses on the manner in which something (often a pharmaceutical or machine) is used.
monopoly	A monopoly is a situation where one entity controls the rights to do something. For example, if a pharmaceutical company has a monopoly on selling a drug, then that company is the only one that can sell the drug. There are laws against monopolies in the United States, but patents are an exception to those laws.
multiple dependent claims	A claim that is alternatively dependent upon more than one claim. A typical format would be "A device according to any of claims 1, 3, 4, or 7, in which"
office action	A formal communication from the patent office. Some office actions are favorable, some are unfavorable (rejections and objections), and some are informational only.
one year deadline	There are two one-year deadlines. A PCT application can only claim priority to an earlier filed application if the PCT application is filed within one year of the earlier filed application. Also, a provisional application will go abandoned unless a formal application is filed within one year

	of the provisional's filing date, and claims priority to the provisional.
owned patents	Patents are initially owned by the inventor(s). The ownership rights, however, are usually assigned to a company, university or government agency for commercialization purposes. Patent rights can be split in many ways, according to market, geography, time span, or in myriad other ways.
parent claim	Patents and patent applications have both independent and dependent claims. Independent claims stand alone, while dependent claims include all the limitations of a parent claim from which they depend. Thus, if claim 2 recites "The device of claim 1, wherein ...", then claim 2 is dependent on claim 1 and includes all of the limitations of claim 1. In that instance claim 1 is the parent of claim 2.
parent application	An application which a daughter application is spun off.
patent	A patent is basically a right to sue others for making, using, selling, importing or exporting something that falls within the scope of claimed subject matter. In the most basic sense, a patent is a deal struck with the government. An inventor discloses the details an invention, and the government grants a limited monopoly to that invention.
patent agent	A person who has passed the patent bar with the U.S. patent office, but has not passed the attorney bar of any state or District of Columbia, and very likely did not go to law school. Patent agents have all the same rights and responsibilities as patent attorneys with respect to dealings with the patent office.
patent application	An application for a patent. Patent applications are "pending" until they are either abandoned, or they mature into a patent.
patent attorney	A person who has passed the patent bar, as well as the attorney bar of one of the states or District of Columbia.

patent drafter	The person or persons who draft the patent application. Even though the inventor may assist in the process, the task of correctly drafting a patent application ultimately falls to the responsible patent attorney or agent.
patent mill	An office that files a large number of patent applications, with an emphasis on quantity rather than quality. Patent mills can make millions of dollars per year, while providing almost universally bad results for their unsuspecting victims.
patentability search	A search undertaken to determine whether, or how broadly, an idea can be patented. Documents relevant to patentability are called “references”. Patentability searches should usually be undertaken by inventors and their patent attorneys or agents <i>before</i> patent applications are even drafted, and in any event patentability searches are always undertaken by the patent office in determining patentability. Patentability searches are entirely different from right-to-practice searches.
patentable idea	An idea that is new, useful and non-obvious over the prior art (i.e., over what is already known), <i>and</i> that is sufficiently definite in the mind of the inventor(s) that it can be enabled (i., described in an adequate level of detail) in a patent application. Years ago the patent office required a working model or other evidence that the idea was actually reduced to practice before a patent would issue. Currently, however, mere ideas can be patented.
patentable invention	Same thing as patentable idea.
patent office	The national or regional authority charged with receiving and processing patent applications. In the United States the patent office is the USPTO.
patent prosecution	The back and forth arguing between the patent applicant (or practitioner) and the patent office prior to an application being issued or abandoned. Unless an application is speeded up in some way, patent prosecution can often take three or more years. Current statistics can be found at

	http://www.uspto.gov/dashboards/patents/main.dashxml .
patent rights	A U.S. patent provides the owner with the right to stop others from making, using, selling, importing and exporting with respect to the claimed area of technology. Interestingly, having a patent does not necessarily mean that the owner can practice the technology. It simply means that the owner has a right to sue others for doing so.
PCT	Patent Cooperation Treaty; an international treaty signed by the United States, and administered by WIPO. The PCT receiving office for the United States is the United States Patent and Trademark Office (USPTO). Patent applications are examined through the PCT procedures, but the PCT never issues any patents.
petition to make special	A formal petition before the USPTO to speed up processing of a patent application based upon satisfaction of particular requirements.
POSITA or PHOSITA	A Person of Ordinary Skill In The Art. Generally speaking, this is a hypothetical person who knows everything that is known in the field of an invention, anywhere in the world, at any time prior to the filing or other priority date of an application, and who has only an ordinary level of creativity. Ideas that would have been obvious to such a hypothetical person should be rejected by the patent office on the grounds of obviousness.
preferred embodiment	A preferred implementation of the subject matter of a patent or patent application. Patent applicants in the United States are required to satisfy the "best mode" requirement, which means that they must describe whatever implementation of the claimed invention(s) that they consider to be "best" at the time that the application is filed.
primary application	The oldest formal application in a family of patent applications. Subsequent (secondary) applications in the family usually focus on

	various subsets of the disclosure of the primary application.
prior art	Knowledge that is sufficiently close to the claimed subject matter that it is considered to be relevant to patentability. Prior art can be US or foreign patents, newspaper, journal or other publicly accessible documents, web pages, advertisements, and so forth. Prior art is defined by statute (35 U.S.C. § 102) for purposes of determining anticipation, but is slightly different for purposes of determining obviousness.
priority; priority date	A legal fiction by which something is treated as if it had occurred earlier in time. The claims of a divisional patent application, for example, have a filing date of the divisional application, but for purposes of determining patentability are treated as if that filing date were the filing date of the parent application.
prototype	A sample or model built to test a concept or process. A working prototype of an invention is not needed to file a patent application on the inventive concepts underlying the invention.
provisional application	An informal patent application. Provisional applications are never examined. Unless they are used as a parent in a formal application, they are microfilmed and placed into storage at the one-year anniversary. In the latter case the provisional is then considered to be "dead" (expired).
RCE	See Request For Continued Examination.
reductionistic thinking	A process of reducing a complex idea, system, etc., to simpler parts or components that contain the essence of the idea or system.
rejected claims	Claims that the examiner considers to be unpatentable over the prior art, either because the claims are anticipated, obvious, and/or for some other reason. Claims that are merely objected to, rather than rejected, contain a technical defect that can usually be overcome relatively easily.
Request For Continued Examination	During patent prosecution, the patent office typically issues a non-final office action,

	and then a final office action. To get another two bites at the apple, an inventor, attorney or agent can simply file a Request For Continued Examination, and pay additional fees.
restriction requirement	A statement by the patent office that the pending claims are deemed to address more than one invention. Restriction requirements are very commonly issued where an applicant has some claims directed to a method and some claims directed to an apparatus.
retained patents	Patents are usually assigned to a company, university or government for commercialization. An inventor can, of course, keep ownership of a patent, and try to commercialize it himself. Such patents are “retained” by the inventor.
right-to-practice search	A search undertaken to determine whether practice of a given technology will likely infringe the patent rights of another.
royalty	Money or other value, usually paid to a patent holder in exchange for a license to a patent. Royalties are typically paid monthly or quarterly, and can be fixed fee, scheduled fee, or dependent on sales or other conditions.
scope of equivalents	A patent claim covers both that which is literally encompassed by the language of the claim, and also that which is equivalent. The idea behind the doctrine of equivalents is that an infringer should not be able to circumvent a patent claim by making an insubstantial modification.
small entity	In the United States, an assignee that has less than 500 employees. Many countries do not distinguish between large and small entities with respect to fees.
target claiming	A claiming strategy in which an independent claim recites a broad subject matter, and dependent claims recite successively narrower subsets of that subject matter.
tautological claiming	A claiming strategy that uses logically related terms and concepts to claim all commercially viable choices.
USPTO	United States Patent and Trademark Office

utility application	A patent application that claims a useful invention. Contrasts with a design application, which claims the ornamental appearance of something.
Venn diagram	A diagram that uses circles and ovals to represent applications of set theory.
white space	The conceptual space around an idea, which is not already known by others.
white space patenting	A patenting strategy that seeks to claim all the commercially viable white space around an inventor's idea.
WIPO	World International Property Organization.