



***General Information Concerning
Invention Development and
Patent Protection***

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BACKGROUND INFORMATION

About the Firm

Bay Area Intellectual Property Group (Bay Area IP) was established by [Ariel Bentolila](#) to serve the particular innovation protection and development needs of small business and independent inventors. Our patent practice is not the common "one size fits all" approach. Instead, we "right-size" patent protection to fit your unique needs. Whether you are an individual who needs a simple "Patent-Pending" status for test marketing, or you are a small business building a "patent wall" around your crown jewel, we provide you the level of protection you need at a cost you can afford. We afford to provide quality service at very competitive rates by minimizing overhead so you can pay mostly for our work instead of unproductive overhead. Unlike most patent firms, we, wherever practical, empower our clients to handle basic tasks to reduce our billable time.

About our Practice

Bay Area IP offers a wide range of [IP services](#) including [patent drafting](#) (i.e., writing) and [prosecution](#) (i.e., getting patent approval), [searching](#), [consulting](#), [invention development](#), [marketing analysis](#), and [IP portfolio management](#). It is our unique combination of expertise in patent practice, business, marketing, high technology, and invention development that aligns our work product with our client's needs and goals as a whole, and not just with legal language disconnected from the invention's technical or economic reality. Most practitioners do not understand the business aspects of inventions, and have limited, if any, industry experience. We believe that you are best protected when your patent practitioner grounds their legal work in technical and marketplace realities. Bay Area IP's areas of technical and patent practice expertise cover a wide variety technologies ranging from simple mechanical inventions to state-of-the-art electronic hardware/software, and sophisticated business methods. This expertise comes from our many years of patent and invention development experience in industry.

About the Principal

[Mr. Bentolila](#) earned a B.S. in Electrical and Computer Engineering from the University of Florida (U of F) where he graduated with High Honors (cum laude) in the top 10% of his class. At U of F, he further earned a Masters of Science (thesis option) in Electrical and Computer Engineering with research specialization in Robotics and Artificial Intelligence (AI). Mr. Bentolila is a member of the Federal Patent Bar, admitted to practice before the United States Patent and Trademark Office (USPTO) in all matters related to patents- registration no. 52614. For several years prior to establishing the firm, he worked with patents for law firm and in-house organizations. Prior to his technical and intellectual property

career tracks, Mr. Bentolila honed his entrepreneurial, business, marketing, and sales skills through various inside/outside sales and small business endeavors. He is also an avid inventor with three patents awarded, and seven patents pending.

Why us? Simply put, [Bay Area IP's philosophy](#) is to provide top quality service to our clientele at very competitive rates. Unlike the vast majority of IP firms that have to tradeoff quality for price to be profitable, our low cost structure affords Bay Area IP the luxury of spending the time it takes to ensure a happy client and a quality job done. Our practice is all about building solid relationships that efficiently align our ever-growing capabilities to our client's needs. The founder of Bay Area IP brings to the firm a unique set of capabilities that is unmatched in IP the industry. Our competitive advantages include the following:

- Client Satisfaction is our number one priority.
- We "right-size" your patent protection to fit your needs.
- We empower you to be able to do much of the work, thereby saving you even more money.
- We involve you at each step of the process.
- We have a first-hand understanding of the unique IP needs of individual inventors, and small business.
- The [founder](#) is an experienced inventor, systems/design engineer, research scientist, entrepreneur, marketer, corporate IP manager, and patent practitioner.
- Unified invention development and patent services.
- Exceptional technical breadth and depth in practical and theoretical knowledge.
- We never bill for extraordinary learning time, if any.
- We continuously analyze the latest court decisions affecting future litigation and patent drafting/prosecution practice.
- We provide all the foregoing, and more, at a very competitive cost.

Secrecy Assured As an inventor, we are always concerned about losing control of our inventions. Bay Area IP believes that information [confidentiality](#) is a top priority. Rest assured that as a Bay Area IP client your confidential information is fully protected by the firm-client privilege. That is, as the founder is a registered patent agent, he and members of the firm are bound under the severe penalty of US law and ethical duty to preserve all privileged information in strict confidence. All employees must sign a nondisclosure agreement (NDA). As an added layer of protection, we usually provide you a signed NDA.

Talk with us for Free A FREE [initial consultation](#) is available *after* we receive your invention disclosure form, which offer provides the first 15 minutes free of charge.

INTELLECTUAL PROPERTY

The [difference between patents](#), copyrights, and trademarks can be confusing sometimes. Although there may be some similarities among these kinds of intellectual property (IP) protection, they are different and serve very different purposes.

A **Patent** for an invention is the grant of a property right to the inventor to exclude others from making, using, offering for sale, selling, or importing a patented invention. A [patent](#) can be for a utility, design, or plant. A utility patent may be applied for as a regular, or temporary provisional patent application, as described in the next section. All patent applications other than a provisional application are referred to as nonprovisional applications.

A **Trademark** prohibits others from using in commerce a word, name, or symbol, which is confusingly similar to the trademark; however, it does not protect the good or service itself.

A **Copyright** is a form of protection provided to the authors of original works, both published and unpublished. It protects the form of expression rather than the subject matter itself.

Below is a matrix comparing common ways to protect an invention:

	Trade Secret	Design Patent	Utility Patent
What is protected?	Knowledge of how to make and use	Outward appearance	Products, functions, processes, compositions
What others are blocked from doing?	Unauthorized disclosure or use	Making similar looking objects	Using the claimed invention
How to attain protection rights?	Upon use in commerce	USPTO examination	USPTO examination
What is required?	Knowledge must be clear, confidential, and not well known	Ornamental appearance must be novel and not obvious	Invention full disclosure, novelty, usefulness, & not obvious
Duration of protection	Until no longer secret	14 years	20 years or less

PATENTING YOUR IDEA

Utility Patents [Utility patents](#) are best suited for those who have relatively high confidence that their invention is marketable, and seek a higher quality patent that is more likely to be valuable enough to sell/license, and/or be strong enough to provide commercial protection in litigation.

Provisional Patent Applications An individual inventor, as a small entity, can file a [provisional patent application](#) (PPA) for a nominal cost (currently \$80), which is much less than the fee for a utility patent application (currently \$370). A PPA is not examined, and a utility patent *must* be applied for within 1 year after filing the PPA. PPA's are relatively simple to file, and patent-drafting fees (\$2-5,000) can be deferred for up to a year while you investigate the value of your invention under the "Patent-Pending" protection provided by a PPA. There are common circumstances where [a provisional is an especially good choice](#):

- When an inventor believes others may have invented the same invention at around the same time. A provisional offers the strong inventorship evidence.
- When a public disclosure, offer to sell, or sampling of the invention is eminent, where the §102(b) one-year public disclosure/sale prohibition deadline must be extended. The applicant has one year from a public disclosure of, or offer to sell the invention to file a PPA or utility application.
- When it is more important to protect your invention for test marketing or sale/licensee search, than to invest significant funds upfront in a high quality provisional or utility patent application.

Patent Infringement An issued patent on your invention affords the patent owner protection against the unauthorized making, using, offering for sale or selling of, or importing of your claimed invention within the United States during the term of the patent. If a patent is [infringed](#), the patent owner may sue for relief in the appropriate Federal court. The patentee may ask the court for an injunction to prevent the continuation of the infringement and may ask the court for an award of damages because of the infringement. Infringement is determined primarily by the language of the [claims](#) of the patent.

Patentability of your invention

You cannot patent laws of nature, mathematical or scientific theory, natural phenomena or substances, abstract ideas, or illegal matter. You can patent a process, business method, machine, manufacture, composition of matter, or any such improvement. Your invention must be different from, and not an obvious variation of the prior-art, and have *at least one* plausible application.

You cannot patent an invention if more than a year prior to filing a U.S. provisional or utility patent application, the invention was: sold or offered for sale in the U.S., described in a printed publication anywhere, the invention was disclosed to or used in the public in the U.S., or the invention was claimed in a patent issuing anywhere.

Date of Invention

It is critical to understand that conception of an invention, even if evidenced by a detailed description, drawings, and even a model, is *not* a complete invention under the patent laws. The invention is not complete, i.e., no patent rights are permitted, *unless* the inventor follows conception with reasonable diligence indicated by some other act, such as building a working prototype or filing a patent application.

Inventor's Notebook

Completely and correctly documenting your inventive efforts is crucial in preserving you patent rights to your invention. You should maintain a bounded inventor's notebook, which clearly shows someone how to make and use your invention and documents each step of the invention conception and development process performed right up to filing an application (e.g., any tests, test equipment, test results, what and why changes were made, etc.), and sets forth the contributions made by yourself and any other people that had a part in conceiving of or developing the invention. Each page should be written in permanent ink and signed by two other witnesses that have read and understood what they are attesting to, or, alternatively a Notary Public. The notebook is evidence of conception, and can help avoid problems that typically arise with those who build prototypes for you, do consulting, or were "just trying to help" you with your idea by documenting contributions by others. Unless otherwise proven to the satisfaction of the USPTO, the date of invention is assumed to be the filing date of the provisional or utility patent application. A provisional application and the USPTO disclosure document (see below) are additional reasonably effective ways to prove an earlier date of invention.

Disclosure Document Program

The [disclosure document program](#) (DDP) is a service provided by the USPTO, which accepts and preserves invention documentation for two years as evidence of the date of conception of an invention. It is good idea to take advantage of simple and inexpensive method to legally document conception. The current USPTO fee is only \$10. It should be noted that mailing yourself a sealed envelope containing your invention papers is in no way proof of an invention date.

Patent Search

With over 6 million US patents, 40 million worldwide, and millions of printed publications, there is a good chance that some reference, or combination of references, may render your invention obvious or not novel, and therefore unpatentable. A [prior-art patentability search](#) can avoid losing your investment in a patent application if the search discovers prior references that would likely preclude patenting your invention.

Patentability Opinions

[Patentability opinions](#) are provided by registered patent practitioners that analyze the results of a detailed prior-art search. The practitioner evaluates the most relevant references found in the prior-art search, and determines how they affect patentability in the context of your invention disclosure. The written opinion serves as a basis for the inventor or company to decide whether the investment in preparing and prosecuting a patent application is worthwhile, or if they should redesign their invention around the prior-art.

Applying for Patent

After determining the patentability of your invention, there are some important factors to consider in deciding how to pursue patent protection, or even if a patent is at all appropriate. Most importantly, you should assess if your invention has at least some basic indicators of potential commercial value. Most people will fall into one of the following categories:

1. For many independent inventors willing to do much of the work themselves, a minimally favorable commercial potential is enough to justify the time and relatively low cost of a “do-it-yourself” [provisional application](#) (currently \$80, plus a few hundred dollars of patent practitioner review fees);
2. If the commercial potential is somewhat favorable, but it is not possible or desirable to invest in a [utility application](#), then it might be wise to have the commercial potential dictate the appropriate monies that should be invested, if any, in paying a patent practitioner to prepare part, or all, of a [provisional application](#), thereby giving you a year to find out if others are interested in your invention;
3. Others may have sufficient financial resources available, and with a very favorable market potential analysis will find that a [utility \(i.e., regular\)](#)

- [application](#) better suits their needs, whereby a registered patent practitioner should be contacted for a consultation; or
4. Yet others may estimate that their invention is not patentable, or that patent protection is not practical for their type of invention, and decide not to pursue utility patent protection. Sometimes a trade secret or redesigning the invention is more appropriate.

If a [U.S. patent application](#) is decided upon, it is filed with the USPTO. A provisional patent application only requires a specification, a filing fee, and usually at least one drawing. A utility or [design](#) patent application additionally requires an abstract, at least one claim, and an oath.

Patent Claims The allowed [claims](#), and not the detailed description, of a patent application define the scope of patent protection your issued patent will provide you. For this reason, the claim(s) must distinctly point out the subject matter, which you regard as the invention. Whether a patent will be granted is determined, in large measure, by the choice of wording of the claims. This is an area of patent practice that almost always requires registered patent practitioner to attain the broadest scope of patent protection. Otherwise, your competitors or potential licensees may make simple modifications to your disclosed invention, and avoid infringement of a poorly claimed patent.

“Patent Pending” Status After applying for a patent, whether by a provisional or nonprovisional application, the applicant has the right to use the phrase "[Patent Pending](#)." Although, this phrase has no immediate legal effect, it gives notice that a patent application has been filed, and offers a strong deterrence to would be thieves or copyists. False use of these phrases or their equivalent is prohibited by law. Patent protection does not start until the actual grant of the patent.

Office Actions About 10 to 18 months after filing a utility or design patent application, the applicant is notified in writing of the USPTO Examiner's decision by an "[action](#)" which is normally mailed to the patent practitioner representing you. The reasons for any adverse action or any objection or requirement are stated in the action and such information or references are given as may be useful in aiding the applicant to judge the propriety of continuing the prosecution of his/her application. The office action is almost always a rejection of your patent application claims, because of a supposed lack of invention novelty or that it is only in an obvious variation of matter found in the prior art.

Office Action Reply The [applicant must reply](#) to the Examiner's rejection in writing (often, interviews are helpful), and must distinctly and specifically point out the supposed errors in the examiner's action. The reply must be based on valid evidence, legal

arguments, or case law. The reply may also be an amendment of the application to overcome the rejection. There are many complex matters required for proper prosecution of the application.

From Patent to Profit A [patent is personal property](#) and may be sold to others or mortgaged; it may be bequeathed by a will, and it may pass to the heirs of a deceased patentee. The patent law provides for the transfer or sale of a patent, or application, by written agreement (i.e., assignment) and may transfer the entire, or any part, interest in the patent. The assignee becomes the new patent owner. Any patent (or application) assignment should be signed before a notary public.

FROM IDEA TO PROFITS

Independent of procuring patent protection, the opportunity to turn your idea into income will largely depend on its underlying technical and qualitative merits, effective marketing analysis and execution, and/or attracting investors or manufacturers. Of course, the better each aspect is effectively addressed, the more likely it is that the underlying technology will be rewarded in the marketplace. To that end, beyond attaining patent protection for your idea, Bay Area IP is available to help you turn your idea into income by way of our extensive expertise in invention development and marketing. We offer [consultation services](#) in each step of the process required to give your idea a competitive edge in the marketplace:

1. **Concept development**
2. **Invention/product development**
3. **Patent consultation**
4. **Marketing consulting**

These consulting services are geared towards maturing your idea into a well-positioned and thought out solution suitable for presentation to key decision makers. Invariably, you will have to present your product or solution to sophisticated decision makers who will expect you to have good answers to their due diligence questions. Once your idea is ready to be taken to the "next level," it is important to create professional documentation that addresses each phase of the invention promoting process. Some inventors expect that the patent specification is adequate to present to industry decision makers, but in virtually all cases, it is either too generic, or too detailed. What is needed is documentation targeted for each type of decision maker that will be encountered. At minimum, the following two reports should be prepared:

1. an [Invention Disclosure Document](#), and a
2. [Technical Efficacy Analysis](#).

Each consulting and document preparation service is described in some detail below.

Concept Development Sometimes inventors need a little assistance to overcome obstacles in developing their idea(s) into a practical, working system. Whether you need to "work out the kinks," or overcome "show stopper" problems, we can apply our extensive knowledge and "out of the box" thinking towards solving conceptual or technical difficulties. As a technical consultant, having patent expertise, we can also help you identify and/or develop a sufficient inventive step necessary to secure patent protection, or engineer around an existing patent or prior-art. In some

cases, a combination of [concept development](#) and [Patent Consultation](#) proves essential to develop your invention sufficiently to attain strong patent protection and maximal competitive advantage for favorable consideration by venture capitalist, and industry decision makers, who often require the individual inventor to have a relatively commercialized invention, which has a relatively good quality "[Patent-Pending](#)" protection.

Product Development Bay Area IP can work with you at each step of the invention/product development process offering the extensive technical expertise and knowledge you may need to turn your great idea into a practical implementation or prototype. The [principal of Bay Area IP](#) has a long multi-discipline engineering and scientific history of creatively solving high and low technology problems with efficient solutions and methodologies that make things happen, even in the face of "show stopper problems." Often, we can identify potential problems and offer solutions before your idea is reviewed by manufacturers, licensors, and industry. Our areas of [technical expertise](#) cover a wide variety of very active high technology areas.

Patent Consultation The invention process is often chaotic and occurs over a significant period of time. If you believe your invention has significant market potential, or you plan on selling/licensing rights to your invention, solid patent protection is usually mandatory. There are a myriad of ways that inventors can compromise their patent protection rights, or otherwise waste their inventive efforts along that long path towards turning ideas into profits. Bay Area IP is [available to advise](#) you during [Concept Development](#) or at any other time during the invention and marketing process, to best align your actions and decisions with securing uncompromised patent protection.

Marketing Consultation Our Areas of product [marketing expertise](#) include:

➤ **Marketing Collateral**

Our firm's experience in marketing and patents serves our client's marketing efforts in the creation of marketing collateral that optimally leverages their intellectual property. The marketing collateral generated can be anything from brochures and tradeshow material to annual reports and investor material. This Marketing Consulting service ranges from assisting you in marketing collateral preparation to writing it from scratch. Our marketing oriented, Patent Consulting service enhances the marketing value of your intellectual property by screening your marketing collateral for language that could mislead the public as to your each patent's scope.

➤ **Business Plans**

We provide you with detailed analysis and help you prepare a business plan that will be more favorably scored by venture capitalist, and lays a solid track for effective product development, launch, revenue generation, and contingency management.

➤ **Project Risk Assessment**

Before investing new risk capital into your product, we provide you with a detailed opportunity-cost analysis that paints a decision landscape for you to invest more optimally your resources and efforts towards the most likely path to achieve favorable results, or in some cases, to establish contingencies that avert failure.

➤ **Market Adoption Assessment**

This analysis projects your product's expected market adoption rates given many factors that include the particulars of the market you serve, your competitive advantages, marketing initiatives, and business fundamentals. The results of our Market Adoption Assessment can feed directly into creating a more optimal Business Plan.

➤ **Product Due Diligence Evaluation**

Discover your products weaknesses and strengths in the marketplace before investing risk capital, or talking to investors/licensees. We provide you with detailed and candid analysis of how industry and consumers may view your product's value and practicality.

Invention Description Document

The [Invention Description Document](#) sets forth your invention in clear, plain-English style at a level intended for a non-technical decision maker, such as potential venture capitalist or invention licensees/purchasers. It covers your invention or design in significant detail, excluding unfavorable aspects. The general format is as follows,

in order:

1. An invention description Executive Summary,
2. The distinguishing features are set forth,
3. The product/invention is functionally described,
4. A description of the known and anticipated benefits, and
5. Identification of known and anticipated variations, including additional benefits, if any.

A unique aspect of our service is that a registered patent practitioner prepares your invention disclosure document, which assures that language in your report will not hurt you in future patent prosecution, or patent litigation. Another benefit is that some portion of the invention description can be used in a future patent application, or, conversely, if you already have a patent application, it can be used as a starting point.

Technical Efficacy Analysis

We produce a report that includes an evaluation of your invention from a technical and pragmatic point of view. The report provides you with a critical independent analysis and recommendation of whether it is worthwhile to attain patent protection or invest in bringing your invention to market. [The Efficacy Analysis Report](#) is particularly helpful for clients that have already applied for patent protection, or actually have a patent.

The report often identifies weaknesses in the invention/product (e.g., logistics, cost, government regulation, etc.) before you invest in promoting or producing it. A unique aspect of our service is that a registered Patent Practitioner and Engineer, prepares your Technical Efficacy Report to assure it is written in formal language. The Technical Efficacy Report starts with an invention overview according to your invention disclosure presented to us. The report follows with the important technical problems discovered, such as problems related to the design, packaging, manufacture, or regulatory issues.

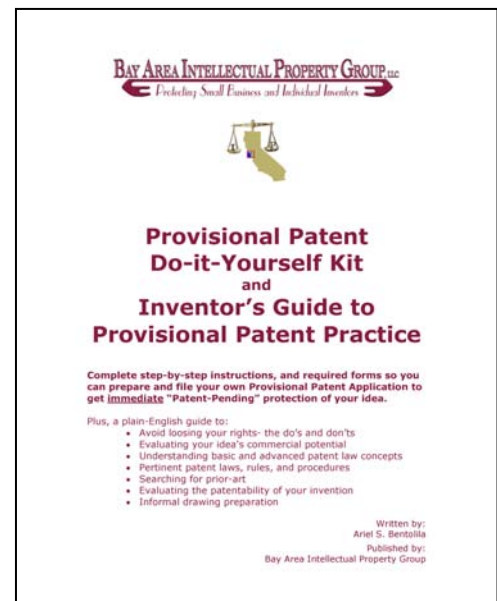
Our "Do-it- yourself" Inventor Support Services

Bay Area IP offers unparalleled, extensive support services for inventors on a very strict budget (below \$600), but want to get "Patent-Pending" protection to provide up to an extra year to "test the waters" in marketing or promoting your idea before investing in a utility patent application. Our low-cost, "[Patent Pending](#)" services are designed for "do-it-yourself" inventors whose prime concern is lowest cost, and are willing to write their own application, but want some level of professional guidance towards assuring their [Provisional Patent Application](#) (PPA) is legally valid and likely will support a follow-on [utility application](#). We know of no patent firm that offers anything close the quality and range of our "do-it-yourself" PPA support services, and certainly not at anywhere near the low price points we offer- as described in some detail below.

Our "Do-it-yourself" Kit ONLY \$49.99

(See our [risk-free, Money Back Guarantee](#)*)

The core of our "do-it-yourself" offering is our electronic "[Provisional Patent Do-it-Yourself Kit](#)," which is over 350 pages and provides complete step-by-step instructions, and required forms so you can prepare and file your own Provisional Patent Application to get immediate "[Patent-Pending](#)" protection of your idea. Unlike a regular patent application, with our guidance, a PPA can be written by an average person in simple, plain English. Our PPA Kit and supporting services help you save thousands of dollars in utility patent application, Attorney fees by, instead, getting "Patent-Pending" status through the PPA- for very little money and time. With this "Patent-Pending" status, you get an extra year to safely use or disclose your idea to investors/licensees to determine the value of your idea before investing thousands. This PPA eBook/kit was published in 2003 and includes up to date Provisional Patent Application templates, checklists, guidelines, laws, rules, forms, and procedures.



*See kit order form for details. Requires a computer with a CD-ROM drive.

As a **bonus**, the kit also includes:

1. [Over 25 sample legal agreements](#) including many kinds of licensing, assignment, joint invention ownership, nondisclosure, and independent contractor agreements. **These contracts alone are worth the cost of the eBook!;**
2. How to evaluate your invention's **Commercial potential**; and
3. A [plain-English Inventor's guide](#) to:
 - **Avoid losing your patent rights**- the do's and don'ts
 - **Evaluating the patentability** of your invention
 - Preparing **informal drawings**
 - Understanding basic and advanced **patent law concepts**
 - **Pertinent patent laws**, rules, and procedures
 - **Searching** for prior-art

Services Supporting the "Do-it-Yourself" Kit

Bay Area IP offers four ["Patent-Pending" service levels](#) to choose from that support you in writing your provisional application. Each alternative service below offers increasingly more features at the progressive flat-rate price points of \$99.99, \$150, \$300, and \$500. These fees are our service fees, and are exclusive of any other fee such as USPTO fees (\$80), document shipping fees (none if all electronic), etc, but do include a **FREE** electronic [Provisional Patent Do-it-Yourself Kit](#) (a \$49.99 value)*. We offer the following flat-rate services (rates may change without notice):

1. PPA Kit with **Email Support** - **\$99.99**
 - For "do-it-yourself" inventors who seek minimal cost, but want **professional guidance**.
2. PPA Kit with **Review** **\$150**
 - For "do-it-yourself" inventors who seek very low cost, but want **professional feedback**.
3. PPA Kit with **Revision** - **\$300**
 - For "do-it-yourself" inventors who seek low cost, but want **professional revision** of their PPA to ready it for a future utility patent application.
4. PPA Kit with **Drafting Basic** - **\$500**
 - For inventors who want a **professional to draft** their PPA at a relatively low cost, and want better quality support for a future utility patent application, and legal safeguards.

*See kit order form for details. Requires a computer with a CD-ROM drive.

For those who seek higher quality, and prefer us to draft their provisional application please review our [**"Quality Oriented" PPA service Comparison Matrix**](#) located on the next page of this pamphlet.

Please review our [**"Patent Pending" PPA service Comparison Matrix**](#) located on page 19 for an efficient presentation of the different benefits for the above "Patent-Pending" PPA Services.

For utility and design patent application preparation fees, please review our [**Fee Schedule**](#).

Quality Oriented PPA Service Comparison Matrix

In this collection of quality-oriented options, we prepare the provisional for you with a level of completeness tailored to your budget and needs. Unlike most IP firms, Bay Area IP is **very flexible** in working with you to achieve your optimal balance between upfront investment risk versus potential future protection. Most who seek a quality follow-on utility patent application will fall into one of the following general cost reduction options:

Features:	Option:	1. Top Quality	2. Average Quality	3. OK Quality
Our Fees†		\$1125-3750	\$900-3000	\$700-2250
Key Offering		We prepare the PPA as a nonprovisional , except for prior-art search, claims, and formal drawings.	We prepare the PPA without non-essential sections .	We modify your very detailed invention disclosure to support a broad claim
Voice Consultation		1st 15 min. FREE , 50% off hourly rate	1st 15 min. FREE 50% off hourly rate	1st 15 min. FREE 50% off hourly rate
We Draft Your PPA		YES	YES	YES
Includes a broad claim		YES	YES	YES
Meets Minimum Legal Filing Requirement		YES	YES	YES
Likely quality of future patent*		GOOD	AVERAGE	OK
Likely to include legal safeguards		YES	YES	YES
We file your PPA		YES	YES	YES

† Fees subject to change without notice. Please check our website at www.BayAreaIP.com for current fees. Fees are for our service, and do not include any other related costs (e.g., USPTO fees). The fee range presented depends on the complexity of your invention. See our website for more details.

*Because all claims are not prepared first, as is done for regular patent applications (non-PPA), the scope and strength of your future patent protection could be compromised. All quality ratings stated are relative to other PPA options.

"Patent-Pending" PPA Service Comparison Matrix

This collection of services are for “do-it-yourself” inventors whose prime concern is lowest cost, but want some level of professional guidance towards assuring their Provisional Patent Application (PPA) is legally valid and likely will support a follow-on non-provisional application.

Bay Area IP offers four options to choose from that meet the needs of most individual inventors seeking a PPA to get “Patent-Pending” status for there invention, making it safe for you to test market your invention. Each alternative service below offers increasingly more features at the progressive flat-rate price points, and includes a **FREE** electronic Provisional Patent Do-it-Yourself Kit (a \$49.99 value). We offer the following flat-rate services:

Features:	Service:	PPA Kit w/ email support	PPA Kit w/ Review	PPA Kit w/ Revision	PPA Kit w/ Drafting Basic
Our Fee†		\$99.99	\$150	\$300	\$500
Key Offering		We guide you by email	We review your PPA draft	We revise your PPA draft with patent in mind.	We draft your PPA with future patent in mind.
Email support		3 weeks	1 week	1 week	N/A
Voice Consultation		35% off hourly rate	50% off hourly rate	50% off hourly rate	50% off hourly rate
We Draft Your PPA		NO	NO	NO	YES
Includes a broad claim		N/A	NO	NO	NO
Meets Minimum Legal Filing Requirement		VERY LIKELY‡	YES	YES	YES
Likely quality of future patent*		MINIMUM	MINIMUM	BASIC	LIKELY OK
Likely to include basic legal safeguards		NO	NO	NO	YES
We file your PPA		NO	NO	NO	YES

† Fees subject to change without notice. Please check our website at www.BayAreaIP.com for current fees. Fees are for our service, and do not include any other related costs; e.g., USPTO fees (\$80), document shipping fees (none if all electronic), etc. See kit order form for details. Electronic PPA kit requires internet access or a computer with a CD-ROM drive. When required, fees quoted assume you provide an electronic draft PPA; otherwise, additional hourly fees may apply.

‡ If you follow the step-by-step instructions in the PPA kit, and ask us by email any questions particular to your case, your PPA is extremely likely to satisfy minimum legal requirements. However, if it is within your budget, you should upgrade to the "Professional Review" level of service, so we can give you feedback on what to add and/or change to bring your PPA into conformity with the minimum legal requirements.

* Because all claims are not prepared first, as is done for regular patent applications, the scope and strength of your future patent protection could be compromised. “Minimum” means that at least your exact invention may be protected. All quality ratings stated are relative to other PPA options.

A Basic Help/FAQ Guide To Our Services

Patent Search related questions:

[Should I have a Professional Patent Search done before filing a Provisional Application for Patent?](#)

[Should I have a Professional Patent Search done before filing a Full, Utility Patent Application?](#)

[Should I have a Professional Patent Search done before filing a Design Patent Application?](#)

[Which level of flat-fee Patent Search is right for me?](#)

Patent Application related questions:

[In what situations is Patent protection needed?](#)

[Patent Attorney or a Patent Agent, which is right for me?](#)

[Why does the "quality" of a Patent matter?](#)

[Should I apply initially for a Full Utility Patent or a Provisional Patent Application \(PPA\)?](#)

[A Full Utility Patent Application costs a lot of money, why do it instead of a Provisional Patent Application \(PPA\)?](#)

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Patent Search related questions:

Should I have a Professional Patent Search done before filing a Provisional Patent Application (PPA)?

The short answer is, not usually- for the following reasons: The main motivation to filing a PPA is to avoid making significant investments in patent protection of an idea before having some degree of confidence that the idea has commercial value. However, the risk of not performing the patent search is that you may lose your earlier filing date if a prior-art patent(s) exists that makes your PPA disclosure unpatentable, where if you discovered the patent prior to filing the PPA, it would have given you an opportunity to design your invention around the patent, thereby securing an earlier "First-to-Invent" filing date. So, if you suspect that others may be coming up with your same or similar idea, and you suspect that your invention is commercially viable, then a prior-art patent search is wise to perform prior to filing any patent application, including a PPA.

Should I have a Professional Patent Search done before filing a Full, Utility Patent Application?

Well, the comments made regarding the same question for the PPA applies here too. However, because a Utility Patent Application costs substantially more than a PPA, especially our do-it-yourself PPA services, then there is that much more reason to have a professional prior-art patent search performed as an insurance policy against losing your significant financial investment, and the earlier "First-to-Invent" filing date.

Should I have a Professional Patent Search done before filing a Design Patent Application?

Given that the cost of a Design Patent Application is relatively low, on par with our cost oriented do-it-yourself PPA services, the conclusion is pretty much the same as that given for the PPA, which is if you suspect that others may be coming up with your same or similar design, and you suspect that your design is commercially viable, then a prior-art patent search is wise to perform prior to filing a Design Patent Application.

Which level of flat-fee Patent Search is right for me?

That depends on the complexity of your invention and the level of confidence you feel you need before making a significant investment in applying for patent protection of your idea.

Patent Application related questions:

In what situations is Patent protection needed?

The common situation where applying for patent protection is important, if not mandatory, is when the nature of the idea, method, or apparatus is such that if it were kept as a trade secret (also see the types of IP protection) competitors observing the embodiment of your invention (e.g., the product or method you are selling) would be able to figure out and copy your invention without your help. A patent is also usually required if you want to ever license your idea(s) to others, and many manufactures will not even talk to an independent inventor unless he or she at least has "Patent Pending" status for the idea being offered for sale or license.

Patent Attorney or a Patent Agent, which is right for me?

First of all, it is helpful to understand the main differences between a Patent Attorney and a Patent Agent. From the USPTO's point of view, both have to pass the Patent Bar Exam and if the person is a licensed Attorney in some U.S. State, then she is a Patent Attorney, otherwise a Patent Agent. The Patent Bar Exam is mostly taken by Attorneys, and is extremely difficult to pass. It usually takes two to three tries for most to pass (i.e., pass rates range from 30-50%). Anyone that can pass this grueling exam is licensed to practice in all matters related to patents before the USPTO. Interestingly, there is nothing taught in law school about Patent Practice that would help a law student at all to pass the Patent Bar Exam or to prepare and prosecute patent applications. In this respect, there is no advantage to using a Patent Attorney. Another aspect to consider concerns your practitioner's technical expertise. Generally, the more technically knowledgeable your practitioner is, the more accurate your patent will be, and the less time it will take to have him or her understand your invention. In this regard, Patent Agents tend to be far more technically capable than Patent Attorneys. The main reason is because Agents tend to come from a career in industry, and Attorneys tend to come right out of law school with a huge school loan debt, and no practical technical experience. The final main difference to consider, is that, for reasons beyond the scope of this brief presentation, Patent Attorneys will usually cost at least twice as much as a Patent Agents.

Regarding which is right for you, the only cases where only a Patent Attorney is an option is if you require patent litigation, patent validity opinion, or trademark application services. Although, few Patent Attorneys have much experience in these areas, the litigation and patent validity opinion experience can be helpful in drafting very high value patent applications (e.g., worth \$100's of millions like Yahoo!, Amazon one-click, etc.). Even if your patent may not turn out to be the next Amazon, you should still find an affordable practitioner with some experience in patent validity opinion work, as this will usually increase the likelihood that your patent will hold up well in court. That is why it is particularly important to be sure that a Patent Agent you are considering has worked in a Patent Law Firm (and not only inside a company), and has worked with validity opinions. All other things being equal, it is almost always wiser for a small business or independent inventor to work with a Patent Agent over a Patent Attorney **as it usually costs half as much for the same work**.

Why does the "quality" of a Provisional Patent Application (PPA) matter?

That is, the "protection" afforded by a PPA, or a full patent application for that matter, is only as good as the disclosure of the invention in the patent application. If it is not properly or completely described, or if there are vague or contradictory aspects to the PPA disclosure, then the PPA may be later found invalid, or not covering the scope of what you consider to be your invention (read quality -vs.- cost tradeoffs for more details). The protection afforded by a PPA or a full Patent Application, is by way of a competitor being afraid to infringe on the future patent, and winning significant damages if they do. Thus, if the PPA specification is defective, then the later filed full Utility Patent Application that claims the filing date of the PPA would also be defective or invalid, and no effective patent protection would result. That is why a PPA should be treated as seriously as a regular, or full patent application, esp. if it is critical to have future patent coverage extend to the earlier filing date of the PPA, and not to the later filing date of the full Utility Patent Application.

Often PPAs are filed before one starts (test) marketing the corresponding invention. In such a case, given the above analysis, if you think your invention has significant market value, then you should go the Quality

Oriented PPA or full Patent Application route. If you are unsure of your idea's value, or your finances are particularly tight, then the PPA is an acceptable option ([Click Here for more details between Full Patent and PPA](#)). In the end, if your invention becomes something valuable, then you want to be sure that its patent protection is strong enough to convince a manufacturer's/licensee's lawyers, for example, that you have a patent application or granted patent of sufficient quality for them to take the risk in investing in, or paying for use of your invention. Otherwise, if the quality of the patent application or granted patent is too weak (i.e., of low quality) they might prefer to work around or ignore your deemed narrow or otherwise insufficient patent protection. In general, if you cannot afford a full Patent Application (the best course of action) a Quality Oriented PPA can go a long way towards assuring that your idea is better protected. That way, if someone else applies for a patent on your same idea or attempt to sell a product based on your idea, your earlier date could block them. However, if your PPA application did not frame and/or disclose the proper aspects, variations, and/or applications then you would not have an earlier filing date for those aspects not properly set forth, and thereby have no patent protection. In this way, the "quality" of the original patent specification is critical to the effective strength of the resulting patent, if any.

Should I apply initially for a Full Utility Patent Application or a Provisional Patent Application (PPA)?

The answer to this common question mostly depends on your financial situation and goals. For most inventors who have no notion of whether their idea would receive interest in the marketplace, a PPA is the best risk/reward option. Please [click here for the main PPA pros and cons](#). In general, the decision boils down to the level of investment you feel is warranted, or the most you can invest, to protect the potential future revenues your idea may generate. If you are not sure whether your idea will sell in the marketplace, or if you can not afford a Utility patent application, then a PPA might be the way to go. On the other hand, if you are relatively confident that your idea has commercially potential, which may be true, for example, if pertinent professionals or consumers like it, then a Utility Patent Application will generally provide you the best quality patent protection for licensing and against theft. [Click here](#) for a more detailed explanation of why a Utility Patent Application inherently is of much higher quality than a PPA.

A Full Utility Patent Application costs a lot of money, why do it instead of a Provisional Patent Application (PPA)?

I know it seems like a lot of money at first, but, to frame the context more accurately, like any decision, it is all about assessing the opportunity -vs.- cost. On the opportunity side of the equation, if the opportunity seems to be relatively significant and there is some positive feedback from industry players (e.g., professionals, companies, academia, executives, etc.), then a less quality Patent Application (e.g., a do-it-yourself PPA) may risk losing a valuable deal if a big player deems the application as legally insufficient to warrant their investment or licensing. Another significant risk is that the weaker PPA might very well have technical and legal gaps in the disclosure that would allow would-be-copiers or licensees to more easily design around your patent, thereby losing all or part of your potential revenue stream. [Click Here](#) for a more detailed explanation of why a Utility Patent Application inherently is of much higher quality than a PPA. Of course, if your confidence in the commercial value of your invention is relatively low, then a full Patent Application may not be for you, and you should [Click Here](#) to assess your better course of action.

On the cost side of the equation, generally, as the opportunity appears more significant, then the investment warranted usually follows some equation like \$ to invest = \$ Income Potential x Probability of Success. A low

cost patent firm, such as Bay Area IP, can go a long way towards helping you take less upfront risk, while best positioning well you to reap the rewards. For example, a typical, [high overhead, patent firm](#) would charge anywhere from \$4,000 to \$7,000 just to file a simple mechanical [Utility Patent Application](#) and about the same amount to [prosecute](#) it until [issuance](#). That makes it almost impossible for the independent inventor to invest in a better quality [Utility Patent](#), and forces them into the more risky [PPA](#). In contrast, our [flat-fee of \\$2250](#) for our time to prepare and file simple mechanical Utility Applications gets you in the [quality](#) "ball park", at substantially less risk. Our unique low-cost approach, provides a service at every quality step from a "full service" [Utility Patent Application](#) down to a completely [do-it-yourself PPA](#), which enables you to pick your optimal comfort zone balancing the Opportunity -vs.- Cost and Risk -vs.- Reward decisions against your financial situation.

If you did my PPA, how much will it cost me to do the full Utility Patent later on?

Until further notice, we offer a special cost savings opportunity for those procuring our [Option 1 or 2 flat-fee Quality Oriented Provisional Patent Applications](#) (qPPA), whereby we guarantee that you may [deduct the amount paid](#) for the flat-fee qPPA from the then prevailing cost of the corresponding flat-fee, full Utility Patent Application. That is, you only pay the difference in cost between the flat-fee Utility application and the qPPA, instead of the full future cost of applying for a full patent. If you procured an [Option 3](#) qPPA, or a [Cost Oriented PPA](#) service at or above the [PPA Review](#) level, then your PPA application is usually automatically [eligible for a reduced cost Flat-fee full Patent Application quote](#); however, the fee paid for these PPAs is not deductible.

If I decided on doing a PPA, of the [Quality oriented](#) or [Cost oriented](#) PPA approaches, which is right for me?

Having already decided upon a [PPA](#) it is usually the case that you are on a limited budget, or have high uncertainty about the marketability of your idea. For some inventors, another variable is the number of ideas that patent protection is sought. The main decision point factors are as follows:

1. Budget
2. Marketability confidence
3. Amount of work you are willing to [do yourself](#) under our guidance
4. The number of inventions you seek Patent protection for

The first item to consider is your budget. If you simply cannot [afford](#) a [Quality Oriented PPA](#) then the [Cost Oriented PPA](#) is your way to go. If your budget is not the limiting factor, then the next decision point to consider is how much confidence you have in the marketability of your invention. Of course, the higher your confidence, a proportionately greater investment in patent protection warranted. That is, if you have done some basic marketability research (e.g., professionals like your idea, it is selling on eBay, you see inferior products in the market place, & etc., for marketing ideas read books by [Jay Levinson](#)) that is very positive, then you should procure the [highest quality PPA](#) (if not a [full Utility Patent](#)) that you can [afford](#). Similarly, the lower your marketability confidence, a commensurately lower amount of investment is justified. After establishing your budget and level of confidence, then you should decide how much work you are able, or willing, to [do yourself](#) with our guidance. For example, if you do not want to spend the time to initially draft a PPA yourself according to our [PPA kit](#), then either our [Top or Average quality PPA service](#) is a good choice. If, however, you are willing to draft a PPA under the guidance of our [PPA kit](#), and have relatively good confidence in the

marketability of your idea, but only have a limited budget to work with, then either of our [OK Quality PPA](#) or [Drafting Basic](#) service is ideal. Some inventors have multiple ideas they wish to pursue patent protection for. Often they do not know which one will be the most well received in the marketplace and cannot afford the cost of procuring high quality PPAs for all of them. Some clients find a good approach in this situation is to procure, for the idea they have the most confidence in, a [Quality PPA](#) that is then used as a template to pattern PPAs for their other ideas, and use our [Cost Oriented PPA services](#) to clean up and [assure minimum legal validity](#) for each of them.

Is your do-it-yourself approach right for me?

Well, it depends what we are talking about. When it comes to patent law, there are so many variables involved to say anything definitive when it comes to what an inventor should, or should not do themselves. However, the question is better framed in the context of what your goals and risk tolerance levels are, with the understanding that as with any task (e.g., filing your own tax return, repairing your car, etc.), you will likely get the best quality job done when you have a professional do the work. To help you better understand the context, let us compare filing your own [Patent Patent Application](#) PPA to filing your own income tax return. For example, much of writing a PPA is very similar to filing a tax return, where much of the basic calculations and filing out the forms can be done yourself after reading the IRS instructions. And, if you either do not have the time to fill out the forms and/or read all those IRS instructions, then you will have to pay a CPA to do it for you. Ideally, if you do the routine work yourself according to the basic IRS instructions, and have a CPA review your forms, then you can save a great deal of money, because the true value that the CPA brings to your tax return filing is to make sure that you get the largest refund, you do not break any IRS rules, and help assure you do not get audited. In the same way concerning Patent Applications, the real value that a Patent Practitioner offers you is to get the [greatest patent scope](#) (like a tax refund), make sure you do not break any [USPTO rules](#) (like IRS rules), and try to avoid legal pitfalls that could lose you a patent infringement case in court (like avoiding an IRS audit). In this way, if you are willing to draft the PPA under the guidance of our [PPA kit](#) (like filling out IRS forms using tax form instruction guides), and have us fix obvious problem (like a CPA reviewing your tax return), then the DIY approach can work for you if you understand and accept the [quality -vs.- cost tradeoffs](#) that always go along with doing anything yourself.

Of course, there are some aspects of Patent Application preparation that are more amenable than others to non-practitioner drafting. For example, the least suitable aspects of Patent Application practice for the "do-it-yourself" (DIY) approach is the drafting of [claims, replies to office actions during prosecution](#), and more advanced matters. In contrast, the most suitable DIY task is PPA preparation and filing. This arises from a "loop hole" in Patent Law that provides an opportunity, in contrast to a [full Utility Patent Application](#), for an average person to file a PPA written in plain English, without claims, and according to simple filing procedures. In this way, anyone who can write coherent, even if simple, sentences describing how to make and use their invention can write and file a legally valid PPA themselves with the basic guidance that we provide. However, without [our professional review/guidance](#) there is no [guarantee that the application will be minimally legally valid](#). So, although a complete DIY approach as provided by our [DIY PPA kit](#) is somewhat practical with the PPA, a more optimal approach is to "DIY with our support", which is a [Provisional Patent Practice](#) relatively unique to our firm.

I decided on doing a Cost Oriented PPA, but which level of service is right for me?

If you have already converged onto our Cost Oriented PPA services, then you are likely working with a very tight budget. It is better to take a swing at making something of your neat idea and protecting it, than to do nothing at all, and watch someone else do it- while you say to yourself "I should have done something with that idea!". The [same analysis as that for the Quality Oriented PPAs](#) applies here by replacing "Top Quality PPA" with "[Drafting Basic](#)" and "[OK Quality PPA](#)" with our "[DIY PPA kit](#)". That is, if you simply cannot [afford](#) our PPA [Drafting Basic](#) service then the PPA [Revision](#), [Review](#), [email Support](#), or [DIY PPA kit](#) levels of service will fit your budget. Basically, each level of service will likely result in a higher quality PPA and result in a stronger US Patent. The [DIY PPA kit](#) is ideal for those who have virtually no money, but want [a guarantee of at least securing a filing date](#) for their exact idea, usually before disclosing it to others. For just a little more money, inventors in this situation can greatly benefit from our [PPA email Support](#) service, which helps you get answers to PPA preparation and filing questions you may have that are specific to your invention or goals. If it is within your budget, our [PPA Review](#) service is the more optimal approach that best balances the [quality -vs.- cost tradeoffs](#) for extremely cost constrained inventors. The [PPA email Support](#), and [PPA Review](#) level of services address "[minimum legal validity](#)", which is what matters to get a patent. In the "[Revision](#)" service we clean up the language of your PPA to [remove or reword](#) obvious things that could harm you during [examination](#) or regarding "[Litigation](#) Validity". So, in this way, the "[Revision](#)" service additionally improves the "Litigation Validity" of any resulting patent, but it does not usually add legal Safeguards. The "[Drafting Basic](#)" service, takes your PPA and not only corrects it for "[minimum legal validity](#)" and harmful language, but it also [adds helpful language](#) (or "legal Safeguards") to improve Patent Scope and "Litigation Validity."

The next decision point to consider is how much confidence you have in the marketability of your invention. Of course, the higher your confidence, a proportionately greater investment in patent protection warranted. That is, if you have done some basic marketability research (e.g., professionals like your idea, it is selling on eBay, you see inferior products in the market place, & etc., for marketing ideas read books by [Jay Levinson](#)) that is very positive, then you should at least procure the [Drafting Basic](#) service (if not a [full Utility Patent](#) or a [Quality Oriented PPA](#)) that you can [afford](#). Similarly, the lower your marketability confidence, a commensurately lower amount of investment is justified. If, however, you have relatively good confidence in the marketability of your idea then either of our [PPA Revision](#) or [PPA Drafting Basic](#) service is ideal. Some inventors have multiple ideas they wish to pursue patent protection for. Often they do not know which one will be the most well received in the marketplace and cannot afford the cost of procuring high quality PPAs for all of them. Some clients find a good approach in this situation is to procure, for the idea they have the most confidence in, our [PPA Drafting Basic](#) service that is then used as a template to pattern PPAs for their other ideas, and use our [PPA Revision](#) or [PPA Review](#) service to clean up and [assure minimum legal validity](#) for each of them.

Is a flat-fee approach right for me?

First, see if your invention is [eligible for a Flat-fee quote](#). Then you should consider if you can provide a clear and complete description of your invention and all its applications and variations such that we can work almost exclusively from your description to draft your application. The [goal of our Flat-fee approach is to avoid](#) costly and time-consuming disclosure meetings, phone calls, emails, and draft iterations that result from errant assumptions regarding misunderstandings or vague disclosures. If we can efficiently draft the whole application based on your clear detailed description of your invention, then we save time, and you save money. Our flat-fee service **is ideal for** inventors whose inventions are completed (i.e., no significant last-minute changes) and

relatively easy to understand, such that only very limited verbal/email communication, if any, is necessary for us to clearly understand every aspect of the detailed disclosure. Furthermore, those who can provide us a clear and coherent plain-English, detailed invention description will benefit the most. In general, you should always provide your Patent Practitioner as detailed, and as complete a description as possible, because this will always translate into a better quality patent application and result in a stronger awarded patent, if one is granted.

Our flat-fee service **is not suited for** inventors who's inventions are in flux (i.e., significant last-minute changes) and/or requires significant verbal/email communication for us to understand. Furthermore, those prefer to disclose their invention by way of a verbal disclosure meeting (whether on the phone, Internet, or in person) will find [hourly patent preparation service](#) more amenable to their needs.

Most inventors prefer to do a little extra work in writing a detailed description to save money and limit their patent costs. If you are not sure about your particular situation, please feel free to [email us your question\(s\)](#).

How do I know which Flat-fee category my idea falls in?

For the purpose of assessing a flat-fee for your [Utility](#) or [Quality Oriented Provisional](#) Patent Applications, we, generally, categorize the complexity of inventions into the following categories:

1. Very Simple Mechanical
2. Average Mechanical/ Simple Electrical
3. Complex Mechanical/Average Electrical/Simple Software
4. Complex Electrical/Average Software/Simple E-commerce
5. Complex Software/Complex E-commerce

After you [requested a flat-fee quote from us](#) and it is [determined that our flat-fee service is right for you](#), we will provide you a flat-fee quote. However, to help you get a feel for what you might expect beforehand, what follows is by no means definitive, but instead outlines some basic concepts you should consider for each category:

- **Very Simple Mechanical:** Generally, these inventions usually have one or two moving parts, one way of implementing it (i.e., one mode, or embodiment), and operate on extremely intuitive principles. Typically the details of these mechanical inventions are something that you could easily explain to a kid so she could quickly understand how to make and use it herself. If not, it is likely not a Very Simple Mechanical invention.
- **Average Mechanical/ Simple Electrical/ Simple Software:** for mechanical (or electrical, or software) inventions, usually they have few moving parts (or few electrical components, or few software functions), a couple of ways, or modes/embodiments, of implementing it and operate on basic, rather intuitive principles. Typically the details of these mechanical (or electrical, or software) inventions are something that you could explain to a teenager (or an average electrical technician or software programmer) so she could understand how to make and use it herself. If not, it is likely not a Average Mechanical (or simple electrical, or software) invention.
- **Complex Mechanical/Average Electrical/Average Software:** for mechanical (or electrical, or software) inventions, usually they have many moving parts (or many electrical components, or many software functions), more than three ways, or modes/embodiments, of implementing it and operate on

non-intuitive, rather technical principles. Typically the details of these mechanical (or electrical, or software) inventions are something only at least an average engineer not trained specifically in the field of the invention could readily understand how make and use your invention. Otherwise, it is likely not a Complex Mechanical (or average electrical, or software) invention.

- **Complex Electrical/Complex Software:** usually inventions in this category not only have many electrical components, or many software functions, but they also have novel hierarchical system-level modules that communicate and interdepend on each other. Additionally, there are typically implemented in more than three ways, or modes/embodiments, and operate on very non-intuitive, very technical principles. The details of these electrical or software inventions are something only at least an engineer trained in the specific field of the invention could readily understand how to make and use your invention.
- **Simple E-commerce/Complex E-commerce:** a.k.a. business methods are often controversial and, lately, receive special scrutiny by the USPTO during Patent Examination. They require significant attention and effort to draft something that will likely be novel and non-obvious over the prior-art. Simple E-commerce ideas are characterized by methods that are relatively strait forward (e.g., "single click" purchasing) that can easily be explained to a teenager so she could quickly understand how carry out the idea herself. In contrast, Complex E-commerce ideas are characterized by methods that are very algorithmic and interdependent on many steps and conditional variables (e.g., interactive TV targeted advertising) that can be explained to, and understood by at least only a person trained in the specific field of the invention.

The above overview is by no means an exhaustive or fixed characterization of each category, and should only be viewed as a very general guide. When you [contact us](#) to evaluate your invention for a flat-fee quote, we will make a judgment on a case-by-case basis according to the spirit of the above characterization. In the end, to make a living, we have to make an accurate estimate of how much time it will take us to prepare your patent application. Generally, the more complex the invention, the more time it takes to properly describe it in detail, and, much more time will be spent to properly claim it.

Is the [you-write we perfect](#) Utility Patent Application approach right for me?

In general, those that like the [do-it-yourself](#) and [flat-fee](#) approaches, as described, would likely benefit, to some degree, from the you-write we perfect option. However, there are no guarantees that the application you would write will save you more money than our [flat-fee offer](#). This option will really only save money for the seasoned inventor that has some experience in writing patent applications, and needs a profession to review and revise their draft to bring it into compliance with current best practices.

Could I lump multiple apparatus and/or methods together into one application?

Only if they are based on the same structure or method, or simple variations that would not be patentably distinct. Otherwise, you will get a [restriction requirement](#) during [patent examination](#), which would end up costing you more than if you initially filed the applications separately due to the cost of our time in responding to the [restriction requirement](#) and/or having to prepare separate patent applications.

When should I apply for a Design Patent?

Design Patents protect the look, or ornamentation, of an article. If you believe that the appearance of your invention has marketing value, independent of its functionality, then a [Design Patent](#) usually makes sense. Unlike a [copyright or trademark](#), a Design Patent protects not only the novel aspects of your design, but also any obvious variations that a would be copyist might come up with to compete against you. For example, a company [The Shaper Image](#) is a prolific product designer and often [protects these designs with Design Patents](#). The [cost to apply](#) for, prosecute, and be granted a Design Patent is substantially less than the corresponding cost of a Utility Patent Application. The question boils down to determining whether the cost to protect the design is justified by the benefit of [blocking](#) (licensing) it from (to) others. If you believe that the look and feel of your product significantly motivates its sale to consumers, then a [procuring a Design Patent](#) is usually a good choice. We provide an especially [low cost](#) Design Patent Application service, that makes it a much more cost effective proposition than what competing patent firms offer. You should keep in mind that it is common to protect the function/structure of a product with a [Utility Patent](#), and the appearance of the product with a Design Patent.

Consultation related questions:

Should I consult with Bay Area IP before paying online?

Of course, that depends on your situation and the service(s) you have in mind. However, generally, before contacting a Bay Area IP professional, you should try to find the information you are looking for in our rich, accessible website content, particularly our [Frequently Asked Questions](#), [Patent Information](#), and our downloadable [Free inventor's guide](#). By answering your basic questions on our website first, it helps us get to your deeper questions, if any, and use the limited time communicating with us to your best advantage. There are three basic categories that most inventors fall in with respect to our services, which can be broken down in terms of how much you can afford or intend to invest for our services in protecting your idea, as follows:

1. \$500 or less.

In this case, the decision is relatively strait forward as your options are limited to our [Do-it-yourself PPA Kit](#), [PPA email support](#), [PPA Review](#), or [PPA Revision](#) service. [Click here to decide which of these services is right for you](#). For most inventors, their question(s) will be answered here and can [order the suitable "Patent Pending" service](#) without contacting us, or requiring an initial consultation. However, if your questions are not answered here, then please [email us](#) your specific question that will help you decide. If you feel your case is too complex for email interaction, then you may want to [procure an initial consultation at our special 50% off introductory rate](#).

2. \$600 to \$1500.

At this level of investment, initial consultations/invention evaluation are often required for many inventors to determine if their idea warrants a [higher quality PPA](#), a [Utility Patent Application](#), or to [determine the complexity](#) of the invention for purpose of selecting the appropriate [flat-fee quote](#), if any. Before requesting an initial consultation, however, you should first [determine if your invention is relatively simple or complex](#). If your idea is very simple (e.g., you could easily explain it to Grandma so she could quickly understand how

make and use it herself), then you should decide if a [PPA](#) or a [Utility Patent Application](#) best serves your goals by [CLICKING HERE](#). To fit in this budget category, however, ideas that are not relatively simple have to be filed as a [PPA](#). If you decided on a PPA then next decision point is [which PPA quality level is right for you](#) [\[Click Here\]](#). Another decision you need to make is how much are you willing to, or capable of, [doing yourself](#). If you know exactly which of our services is a good fit (e.g., a Utility Patent, a quality oriented PPA, etc.) you can [pay online](#) to get the process started immediately. Otherwise, you may have a general idea of which services apply, but need to have answered some detailed questions particular to your situation. To help you sort out more advanced issues or just to get to know us a little better before making a relatively significant investment with us, we offer a [special Free initial consultation](#).

3. \$1500 or more.

The analysis is the same at this budget level as the previous (\$600 to \$1500) category above, except that it becomes much more difficult and important to correctly determine your optimal course of action (e.g., [quality PPA](#) or [Utility](#)) and the [flat-fee category](#) that your invention would be eligible for. After sorting out the basic considerations set forth in the previous (\$600 to \$1500) budget category above, you should take advantage of our [special Free initial consultation](#) offer.

Invention Specific Questions:

I have many ideas, which do you think this is the most promising?

Generally speaking, we cannot comment on which idea the most promising. Such a determination requires an in-depth market analysis, and feedback from industry/user contacts. However, which ever idea you believe would be most likely well received, you should protect it with the highest level of patent protection you can afford; otherwise, licensees/manufacturers might pass on your top idea if the patent application was weak.

I have many ideas, which should I get patent protection for?

I would suggest you focus your valuable time and money on the idea(s) and variations you believe have the best chance of success. Often, you may not know which idea(s) will be the most well received in the marketplace and cannot afford the cost of procuring high quality PPAs for all of them. Some of our clients find a good approach in this situation is to procure, for the idea(s) they have the most confidence in, a [Quality PPA](#) or [Drafting Basic PPA](#) that is then used as a template to pattern PPAs for their other ideas, which use our [Cost Oriented PPA services](#) to clean up and [assure minimum legal validity](#) for each of them.

I want to have a prototype of my product made by a prototype service company, but I don't want to give them my idea without some protection. If I plan to do this before, or during, the full Patent Application Process, what should I do?

Of course, a patent application is the best, most solid form of protection, for many reasons. However, in any case you should get an NDA covering your disclosures to them. This is for free, if they will do it. You should also be sure to have them sign a "Work for Hire" agreement that makes it clear that they are not providing any

creative service. Both these [contracts are included in our PPA Kit](#) (items 11 and 23, respectively) that we make available to all our clients upon request. In addition, you can quickly prepare and file your own [Provisional Patent Application](#) (PPA) with one of our [supporting "Patent Pending" services](#), and get "[Patent Pending](#)" status immediately ([Click Here for PPA pros and cons](#)). Another, less costly, but less desirable approach, which is better than not filing anything with the [USPTO](#), is, for \$10, submit a description (preferably prepared according to our [PPA kit](#)) to the USPTO under their [document disclosure program](#). This would document that you were the first inventor, and block them from patenting the device, but it would **not** afford you any legal rights to block them from selling it in the future. However, in either case, the full extent of any protection you have completely depends on the degree the [written description](#) covers the actual, potentially modified, device they would be implementing. We offer a [PPA review service](#) where we give you corrective feedback, which [guarantees that your PPA meets the minimum legal requirements](#). Usually, upon request, we can you deliver our feedback within a day after we receive your draft PPA. One could think of the additional cost of the PPA filing, and/or our service, as an insurance policy against your concerns of product idea theft. Also, the resulting PPA that implements the [PPA kit's](#) instructions, and our [Review](#) feedback, would necessarily be [qualified](#) to get our [flat-rate pricing](#) on preparing and filing the [utility application](#). The PPA option also gets you an earlier filing date on the aspects disclosed in the PPA.

