

Patentability

Patentable subject matter (§ 101)

Yes: Machine, Process, Manufacture, Composition of Matter, Plant, Design

No: Abstract idea, product of nature

Usually an issue for software / apps

Novel (§ 102)

Is it yours? Is it new?

Can not be described in any single “prior art” reference.

Can't be on the market more than a year

Non-obvious (§ 103)

Can not be a simple combination of prior art

“obvious to the ordinary designer”

Usually an issue for simple household gadgets

Enablement (§ 112)

Describe how the product is made (not what it does) so an ordinary designer could follow your instructions

Often an issue for products that haven't been made yet, high-tech inventions, or inventors who write their own patent applications

Proper claim language

Legal language where it matters

Almost always an issue for inventors who file their own patent applications.

Hire a lawyer!