

## Patent Law Fundamentals

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### Patent Law Fundamentals Glossary

**Patent:** An exclusive right granted by a government to an inventor for a limited period, typically 20 years, to exclude others from making, using, selling, or importing an invention without permission.

**Invention:** A new, useful, and non-obvious process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.

**Patent Application:** A formal request to a patent office to grant a patent for an invention, including a detailed description, drawings, and claims.

**Claim:** A statement in a patent application that defines the scope of protection sought for the invention.

**Prior Art:** Any information that has been made available to the public before a patent application is filed, which may be used to determine whether the invention is novel and non-obvious.

**Novelty:** A requirement for patentability that the invention must be new and not previously disclosed to the public.

**Non-Obviousness:** A requirement for patentability that the invention must not be obvious to a person having ordinary skill in the art at the time of invention.

**Patentability:** The ability of an invention to meet the legal requirements for patent protection, including novelty, non-obviousness, and industrial applicability.

**Provisional Patent Application:** A type of patent application that establishes a filing date and allows the inventor to use the term "patent pending" for up to one year while preparing a full patent application.

**Patent Examination:** The process by which a patent office reviews a patent application to determine if the invention meets the legal requirements for patent protection.

**Patent Prosecution:** The process of obtaining a patent through communication with the patent office, including responding to office actions and making arguments in support of the patentability of the invention.

**Office Action:** A written communication from a patent office that sets forth the reasons why a patent application was rejected, and any requirements or objections that must be addressed before the application can be allowed.

**Patent Infringement:** The unauthorized making, using, selling, or importing of a patented invention without the permission of the patent owner.

**Litigation:** A legal process used to enforce patent rights through a lawsuit in court.

**Patent Licensing:** The practice of granting permission to others to make, use, or sell a patented invention in exchange for payment of royalties or other compensation.

**Patent Pool:** An agreement between multiple patent owners to license their patents to one another and to third parties, often used in industries with complex technology.

**Standard-Essential Patent:** A patent that covers a technology that is essential to implementing a industry standard, and for which the patent owner has committed to license on fair, reasonable, and non-discriminatory (FRAND) terms.

**Design Patent:** A type of patent that covers the ornamental design of an invention, as opposed to its functional aspects.

**Plant Patent:** A type of patent that covers new and distinct, invented or discovered asexually reproduced plants.

**Utility Patent:** A type of patent that covers new, useful, and non-obvious processes, machines, manufactures, or compositions of matter.

**Patent Cooperation Treaty (PCT):** An international treaty that provides a simplified and cost-effective process for filing patent applications in multiple countries.

**European Patent Office (EPO):** An agency of the European Union responsible for granting patents in Europe.

**United States Patent and Trademark Office (USPTO):** The government agency responsible for granting patents in the United States.

**Patent Troll:** A person or entity that acquires patents not to practice the invention, but to assert the patents against others through licensing demands or litigation, often for the purpose of extracting licensing fees or settlement payments.

**Doctrine of Equivalents:** A legal principle that allows a patent to be infringed even if the accused product does not literally meet all the elements of a claim, as long as it performs substantially the same function in substantially the same way to achieve substantially the same result.

**Enablement:** A requirement for patentability that the specification of the patent application must describe the invention in a way that enables a person having ordinary skill in the art to make and use the invention.

**Best Mode:** A requirement for patentability that the inventor must disclose the best way known to the inventor of carrying out the invention at the time of filing the application.

**Derivation Proceeding:** A legal proceeding in the USPTO to determine who was the first to invent an invention when two parties claim priority to the same invention.

**Inter Partes Review (IPR):** A procedure in the USPTO that allows a third party to challenge the validity of an

issued patent based on prior art.

**Post-Grant Review (PGR):** A procedure in the USPTO that allows a third party to challenge the validity of an issued patent based on any ground of patentability.

**Ex Parte Reexamination:** A procedure in the USPTO that allows a third party to challenge the validity of an issued patent based on prior art, but the patent owner does not participate in the proceeding.

**Supplemental Examination:** A procedure in the USPTO that allows a patent owner to request the USPTO to consider, reconsider, or correct information believed to be relevant to the patent, but not previously considered.

**Patent Term Adjustment:** An adjustment to the term of a patent to compensate for delays in the patent examination process caused by the USPTO.

**Patent Term Extension:** An extension of the term of a patent to compensate for delays in bringing the invention to market caused by regulatory review, such as approval by the Food and Drug Administration (FDA) for pharmaceutical products.

**Patent Marking:** The practice of labeling a product with the patent number to provide notice to the public of the patent owner's rights.

**False Marking:** The act of labeling a product with a patent number that is not applicable to the product, which can be considered as a violation of the patent laws.

**Willful Infringement:** An intentional act of infringing a patent with knowledge of the patent, which may result in enhanced damages for the patent owner.

**Inducement of Infringement:** The act of intentionally causing or encouraging another party to infringe a patent, which can be considered as an infringement itself.

**Contributory Infringement:** The act of supplying a component of a patented invention with knowledge that it is used to infringe the patent, which can be considered as an infringement itself.

**Injunction:** A court order that prohibits a party from engaging in certain activities, such as infringing a patent, to prevent further harm to the patent owner.

**Damages:** A monetary award that may be granted to a patent owner as compensation for past infringement of a patent.

**Reasonable Royalty:** A type of damages that may be awarded to a patent owner as the royalty that would be reasonable under the circumstances for the use of the patented invention.

**Lost Profits:** A type of damages that may be awarded to a patent owner as the profits that the patent owner would have made if the infringing