



WHY CONDUCT A PATENTABILITY ASSESSMENT?

There are over 20 million issued patents in circulation worldwide. Yet, many of those are invalid because they don't meet the novelty or non-obviousness requirements, to name a few.

Indeed, since the introduction in the US a couple of years ago of a new way of anyone to challenge patent validity -called *Inter Partes* Reviews- the administrative tribunal who hears those case (the Patents Trials and Appeals Board, aka PTAB) **has invalidated over 75%** (yes that is 3 out of 4 patents) that is has reviewed, based solely on the existence of prior art that had not been considered in most cases by the examiner who approved the patent in the first place.

Therefore, before spending between \$25,000 and \$50,000 to draft, file and prosecute a patent (an up to a quarter million dollars to maintain only one patent family internationally), it is greatly advised to conduct a patentability assessment first by searching relevant prior art, whether it be other patents, published applications and technical and product literature. This help in determining whether the alleged invention is patentable in the first and what its scope might be in light of the prior art. Assuming it is patentable, knowledge of the prior art helps better define the claims and is cited in support of the application, thus generally resulting in a more predictable prosecution and a stronger resulting patent.

Before we can proceed with such analysis, we will need to have a detailed description of the alleged invention, which can be done using a tool called an "Invention Disclosure Form", which we provide at no costs to our clients. The same document will be used by the patent attorney drafting the application.

We have experienced researchers who routinely conduct prior art searches, not only through the patent literature, but who also look at technical journals, white papers, product specs, trade show related literature, etc. This way, we can provide our clients with a very high level of confidence in the assets they are considering investing in, at a very reasonable cost.

Fees: Generally \$2500 per invention. The full amount is due in advance to pay for the search costs and report.

If you would like to receive a formal quote and see a sample report, please contact us at:

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