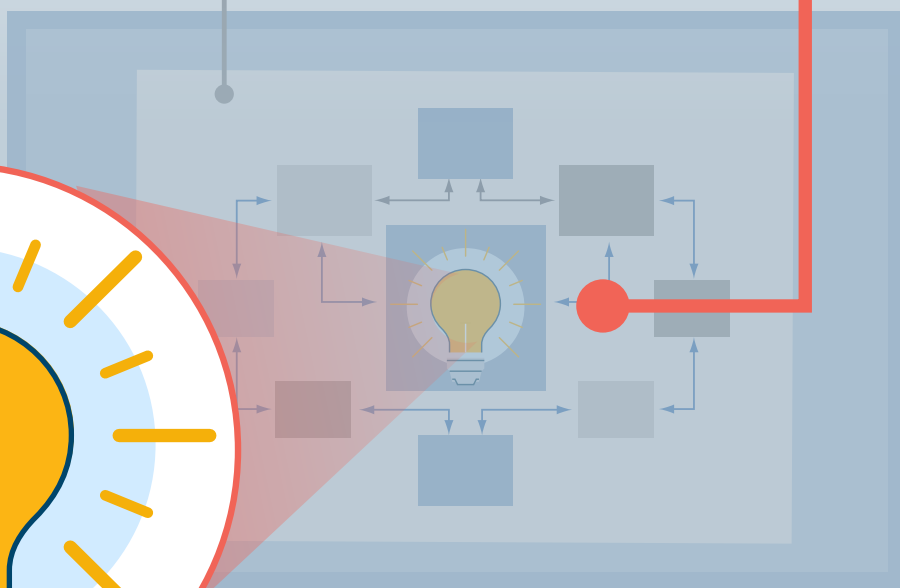


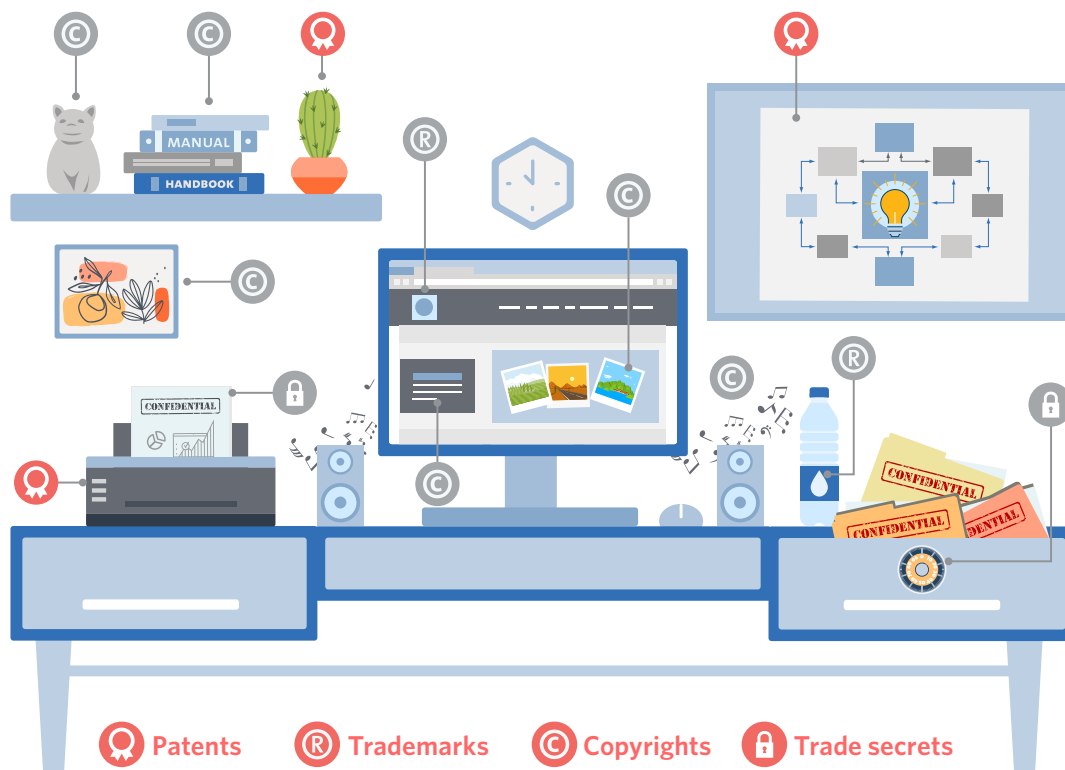
Intellectual Property **PATENTS TOOLKIT** Volume 1: FOUNDATIONS





Patents among us

Every day we interact with **patents**, trademarks, copyrights, and trade secrets. Take a look around your environment to see the intellectual property (IP) in your world.



PATENTS

Patents protect new processes and inventions.



TRADEMARKS



Trademarks protect brand names, slogans, and other source identifiers.

▪ **LEARN MORE ABOUT TRADEMARKS – CLICK HERE**

COPYRIGHTS



Copyrights protect original creative works, like books, songs, sculptures, paintings, and photographs.

▪ **LEARN MORE ABOUT COPYRIGHTS – CLICK HERE**

TRADE SECRETS



A trade secret is economically valuable information that is not generally known, has value to those who cannot legitimately obtain it, and has been subject to reasonable efforts to keep it secret.

LEARN MORE ABOUT TRADE SECRETS – CLICK HERE



To access all IP basic toolkits, scan the QR code, or type www.uspto.gov/BasicToolkits into your browser.





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DISCLAIMER: These materials are intended to introduce intellectual property to independent inventors and small businesses. Therefore, they include simplified legal concepts and information presented in a format suitable for a general audience. They are not legal materials, do not represent legal advice, and have no binding authority on the U.S. Patent and Trademark Office (USPTO).

The materials also include descriptions of USPTO records for patents and registered trademarks and U.S. Copyright Office records for registered U.S. copyrights. These descriptions may not be complete or reflect the most current information. Those looking for official and complete details about patents and registered trademarks referenced in the materials should refer to the search systems available on the USPTO's website. Those looking for copyright records should refer to the public records page of the U.S. Copyright Office's website. The U.S. Patent and Trademark Office and the U.S. Copyright Office also provide a variety of information and resources about patents, trademarks, and copyrights on their respective websites.

References to particular marks, patents, works protected by copyright, products, services, companies, or organizations appearing in the materials are for illustrative and educational purposes only. The references do not constitute or imply endorsement by the U.S. government, the U.S. Department of Commerce, the USPTO, or any other federal agency, nor do they imply or constitute endorsement of the materials by any rights owners.



Section 1

TOOLKIT OVERVIEW

Protecting our intellectual property (IP) helps drive the U.S. economy. It also drives strong industry and a growing job market — in all communities nationwide.

The USPTO is a fee-funded agency. It grants patents to protect inventions. It also registers trademarks and service marks for products and services. The USPTO works with individuals and businesses of every size. It also helps strengthen the economy by promoting innovation.

While this toolkit focuses mostly on [utility](#) patent applications, it will touch briefly on other IP types. More information on design patents, plant patents, trademarks, copyrights, and trade secrets may be found in [their own toolkits](#).

The patent process follows a complex set of laws and rules. Therefore, we always recommend hiring a [registered patent attorney or agent](#). On the other hand, we recognize that many applicants may find [legal assistance](#) too costly.

To help you protect your IP, we offer our [Pro Se Assistance Center](#), which provides free patent help without giving legal advice. We have also made this toolkit, which will help you better understand every step in the patent application filing process.





Toolkit organization

The patent toolkit features three distinct volumes.

Volume 1: Foundations —

This volume lays out the facts you need to make an informed decision on whether you want to file a utility patent application. It will also help you know the USPTO's role in the process and create the right USPTO accounts. Further, it will help you grasp patent terms and concepts. In volume one, we cover these subjects:

- **Section 1:** Patent toolkit overview (current section)
- **Section 2:** Intellectual property overview and patents basics
- **Section 3:** What qualifies an invention for a utility patent?
- **Section 4:** Becoming a registered user/eFiler
- **Section 5:** Glossary of Patent Terms and Concepts

Volume 2: Utility patent application specifics —

This volume covers the parts of the application and the difference between application filing and patent examination. It also covers searching for similar inventions and understanding the difference between provisional and nonprovisional patent applications. Last, this volume lays out filing requirements. In volume two, we cover these subjects:

- **Section 1:** Introduction to provisional and nonprovisional utility patent applications
- **Section 2:** Patent application filing vs. patent examination
- **Section 3:** Strategies for searching to identify prior art
- **Section 4:** Provisional utility patent application
- **Section 5:** Nonprovisional utility patent application

Volume 3: Filing requirements —

This volume outlines the forms you need to file a utility patent application (including filing online through Patent Center). It also provides a checklist to make sure you've completed everything. In volume three, we cover these subjects:

- **Section 1:** Completing patent application forms
- **Section 2:** Finalizing your patent application
- **Section 3:** Filing the patent application
- **Section 4:** Staying informed about your patent application



Section 1 summary

If you are brand new to the patent application filing process, we highly urge you to work through the toolkit in order, from start to finish. However, if you are a seasoned applicant or just need a refresher in certain areas, feel free to jump straight to those sections. We provide worksheets for capturing ideas to help you put all the pieces together for your patent application at your own pace.

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Section 2

Intellectual Property Overview and Patents Basics

This section will explain Intellectual Property (IP) laws and patent types and benefits. It will go over USPTO roles and responsibilities and who is (and is not) considered an inventor. IP is vital to our economic growth and spurs innovation. It is also deeply rooted in American history.

IP is creations of the mind. In other words, it is creative works or ideas in a form that can be shared or can enable others to recreate, emulate, or manufacture those works.

IP law

Your inventions may be protected through federal law. The U.S. Constitution gives Congress the power to enact laws relating to patents. From time to time, Congress has used this power to make various patent-related laws, the first being in 1790. Patent laws were revised in 1952 and took effect in 1953 as Title 35 of the United States Code. Patent laws were further revised through several acts. Such acts include the [American Inventors Protection Act of 1999](#), the [America Invents Act](#) signed into law in 2011, and the [Unleashing American Innovators Act of 2022](#).

U.S. Constitution, Article 1, Section 8, Clause 8:



"The Congress shall have power ... to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries ..."



IP types

There are four main types of IP:

 Patents  Trademarks  Copyrights  Trade secrets

Patent

A property right granted by the U.S. government to an inventor. This right allows one to exclude others from making, using, offering for sale, or selling the invention in or importing the invention into the U.S. for a limited time. This right is granted in exchange for public disclosure of the invention when the patent is granted.

Trademark

Any word, phrase, symbol, design, or a combination of these things that identifies an individual's or company's goods or services. It's how customers recognize the company in the marketplace and distinguish it from its competitors. The word "trademark" can refer to both trademarks (for goods) and service marks (for services).

Copyright

Protects works of authorship, such as writings, music, and works of art that have been tangibly expressed. Copyrights may be federally registered with the Library of Congress.

Trade secret

Protects information that:

- Has either actual or potential independent economic value due to not being generally known,
- Has value to others who cannot legitimately obtain the information, and
- Is subject to reasonable efforts to maintain its secrecy

Trade secrets require all three conditions be met.

The USPTO grants patents and registers trademarks, while copyrights are registered by the U.S. Copyright Office at the Library of Congress. Trade secrets are not filed nor kept with the USPTO.



Benefits of legal protection of IP



If you're not sure what type of IP you need to protect, our [IP Identifier](#) will help you:

- Identify IP assets by answering brief questions.
- Learn basic information about your identified IP.
- Access additional information and links to helpful resources.
- Save the information from the session and a tailored list of resources in a PDF format.

UNITED STATES
PATENT AND TRADEMARK OFFICE



IP Identifier: Learn to identify and protect your intellectual property

[→ Welcome](#)

[Basic IP Identifier](#)

[Advanced IP Identifier](#)

[Tips for managing your IP assets](#)

 **Feedback**

Please use this brief [survey](#) to share your valuable feedback.

 **Need Help?**

If you need technical help with using the tool please email IPIdentifierfeedback@uspto.gov

Where do I start?

Learn how to identify which of your creative ideas might be intellectual property assets and how to protect them by using the USPTO Intellectual Property (IP) Identifier.

Are you thinking about starting a business? Do you own one already? Or maybe you're an inventor, artist, or designer. Maybe you sell goods online or in a store or provide a service to others. If so, you may have **intellectual property**.

Do you know what types of IP you might have? Do you know how to protect them?

☐ No, I don't know what types of IP I have.

☐ Yes, I do know what types of IP I have.

DISCLAIMER:

The information provided in this website is for general information purposes only and does not constitute legal advice. When filing an application for obtaining specific IP rights, you may benefit from professional legal assistance. While the USPTO cannot aid in the selection or recommendation of an attorney or agent, [a register of active patent practitioners is available from the Office of Enrollment and Discipline](#). The IP Identifier contains links to third-party websites. The USPTO is not responsible for the material found therein. Please review the [Linking policy](#) for more information.



USPTO roles and responsibilities

The USPTO has many roles and responsibilities, including:

- Examining applications and granting (or denying) patents on inventions
- Publishing and disseminating patent information
- Recording assignments of patents and patent applications
- Maintaining search files of U.S. and foreign patents, and a search room for public use
- Supplying public copies of patents and official records
- Providing training on patent statutes and regulations
- Publishing the Manual of Patent Examining Procedure (MPEP)

The strength of the U.S. economy depends on protecting innovative ideas and preserving our technological edge. Maintaining the patent system helps fulfill these goals.

Through patent protection, American industry has prospered. Inventors devise new products, improve or discover new uses for old ones, and create jobs. The continued demand for patents shows the ingenious spirit of inventors, who the USPTO helps promote.

What is the role of the patent system?

The patent system plays an important role in fostering innovation and economic growth. It does this by encouraging and protecting inventions and promoting and accelerating their marketing and commercial success.

Why file for a U.S. patent?

Filing for a patent can benefit inventors and businesses. The following list includes potential benefits:

- Gaining entry into a market and deterring others from entering
- Attracting investors
- Promoting the unique aspects of a product as a marketing tool
- The ability to take legal action against those trying to infringe on a patent
- Collateral to obtain financing for making your product or service available
- Increased negotiating leverage
- Creating revenue by selling or licensing the patent, like any other property
- Making new goods and services available to benefit communities
- Promoting innovation and helping safeguard inventions
- Enhancing professional reputation, personal development, and career advancement





Who is considered an inventor?

An inventor is a person who conceives or contributes to the creation of an invention, either alone or with others. If you only supply money but are not the inventor or a co-inventor, you cannot be named as an inventor in the patent application.



Who can apply for a U.S. patent?

A person who applies for a patent is called an “applicant.” Here’s a list of some potential patent applicants:

- Inventor(s) — anyone contributing to the conception of an invention
- Assignee(s) — any person or company that has gained the rights and title to an invention
- Obligated assignee(s) — any person or company legally obligated (for example, by contract) to be assigned such rights and title

Any persons listed above can apply on their own (pro se) or with the help of a patent practitioner (registered attorney or agent). Companies, on the other hand, must have a patent practitioner sign most documents. Also, two or more people inventing something together must apply for a patent as joint inventors, except under special circumstances. See [MPEP 605.01](#) for more details.

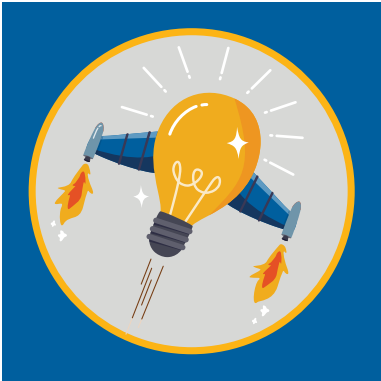


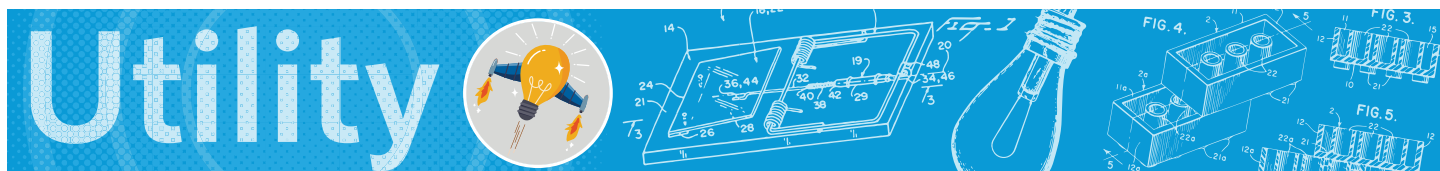


Patent types

As stated earlier, a U.S. patent is the grant of a property right to the inventor.

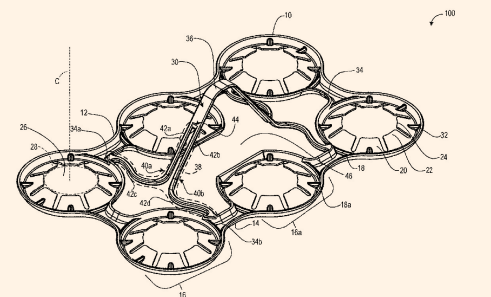
There are three patent types:

Utility Patent	Design Patent	Plant Patent
May be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof.	May be granted to anyone who invents a new, original, and ornamental design for an article of manufacture.	May be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.
		



Utility patents

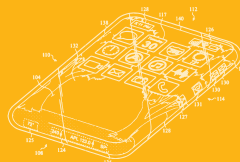
Utility patents are the most common U.S. patent type. A utility patent protects an invention for a term beginning on the date of patent issue and ending 20 years from the date on which the patent application was filed in the United States. In some situations, the term begins on the date an earlier related application was filed.

(12) United States Patent Borg et al.		(10) Patent No.: US 11,001,428 B2
		(45) Date of Patent: May 11, 2021
(54) CONTAINER CARRIER WITH FLEXIBLE RAISED HANDLE		(56) References Cited
		U.S. PATENT DOCUMENTS
(71) Applicant: Oregon Precision Industries, Inc., Eugene, OR (US)		3,463,536 A * 8/1969 Beyer A47J 45/077 294/31.2
(72) Inventors: Zakary James Borg, Eugene, OR (US); Ronald Lee Mellor, Jr., Eugene, OR (US)		3,949,897 A * 4/1976 Shaw B65D 51/1683 220/231
(73) Assignee: OREGON PRECISION INDUSTRIES, INC., Eugene, OR (US)		(Continued)
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 164 days.		FOREIGN PATENT DOCUMENTS
(21) Appl. No.: 15/799,670		EP 1 378 458 A1 1/2004
(22) Filed: Oct. 31, 2017		EP 2028126 A1 2/2009
(65) Prior Publication Data US 2019/0016515 A1 Jan. 17, 2019		OTHER PUBLICATIONS
Related U.S. Application Data		International Bureau of WIPO, International Preliminary Report on Patentability Issued in Application No. PCT/US2018/047389, dated Jan. 14, 2020, WIPO, 13 pages.
(60) Provisional application No. 62/532,923, filed on Jul. 14, 2017.		(Continued)
(51) Int. Cl. B65D 71/50 (2006.01) B65D 25/28 (2006.01)		Primary Examiner — Anthony D Stashick Assistant Examiner — James M Van Buskirk
(52) U.S. Cl. CPC B65D 71/504 (2013.01); B65D 71/50 (2013.01); B65D 25/287 (2013.01); B65D 25/2873 (2013.01)		(74) Attorney, Agent, or Firm — Alleman Hall Creasman & Tuttle LLP
(58) Field of Classification Search CPC .. B65D 71/504; B65D 71/50; B65D 25/2873; B65D 25/287		ABSTRACT
(Continued)		A container carrier and manufacturing method therefor are provided. The container carrier may include an integrally molded body with a top surface, a bottom surface, and a plurality of annular structures. Each annular structure may connect to at least one adjacent annular structure and may include a circumferential rib with a plurality of flanges, which are collectively configured to secure a container. An integrally formed handle may extend upward from the body of the container carrier. The handle may include a graspable region and a bifurcated region that forms a pair of arms that connect to the body and support the graspable region in an upright configuration in an unbiased state. The arms may flex such that an intersection of the bifurcated region and graspable region moves to accommodate a downward flexion of the handle when a downward biasing force is applied to the handle in a biased state.
		14 Claims, 10 Drawing Sheets
		

An example of a utility patent is U.S. Patent No. 11,001,428, Container Carrier with Flexible Raised Handle:



Design

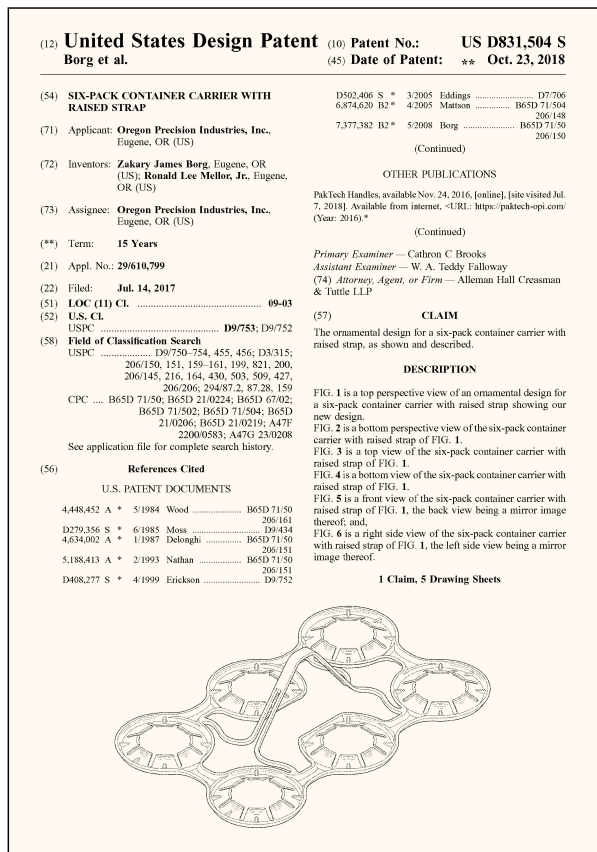
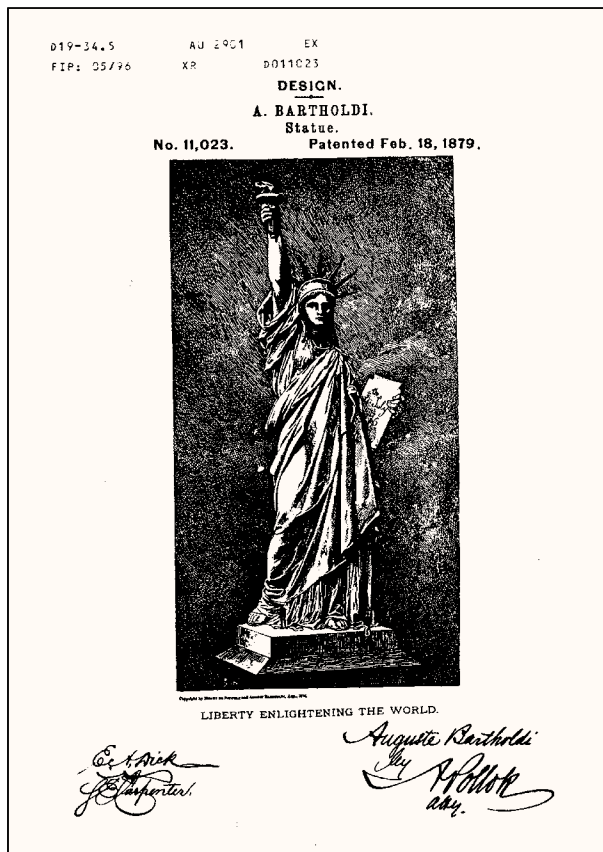


Design patents

A design consists of the visual, ornamental characteristics in or applied to an “article of manufacture,” i.e., a useful product. A design patent application may relate to the:

- The shape of an article
- Ornamentation (a design) applied onto the surface of an article, or
- Combination of both

A design cannot be separated from the product to which it is applied and cannot exist alone. The Statue of Liberty is an example of such a design that once was protected by U.S. Design Patent No. D11,023. The term of a design patent lasts 15 years from the date of grant.



An invention may require more than one type of protection. Here is U.S. Design Patent No. D831,504, Six-Pack Container Carrier with Raised Strap, which protects the ornamental characteristics of the product, whereas the Container Carrier with Flexible Raised Handle (U.S. Patent No. 11,001,428, pictured in the utility patents section directly above) protects the functional characteristics of the carrier.



Plant



Plant patents

The USPTO grants plant patents on new varieties of asexually-reproduced plants, e.g., plants grown from cuttings or bulbs, rather than those grown from seed. Plants grown from tubers, such as potatoes, or plants found in uncultivated states cannot be patented. However, plants grown from tubers and some other types of plants may be protected under the Plant Variety Protection system through the U.S. Department of Agriculture. See [https://www.ams.usda.gov/rules-regulations/pvpa#:~:text=The%20Plant%20Variety%20Protection%20Act,seed\)%20or%20tuber%2Dpropagated](https://www.ams.usda.gov/rules-regulations/pvpa#:~:text=The%20Plant%20Variety%20Protection%20Act,seed)%20or%20tuber%2Dpropagated).

The plant patent term lasts for 20 years from the date of filing of the application. It gives the patent owner the right to exclude others from asexually reproducing the plant, and from using, offering for sale, or selling the plant in or importing it into the United States. 35 U.S.C. 163. This protection is limited to a plant in its ordinary meaning. Algae and macro-fungi are regarded as plants, but bacteria are not.



U.S. Plant Patent 307, Poinsettia is one example of a plant patent.



Section 2 summary

We covered IP types and the benefits of each, the role of the USPTO, and the patent types available for your inventions. It's exciting to have an invention and consider what types of IP protection may best protect it. A key piece to the process is to see what qualifies (or disqualifies) an invention for a patent. Because most patent applications filed at the USPTO are for utility patents, the rest of this toolkit will focus on utility patent requirements. We'll explore these requirements in the next section.



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Section 3

What qualifies an invention for a utility patent?

Overview

Let us assume you have an idea or invention and want to know if you can apply for a patent. Like many industries, certain laws, regulations, policies, procedures, and guidance must be followed. This section summarizes some of the laws and procedures that cover the patent process. It details the subject matter categories of utility inventions and some of the conditions required for an invention to qualify for a patent as stated by patent laws.

Manual of Patent Examining Procedure (MPEP)

[The MPEP](#) is published by the USPTO to provide a reference on the practices and procedures related to the prosecution of patent applications and other matters before the USPTO.

We encourage reviewing the MPEP sections cited in this toolkit to help guide you through the patent application process.

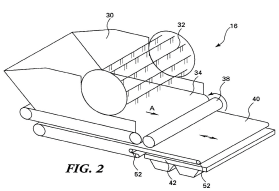
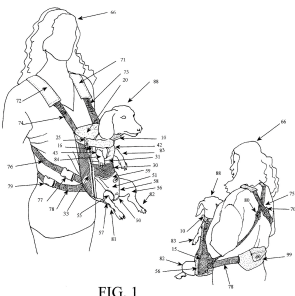
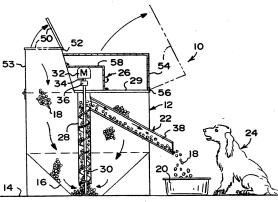
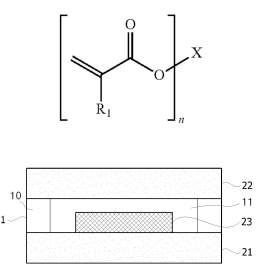




Categories of utility inventions

A utility patent may cover “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” There are four types of inventions eligible for a utility patent: a process, a machine, an article of manufacture, and a composition of matter. Any invention that is a new and useful improvement in one of these four categories of invention is also eligible for a utility patent. See [MPEP 2106.03](#).

Let’s take a closer look at the four categories of invention. The table below provides explanations from case law [cited in the MPEP](#). We added some example patents to help differentiate between the categories.

CATEGORY	Process (“actions” — i.e., an invention claimed as an act or step, or a series of acts or steps — or “method”)	Manufacture (“a tangible article that is given a new form, quality, property, or combination through man-made or artificial means”)	Machine (“concrete thing, consisting of parts, or of certain devices and combination of devices”)	Composition of matter (“combination of two or more substances and includes all composite articles”)
EXPLANATION	An act, or a series of acts, performed upon the subject-matter to be transformed or reduced to a different state or thing.	An article produced through manufacturing, wherein the article is formed from starting materials that have been altered or arranged to have new forms, qualities, properties, or combinations. Also includes the parts of a machine considered separately from the machine itself.	Includes every mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result.	Includes all compositions of two or more substances. Also, all composite articles, whether they be the results of chemical union or of mechanical mixture, or whether they be gases, fluids, powders or solids.
EXAMPLE	U.S. Patent No. 6,048,556: Method for making a stuffed pizza crust 	U.S. Patent No. 10,321,661: Personal dog carrier harness system with integrated internal support and padded neck support 	U.S. Patent No. 5,363,805: Automatic pet feeder 	U.S. Patent No. 11,319,468: Adhesive composition 

It is not required to limit the invention to only one category, so long as it is clear that the invention falls into at least one category. An invention may even fit into more than one category. For more information, see [MPEP 2106.03](#).



Other patentability criteria

Here are some other common requirements to meet the conditions for patentability.

Novel	Nonobvious	Adequately described and enabled	Claims are written in clear and definite terms
The invention is different from all other inventions.	The differences between the claimed invention and the closest prior art are such that the invention as a whole would require more than common sense to make the invention.	How to make and how to use the invention by a person who knows the subject matter or art.	The inventor(s) must clearly and distinctly describe their invention.

Now that we have explored the subject matter categories and the patentability conditions, we can use the worksheet on the next page. The worksheet will help you see whether your invention may qualify for a utility patent. This worksheet can also help you begin thinking about how to write your patent application.

Please note that for the USPTO to make a formal determination, a non-provisional application would need to be filed.



Patentability



Utility invention pre-application evaluation exercise

The worksheet will help you see whether your invention would qualify as a utility patent. Please note for the USPTO to make a formal determination, a non-provisional application would need to be filed.

Pick the category your invention falls into (it is ok if it falls into more than one):

- ☐ Process
- ☐ Machine
- ☐ Article of manufacture
- ☐ Composition of matter

Fill in each section below:

What is the problem you are trying to solve?

How did you solve it?

What makes your solution different from others?



Novel — List features of your invention that are different from other similar inventions you have seen:

Non-obvious — Describe what features of your invention would not be obvious to someone skilled in the same field as your invention:

Adequately described and enabled

On another sheet of paper, write a detailed description of your invention. Try to give enough detail so that someone else can make and/or use your invention. (Note: this is only an exercise. A finalized description is not necessary).

Claims written in clear and definite terms

On another sheet of paper, write out the features of your invention. Write a sentence describing the features of your invention you would like to protect. (Note: this is only an exercise. Finalized claims are not necessary).



Cautions in sharing your invention

The term, “public disclosure,” means you shared your invention in public. That can include description in a printed publication, in public use, on sale, or otherwise publicly available. Such a disclosure may be used as a “prior art” disclosure to make your invention no longer novel or to make it obvious.

The term “art” refers to the field of technology, study or subject matter of the invention. “Prior” art is all the information that has been made available to the public in any form (including Patents, Articles, Books, flyers, etc.) before a given date. Refer to the chart below to identify what may be considered a prior art public disclosure.

Prior disclosures as prior art

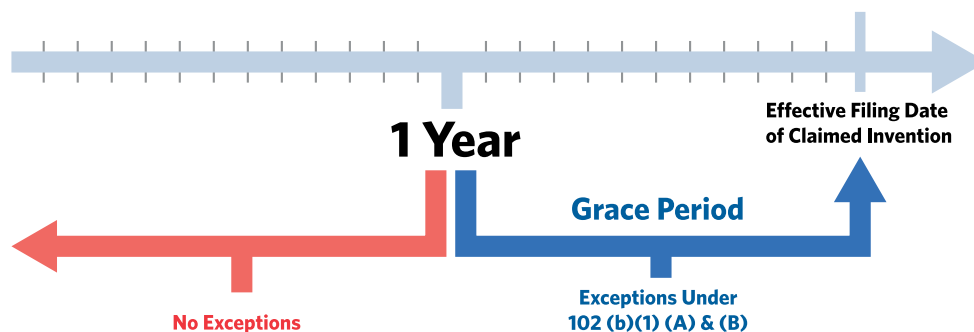
The claimed invention was, before its effective filing date:

- Patented
- Described in a printed publication
- In public use
- On sale
- Otherwise available to the public. See MPEP 2154.01(b).

or described in a U.S. patent issued or in a U.S. application for patent published, in which the patent or application names another inventor and was effectively filed before the effective filing date of the claimed invention.

Releasing your invention to the public before filing a patent application can possibly prevent you from receiving a patent on that invention. In the U.S., you have a one-year grace period before filing a patent application during which your disclosure won’t be considered prior art. The grace period does not prevent someone else learning about your invention, making an improvement to your invention, and filing a patent application on that improvement during that period. Importantly, releasing your invention to the public before filing a patent application may prevent you from getting patent protection in any country that does not have a similar grace period.

Grace Period Exceptions under 102 (b)(1) (A) & (B)





Section 3 summary

To help you evaluate if your invention may be eligible for patentability, you can identify the subject matter category of your invention. You can then review some of the patentability criteria. After that you can complete the provided worksheet. It is also important to understand the cautions around publicly disclosing your invention.

If you choose to file a patent application, we recommend using this toolkit to help you prepare. We also encourage you to become a registered user/eFiler to gain access to the full capabilities of the USPTO Patent Electronic System (currently Patent Center). Section 4 in this toolkit will explain how to become a registered user/eFiler.

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Section 4

Becoming a registered user/eFiler

Overview

Setting up a USPTO.gov account and becoming a registered user/eFiler is a great way to ensure quick communication between you and the USPTO. This section will guide you through becoming a registered user/eFiler with the USPTO. This will allow you to have full access to the USPTO Patent Electronic System (currently Patent Center) and communicate well with our office.

Patent Center

The current USPTO Patent Electronic System

All patent applicants can become a registered user/eFiler. This will allow you to have full access to Patent Center for electronic filing and management of patent applications.

Your patent application does not have to be ready to file in order to register for a verified USPTO.gov account. Start this process as early as you can so that, when you are ready, you can file as a registered user/eFiler and gain all the benefits listed above. A USPTO.gov account uniquely identifies you and allows secure access to your patent data. After creating a USPTO.gov account, you have two options to become a registered user:





Establishing your USPTO.gov account

A USPTO.gov account helps to uniquely identify you and allow secure access to your patent data.

Step 1: Create your USPTO.gov account.

Here are the steps to setting up your account:

- 1 Access the MyUSPTO page
<https://my.uspto.gov>
- 2 Under the "I need an account", select
"Create a USPTO.gov account."
- 3 Complete the data fields with your
information

The screenshot shows the MyUSPTO sign-up page. The browser address bar is highlighted with a red circle and the number 1. The page features a navigation bar with links for Patents, Trademarks, Fees and payment, Contact Us, MyUSPTO, and Sign in. The main content area is titled 'MyUSPTO' and describes it as a single place to manage intellectual property. Below this, there are two buttons: 'Log in with your USPTO.gov account' and 'Create a USPTO.gov account'. The 'Create a USPTO.gov account' button is highlighted with a red circle and the number 2.

The screenshot shows the 'Create a USPTO.gov account' form. The browser address bar is highlighted with a red circle and the number 3. The form includes fields for Email address, Title (a dropdown menu), First name, Middle name, Last name, Suffix, and Phone. A note states 'Entries are restricted to English characters only. * indicates required'. The 'Create a USPTO.gov account' button is highlighted with a red circle and the number 3.



Option 1;

Step 2: Verify your identify with ID.me

We use the identity verification platform called ID.me to simplify the application process, create efficiencies, and bolster enforcement against outside threats.

ID.me substantially expedites the verification process, enabling users to complete identity verification within 30 minutes. Customers using ID.me can then self-enroll into Patent Center and immediately begin using all available features.

Additional benefits of ID.me include:

- **Fraud Mitigation:** Reduces the risk of bad actors fraudulently accessing your account.
- **Data Security:** Offers increased cyber security for Patent Center to further protect application data.
- **Efficiency:** Enables faster self-enrollment for Patent Center access.
- **Convenience:** Allows users to use the same ID.me identify proofing for both trademarks and patents filing systems (users who have already completed the ID.me identity verification for Trademark Center do not have to go through the process again and can immediately complete the self-enrollment process in Patent Center).

Identification verification through ID.me is voluntary, and customers still have the option to mail a Patent Electronic Verification form to become a new Patent Center authenticated user as noted below in option 2.

ID.me **HELP CENTER**Go to ID.meEnglish (US) ▾

ID.me Help Center > Identity Verification > Federal agencies > United States Patent and Trademark Office

USPTO and ID.me

In this article

- Sign in to your USPTO.gov account
- Verify for USPTO with ID.me
- Who to contact for help

Need to access the United States Patent and Trademark Office (USPTO) online portal? Learn how to verify your identity using ID.me, whether you're applying for trademarks or patents. This article covers login steps, verification options, and how to get help if you have trouble.

Sign in to your USPTO.gov account

If you already have an ID.me account, sign in to your account and share your information with USPTO. Follow the steps below for the USPTO application you need to access:

- [Trademarks](#)
- [Patents](#)



Option 1;

Step 3: Self enroll in patent center

Patent Center self-enrollment allows ID.me verified, registered patent practitioners and inventors to become registered Patent Center users and have full access to the online tools.

Registered patent practitioners will self-assign their registration number and associated customer numbers to their USPTO.gov account. Registered independent inventors can self-assign their preexisting customer numbers to their USPTO.gov account.

If you do not have an existing customer number, one can be created in Patent Center once the self-enrollment process is complete.

Visit Getting started: [Patent Center](#) new users for self-enrollment instructions.

The screenshot shows the USPTO Patent Center homepage. At the top is the USPTO logo and a navigation bar with links for Patents, Trademarks, Fees and payment, Contact Us, MyUSPTO, and a Sign in link. Below this is a 'Patent Center' header with a sub-navigation bar containing Home, New submission, Existing submissions, Petitions, Post grant, and Search. The main content area features a search bar for patent applications, a section for activities (New submission, Existing submissions, Petitions, Post grant), and a section for the Patent Center account with a Sign in link.

uspto

Patents Trademarks Fees and payment Contact Us MyUSPTO [Sign in](#)

Patent Center

Home New submission Existing submissions Petitions Post grant Search Patent Center Help

Search for a patent application
Search by application number, patent number, PCT number, publication number or international design registration number.

Application # Search

Activities
Perform activities from submissions to post grant request and admin tasks such as managing customer numbers & practitioner associations with customer number

New submission
File utility, design, national stage and international submissions
The specification, claims, and abstract for a new utility nonprovisional patent application must be filed in DOCX format in order to avoid an additional fee up to \$400.

Existing submissions
Add documents, responses, pay fees, submit a corrected ADS and much more

Petitions
File ePetitions for automatic processing and immediate grant, if all requirements are met

Post grant
Perform post grant activities such as a request to reissue, or a request for reexamination

Patent Center account
Have a Patent Center account? [Sign in](#) using your credentials. If you do not have a Patent center account, follow easy steps to obtain one.



Option 2

Step 2: Complete and mail CNR and PEV forms.

We create a unique customer number for you instead of a physical address. The number allows you to easily connect all your filings to a single mailing address. This will eliminate typos or address errors that can hinder receiving patent correspondences from us. Here's how to receive your number:

- Print or download the [Request for Customer Number \(CNR\) form](#).
- Complete the data fields (see example below).

1

Independent or pro se (not using an attorney or agent) inventors: Type or print your full first and last name and address. Attorneys or agents may type or print their firm name (if applicable) or their individual name.

2

Complete this section only if you are a USPTO-registered attorney or agent.

3

Independent or pro se inventors must provide a signature, write your name (the same name you use in your USPTO.gov account), and add the date and your phone number.

PTO/SB/125A (11-08)
Approved for use through 09/30/2025. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request for Customer Number		Address to:	
		Mail Stop CN Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	

☐ Although the Requester acknowledges that Internet communications are not secure, the Requester hereby authorizes the USPTO to send the assigned customer number by e-mail to the email address listed below.

To the Commissioner for Patents: Please assign a Customer Number to the address indicated below:				
Firm or Individual Name				
Address				
City	State	Zip		
Country				
Telephone	Email			

Please associate the following practitioner registration number(s) with the Customer Number assigned to the address cited above:

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto.

Request Submitted by:			
Firm Name (if applicable)			
Signature			
Name of person submitting request	Date		
Registration Number, if applicable	Telephone Number		

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0035. Public burden for this form is estimated to average 12 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Next, complete the [Patent Electronic System Verification \(PEV\) form](#) to use the Patent Electronic System (currently Patent Center). This form must be notarized by a notary public, a state official appointed to witness the signing of documents. If needed, consult your local bank or library for help in finding notary services.

Patent Electronic System Verification Form		Address to: Mail Stop EBC Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		USPTO Use Only	
Block 1 - Requestor Status Please refer to form fill instructions to minimize processing delays					
(select one) ☐ Registered Practitioner ☐ Limited Recognition Practitioner ☐ Pro Se Inventor		Practitioner Registration Number or Limited Recognition Number: 		Practitioners ONLY Check box to indicate that additional customer numbers are listed on an attached sheet ☐	
Customer Numbers - Enter in Space(s) Provided Below A customer number is an application electronic tracking number assigned by the USPTO that associates your Patent Electronic System account with one or more patent applications. Please see the instructions if you don't already have a customer number.					
Customer Number	Customer Number	Customer Number	Customer Number	Customer Number	Customer Number
Block 2 - Requestor Information (All Information Required)					
First (Given) Name		Middle Name		Last (Family) Name	
Street Address (line 1)					
Street Address (line 2)					
City	State	Zip	Country		
Telephone Number (select phone location)	☐ home ☐ work ☐ cell		USPTO.gov Email Address		
Block 3 - Type of Action Requested (Must Select at Least One)					
☐ Request a new Patent Electronic System account					
☐ Update Patent Electronic System account -- USPTO.gov email address has been changed Previous email address: 					
☐ This is a name change. For registered practitioners or practitioners granted limited recognition, the name provided must correspond to Office of Enrollment and Discipline records. Please enter the name under which the Patent Electronic System account was previously created below, and enter new name in space provided in Block 2: Previous Name: 					
☐ Associate current Patent Electronic System account with the customer numbers detailed in Block 1					
☐ Revoke current Patent Electronic System account					
☐ Other - Describe in Detail: 					
Block 4 - Signature (Required)					
I have read and understand the Subscriber Agreement (as listed on www.uspto.gov/ebc) and my signature on this document, by hand, is my agreement to abide by the Agreement and the rules and policies of the USPTO regarding the Agreement.					
I certify that the information, statements and representations provided by me on this form are true and accurate to the best of my knowledge. I understand that a willfully false certification is a criminal offense and is punishable by law (18 U.S.C. 1001).					
Signature Required (Requestor from Block 2)				Date (mm/dd/yyyy)	
Patent Electronic System Verification Form					
Address to: Mail Stop EBC Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		USPTO Use Only			
Block 5 - Identification (Required)					
SUBSCRIBED and SWORN to before me by _____ (requestor from Block 2) this _____ day of _____ (month), 20____, in the county of _____ in the State of _____				Notary Seal	
Notary Public _____ (signature)					
MY COMMISSION EXPIRES: _____					

1 If you are an independent inventor (not working with a patent practitioner), you are considered a pro se inventor and need to check that box on your form. Fill in your USPTO-assigned customer number. You can leave the customer number field blank if you don't already have a customer number. A customer number will be generated by the USPTO when you mail both the PEV and the CNR forms together.

2 "First (given) Name" and "Last (family) Name" is the name appearing on your birth certificate, or a subsequent legal document changing your name. To eliminate delays, ensure your name on this form matches the registration name on your USPTO.gov account.

3 To associate your customer number with your online accounts, select the box "Associate current Patent Electronic System account with the customer numbers detailed in Block 1."

4 Sign your name exactly as completed in Step 2 above (the same name you submitted on your customer number request form and USPTO.gov account).

5 Have the completed form notarized by a notary public. If necessary, find a notary public at the nearest Patent and Trademark Resource Center (PTRC), bank, or library.



Once the CNR and PEV forms are completed, mail the original, notarized hard copy of the PEV form (no faxes or copies) along with the original CNR form to:

**Mail Stop EBC Customer Number
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Mailing the PEV form and the CNR form together will ensure that your newly generated customer number is connected with your USPTO.gov account. Expect about one to two weeks for processing.

Option 2;

Step 3: Verify your account.

Once you receive an email from us saying you are a registered user, you must opt in for two-step authentication. This ensures you are who you say you are. Log in to MyUSPTO and activate the two-step authentication to verify your account. If the Electronic Business Center (EBC) determines you have not selected two-step authentication when they process the PEV form, they will select an authentication option for you.

Once you've completed these three steps, you will have full access to Patent Center and all its resources available to registered users/eFilers.

Helping inventors without internet access and fax services

If you struggle with internet access, PTRCs feature experts trained in searching online for patent information. They provide the human touch no webpage or legal book can provide, helping you find the information you need to protect your intellectual property. Remember, though, that PTRC representatives cannot provide legal advice. Search the online database for the nearest PTRC in your state.



Section 5

Getting started with patent terms and concepts

Section 5 overview

This section will cover the common terms and concepts used throughout this toolkit. Refer to this section when you see an unfamiliar term or concept. Many of the terms presented below have a specialized meaning within the patent law field. You can search for these terms in other patent guidance documents. The Manual of Patent Examining Procedure (abbreviated here as “MPEP”) is prominent among such guidance.

Here is a list of some key patent terms and concepts.

Abandonment

When you don’t respond to a USPTO communication by the given time period, your application will be inactive (which means it can’t mature into a patent).

Allowable subject matter

A phrase or combination of phrases in a patent claim that are both novel and non-obvious.

Allowance

The decision by the USPTO to award a patent.

Antecedent basis (or sometimes lack of antecedent basis)

Clear support in the claims or the patent specification for words in a claim. Allows the meaning of the words to be clearly understood. See MPEP 2173.03. A confusing variety of terms for the same thing is not permitted in an application. See MPEP 608.01(o).

Art

The field of technology, study or subject matter of the invention.

Claims

Define the invention for which patent protection is sought. The specification must conclude with at least one claim. Claims should particularly point out and distinctly identify the subject matter which the applicant regards as the invention or discovery. The invention claimed must conform to the invention set forth in the remainder of the specification. The terms and phrases used in the claims must find clear support or antecedent basis in the description. In this way, the meaning of the terms in the claims may be clearly understood by reference to the description. (See 37 CFR 1.75).

Independent claims do not refer back to or depend on another claim. Dependent claims refer to a previous claim and specify a further limitation (i.e., aspect of the invention).



Drawings

You are required to furnish a drawing of the invention where necessary to understand the subject matter sought to be patented.

Effective Filing Date

This is often the actual filing date of the patent or patent application of concern. The effective filing date can also be the filing date of an earlier-filed patent application. To obtain an earlier effective filing date, the applicant must demonstrate entitlement under the law to foreign priority or domestic filing date. See 35 U.S.C. 100(i)(1).

Formalities

This concerns certain formal requirements that apply to the content of the application.

Nonobvious

This means the differences between the claimed invention and the closest prior art are such that the invention as a whole would require more than common sense to make the invention.

Novel(ty)

Your invention is different from all prior art disclosures.

Obvious(ness)

This means that despite the differences between the claimed invention and the closest prior art, a person working in the same field would have made the invention using common sense and information already known in the field.

Patent disclosure

The written description, claims and any drawings in your application must be sufficient to make your invention known and to enable others to make and use your invention. This is in return for the exclusionary rights granted to the inventor by a patent.

Patent practitioner

A patent attorney or agent who is authorized to represent others in patent matters before the USPTO. This is an individual who has passed the USPTO's registration exam. Only a registered patent practitioner may be appointed to prosecute a patent application on behalf of the applicant.

Prior art

All the information that has been made available to the public in any form (including Patents, Articles, Books, flyers, etc.) before a given date.

Prior art disclosure

Often in the form of a document published prior to the effective filing date of an invention claimed in a patent application. Common prior art disclosures are patent documents and non-patent literature that disclose a claimed invention. Prior sales and public uses of the invention may also be prior art disclosures.



Prior art search

A thorough review of publicly available information sources relevant to the claimed invention. This is done to find out if an invention, or portion of an invention, has been previously disclosed by prior art.

Prosecution

The process of communicating with the USPTO to resolve issues and reasons for unpatentability that have been raised by the examiner. For applicants, the goal of patent prosecution is to be granted a patent.

Specification

Contains a detailed written description of the invention, identifying the exact invention you are claiming. The process of making and using your invention must be included. The specification must distinguish your invention from other inventions and from what is old. Full, clear, concise, and exact terms must be used. Your specification must enable any person skilled in the relevant technology to make and use your invention. This requires a complete description of a specific embodiment of the process, machine, manufacture, composition of matter, or improvement. The best mode contemplated for carrying out the invention also must be included.



USPTO number assignments

You may be confused about the different numbers that may be assigned to your application. The chart below shows the number types and their purposes. Your application may not have all of the below number types assigned to it. **Note:** Filing an application and receiving an application and/or publication number is not the same as getting a patent — these are separate processes covered in later sections.

Number Type	Customer	Application	Publication	Patent
Purpose	Used in place of a physical address, you can be provided a customer number to allow easy association of all application filings to a single mailing address, eliminating typos or address variations that can hinder receiving USPTO correspondences.	Upon filing, your application will be assigned an application number. An example of an application number is: 18/123,456	After 18 months, we publish most applications in our database and assign a publication number to the published application. An example of a Publication Number is: US 2010/0311061	If your claimed invention is patentable and we issue you a patent, the patent that is granted will be assigned a patent number. An example of a Patent Number is: U.S. Patent No. 3,470,828



United States Patent and Trademark Office

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 [USPTOvideo](https://www.youtube.com/USPTOvideo)

 [@uspto](https://www.instagram.com/uspto)

 [USPTO](https://www.linkedin.com/company/uspto)