

### ***Glossary of IP Terms***

<b>Term</b>	<b>Definition</b>
Abstract of the Disclosure (AKA Abstract)	A component of a patent application - A concise statement of the technical disclosure including that which is new in the art to which the invention pertains.
America Invents Act (AKA the AIA)	A US federal statute signed into law in September 2011, which ushered in the most sweeping changes to our patent system since 1952. The act was intended to harmonize US patent law with the European model, and is most notable for changing our patent system to a first inventor to file system, from a first to invent system.
Application (patent)	A nonprovisional utility patent application includes a specification, a claim or claims, drawings, an oath or declaration by the inventors, and the prescribed filing fee. A provisional patent application is less formal, only requiring a fully enabling description of the invention, a named inventor, and the prescribed filing fee.
Application Number (patent)	The unique number assigned to a patent application by the patent office upon filing. The application number includes a two digit series code and a six digit serial number (e.g. XX/XXXXXX)
Assignment	The transfer of rights from one party (the assignor) to another (the assignee), preferably recorded promptly at the patent office to provide public notice.
Claims	The claims as issued define the invention legally and determine the scope of protection granted. The claims, as well as the terms and phrases used in them, must be clearly supported by the description in the patent.
Continuation in Part (CIP)	A patent application filed during the lifetime of an earlier nonprovisional application, repeating some substantial portion, or all, of the earlier nonprovisional application, and adding matter not disclosed in the earlier nonprovisional application. The later-added material gets the filing date of the CIP as its effective priority date.

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Continuation Application	A patent application based on a specification used in a prior nonprovisional application and filed before the first application becomes abandoned or issued. Although no new material may be added to the specification, the claims may be modified to include material already in the specification but not previously claimed. The term may also extend to Divisional and Continuation-In-Part applications.
Copyright	A form of intellectual property protection given to original works of authorship reduced to tangible form, including works stored on machine readable storage mediums.
Declaration (Dec)	A short document that each inventor must sign which asserts that the inventor is the original inventor and has read and understood the contents of the application.
Derivation Proceeding	Replaces Interference proceedings, used to determine if the subject matter of an earlier filed patent application was derived from an applicant who later filed an application for the same subject matter.
Design Patent	Form of legal protection granted by the USPTO for ornamental aspects of articles of manufacture. Consists mainly of drawings. Narrow in scope, 14 year term, no maintenance fees.
Disclosure	In return for a patent, the inventor must provide a complete revelation or public disclosure of the invention for which protection is sought, through publication of the application to the general public by the patent office.
Divisional Application	Generally a divisional application is the result of a restriction requirement, issued when the patent examiner determines that there are two inventions disclosed within a single patent and requires the applicant to choose one or the other to prosecute in the application (an election). Applicant refiles the same application with claims not elected in the first filed or "parent" application. The Divisional case enjoys the same priority date as the original case.
Election (Response to Restriction)	Applicant's choice of which claims to prosecute in an application currently undergoing prosecution where the examiner has determined more than one invention is claimed, i.e. Response to a Restriction Requirement.
Electronic Filing System (EFS)	USPTO's web based patent application and document submission portal.

Embodiment	A particular representation of an invention from among possibly many. The "preferred" or "best mode" embodiment is required to be disclosed in a patent application.
EPO	European Patent Office
Filing Date	The date of receipt in the Patent Office of an application which includes at least (1) a specification containing a description and, if the application is a nonprovisional application, at least one claim, and (2) any required drawings.
Freedom to Operate (FTO)	A search and analysis of claims of related patents still in force, to determine if a license is needed to use a particular technology or invention. Freedom to Operate implies a presumed defense of non-infringement and/or invalidity of the subject claims. A license requirement implies possible infringement of the subject claims.
Information Disclosure Statement (IDS)	A statement made by the applicant in support of an application before the USPTO detailing any references of which the applicant has knowledge which could impact patentability.
INTA	International Trademark Owners Association
Intent to Use (ITU)	A type of federal trademark application used where the mark has not yet been put into use in interstate commerce. Must file a statement of use, with an additional fee, before registration can issue.
International Application	An application filed under the Patent Cooperation Treaty.
Invention	For patent purposes; an art or process (way of doing or making things), machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States, i.e. new, useful, and non-obvious in light of the applicable prior art.
IPO	Intellectual Property Owners Association
Issue Fee (IF)	The grant fee required by the USPTO after substantive prosecution has been completed, and resulted in a notice of allowance, in order to obtain an issued patent.
JPO	Japan Patent Office
License	A grant of permission to engage in an activity from which the licensee might otherwise be excluded by law.
Maintenance Fees (MF)	Fees for maintaining a patent in force over its available term.

Micro Entity	A new patent office classification entitling some applicants to pay reduced (by 75%) patent office fees, under certain circumstances. Consult counsel for details.
MPEP	Manual of Patent Examining Procedure published by the USPTO - Frequently referenced by patent examiners and attorneys alike, this manual describes the laws and regulations that must be followed in the examination of patent applications, and provides relevant examples of an enormous number of specific situations.
National Stage Application	A national or regional application filed in accordance with Patent Cooperation Treaty (PCT) based on a prior filed and still pending PCT application. Such an application is filed under 35 U.S.C. §371 in the United States and is referred to as a "371 application."
Nonprovisional Patent Application	An application for patent filed under 35 U.S.C. 111(a); wherein patent application includes all patent applications (i.e., utility, design, plant, and reissue) except provisional applications. The nonprovisional application initiates the examination process.
Notice of Allowance (NOA)	Issued to applicant if, after substantive examination by the USPTO, the examiner determines that the applicant is entitled to a patent. Further formalities must be completed, and fees paid, before a patent will be granted.
Notice of Publication (NOP)	Unless the applicant formally objects in advance, patent applications are normally published and accessible on the USPTO website <a href="http://www.USPTO.gov">www.USPTO.gov</a> 18 months after the filing date or the priority date if claiming to an earlier filed application.
Office Action (OA) and Office Action Response (OAR)	Formal correspondence issued by a USPTO examiner during prosecution of a patent or trademark application, indicating status of prosecution, e.g. a rejection or notice of allowance. Office Actions must be properly responded to by the Applicant or its Attorney (Office Action Response) within the legal time limit, or the case will go abandoned.
Opinion, re patents	Legal Opinions regarding "patentability" are the result of legal analysis of a particular idea/invention/technology as compared to: for "patentability", related published trade literature and patents; for "infringement", the claims of selected, closely related current patents.
Parent Application	The term "parent" is applied to an earlier application upon which the current application is based and claims priority.

Patent	In the U.S., a property right granted by the Federal Government to the inventor (and typically assigned to his or her employer) "to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States" for a limited time in exchange for public disclosure of the invention. See also design patent, nonprovisional patent application, plant patent, provisional patent application, and utility patent.
Patent Application Information Retrieval (PAIR)	Provides public online web access to current patent application status, documents submitted or sent by the USPTO, and other information. Private PAIR gives extended access to registered users.
Patent Attorney/Patent Agent	(Either may be referred to as a practitioner) - A Patent Attorney is an individual who is a member in good standing of the bar of any United States court or the highest court of any State AND who is registered to practice before the Patent Office. A Patent Agent is one who is NOT an attorney, but is registered with the Patent Office and authorized to act for or in the place of the applicant(s) before the Office. Also, sometimes we refer to our foreign associates, normally patent attorneys in their own jurisdictions, as "Agents."
Patent Cooperation Treaty (PCT)	Provides a mechanism by which an applicant can file a single application that, when certain requirements have been fulfilled, is equivalent to a regular national filing in each designated Contracting State. There are currently over 112 PCT Contracting States.
Patent Number	Unique 8 digit alpha-numeric code assigned to a patent application when it issues as a patent. Some information can be gathered from the prefix used before the remaining numeric digits, (Utility patents use numbers only, Reissue patents begin with "RE," Plant patents begin with "PP," and Design patents begin with "D.")
Patent Pending	A legal phrase that when used in conjunction with the subject of a valid pending patent application, serves as a warning that a patent may issue that would cover the item and that copiers should be careful because they might infringe if the patent issues. Once the patent issues, if at all, the patent owner will stop using the phrase "patent pending" and start using suitable patent markings such as "U.S. Patent Number XXXXXXXX." Misusing the phrase "patent pending" where an application has expired or not been filed can result in a fine.

Patent Prosecution	The process by which a patent is applied for and issued, or abandoned. This process involves the applicant, and applicant's agents or attorneys authorized to practice before the USPTO, and the USPTO, specifically examiners whose job it is to determine whether or not a patent should be granted. This process generally involves a give and take between the office and applicants to determine the proper scope of the patent.
Patent Prosecution Highway (PPH)	An international set of agreements by which, under certain circumstances, the prosecution of a patent application will be accelerated due to a favorable decision regarding a parallel application for the same invention filed in another jurisdiction.
Policing a Trademark	Maintaining vigilance with respect to infringement of a trademark and taking prompt action to defend a mark when unauthorized use is discovered.
Power of Attorney (POA)	Written authorization for one to act on behalf of another. Frequently used in patent prosecution to allow the patent attorney or agent to represent the individual before the USPTO.
Priority Claim	A claim to the benefit of the filing date of an earlier filed application which at least partially discloses subject matter contained in the current application.
Publication Number	A number assigned to published patent applications. It includes the year, followed by a seven digit number, followed by a kind code. Example 20001234567A1
Receiving Office (RO)	The national Office or the intergovernmental organization with which an international application has been filed.
Request for Continued Examination (RCE)	A request filed in an application in which prosecution is closed (e.g., the application is under final rejection or a notice of allowance) that is filed to reopen prosecution and continue examination of the application; requires the filing of a submission and payment of a fee -- See 37 CFR 1.114
Restriction Requirement	Where two or more inventions are claimed in a single application, the examiner may require the applicant to elect (designate) a single invention to which the claims will be restricted (limited to). This is known as a requirement for restriction or division.
Serial Number	A number assigned to a patent application when it is filed. A serial number is usually used together with a two digit series code to distinguish between applications filed at different times.

Small Entity	For USPTO purposes, a for-profit company with 500 or fewer employees, a nonprofit organization or an independent inventor. Entities meeting such requirements are eligible for reduced patent fees (50% discount).
Specification	A written description of the invention and the manner and process of making and using it.
Statement of Use (SOU)	Relevant to trademark law, it is a statement by applicant for a trademark indicating that the applicant has used the mark in commerce. Can be filed with the original application or afterwards, in the case where the original application is an intent to use application.
Trade Secret	Information not generally known or readily ascertainable which a business may use to gain advantage over the competition. The information must be appropriately secured in order to receive statutory protection for its theft.
Trademark	Words, names, symbols, sounds, smells or colors used to indicate the source of goods or services. Although some protection is available under common law, federal and/or state registration of a mark has numerous, and significant, benefits. Trademarks, unlike patents, can be renewed forever as long as they are being used in business.
Utility Patent	May be granted to anyone who invents or discovers any new, useful, and non-obvious process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof. See also patent.
World Intellectual Property Organization (WIPO)	An intergovernmental organization of the United Nations system. WIPO is responsible for the promotion of the protection of intellectual property throughout the world and for the administration of various multilateral treaties dealing with the legal and administrative aspects of intellectual property.