



COMPREHENSIVE PATENT SEARCH REPORT

ABOUT THE PATENT SEARCH REPORT

A patent search report uncovers inventions similar to yours. Each similar invention found is called a "prior art" and are all inventions disclosed before yours. To be granted a patent by the US Patent & Trademark Office (USPTO), Patent Office examiners must determine that your invention meets the three patenting criteria of being *novel, non-obvious, and useful* when compared to prior art.

Having a patent search report provides you with valuable information. The report will show you prior art that may be used by the USPTO when examining your invention.

Using this information, you can make a preliminary assessment towards whether or not the USPTO will consider your invention novel, non-obvious, and useful. You can then decide if you wish to continue to file a patent application. In addition, you can make changes or additions to your invention in order to make it more unique, before submitting a patent application.

דוח חיפוש פטנטים חושף אמצאות דומות לשלך. כל אמצאה דומה נקראת "ידע קודם" והנן כל האמצאות שנחשפו לפני האמצאה שלך. בכדי לקבל פטנט על ידי משרד הפטנטים וסימני המסחר האמריקאי (USPTO) – בוחני משרד הפטנטים חייבים לקבוע כי האמצאה שלך עונה על 3 הקריטריונים של חדשנות, לא מובנת מאליה ושהאמצאה שימושית בהשוואה לאמצאות קודמות. דוח חיפוש פטנטים מספק לך מידע בעל ערך. הדוח יציג בפניך ידע קודם שכנראה ינוצל על ידי הבוחן של ה-USPTO כאשר יבוא לבחון את המצאתך. באמצעות מידע זה, אתה יכול לעשות הערכה ראשונית לגבי האם או לא ישקול הבוחן של ה-USPTO את האמצאה שלך כחדשה, לא ברורה ושימושית. לאחר מכן תוכל להחליט אם ברצונך להמשיך להגיש בקשה לפטנט. בנוסף, אתה תוכל לבצע שינויים או תוספות על האמצאה שלך כדי להפוך אותה לייחודית יותר, וזאת לפני הגשת הבקשה לפטנט.

NO GUARANTEE OF FINDING ALL SIMILAR INVENTIONS OR FUTURE PATENT APPROVAL. NOT A LEGAL OPINION, INFRINGEMENT OPINION, OR FREEDOM TO OPERATE OPINION

You understand and accept that there is absolutely no guarantee that we will find all similar inventions (prior art), or that we will find all prior art that may be used by a patent examiner to potentially reject your patent application should you decide to file a patent application in the future. Whether a prior art is considered similar enough to your invention is a subjective determination which will vary from individual to individual. Therefore, it is possible that we may find prior art that a patent examiner will not use in a patent application rejection or conversely, a patent examiner may use a prior art in a patent application rejection that we do not find. Patent searching is not an exact science and it is common for prior art to not be found. Further, recently filed patent applications not published cannot be found in a patent search. A patent search should not be relied upon as a definitive conclusion as to whether your invention can or cannot obtain a patent. Instead, a patent search should be used as a general assessment of the patentability of your invention, as well as for use in improving your invention over existing inventions to increase your overall patentability. Any patentability opinion that is provided in the search report is a professional opinion only and comes with absolutely no guarantee of the outcome of a patent application. You agree to hold us harmless for any actions or inactions you may take while relying on the search report we provide. Should a patent application be rejected, there is no refund of any fees paid, including this patent search fee. You agree not to seek losses from us for any costs you may have incurred through reliance of our patent search.

A patent search report gives a general assessment as to the likelihood an invention can obtain a patent. It does not give an opinion as to you have the freedom to sell your invention without infringing upon another's patent. It is possible for your invention to be patentable and obtain a patent, and yet you cannot make the invention without licensing parts of the invention from another patent holder. A patent search discusses patentability only, the likelihood you can obtain a patent.

אתה מבין ומקבל שאין שום ערובה לכך שנמצא את כל ההמצאות הדומות (ידע קודם), או שנמצא כל ידע קודם שעשוי לשמש את בוחן הפטנטים על מנת לדחות את בקשת הפטנט שלך וזאת אם

תחליט להגיש בקשה יישום פטנט בעתיד. האם ידע קודם נחשב דומה מספיק לאמצאה שלך היא החלטה סובייקטיבית אשר תשתנה מאדם לאדם. לכן, ייתכן כי אנו עשויים למצוא ידע קודם שבוחן הפטנטים לא ישתמש בו בדחיית בקשת פטנט או לחילופין, בודק פטנטים רשאי להשתמש בידע קודם בדחיית בקשת פטנט שאינו נמצא על ידנו. חיפוש פטנטים הוא לא מדע מדויק, וזה נפוץ שידע קודם לא יימצא. יתר על כן, בקשות פטנט שהוגשו לאחרונה ושטרם פורסמו לא יימצאו בחיפוש פטנט. חיפוש פטנט לא צריך להסתמך על המסקנה הסופית האם האמצאה שלך יכולה או לא יכולה לקבל פטנט. במקום זאת, חיפוש פטנטים צריך לשמש כהערכה כללית של הפטנטביליות של האמצאה שלך, כמו גם לשימוש בשיפור האמצאה שלך על אמצאות קיימות כדי להגדיל את הפטנטביליות הכוללת שלך. כל חוות דעת פטנטבילית המופיעה בדוח החיפוש היא חוות דעת מקצועית בלבד ואינה באה עם שום ערובה לתוצאה של בקשת פטנט. אתה מסכים להחזיק אותנו כלא מזיקים לכל הפעולות או לאי-הפעולות שאתה עשוי לנקוט בהסתמך על דוח החיפוש שאנו מספקים. במידה ובקשת הפטנט תדחה, אין החזר של עמלות ששולמו, כולל דמי חיפוש דוח פטנטים זה. אתה מסכים לא לחפש הפסדים מאתנו עבור כל העלויות שייטכן שהצטברו באמצעות הסתמכות על חיפוש פטנט שלנו.

דוח חיפוש פטנטים נותן הערכה כללית לגבי הסבירות שאמצאה יכולה לקבל פטנט. הדוח לא נותן חוות דעת שיש לך את החופש למכור את האמצאה שלך מבלי להפר פטנט של אחר. זה אפשרי עבור האמצאה שלך להיות ברת פטנט ולקבל פטנט, ובכל זאת לא תוכל ליישם את אמצאתך ללא קבלת רישוי עבור חלקים של האמצאה מבעל פטנט אחר. חיפוש פטנטים דן בפטנטביליות בלבד, בסבירות שאתה יכול לקבל פטנט.

DISCLAIMER

Disclaimer: This patent search report represents the best efforts of a professional patent searcher to find relevant prior art. There is no guarantee that all relevant prior art has been identified or that all prior art which may be cited by a US Patent Office patent examiner has been listed. Whether an invention is patentable is a subjective determination based on whether a patent examiner believes the invention is novel and nonobvious when compared to relevant prior art. What is relevant prior art is subjective and therefore, it is entirely possible for a patent application to be rejected based on prior

art not listed in this patent search report. The opinions in this patent search report are the searcher's professional interpretation for information purposes only and do not guarantee that an invention can or cannot be patented, nor does it constitute legal advice. The ultimate determination of patentability is made by the US Patent & Trademark Office. Your order confirmation through your payment for our patent search report is considered by us as your consent and understanding for all our written guidance, instructions, clarifications and disclaimer that we mention for you to understand the strengths and weaknesses of patent search report!

כתב ויתור: דוח חיפוש פטנטים זה מייצג את המאמצים הטובים ביותר של מחפש פטנטים מקצועי למצוא ידע קודם רלוונטי. אין ערובה לכך שכל הידע הקודם הרלוונטי זוהה או שכל הידע הקודם אשר עשוי להיות מצוטט על ידי משרד הפטנטים האמריקאי במשרד הפטנטים נרשם. אם האמצאה היא פטנטבילית - הנה קביעה סובייקטיבית של בוחן הפטנטים ואם הבוחן מאמין שהאמצאה היא חדשנית ולא ברורה כאשר היא משויכת לידע קודם ורלוונטי. מה שקשור לידע קודם הנו סובייקטיבי ולכן ניתן בהחלט לדחות בקשת פטנט על סמך ידע קודם שאינו מופיע בדוח חיפוש פטנטים זה. הדעות שבדוח חיפוש פטנטים זה הן הפרשנות המקצועית של המחפש למטרות מידע בלבד ואינן מתחייבות כי אמצאה יכולה להיות פטנט או לא יכולה להיות פטנט, וכמו כן אינה מהווה ייעוץ משפטי! הקביעה האולטימטיבית של יכולת הפטנט נעשית על ידי משרד הפטנטים וסימני המסחר בארה"ב (USPTO).

אישור ההזמנה שלך באמצעות העברת תשלום עבור דוח חיפוש הפטנטים שלנו התקבל על ידנו כהסכמה והבנה שלך לכל ההנחיות, ההוראות, ההבהרות וכתב הויתור שהזכרנו בשבילך כדי שתבין את החוזקות והחולשות שבדוח חיפוש פטנטים!

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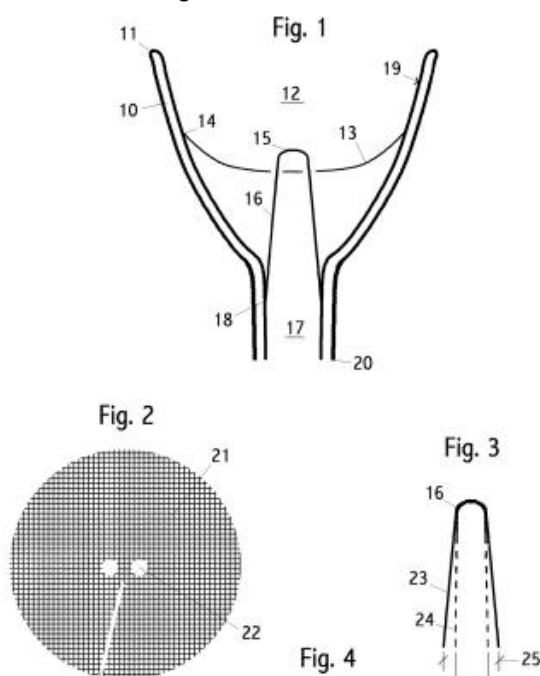
PRIOR ART

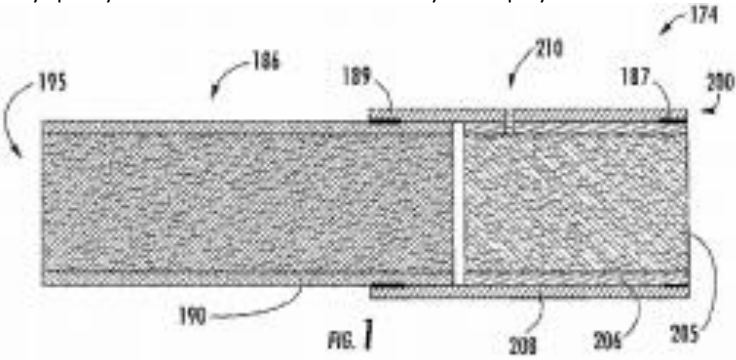
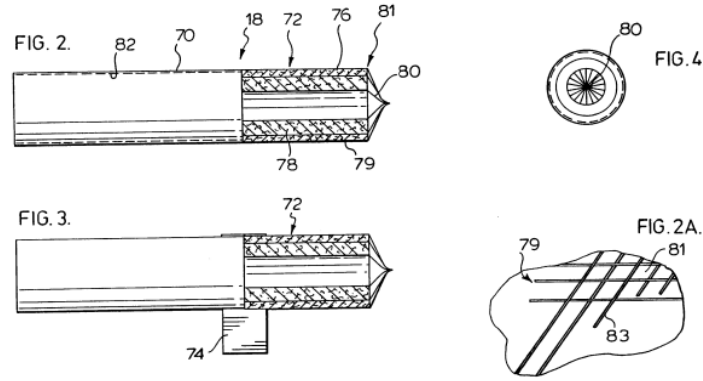
Prior art which is relevant to your invention is listed in the table below. For each prior art, a rank number is assigned which represents how important the particular prior art is to your invention. A smaller rank number represents a prior art that is more relevant than a prior art with a larger rank number. Full copies of the prior art listed are in the Prior Art Portfolio, a separate file or document.

When browsing through the prior art, it will be beneficial to write down how your invention is different and how it may overcome the prior art's shortcomings. Including this information will benefit your patent application.

ידע קודם שרלוונטי לאמצאה שלך מובא להלן בטבלה הבאה. לכל ידע קודם מוקצה מספר דרגה אשר מייצג עד כמה חשוב הידע הקודם ביחס לאמצאה שלך. מספר קטן יותר של דרגה מייצג ידע קודם שהנו יותר רלוונטי מאשר ידע קודם בעל מספר דרגה גבוה יותר. עותקים מלאים של הידע הקודם המפורט מטה מצורפים כקובץ נפרד לדוח זה.

בעת דפדוף בידע הקודם שמובא לפניך יהיה מועיל לרשום כיצד האמצאה שלך שונה וכיצד היא יכולה להתגבר על החסרונות של הידע הקודם. כלילת מידע זה בהגשת הבקשה שלך עשוי להוות תועלת בהגשת בקשת הפטנט שלך.

Rank	Document Number	Invention Title / Similarities Noted & Comments
1/2	US10117457B1	<p>Removable filter for a smoking pipe</p> <p>This invention discusses a removable filter for a smoking pipe. Like your invention, the present invention comprises a mesh screen filter that is outfitted removably to a smoking pipe where the article therein is cannabis. Unlike your invention however, the present invention lacks an explicit second end mesh screen and further does not explicitly affix to a tubular smoking article.</p> 

1/2	WO2010051076A1	<p>TIPPING MATERIALS FOR FILTERED CIGARETTES</p> <p>This invention discloses tipping materials for filtered cigarettes. Like your invention, the present invention comprises a smoking article tipping material that may comprise a screen mesh filter material, where further the tipping material is affixed to the end of a tubular smoking article. Unlike your invention however, the present invention lacks an explicit use with cannabis as your invention does and further does not explicitly specify that two mesh screen filters may be employed.</p> 
1	EP0693887B1	<p>CIGARETTE SMOKE FILTER SYSTEM</p> <p>This invention details a cigarette smoke filter system. Like your invention, the present invention comprises a mesh screen filter affixed to the end of a tubular/cylindrical smoking article. Unlike your invention however, the present invention lacks explicit use with cannabis and further does not explicitly specify that there may be two mesh screen filters at either end.</p> 
2	Filtered Smoking*	<p>Filtered Smoking*</p> <p>This article discloses an Indiegogo finding regarding filtered smoking. Like your invention, the present invention comprises a tip that is affixed to a smoking article which appears to propose a filtering element. Unlike your invention however, the present invention lacks the explicit filtration system your invention specifies and does not specify that the mesh screen filter may be located at both ends.</p> <p>https://www.indiegogo.com/projects/filtered-smoking#/</p>

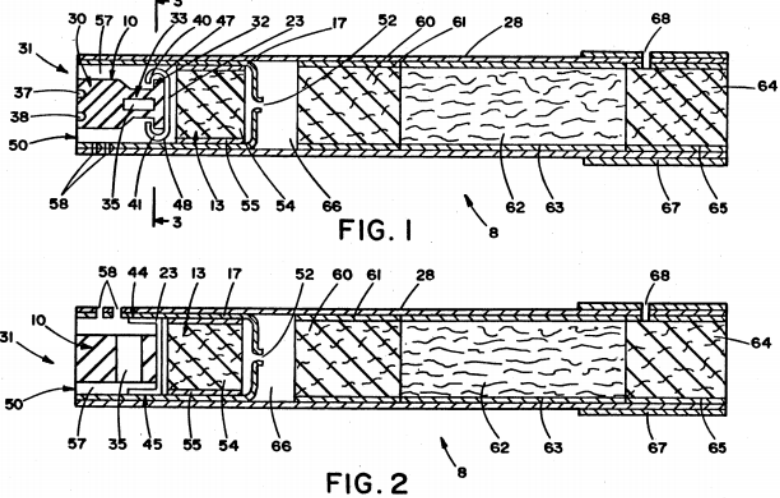


2

US5183062

Cigarette

This invention concerns a cigarette. Like your invention, the present invention comprises a smoking article that denotes it may use a mesh screen filter that is fitted with a tubular smoking article. Unlike your invention however, the present invention lacks explicitly a use with cannabis, and further does not employ two mesh screen filters at either end of the tubular element.

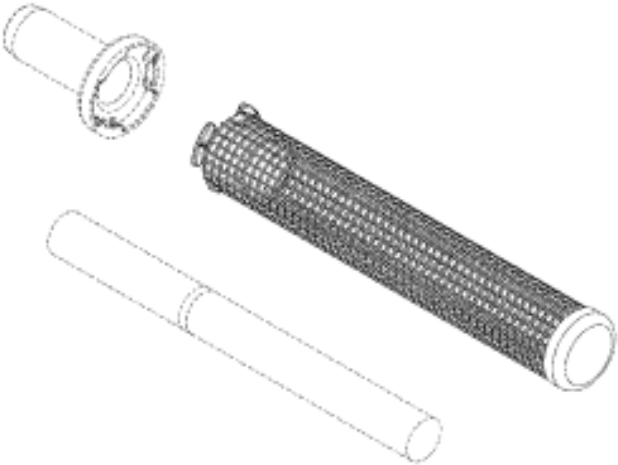
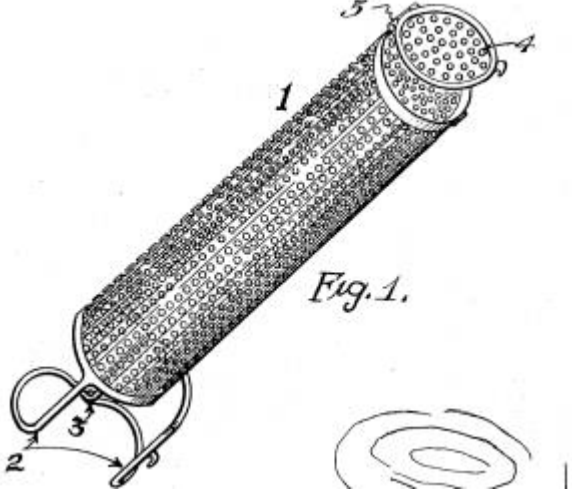


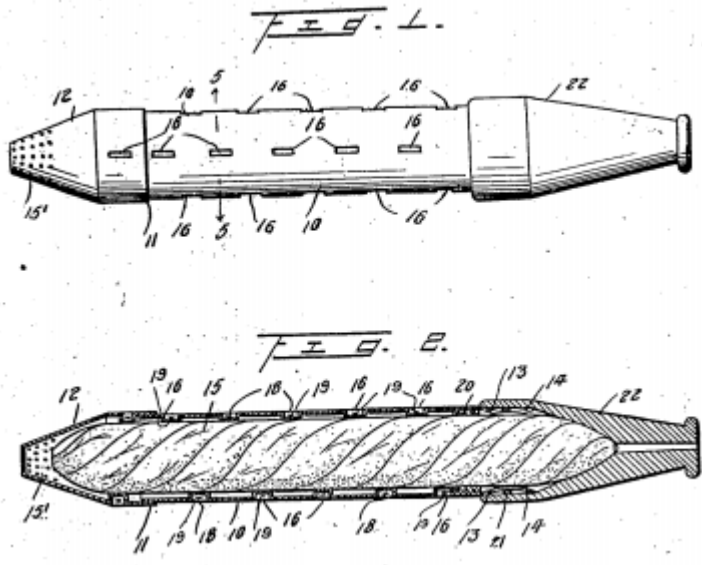
2

USD785863S1

Cigarette cover

This invention discusses a cigarette cover. Like your invention, the present invention comprises a screen mesh that is fitted over a tubular smoking article. Unlike your invention however, the present invention lacks an explicit use with cannabis and the particular invention does not possess a solid body wall, nor a mesh screen explicitly at the distal end of the smoking article/tubular element.

		
2	US1498190A	<p>Cigar and cigarette ash protector and fire preventer</p> <p>This invention is a cigar and cigarette ash protector and fire preventer assembly. Like your invention, the present invention comprises a smoking apparatus wherein a screen mesh filter at the end of a tubular element is disposed. Unlike your invention however, the present invention lacks an explicit use with cannabis, and the wall is further not a solid impermeable body as your invention specifies.</p> 
3	US1529556A	<p>Smoker's ash and spark protector</p> <p>This invention discloses a smoker's ash and spark protector. Like your invention, the present invention comprises a smoking apparatus wherein a first and second removable end are disposed where at least one end comprises a mesh screen filter. Unlike your invention however, the present invention lacks an explicit use with cannabis and further does not explicitly claim two separate screen mesh filters at either end.</p>



*A patent examiner officer will consider the presence of *any* material that is relevant to your invention, even if it may not be a patent and may include but is not limited to: scientific journals, presentations, pamphlets, non-scientific literature, present products, etc.

UNIQUE ASPECTS OF YOUR INVENTION

These are components or aspects of your invention which are unique when compared to the prior art. These will be used to argue approval of a patent application. Ensure that unique aspects of your invention are clearly explained in detail. It is beneficial to have as many unique aspects as possible. You may be able to improve on the similarities in the table at the top of the page and convert them into a unique aspect for your invention.

אלו מרכיבים או היבטים של האמצאה שלך אשר ייחודיים ביחד לידע המוקדם. אלו ישמשו כדי לטעון לקבלת אישור של בקשת הפטנט. ודא כי היבטים ייחודיים של האמצאה שלך מוסברים בבירור בפירוט. זה מועיל שיכללו היבטים ייחודיים רבים ככל האפשר. ייתכן שתוכל לשפר את הדמיון בטבלה בחלק העליון של הדף ולהמיר אותם להיבטים ייחודיים עבור האמצאה שלך.

-Utilizes explicitly two removable mesh screens at either distal end of the smoking article, where simultaneously the smoking article is simultaneously a cannabis related article. Where further simultaneously the smoking article is tubular/cylindrical in geometry.

UTILITY AND/OR DESIGN SUITABILITY

Utility patents and design patents work in parallel with each other. One is not a replacement for the other. Utility patent protects functionality whereas design patent protects only the exterior shape of a product. For example, Apple has utility patents to protect the iPhone's function but also has design patents to protect the iPhone's exterior body shape.

Below is whether your invention is suitable for utility patent and design patent. If suitable for both, you can decide to file both to protect the function (utility) and exterior shape (design).

פטנטים ומדגמים עובדים במקביל אחד עם השני. אחד לא מחליף את השני. פטנט מגן על השימושיות בעוד שמדגם מגן על הצורה החיצונית של המוצר. לדוגמה, לחברת Apple יש פטנטים אשר מגנים על השימושיות של ה-iPhone אבל גם מדגמים אשר מגנים על הצורה החיצונית של גוף ה-iPhone. להלן האם האמצאה שלך מתאימה לפטנט ו/או למדגם. במידה ואמצאתך מתאימה לשניהם, אתה יכול להחליט להגיש את שניהם וזאת כדי להגן גם על השימושיות (תועלת) וגם על הצורה החיצונית (העיצוב).

SUITABLE FOR UTILITY PATENT

Protects the functionality, components, and how it works.

Yes

SUITABLE FOR DESIGN PATENT

Protects the exterior shape. Does not protect functionality.

Yes

CHANCES OF APPROVAL FOR UTILITY PATENT

Our opinion as to the likelihood your invention will pass each of the three patentability criteria if submitted to the US Patent Office as a non-provisional utility patent application.

דעתנו לגבי הסבירות שהאמצאה שלך תעבור כל אחד משלושת הקריטריונים לפטנט אם תוגש למשרד הפטנטים האמריקאי כבקשה לא זמנית של פטנט.

NOVEL

NON-OBVIOUS

USEFUL

Fair

Low

Good

OVERALL CHANCE OF UTILITY APPROVAL

Low;
Your invention has a low overall chance of utility patentability in light of the prior art findings (see analysis and recommendations)

CHANCES OF APPROVAL FOR DESIGN PATENT

Based on the patent search and our professional experience, below is the likelihood your invention will pass each of the three patentability criteria if submitted to the US Patent Office as a design patent application.

בהתבסס על חיפוש הפטנטים ועל הניסיון המקצועי שלנו, להלן הסיכוי שהאמצאה שלך תעבור כל אחד משלושת הקריטריונים לפטנט, אם תוגש למשרד הפטנטים האמריקאי כבקשה לעיצוב פטנטים.

NOVEL

NON-OBVIOUS

USEFUL

Fair

Fair

Good

OVERALL CHANCE OF DESIGN APPROVAL

Fair

ANALYSIS & RECOMMENDATIONS

Our analysis as to the patentability of your invention along with any recommendations to increase the chances of patent application approval.

הניתוח שלנו לגבי יכולת הפטנטביליות של האמצאה שלך יחד עם כל ההמלצות להגדלת הסיכויים לאישור הבקשה לפטנט.

Based on the patent search, we were able to learn valuable information regarding the patentability of your invention along with possible strategies to increase the chances of eventual patent success. We were able to locate prior art concerning a curvilinear filter mesh attached to the end of a smoking apparatus where particularly the article being imbibed is cannabis. We were also able to locate prior art concerning a tubular body affixing to the end of a smoking article, wherein at least one end comprises a mesh screen to restrict the passage of particles. However, we were unable to find a prior art disclosing the aforementioned where all the features of your invention were located in a single patent. Therefore, the novelty of your invention appears to be fair.

Although the novelty of your invention appears to be good, it is important to note that patentability requires three criteria of novelty, non-obviousness, and usefulness. Novelty is likely good, and usefulness is certainly good. However, the potential roadblock will be “non-obviousness”. For a patent to be approved, it is not enough to be simply novel, the novelty must be in a way that is considered to be a “non-obvious” novelty, or a “non-obvious” improvement. What this means is that people who see your invention will not only be able to say that it is new and unique, but should be able to agree that it is fairly innovative and not too simplistically derived from existing inventions. Based on our opinion and experience, your invention may be novel but it may not be considered “non-obvious” by a patent examiner. In other words, an examiner may argue that your invention is novel, but it is too “obvious” in light of existing inventions. The existing invention which we have cited some in this report’s prior art section are **US10117457B1, WO2010051076A1, and US1529556A among others**. Yes, it is arguable that these inventions are not related to yours because they lack the explicitly double ended mesh structure your invention uses or are used in a location or field other than your invention. However, when it comes to patenting regarding the first issue, an examiner may take what is known in the field and using a ‘person having ordinary skill in the art’ construct, may discern if you have presented any information unknown to the field. In such a way, a patent examiner may be able to argue against your invention using **US10117457B1, WO2010051076A1, and US1529556A among others**. How obvious would it be to incorporate the mesh disposed at one end that affixes in **US1529556A** with the opposing end that uses a similar removable mesh end/tip? Even moreso is this relevant when the classes of the invention are considered. Although this can be done with prior art outside of the class, the potential counter argument is substantially stronger when the class is matching. The significance being that elements in one may be substituted or augmented with elements of the other through the ‘doctrine of equivalents’ as operated under this ‘person skilled in the art’ construct. Essentially if these elements could be interchanged without harm to the intended features and functions and purposes of the invention, the amalgamation is considered an actual, though more or less theoretical and ‘anticipated’, invention and would result in your invention possibly presenting no new information if such a claim can be made.

Regarding the second issue, *where* an invention is used is not as important as *what* an invention is and *how* it accomplishes its function, essentially bringing a focus to the *components* and the *arrangement* of the components. As a basic example, let's take a well-known household item, the toaster. Usually, toasters are used in the kitchen. However, if I tried to patent a toaster that is primarily used in a say a bedroom, the patent office will ask me, "What makes your toaster unique for it to be used in the bedroom? Is the toaster the same toaster but you have simply moved it to be used in a bedroom?" If my toaster is the same but I simply moved it to the bedroom, I have not made a new invention. Similarly, the argument could be made that a tubular body with a mesh on at least one end thereof used in any field is often considered irrelevant as the focus is substantially greater on the components and the arrangement of the components. Because of this, the scale and the material of the invention are often considered irrelevant too as a toaster that's 50 feet high and made of copper would function the same as a 1 foot high toaster made of steel. The key to patenting is to tell the patent office what you have "brought to the table". What innovations have you improved upon exiting inventions? Along this concept, the patent office may ask you what innovations you bring to the table for your filter with a mesh made from small holes at the entrance and an option for mesh at the exit of the filter, used for cannabis when compared to a non-obvious evaluation consisting of **US10117457B1**, **WO2010051076A1**, and **US1529556A among others**. These are concepts you should think about and make sure to include in your provisional patent application. As you have currently disclosed in your drawing, your filter with a mesh made from small holes at the entrance and an option for mesh at the exit of the filter, used for cannabis is arguably similar to a person skilled in the art argument invoking **US10117457B1**, **WO2010051076A1**, and **US1529556A among others**. The differences I noted were that your invention utilized in one instance two removable tips comprising a mesh screen for the explicit use in cannabis where the cannabis article is explicitly tubular/cylindrical in geometry. Although this may not be a particularly non-obvious aspect of your invention. As the end is removable in your invention, it is conceivable that two removable ends might be achieved through an increase in quantity concerning the single ended tip, wherein the single ended tip is very closely approximating the shape, structure, and functionality disclosed in **WO2010051076A1** and **US1529556A**. While the use of the invention for cannabis is not explicitly claimed or denoted in these specifications, the alternative use of an invention with similar/exact components and the arrangement thereof would only bolster the novelty slightly if the particular smoking article is claimed. However, the particular use of an invention cannot generally be claimed as this contests with the Exhaustion Clause. Wherein the use of a patent is generally unclaimable if the claim itself is unenforceable and further states that the general usage of the invention falls to the consumer proceeding an exchange of commerce such as purchase. For instance, if I were to have an Iphone that has a known shape, function, and components, and instead of using it for digital operations I used it as a paperweight, would I be introducing a non-obvious feature or improvement? Most likely that type of claim would be rejected because it is firstly an obvious deviation from the prior art. However secondly (because of Exhaustion Clauses), an inventor/assignee would not be able to ascertain whether the invention is being used for its intended purpose because the choice of how the invention is used falls to the consumer once it has been exchanged in an act of commerce (especially if it is a physical product), generally any human action or decision or interaction is unpatentable as it infringes on an individual's direct autonomy. While the overall patentability of your invention may be low, however this does not preclude you from patentability. Every patent examiner is different and may conceive of a slightly altered person skilled in the art that may overlook the dual ended nature particularly using the

invention for cannabis as opposed to alternative smoking articles. And you further possess insights into the logic and caveats a patent examiner may lodge against you in an attempt to reject your patent. Thus knowing how a patent examiner might respond to your invention, you can conceive of features that bolster the patentability of your invention, particularly the non-obvious aspects. Along this concept, you should brainstorm to determine if there are any other features or unique concepts which you could introduce to your invention which further set it apart from a non-obviousness evaluation comprising **US10117457B1, WO2010051076A1, and US1529556A among others**. A reasonable method of contemplating non-obvious might be to consider opposite entities/functions, like a fridge that also works as an oven somehow. Where it would be difficult for an examiner to conceive of a person-skilled-in-the-art that would create such a device readily or easily. Any and all additions you can “bring to the table” will increase your chances of eventual full patent success and add to the value of any provisional patent application you decide to file now.

Let your invention consultant know you are ready to proceed forward with a patent application once you have concluded that you have maximized the novelty and non-obviousness of your invention in light of the prior art the concepts I have mentioned above. You can choose to proceed with a provisional patent application, which when filed gives you 12 months of “patent pending” status. You also have the option to proceed directly with a full utility patent application, which undergoes examination and, if approved, will grant you 20 years of full patent protecting rights to the utility of your invention.

If you think the overall look, shape, or form is unique and important to your invention, then you may want to consider pursuing a design patent. If approved, a design patent will grant you 15 years of full patent protecting rights to the external appearance of your invention. The design patent can protect the specific shape of your invention and will most likely be approved if views of the invention are consistent. It is very rare to find prior art that exactly conforms to the ornamental design of an invention. Some inventors choose to proceed with both a utility patent and a design patent to protect both the function and the design.

PROVISIONAL OR NON-PROVISIONAL? HOW TO DECIDE

Decide your path

PROVISIONAL UTILITY PATENT APPLICATION

12 months temporary. Option to convert to a non-provisional later, within 12 months.
 12 חודשים זמני. אפשרות להמיר לפטנט לא זמני מאוחר יותר, בתוך 12 חודשים.

COMMON SITUATIONS:

- 1) You are not ready to financially commit to the higher cost associated with a non-provisional and you want 12 months to make the decision or to gather funds.
 אתה לא מוכן להתחייב כלכלית לעלות גבוהה הקשורה בהגשת פטנט לא זמני ואתה זקוק ל-12 חודשים בכדי לקבל החלטה או כדי לגייס כספים
- 2) There is a high chance you will make major changes to your invention within the next 12 months.
 יש סיכוי גבוה שתבצע שינויים מהותיים באמצאה שלך במהלך 12 החודשים הבאים.

NON-PROVISIONAL UTILITY PATENT APPLICATION

20 years of patent rights, if approved
 20 שנים לזכויות פטנט, במידה ומאושר

COMMON SITUATIONS:

- 1) You are ready to financially commit to the higher cost associated with a non-provisional patent application.
 אתה מוכן להתחייב כלכלית לעלויות הגבוהות הכרוכות בהגשת בקשת פטנט לא זמנית.
- 2) Your invention is generally finalized and there is a low chance of major changes.
 האמצאה שלך הנה סופית ויש סיכוי נמוך לשינויים משמעותיים.

Use the provisional patent application if you need 12 months of time to decide if you will commit to a non-provisional patent application. You can use the 12 months to raise funds, test out the market, get feedback, improve upon the invention, or any other way to *gain confidence* before committing the additional costs to a non-provisional patent application.

However, if you don't need 12 months of time to make the decision to file a non-provisional, you can skip the provisional application and go straight for the non-provisional. Generally, you go directly to the non-provisional application if you meet two conditions. First, you are financially ready and willing to commit the larger investment, as the non-provisional application is always more expensive than the provisional. Second, you do not anticipate making changes to your invention. Once a patent application is filed, it cannot be changed. If you make changes to your invention, you would have to file a new patent application. Most inventors want to make sure that when they do invest in filing a non-provisional patent application, the invention is generally finalized. If you make major changes to the invention after filing a non-provisional, you would have to file a second non-provisional patent application to include those new changes.

השתמש בהגשת בקשה לפטנט זמני אם אתה זקוק ל-12 חודשי זמן לטובת קבלת החלטה האם תתחייב לבקשת פטנט מלאה ולא זמנית. אתה יכול השתמש ב-12 החודשים בכדי לגייס כספים, לבחון את השוק, לקבל משוב, לשפר את האמצאה, או כל דרך אחרת שתסייע לך לצבור ביטחון לפני שהתחייבת על העלויות הנוספות הכרוכות בהגשת בקשת פטנט לא זמני.

אולם, אם אינך זקוק ל-12 חודשי זמן כדי לקבל החלטה האם להגיש בקשת פטנט לא זמני, אתה יכול לדלג על הבקשה הזמנית ולגשת ישר להגשת בקשת פטנט לא זמני. בדרך כלל אתה ניגש ישירות להגשת בקשת פטנט לא זמני אם אתה עונה על שני תנאים. תנאי ראשון, אתה מוכן כלכלית ומוכן להתחייב להשקעה ניכרת, כיוון שפטנט לא זמני הוא תמיד הרבה יותר יקר מפטנט זמני. תנאי שני, אינך צופה שינויים שתבצע בהגשת הבקשה. ברגע שבקשת פטנט מוגשת לא ניתן לבצע בה שינויים. אם תבצע שינויים באמצאה שלך תצטרך להגיש בקשת פטנט חדשה. רוב הממציאים רוצים לוודא שכאשר הם משקיעים בהגשת פטנט לא זמנית הבקשה היא בדרך כלל סופית. אם תבצע שינויים משמעותיים לאמצאה לאחר שתגיש בקשה לפטנט לא זמני, תאלץ להגיש בקשה שנייה לפטנט לא זמני שתכלול את כל השינויים החדשים שכללת.

RECOMMENDED STEPS FOR DESIGN PATENT

Remember, a design patent application works in parallel with a utility patent application. Design patents offer additional protection for the exterior shape of your invention only. It does not protect functionality.

זכור, בקשה למדגם עובדת במקביל עם בקשה לפטנט. מדגם מציע הגנה נוספת על הצורה החיצונית של האמצאה שלך בלבד. היא איננה מגנה על השימושיות.

Because your invention is also suitable for a design patent, decide if you want to also file a design patent to cover the exterior shape of your invention. If so, let us know.

Remember, a design patent does not protect any components, functionality, or how an invention works. It only protects the exterior shape. The design patent is best used one of two ways:

- 1) **In conjunction with a utility patent.** You file both utility patent and design patent to protect both function and design.
- 2) **If you do not care about the function.** If you do not care about protecting what your invention does, but only want to protect the exterior shape, you can file just a design patent. This is common for when someone already has a utility patent on your invention. For example, if you made a modern looking chair, you are not the first to invent the chair but have instead invented the unique exterior design only.

בגלל שהאמצאה שלך מתאימה גם למדגם, החלט האם אתה רוצה להגיש בקשה למדגם כדי לכסות את הצורה חיצונית של האמצאה שלך. אם כן, נא עדכן אותנו.

זכור, בקשה למדגם אינה מגמה על רכיבים, שימושיות, או איך האמצאה עובדת. היא רק מגנה על הצורה החיצונית. המדגם שימושי ביותר באחת משני הדרכים:

1. **ביחד עם בקשת הפטנט.** אתה מגיש ביחד את בקשת הפטנט ואת בקשת המדגם כדי להגן גם על השימושיות וגם על הצורה.

2. **אם לא השימושיות לא חשובה לך.** אם לא חשוב לך להגן על מה האמצאה שלך עושה, אבל רק מעוניין להגן על הצורה החיצונית, אתה יכול להגיש רק בקשה למדגם. זה נפוץ כאשר למשהו יש כבר בקשה לפטנט על האמצאה שלך. לדוגמה, עם עשית כיסא שנראה מודרני, אתה לא הראשון להמציא את הכיסא אבל המצאת את הצורה החיצונית המיוחדת בלבד.