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Provisional Utility Patent Applications (U.S. Applications)

A Provisional Utility Patent Application does not mature into a patent, but does provide a filing date when a Non-Provisional Utility Patent Application is filed within one year of the filing date of the Provisional Utility Patent Application. Filing dates are very important because a public disclosure or sale preclude the opportunity to obtain a patent if those events occur more than a year before the filing date. The filing date also establishes what prior art may be used by a Patent Examiner for rejection patent claims. The filing date further provides absolute evidence of conception of an invention, and may provide the first to file with the right to a patent when two applications are files. The important thing to remember is that the filing date of a Provisional Utility Patent Application is only good for what is disclosed in the Provisional Utility Patent Application. It is therefore important to include as much structure as possible.

In some instances, an inventor may file a Provisional Utility Patent Application before disclosing a new product at a trade show or in a publication. While not critical for US and Canadian patents, in the rest of the world, at least one patent much be filed before any public disclosure anywhere in the world. In this instance, foreign patents must also be filed within one year of the Provisional Utility Patent Application filing date.