

Who's an Inventor for a Patent?

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When filing a patent application, the applicant must state correctly who are the inventors of the invention(s). If the patent issues with the wrong inventor listed, the patent may end up being invalid or unenforceable. Be sure to not omit one of the inventors or to add someone to the patent application that is not actually an inventor.

What is a patent?

In the U.S., a patent is an intangible form of property allowing the patent owner to stop others from practicing the invention.

What is practicing the invention?

Practicing the invention means making, using, selling, marketing, or importing the invention into the United States.

So, does the patent give the patent owner the right to practice the invention?

No. This is one of the most common misconceptions about patents. Owning a patent means that you have permission by the government to sue someone else for practicing your invention without your permission ("infringing your patent claims").

So who is an inventor?

An inventor is one that thinks up an invention ("conception") and figures out how to make the invention and how to make it work ("reduction to practice"). When you have more than one inventor, each inventor should have made an independent, conceptual contribution to an invention.

What types of inventions are patentable?

The invention must be a new and useful process, machine, or composition of matter that is not obvious. There are some exceptions for certain types of inventions, but for the general nature of this discussion, the above criteria provide a good starting place for understanding patentability.

What is "conception"?

Conception can be defined as forming in the mind a definite and permanent idea of the complete and operative invention as it later will be applied in practice.

How do I know when I have an invention?

When you can describe the invention so that another person of ordinary skill in the relevant field can build or use the invention without too much research or experimentation.