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Practice Areas

Patents

Intellectual Property and
Technology

Commercial Contracts - Domestic
and International

Ask The Expert - Mass High Tech

I will be disclosing my invention and detailed materials at a trade show. Can I file a brief (e.g., three paragraphs) provisional patent application and later rely on the provisional filing date when I add new information to a relying application?

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Generally, no. The detailed description of a provisional application must disclose the manner and process of making and using the invention in such terms as to enable someone skilled in the art to make and use the invention, and set forth the best mode contemplated for carrying out the invention. If it doesn't meet the enablement and best mode requirements, the provisional cannot be relied upon by a later filed application. In only the broadest of inventive concepts would a three-paragraph provisional do this, and a relying application claiming information not disclosed originally cannot benefit from the original filing date. Without relying on the provisional filing date, the disclosure and materials may result in U.S. statutory bar issues and, possible, prevent foreign protection.

Additional information for this attorney
may be found on our website.