

Legal Review & Recommendations

Prior to Drafting Provisional Patent Application

Before we start your patent application, a patent practitioner must do a legal review of your invention to make sure filing a patent application is appropriate for you.

We may make recommendations on how to strengthen your patent protection, it's our job. You do not have to accept our recommendations although we encourage you consider them for the strongest patent protection.

Client:	Vinyasi Vinyasi
Case:	TPP62545 - Ammann Replication
Date:	February 24, 2021
Patent writing requested:	Yes
Patent drawings requested:	Yes
Design patent application requested	No
Date of first public disclosure:	None
Public disclosure more than 1 year ago?	No
Method Invention?	Yes

Hi Vinyasi,

I'm the lead patent practitioner for the engineering team that will be preparing your patent application. I've reviewed the information you provided and determined that your physical apparatus is a good candidate for a utility patent. This case has been assigned to my team and we will be working closely with you to highlight the unique aspects of your invention. Thus, ensuring you're putting your best foot forward when we finally file your provisional utility patent application.

It should take our engineering team 7-10 business days from the date of your conference call to draft detailed descriptions and technical drawings, which focus on the components of your invention and how they are arranged.

While the paralegal, Kevin, will be your main point of contact, I will be actively involved throughout the drafting process. Further, I'm available for one-on-one consultations. So, feel free to reach out to me directly if you have questions about legal issues, or if you need any additional guidance.

Best,

/Shanzhong (Sam) Yuan/

Sam Yuan, Ph.D, P.E.
U.S. Licensed Patent Agent
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Germantown, MD 20874
samy@thoughtstopaper.com

ANALYSIS OF WRITING YOU PROVIDED

Drafting of patent specifications requested:	Yes
Recommendation:	Make sure you have given us as much detail as possible for your invention for us to use in drafting the patent writing

Analysis:

A provisional patent application can only protect the detail that is written in the patent application. Any details left out are not protected and a competitor could potentially get protection for details you left out. Therefore, it is important for you to provide to us as much detail as you have for your invention. We will take this information and write a detailed document which explains how your invention works. However, we can only write about details and features that you tell us about. If you forget to tell us about one aspect of your invention, we have no way of knowing that it existed, and that aspect may not be included and protected within the provisional patent application. Upon you signing off on this document, also send to us any additional details you may have of the invention, so we include it into the patent application. Note that additions you provide to us to be added after we start drafting will be billed by time so send these details to us now or tell us to hold off starting work until you have sent us everything.

ANALYSIS OF DRAWINGS/PHOTOS YOU PROVIDED

Drafting of patent drawings requested:	Yes
Recommendation:	Make sure you have given us all the photos and drawings you have for us to use in drafting the patent drawings

Analysis:

We will be preparing additional patent drawings based on the information you have provided to us. Remember, we can only draw what we know from what you have told us or provided to us. If you forget to send us some aspect of your invention, we won't know that it is missing. If you can take more photos or draw more sketches of your invention, do so and send it to us. The more information we have, the more we have to work with, the stronger your resulting provisional patent application will be.

UTILITY PATENT AND DESIGN PATENT ANALYSIS

Protect how the invention works with Utility Patent App	Yes
Protect how the invention looks with Design Patent App	No
Recommendation:	None

Analysis:

It is my analysis that how your invention works is more important than how it looks. In other words, you care about eventually stopping others from making a product that works the same way as yours, regardless of what the product may look like. How the invention works is more important than how it looks. With a utility application, you cover how the invention works, regardless of the shape. I believe we are on the right track with a utility patent application.

RECEIPT OF LEGAL REVIEW

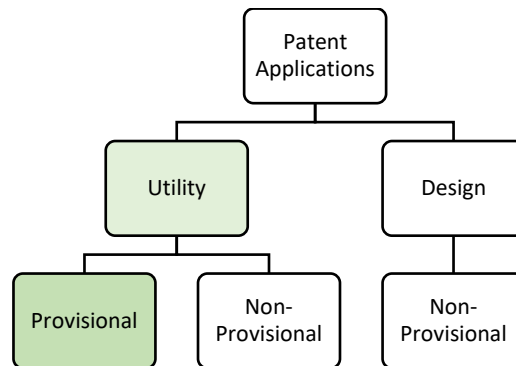
I received the legal review and accepted or rejected the recommendations:

Initial: V

Name: Vinyasi Vinyasi

Date: 02/27/2021

PROVISIONAL PATENT APPLICATIONS 101



A PROVISIONAL PATENT APPLICATION IS A TYPE OF UTILITY PATENT: There are two main types of patent application types – utility and design. The provisional patent app is a temporary utility patent app for 12 months. It can be converted into a non-provisional utility patent app only, and cannot be converted into a design patent app. For design patent, there is no provisional application. To also protect the design of your invention, you must also file a separate design patent application.

A UTILITY PATENT PROTECTS HOW AN INVENTION WORKS. A utility patent application describes the invention's *components* and the *arrangement* of those components. For a software or method invention, it describes the *steps* and the *order of the steps* of the method. To protect how the invention looks, you need a separate design patent app.

UTILITY PATENT OR DESIGN PATENT, OR BOTH?

- Utility patent protect *how an invention works*
- Design patent protects *how an invention looks*

Note that one is not a replacement for the other, as in, you can and may need both. To protect both how an invention works and how it looks, you must file for both a utility patent app and a design patent app.

Utility Patent	Design Patent
Protects an invention's functionality, components, and how it works.	Protects the exterior shape only.
Can protect an invention's function, regardless of the exterior shape.	Allows someone else to make a product that does the same thing if the exterior shape is significantly different.
Must explain how the invention works and how it is put together.	Cannot explain how the invention works and how it is put together.
Compared to design patent, provides relatively more protection because a utility patent protects functionality, components, and how an invention works.	Compared to utility patent, provides relatively less protection because a design patent only protects the exterior shape.
Compared to design patent, is more difficult to be approved by the US Patent Office	Compared to utility patent, is easier to be approved by the US Patent Office

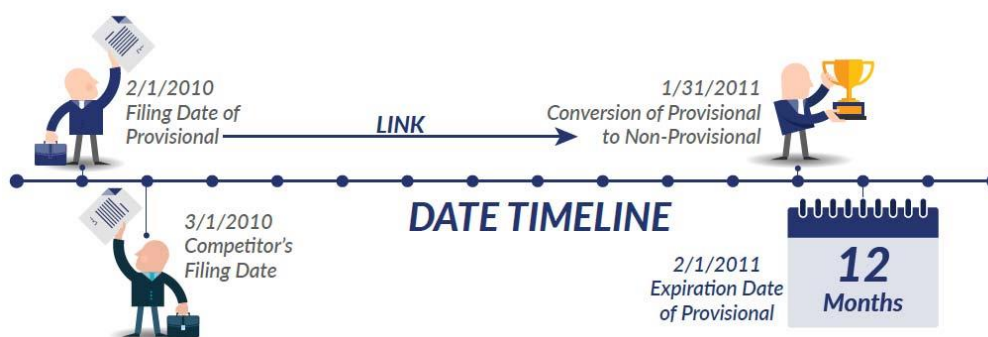
THE PROVISIONAL UTILITY PATENT APPLICATION PROCESS

- 1) **PATENT APPLICATION DRAFTING:** Explaining in detail all components of your invention, how it is put together, and how the invention works.
- 2) **PATENT APPLICATION FILING:** The provisional patent application lasts for 12 months from the date of filing. Before the 12 months are up, to keep the filing date of the provisional patent application, you must file a non-provisional patent application.
- 3) **FILE NON-PROVISIONAL PATENT APPLICATIONS OR PCT APPLICATION:** To keep the date of the provisional patent application, a non-provisional patent application must be filed before the 12 months are up. A non-provisional patent application can be filed in the US and optionally in international countries. Each non-provisional application you file will get to use the filing date of the provisional patent app. If you need more time, you can extend the provisional patent app by filing a PCT application to extend the provisional patent application by 18 additional months. Then, within the extended 18 month extended period, you must then file the non-provisional patent applications you want to file. If you don't file any non-provisional app or PCT within the 12 months, the provisional app's date will be lost and unused.

SECURES A FILING DATE WITH THE US PATENT OFFICE: With inventing, it's all about who invented it first. The United States works on a system called first to file, which means it matters not who invented it first but who filed the patent application first. Filing a provisional patent application will get you a filing date, so you can hopefully be first to file before someone else.



LASTS FOR 12 MONTHS: A provisional patent application “saves the date” for 12 months. That date is saved for 12 months only. Before the provisional patent app expires, you need to file a non-provisional patent application to claim the date saved by the provisional patent application. If you do this, it's like if you had filed your non-provisional patent app at the time of when you filed your provisional patent app. The non-provisional patent app will get the filing date of the provisional patent application. However, if you don't file a non-provisional app before the provisional app expires, the date saved by the provisional patent app disappears. The 12 months time of the provisional application can be extended 18 additional months by filing a PCT application.

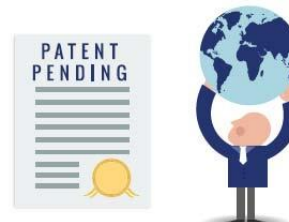


“PATENT PENDING” STATUS: A provisional patent application allows the inventor legal use of the term “patent pending”, letting others know that you have already filed for a patent application.

NO PATENT RIGHTS YET: Keep in mind, however, that a provisional patent application is not a patent yet and you don’t have the legal right to sue anyone for patent infringement yet. It’s a “save the date”. Only after you file a non-provisional patent application and it is approved by the US Patent Office, will you have actual patent rights.



TEMPORARY PROTECTION: Your invention is protected in the sense that it is filed with the US Patent Office for 12 months. Anyone applying for a patent application of the same invention will be behind you in line and you will be first eligible to get a patent. However, you get this protection only if you file a non-provisional patent application before your provisional patent application expires 12 months after its filing. If you don’t file a non-provisional patent app before the provisional patent app expires, the filing date of the provisional patent app disappears and your protection is lost.



INTERNATIONAL: Not only does a provisional patent application save a filing date which can be used by a United States non-provisional patent application filed within 12 months, the filing date can also be used by most countries in the world. For example, you could file a patent application in Canada before your provisional patent app expires and that Canadian app would be able to claim the filing date which was saved by the US provisional patent application.

NOT EXAMINED: The provisional patent application is not examined which means the US patent office will not tell you whether your invention is unique enough to get a patent. Instead, the provisional patent app is a “save the date”, saving a filing date which can be used by a non-provisional patent application you file later, within 12 months of when you filed the provisional patent app.



PATENT PRACTITIONER CONSULTATION: If you have any questions, do not hesitate to contact us. A patent practitioner will be happy to communicate with you. A fixed amount of practitioner consultation time is included with all services at no additional charge.

IMPORTANT INFORMATION & YOUR DUTIES

YOUR DUTY TO FULLY DISCLOSE INVENTION: For a patent application to have value, it must provide enough detail to fully explain how the invention works and allow someone to be able to make the invention. We can include in the patent application only the information that you provide to us. If you forget to provide to us a detail of your invention, we will have no way of knowing. It is your duty to provide all detail, as much as possible, relating to how your invention works, so that it is included in the patent application.

YOUR DUTY TO INFORM US OF CHANGES IN CONTACT INFORMATION: All correspondence from the US Patent Office is sent to our office only and not directly to you. When we receive correspondence from USPTO, we will notify you by email, and sometimes also by mail. Most correspondence from USPTO requires action by a certain due date otherwise the patent application becomes abandoned. Therefore, it is critical for you to notify us of any changes to your email, phone, or address so that our correspondence to you is properly delivered and it is your duty to inform us updates to your contact information.

INVENTIONS ALREADY DISCLOSED MORE THAN 12 MONTHS AGO CANNOT OBTAIN A PATENT: US patent law states that if you have disclosed your invention to the public more than 12 months prior to filing a patent application, you may be ineligible to obtain a patent. Put another way, if you have disclosed your invention to the public, you must file a patent application within 12 months of that disclosure. The patent application that must be filed can be a provisional or non-provisional application. However, if it is a provisional application, you must convert that provisional application into a non-provisional before the provisional application expires.

ADDITIONAL FEES NECESSARY TO GET A PATENT: A provisional patent application is not a patent yet. It is a temporary filing which must be converted to a non-provisional patent application before the provisional application expires, to keep the filing date of the provisional application. Therefore, to get a full patent with 20 years of protection, it will be necessary to later file a non-provisional patent application, which requires additional fees. You are not done with the patenting process with just a provisional patent application and more fees will be needed later to continue the patent application process.

I understand how a provisional patent application works. I would like to proceed with a provisional patent application.

Initial: V

Name: Vinyasi Vinyasi