

Patentability – *How do you know if your idea is patentable?*

Think of a patent as a "monopoly" granted on an idea by a federal government. For an idea to be patentable in the US, it must be^[1,2]:

- **An eligible subject matter:** A process, machine, manufacture, or composition of matter, or any new and useful improvement thereof
 - Excludes laws of nature, natural phenomena, and abstract ideas^[3]
- **Novel:** The claimed invention was not previously patented, in a printed publication, or in public use, on sale, or otherwise available to the public before the filing date
- **Useful:** A person of ordinary skill in the art would immediately appreciate why the invention is useful, and the utility is specific, substantial, and credible^[4]
- **Non-Obvious:** At the time the invention was made, it would have not been obvious to a person having ordinary skill in the art
- **Clearly Described:** The invention must be described in such full and exact terms as to enable any person skilled in the art to make and use said invention
 - The description includes one or more claims particularly pointing out and distinctly claiming what the inventor regards as the invention

Remember, patentability does not mean “freedom to operate”!