INVENTOR DECISION GUIDE

Before You File

7 Decisions Every Serious Inventor Should Make

A practical framework for deciding what to protect, what to validate, when to act, and when to preserve your capital.

The purpose: Help you prepare for a productive conversation before committing to a patent filing, search, application, or larger legal project.

This guide helps you	This guide does not
Clarify goals, dates, ownership, evidence, budget, and next steps.	Determine patentability, calculate deadlines, create legal rights, or replace professional advice.
Organize non-confidential facts and questions.	Invite you to disclose enabling or sensitive technical details before engagement.
Recognize when prompt attorney review may be important.	Guarantee a patent, enforceability, commercial success, timing, or cost.

Prepared for inventors, product founders, engineers, and IP owners | 10 August 2026

How to use this guide

Work through the seven decisions in order. Write down non-confidential answers, mark unknowns, and identify the one decision you need to make next. If a disclosure, sale, launch, filing, dispute, or foreign issue may be time-sensitive, seek qualified advice promptly rather than relying on a checklist.

Outcome	Use it when
PROTECT	The business objective, timing, ownership, evidence, budget, and protection path support action.
VALIDATE	A search, prototype test, customer evidence, ownership cleanup, or business decision should come before larger spend.
DEFER	The idea, ownership, commercial objective, or budget is not ready, but future action may be worthwhile.
STOP	The likely value does not justify further cost, complexity, or risk at this time.

The seven decisions

#	Decision	Management question
1	Business objective	What must protection accomplish for the business?
2	Inventorship and ownership	Who contributed, who may own the work, and what obligations exist?
3	Disclosure and timing	What has happened, what may happen, and on what dates?
4	Technical difference	What is the concrete improvement over known approaches?
5	Search and validation	What evidence is needed before more spend?
6	Protection path and budget	Which form of protection fits, and can the full lifecycle be funded?
7	Commercialization and portfolio	How will the protected asset create or preserve value?

Information boundary: Use a one-sentence, non-confidential description. Do not send drawings, source code, formulas, manufacturing parameters, unpublished manuscripts, claim language, or detailed mechanisms through an unapproved intake channel.

DECISION 1

Define the business objective

A patent filing is not the objective. It is one possible tool. Start by naming the business result that would make protection valuable.

Why this decision comes first

The same invention can support very different strategies: product launch, licensing, fundraising, acquisition, defensive positioning, partnership, or know-how retention. Each path changes the evidence, timing, scope, budget, and portfolio decisions that follow.

Questions to answer

- **? What business decision must be made in the next 30, 90, or 365 days?**
- **? Will value come from selling products, licensing, raising capital, deterring copying, partnering, or preserving an option?**
- **? Who is the expected buyer, licensee, investor, partner, or competitor?**
- **? What would make protection commercially irrelevant, even if technically available?**

Working notes

Prompt	Your non-confidential answer
Primary business objective	
Decision date	
Expected value if successful	
Reason to stop or defer	

Good output: One sentence connecting the invention to a business decision, a target date, and an expected source of value.

DECISION 2

Map inventorship and ownership

The person who conceived an inventive contribution and the person or company that owns rights may not be the same. Do not treat payment, job title, or company formation as a complete answer.

Why this decision comes first

The USPTO explains that joint inventors may apply together, while an assignee or a party to whom an inventor is obligated to assign may also apply in appropriate circumstances. A person who contributes only money is not an inventor. Employment, contractor, university, funding, and collaboration agreements can affect ownership obligations.

Questions to answer

? Who contributed to the conception of each important technical feature?

? Were contributors employees, contractors, students, professors, founders, vendors, or collaborators?

? What employment, consulting, assignment, grant, university, or funding agreements exist?

? Has anyone already assigned, licensed, promised, or transferred rights?

Working notes

Prompt	Your non-confidential answer
Potential contributors	
Potential owner(s)	
Agreements to collect	
Open ownership question	

Good output: A contributor list, an agreement list, and a clearly marked set of unresolved inventorship or ownership questions.

Caution: Do not ask contributors to sign or change ownership documents without qualified review of the facts, obligations, and consequences.

DECISION 3

Build the disclosure and timing map

What happened, where, to whom, under what restrictions, and on what date may matter. Create the timeline before making assumptions about available rights.

Why this decision comes first

The USPTO's current patent-process overview notes that public availability can include patents, printed publications, public use, sales, and other public availability. Rules and consequences can differ by country and fact pattern. This guide does not calculate a deadline or determine whether an event is legally public.

Questions to answer

- **? Has the invention been published, posted, presented, demonstrated, sold, offered, used, tested, shipped, or discussed?**
- **? Was a confidentiality or nondisclosure obligation in place, and can it be documented?**
- **? Are crowdfunding, conferences, investor pitches, manufacturer meetings, launches, sales, or foreign filings planned?**
- **? Which date is earliest, and which event is next?**

Working notes

Prompt	Your non-confidential answer
Past event and date	
Confidentiality context	
Next planned event and date	
Countries / markets involved	

Good output: A dated event list with documents, audiences, confidentiality context, countries, and the next planned disclosure.

Caution: If an event has already occurred or may occur soon, seek qualified advice promptly. Do not rely on a presumed grace period or self-calculated deadline.

DECISION 4

Describe the concrete technical difference

A broad idea is not the same as a defined technical improvement. The useful question is: what changes, why does it matter, and what alternatives still achieve the result?

Why this decision comes first

A disciplined invention summary helps separate the problem, essential features, optional features, evidence, and future variations. It also exposes when more engineering, testing, or documentation is needed before substantial legal spend.

Questions to answer

? What specific technical problem is addressed?

? What feature, sequence, structure, composition, interaction, or control differs from known approaches?

? Which features appear essential, and which are optional implementations?

? What test, prototype, data, drawing, or example supports the claimed improvement?

Working notes

Prompt	Your non-confidential answer
Problem	
Concrete difference	
Essential features	
Alternative implementations	
Evidence available	

Good output: A one-sentence non-confidential improvement statement plus a private technical record maintained in an approved, secure location.

DECISION 5

Choose the evidence and search plan

Searching is a decision tool, not a guarantee. Decide what uncertainty must be reduced and how much evidence is worth buying or generating before a filing decision.

Why this decision comes first

The USPTO provides Patent Public Search for U.S. patents and published applications and recommends searching for similar inventions before applying. A preliminary search can reveal terminology, classifications, competitors, and crowded areas, but a search result is not by itself a legal conclusion about patentability, infringement, validity, ownership, or commercial freedom.

Questions to answer

- **? What do you already know about similar products, papers, patents, standards, or public demonstrations?**
- **? Is the immediate uncertainty technical novelty, market demand, ownership, design feasibility, regulatory fit, or customer value?**
- **? What search scope is proportionate to the next decision?**
- **? What evidence would cause you to narrow, redesign, defer, or stop?**

Working notes

Prompt	Your non-confidential answer
Primary uncertainty	
Known references / competitors	
Evidence to obtain	
Stop / redesign trigger	

Good output: A written evidence plan with a scope, budget, decision rule, and clear distinction between search findings and legal conclusions.

DECISION 6

Select the protection path and lifecycle budget

Patents, design protection, trademarks, copyrights, trade secrets, contracts, speed, data, and execution protect different things. A provisional filing is a filing tool, not a complete business strategy.

Why this decision comes first

The USPTO identifies utility, design, and plant patents and explains that utility and plant applications may be provisional or nonprovisional, while provisional applications are not available for design inventions. Government fees change and may be discounted for qualifying small or micro entities. Eligibility must be correctly determined and documented.

Questions to answer

- **? What must be protected: function, structure, appearance, brand, code, content, process, data, know-how, or relationships?**
- **? Which countries matter commercially, and when might foreign decisions arise?**
- **? What is the full 24-month budget for strategy, search, drafting, drawings, filing, prosecution, foreign work, maintenance, and portfolio review?**
- **? What work is included, excluded, or separately priced in each proposal?**

Working notes

Prompt	Your non-confidential answer
Protection objective	
Possible protection tools	
Key countries / markets	
24-month budget range	
Excluded / pass-through costs	

Good output: A staged protection plan and cash budget that distinguish firm fees, government fees, pass-through costs, later prosecution, and optional international work.

Caution: Do not claim small or micro entity status without a reasonable eligibility inquiry. Current USPTO guidance warns that incorrect status can lead to penalties.

DECISION 7

Connect protection to commercialization and portfolio decisions

The value of an IP asset depends on how it supports products, licensing, financing, partnerships, negotiation, market entry, or strategic options over time.

Why this decision comes first

A filing can lose commercial relevance when the product changes, customer demand shifts, a better technical path emerges, ownership remains unresolved, or the cost of enforcement and prosecution outweighs the expected benefit. Portfolio review turns protection into an ongoing management discipline.

Questions to answer

? What product, service, license, transaction, partnership, or financing event will use the asset?

? What milestones should trigger continuation, expansion, narrowing, abandonment, or new filings?

? Who owns the business decision and who owns the legal deadline?

? How will product, technical, market, and competitor changes be reported to counsel?

Working notes

Prompt	Your non-confidential answer
Commercialization path	
12-month milestones	
Decision owner	
Review cadence	
Continue / stop trigger	

Good output: A portfolio review schedule linked to product, financing, licensing, revenue, technical, and market milestones.

Inventor readiness scorecard

Mark each statement only when you can support it. The score and ranges below are an unvalidated educational heuristic, not a legal test, eligibility decision, fit assessment, or prediction. Use the checklist to identify preparation gaps; an urgent date or event requires qualified review regardless of score.

[ ] I can state the business objective in one sentence.	[ ] I can separate essential features from optional implementations.
[ ] I know the next decision date.	[ ] I know what evidence or search would change the decision.
[ ] I can identify every likely technical contributor.	[ ] I have defined a stop, redesign, or defer trigger.
[ ] I have collected relevant employment, contractor, funding, and assignment agreements.	[ ] I have identified the protection objective and candidate tools.
[ ] I have a dated record of past disclosures, sales, offers, demos, and publications.	[ ] I have a staged 24-month budget rather than only a filing budget.
[ ] I have listed upcoming disclosures, launches, pitches, and manufacturer meetings.	[ ] I know who owns the next business decision.
[ ] I can describe the technical difference without hype.	[ ] I have a commercialization and portfolio-review plan.

Score	Suggested preparation route
0-5	The checklist shows several preparation gaps. Clarify the invention, ownership, business objective, dates, and budget before larger legal spend.
6-10	The checklist shows some preparation gaps. A bounded strategy or evidence-planning conversation may help identify the next useful step.
11-14	The checklist shows fewer preparation gaps, but does not establish legal readiness or service fit. Consider a focused strategy conversation and, if appropriate, a separately scoped proposal.
Any urgent date	Route promptly for qualified attorney review regardless of score. Do not disclose technical details through an unapproved channel.

Remember: Readiness does not prove patentability, ownership, validity, freedom to operate, enforceability, or commercial value. It improves the quality of the next decision.

Choose the next useful step

The goal is not maximum filing. The goal is a defensible business decision supported by the right evidence, scope, timing, and budget.

Your situation	Next step
Very early concept	Document the problem and technical difference; build or test enough to make the idea concrete; clarify the business objective.
Ownership unclear	Collect contributor names and agreements; obtain qualified review before promising, transferring, or filing rights.
Disclosure or launch may be near	Seek prompt qualified attorney review. Preserve exact dates, materials, audiences, countries, and confidentiality facts.
Search / evidence unclear	Define the decision the evidence must support, the proportional scope, the budget, and the stop/redesign rule.
Ready for a structured decision	Consider an attorney-led IP Strategy Session after conflict clearance and approved engagement terms.
Budget is not available	Preserve cash, use current USPTO educational resources, and evaluate eligibility for Pro Se Assistance or Patent Pro Bono resources.

Proposed KIPATENT next step: A 60-75 minute IP Strategy Session with a one-page decision map. Scope, price, professional credentials, engagement terms, and the live request link must be approved before this guide is distributed.

Official resources checked 10 August 2026

USPTO Patent Basics - https://www.uspto.gov/patents/basics

USPTO Patent Essentials - https://www.uspto.gov/patents/basics/essentials

USPTO Patent Process Overview - https://www.uspto.gov/patents/basics/patent-process-overview

USPTO Applying for Patents - https://www.uspto.gov/patents/basics/apply

USPTO Patent Public Search - https://www.uspto.gov/patents/search/patent-public-search

USPTO Pro Se Assistance - https://www.uspto.gov/patents/basics/using-legal-services/pro-se-assistance-program

USPTO Patent Pro Bono Program - https://www.uspto.gov/patents/basics/using-legal-services/pro-bono/patent-pro-bono-program

USPTO Small and Micro Entity Fee Discounts - https://www.uspto.gov/patents/apply/save-on-fees

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