

Legal Hacks for Creators, Inventors and Entrepreneurs

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Welcome back to my very short and informal newsletter, sharing a bit of what I find interesting, quirky or just fun about intellectual property law and patents. I publish this newsletter periodically to share at least one idea that I think you will find both engaging and useful.



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ARE U.S. PATENTS ENOUGH?

Before packing your bags and setting sail with the goal of filling your passport with stamps from exotic locales, you might want to ask: Is a U.S. patent enough to protect your product and business? This question comes up frequently and goes to the heart of the relationship between U.S. patents and patents in foreign countries. Keep in mind that having a U.S. patent provides protection *only* within the U.S. and that each country issues its own patents—there is no global patent system.

In this [video](#), I discuss the benefits and downsides of having international patents, depending on the size of your business; address the many associated costs, fees and taxes; go over the general process of getting foreign patents, which may be complicated; and detail the complexity of pursuing foreign patents using a three-part test that can guide you toward making the best decision for your situation.

Whether and where to file foreign patent applications can be as much a business problem as a legal question. If you're an individual inventor or a lightly funded startup, you should approach foreign patent applications carefully to ensure that the pros don't outweigh the cons. *Bon Voyage!*

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DO YOU NEED A PATENT BEFORE SELLING?

A common question among inventors is whether a patent is required before selling your invention publicly. Fortunately, the answer is no, you don't need a *granted* patent in place before taking your product to market and realizing the potential revenue. However, there are a few things to know and consider, especially when dealing with patent protection in foreign countries, to develop a sound patent strategy that can attract investors and make your product a success.

In this [video](#), I present the one-year public disclosure requirement for filing a U.S. patent application; start you thinking about seeking foreign patent protection now or in the future, since many countries require a patent application *before* public disclosure (including selling); and explain that filing for a U.S. patent, even a provisional application, is a sufficient placeholder for eventually seeking patents in many foreign countries. I also offer how you can mark your product as *patent pending* as soon as the application is filed, which can give you a fantastic product protection advantage.

As an inventor, you can and should put your idea to work and enjoy your success while you wait for that all-important final patent. You've earned it.

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If you've missed previous issues, [CLICK HERE](#) and read them all!

ABOUT JOHN FERRELL

John Ferrell is a founder and patent attorney at the Silicon Valley law firm of Carr & Ferrell. The author of two books and a growing YouTube channel on Intellectual Property, John's

passion for creating and protecting patent monopolies is reflected in his representation of many of the world's most important companies and inventors—some 5,000 so far.

Founded in 1992, Carr & Ferrell has filed more than 10,000 patent applications covering nearly every imaginable technology. John is admitted to practice law in California; numerous Federal jurisdictions, including before the U.S. Supreme Court; and in the U.S. Patent and Trademark Office.

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