

What is a Patentable Invention?

Patent law states that the invention must be "New", "Useful", "Non-obvious" and "Enabling." In the broadest sense, the "New" or novelty requirement states that the technology must not have been available to the public prior to the patent application being filed. The requirement for "Useful" or utility states that a technology must have a useful purpose and perform the intended purpose. The "Enabling" requirement states that the technology be described in sufficient detail and in the "best mode of practice" known at the time the patent application is filed. "Non-obviousness" means that a person with "ordinary skill in the art" would not be likely to develop the same invention knowing all there was to know in the prior art. Of all the requirements, this is the most difficult requirement to satisfy, as it is a theoretical standard.