



DRAFT A STRONG PROVISIONAL

DAMON KALI, ESQ.

- B.A. Biochemistry from University of Arizona with minors in Math and Physics
- M.P.H. from San Jose State University
- J.D. from Santa Clara University
- 10 years as a working engineer. Process control systems, video distribution systems



FIRM

- Founded in 2006
- Computer & Software, Semiconductor Manufacturing, Telecommunications, and Mechanical
- Patent Prosecution, Opinions, Litigation Support, Trademarks, and Copyrights
- Electronic Office Paradigm



DISCLAIMER

Does not reflect the opinion or position of the USPTO
or any person employed or affiliated with the
USPTO



OUTLINE

- Structure
- Substance



STRUCTURE

- Cover Sheet
- Description
- Drawings
- Fee



STRUCTURE: COVER SHEET

PTO/SB/16 (12-08)
Approved for use through 06/30/2010. OMB 0661-0032

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

PROVISIONAL APPLICATION FOR PATENT COVER SHEET – Page 1 of 2
This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Express Mail Label No. _____

INVENTOR(S)		
Given Name (first and middle (if any))	Family Name or Surname	Residence (City and either State or Foreign Country)

Additional inventors are being named on the _____ separately numbered sheets attached hereto.

TITLE OF THE INVENTION (500 characters max):

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

The address corresponding to Customer Number: _____

OR

Firm or Individual Name _____
Address _____

City _____ State _____ Zip _____
Country _____ Telephone _____ Email _____

ENCLOSED APPLICATION PARTS (check all that apply)

Application Data Sheet. See 37 CFR 1.76 CD(s), Number of CDs _____

Drawing(s) Number of Sheets: _____ Other (specify) _____

Specification (e.g. description of the invention) Number of Pages _____

Fees Due: Filing Fee of \$220 (\$110 for small entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

METHOD OF PAYMENT OF THE FILING FEE AND APPLICATION SIZE FEE FOR THIS PROVISIONAL APPLICATION FOR PATENT

Applicant claims small entity status. See 37 CFR 1.27.

A check or money order made payable to the *Director of the United States Patent and Trademark Office* is enclosed to cover the filing fee and application size fee (if applicable). **TOTAL FEE AMOUNT (\$)** _____

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number: _____

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22315-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PROVISIONAL APPLICATION COVER SHEET
Page 2 of 2

PTO/SB/16 (12-08)
Approved for use through 06/30/2010. OMB 0661-0032

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

No.

Yes, the name of the U.S. Government agency and the Government contract number are: _____

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

SIGNATURE _____ Date _____

TYPED or PRINTED NAME _____ REGISTRATION NO. _____
(if appropriate)

TELEPHONE _____ Docket Number: _____



STRUCTURE: DESCRIPTION

- I. Background
- II. Brief Description of the Drawings
- III. Description
 - PCT – “claim like” language
 - THIS IS A PROVISIONAL APPLICATION AND THERE IS NO REQUIREMENT FOR CLAIMS. TO THE EXTENT THAT CLAIMS MAY BE REQUIRED UNDER FOREIGN LAW, THE APPLICANT CLAIMS THE BROADEST POSSIBLE LEGALLY VALID CLAIM FOR THE INVENTION DESCRIBED IN THE ABSTRACT OF THE DISCLOSURE.



STRUCTURE: DESCRIPTION

- Summary not required
- Abstract not required
- Claims not required
- Benefits not required



STRUCTURE: DRAWINGS

- Formal Drawings not Required
- Number Drawings
- Photos OK
- Hand Drawings OK



STRUCTURE: FEES

- Small Entity – \$125.00



SUBSTANCE

- Drawings
- Description
- Background



SUBSTANCE: DRAWINGS

- Drawing Showing the Whole Invention



SUBSTANCE: DRAWINGS

Do's

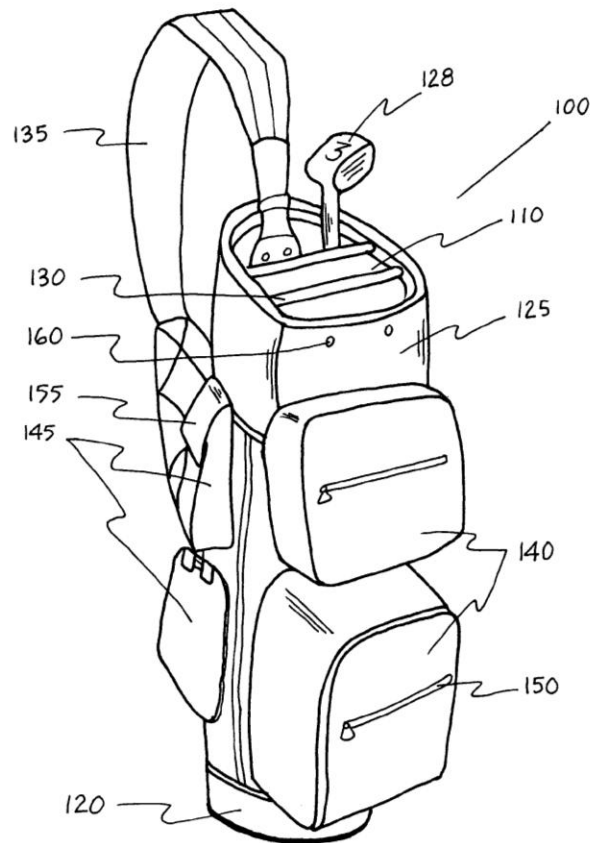
- Use Numbers Consistently
- Enable the Invention

Don'ts

- Use Illegible Drawings
- Use Excessive Words on the Drawings



SUBSTANCE: DRAWINGS



US 7,753,202



SUBSTANCE: DRAWINGS

- Drawing Showing the Whole Invention
- Drawing Showing Important Parts



SUBSTANCE: DRAWINGS

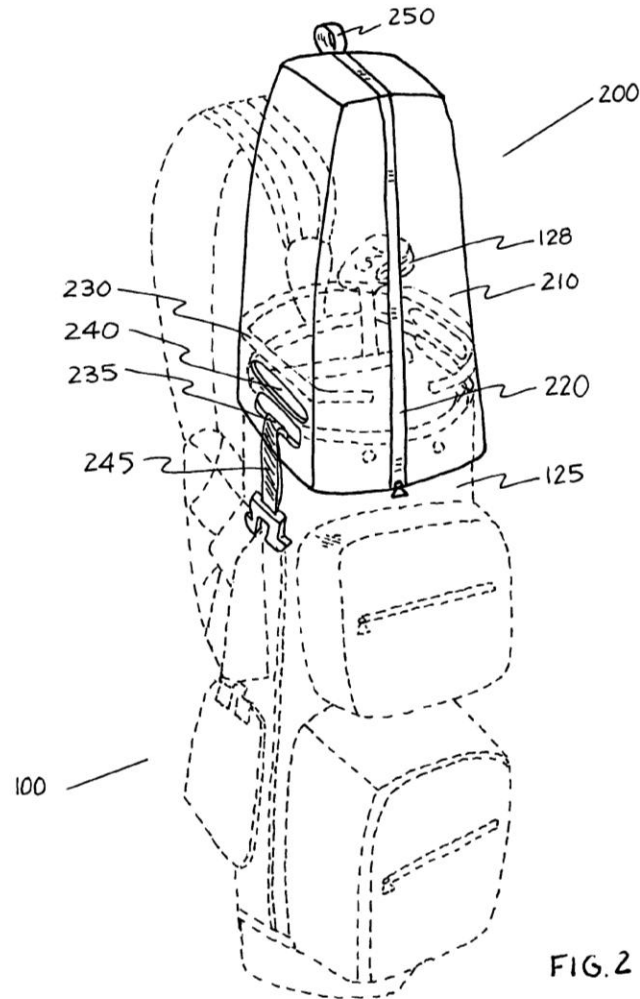


FIG. 2

US 7,753,202

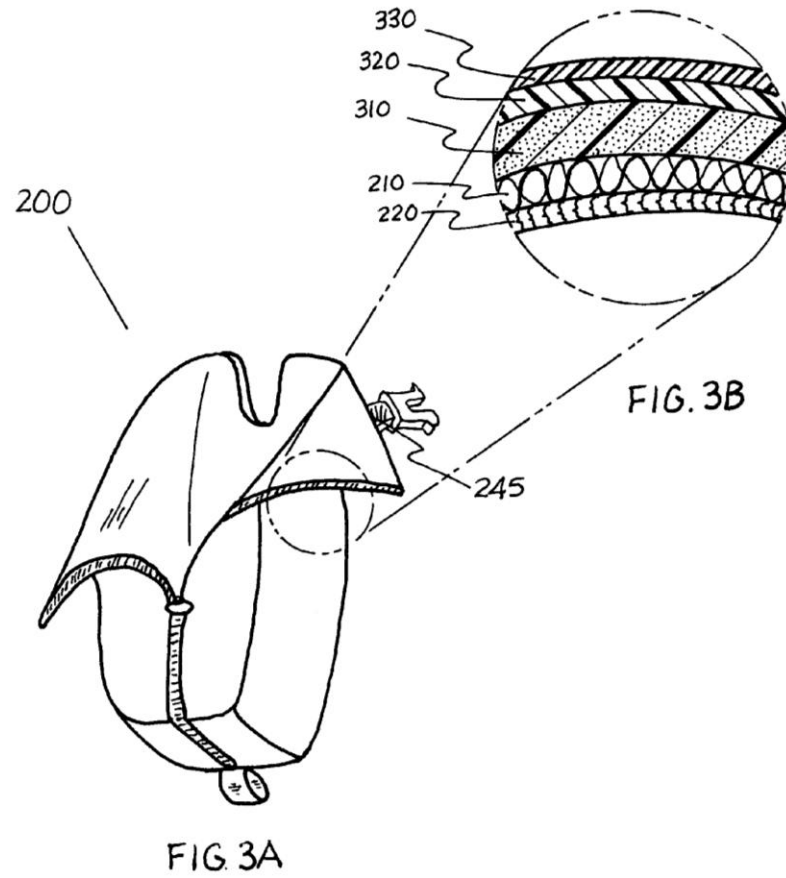


SUBSTANCE: DRAWINGS

- Drawing Showing the Whole Invention
- Drawing Showing Important Parts
- Drawing Showing Detail



SUBSTANCE: DRAWINGS



SUBSTANCE: DESCRIPTION

Do's

- Describe the Invention
 - How does it work? (Structure and Function)
- Use Consistent and General Language
- Enable the Invention

Don'ts

- Use Trademarked (or Trademark-able) Names
- Write Claims Yourself
- Disrespect Other Solutions



SUBSTANCE: DESCRIPTION

- Discuss Advantages of Your Invention/Improvement
- Use the Drawing to Establish Structure and Functional Relationships
- For Each Structure, State or Describe Alternatives:
 - Nouns like Zipper = velcro, button, staple
- For Each Function, State or Describe Alternatives:
 - Verbs like Glue = bond, rivet, bolt, secure, weld, tie, nail, staple
- For your Invention as a Whole, Consider Alternate Uses



DESCRIPTION – EXAMPLE (BAD)

The Wonderstep is the most fantastic invention ever conceived by man. This insole provides comfort that outpaces all the competition – especially the overpriced Dr. Scholls #4 insole. In clinical trials, people often commented that the Wonderstep made them feel better about their walking lives.

The shoe-pad is made up of precisely three different layers that are glued together to form a seamless insert that can be put in a work boot.



DESCRIPTION – EXAMPLE (BAD)

The **Wonderstep** is the most fantastic invention ever conceived by man. This **insole** provides comfort that outpaces all the competition – especially the overpriced Dr. Scholls #4 insole. In clinical trials, people often commented that the Wonderstep made them feel better about their walking lives.

The **shoe-pad** is made up of precisely three different layers that are glued together to form a seamless **insert** that can be put in a work boot.



DESCRIPTION – EXAMPLE (BAD)

The Wonderstep is the most fantastic invention ever conceived by man. **This insole provides comfort that outpaces all the competition – especially the overpriced Dr. Scholls #4 insole.** In clinical trials, people often commented that the Wonderstep made them feel better about their walking lives.

The shoe-pad is made up of precisely three different layers that are glued together to form a seamless insert that can be put in a work boot.



DESCRIPTION – EXAMPLE (BAD)

The Wonderstep is the most fantastic invention ever conceived by man. This insole provides comfort that outpaces all the competition – especially the overpriced Dr. Scholls #4 insole. In clinical trials, people often commented that the Wonderstep made them feel better about their walking lives.

The shoe-pad is made up of **precisely three different layers** that are **glued** together to form a **seamless** insert that can be put in a **work boot**.



DESCRIPTION – EXAMPLE (FIX)

This insole is configured to provide additional comfort and support for footwear such as boots, shoes, sandals and slippers. Indeed, the insole may be utilized with any type of footwear without departing from the invention.

The insole is configured with at least 3 layers which may be bound together in any fashion. Each layer may be configured for providing at least one of the following functions: support, cushion, odor control, permeability, and rigidity. For example, a support layer may include a molded semi-rigid polymer that...



LAST THOUGHTS

- Function/Structure
- Brainstorm Alternative Function/Structure
- Make a Filing Checklist



Thank You

Damon Kali
Kali Law Group, P.C.
damon.kali@kali-law.com
408-420-2381

