Q What Can Be Patented?

A This question has been hotly debated and litigated in recent years. In general, useful machines, products, compositions and methods are eligible for utility patents, provided all other conditions for patentability (such as novelty) are met. This includes synthetic DNA molecules (cDNA), pharmaceuticals, and some kinds of software and computer systems. However, natural laws and products of nature (such as the DNA molecules in your cells) are NOT patent eligible. Neither can you validly patent abstract ideas (e.g., formulas for hedging risk), mental processes, slogans or trademarks, or songs or other non-functional writings. Sometimes it is a matter of finding the patentable piece(s) of a novel idea. A patent professional can help you in this analysis.

John D. Vandenberg
Klarquist Sparkman LLP
john.vandenberg@klarquist.com
503.595.5300 | klarquist.com

KLARQUIST SPARKMAN LLP
INTELLECTUAL PROPERTY LAW