



# “Patent Pending”

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**What does it mean when a product is labeled “Patent Pending”?**

**A** In the United States, “Patent Pending” should indicate that when the label was applied, there was a pending patent application that described the labeled product (or some relevant part of it). The pending application may be a “provisional” application or a “regular” application, and may not be publicly available. As a practical matter, a “Patent Pending” marking can serve as a kind of public notice, alerting competitors and others that patent protection is (or was) being sought. Of course, not all patent applications issue as patents, and those that do may justify a different marking approach under the statute. An experienced patent attorney can advise you on this and other patent-related topics.