

Non-Obviousness Worksheet

A §103 non-obviousness scaffold for patent practitioners — PHOSITA, the prior-art landscape, the closest combinations, and secondary indicia. Free worksheet.

A §103 non-obviousness scaffold. It captures the practitioner's own reasoning; it does not predict an outcome, cite case law, or draft argument. All legal judgment remains with the practitioner.

§103 Analysis

Linked Disclosure

Optional — the invention disclosure this worksheet builds on.

PHOSITA

Describe the person of ordinary skill in the art: field, education, experience, and the tools and knowledge they'd have at the relevant date.

Prior-Art Landscape

The relevant references and what each teaches, at a level useful for combination analysis.

Uncomfortably-Close Reference Combinations

For each risky combination: reference A, reference B, optional reference C, and the combination argument an examiner might make.

Why PHOSITA Wouldn't Combine

The reasoning against the combination — no motivation to combine, teaching away, unpredictability, missing element, hindsight, or a technical barrier.

Unexpected Results

Any surprising or unexpected technical results, with evidence.

Long-Felt Need

Evidence of a long-felt but unmet need, and why prior solutions fell short.

Other Secondary Indicia

Commercial success, copying, industry praise, licensing, failure of others — the type and the supporting evidence.

Before You Rely On This

Disclaimer. This worksheet is a practitioner work-aid for capturing an attorney's own analysis. Obviously Not is not a law firm and does not provide legal advice; this worksheet and any output are for informational and documentation purposes only, are not legal, patent, patentability, eligibility, non-obviousness, claim-scope, validity, or freedom-to-operate advice, and do not create an attorney-client relationship. All legal judgment, including whether and how to file or argue, remains with a licensed patent practitioner exercising independent professional judgment. Nothing here predicts an outcome at the USPTO or any court.

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