OBVIOUSLY NOT

Provisional Form Worksheet

Three plain questions that place your material in one of four forms observed in 32 US software provisional applications, and what the sample shows about the later applications that followed each form. Read it below, copy it, or download it.

Your Material

What the Material Is

Name each document you are answering from and say in a line what it is: a paper, a design note, a slide deck, a free description, a draft specification, or something else. Note its date or version.

How Many Separate Documents

List the documents one per line. For each, note whether it has its own title, its own order of sections, or its own paragraph numbering, and whether another document refers to it and explains it.

Three Questions About Its Form

Answer in order, from the material itself rather than from memory of it. The first yes places the material, and you stop there. Each answer describes the form the material is in. It is not a recommendation.

Is it more than one separately written document? Question 1

Is the material more than one document, each written separately with its own structure (its own title, section order or paragraph numbering), such as two specifications? An appendix of code or data tables that the main text refers to and explains is part of one document. So is one document assembled from parts written at different times, however its sections restart: the question counts the documents as they stand, not how they were written. If yes, the material is in form P4, a compiled multi-document filing. Write yes or no, and the evidence.

Does it contain a claim set? Question 2

Does the material contain numbered statements that each name the elements of the subject matter, with at least one statement that refers back to another and narrows it ("the method of statement 1, wherein...")? A page headed "claims" that holds one sentence or a list of features does not count: 4 of the 8 P2 documents in the sample carried a page like that. If yes, the material is in form P1, an application with a claim set. Write yes or no, and the evidence.

Are its paragraphs numbered? Question 3

Is the description written with numbered paragraphs ([0001], [0002] and onward)? Standard headings and numbered figures do not decide it, because the reading found them in P1, P2 and P3 alike. Numbered sections in a paper are not numbered paragraphs. In the sample, all 21 P1 and P2 documents had numbered paragraphs and none of the 9 P3 documents did. If yes, the material is in form P2, a formatted specification without a claim set. If no, it is in form P3, an informal technical disclosure.

The Form Your Material Is In (P1 / P2 / P3 / P4)

Write the form the first yes gave. If an answer was close, note why: a claims page with only a few statements that refer back, or a draft with numbered paragraphs in some sections and not others. The reading treats P1 against P2 as a matter of degree, separated by how fully the claims are drafted.

What the Sample Shows After Each Form

For 24 families, each element of the later non-provisional application was compared with the provisional and recorded as present, partly present, or additional. Read only the entry for your form. Every figure is of the families in that form, not of all 24. "Additional" means a reading did not find that element in the provisional. It does not mean anything was missing or had to be added. Counts of kinds are pooled across a form's families, so a family with a long later application and many additional elements weighs most.

If P1: Full Application Draft With a Claim Set

13 of the 32 provisionals in the sample; the later application was compared for 8 families. Share classified as additional: median 1.5% (8 families), range 0% to 22%. The three kinds with the most elements classified as additional, by count: descriptions of what a figure shows (51), background on existing technology (48), citations of other documents (39). Two of the 8 families hold 568 of the 659 additional elements, so this ranking mostly describes those two.

If P2: Formatted Specification Without a Claim Set

8 of the 32 provisionals in the sample; the later application was compared for 7 families. Share classified as additional: median 5.2% (7 families), range 1.0% to 47%. The three kinds with the most elements classified as additional, by count: background on existing technology (96), steps or elements recited in a claim (54), examples of what a general part can be (49). Two of the 7 families hold 576 of the 852 additional elements.

If P3: Informal Technical Disclosure

9 of the 32 provisionals in the sample; the later application was compared for 7 families. Share classified as additional: median 20.7% (7 families), range 5.7% to 56%. The three kinds with the most elements classified as additional, by count: definitions of terms (196, in all 7 families), examples of what a general part can be (101, in all 7), descriptions of what a figure shows (80, in 5). Two of the 7 families hold 982 of the 1,705 additional elements.

If P4: Compiled Multi-Document Filing

2 of the 32 provisionals in the sample; both families were compared: 0.3% and 2.2% of the later application's elements were classified as additional. Two families are too few for a median or a ranking of kinds, and the reading marks this form as tentative.

Your Notes

Kinds From Your Form's Entry, Checked Against Your Material

For each kind named under your form (the P4 entry names none), note whether your material states it: yes, in part, or not. This records what the material contains. It does not say whether anything needs to be added.

Questions for a Patent Practitioner

Anything the questions left uncertain, or that you want to ask about before deciding what to do with the material.

Scope. Completing this worksheet does not file anything, establish a filing date, or say what any document can be used for. It describes the form of your material and what a sample of 32 US software filings shows. Rules can differ by country.

Disclaimer. This worksheet is used solely to describe the form of a technical document and to report observations from a sample of published US patent filings. It and any output are for informational and technical-documentation purposes only and are not a substitute for advice from qualified intellectual property counsel. Use of this worksheet does not constitute legal services or legal, patent, patentability, inventorship, ownership, claim-drafting, filing-strategy, deadline, or freedom-to-operate advice, and does not create an attorney-client relationship with Obviously Not. Intellectual-property protection can be time-sensitive: public disclosure, product release, open-source publication, sale, offer for sale, demo, or other external sharing may affect available rights. You are solely responsible for promptly consulting qualified intellectual property counsel about any legal or IP issue.

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