OBVIOUSLY NOT

What Software Patent Applications Carry, Kind by Kind

Eighty-four kinds of content, counted across 32 US software applications and the 32 provisionals filed before them. Read the counts below, or download them as a checklist.

Engineering information

About the thing described. Each item is followed by how many of the 32 non-provisionals (N) and of the 32 provisionals (P) read for this page had at least one passage of that kind. A count describes that sample. It does not say what any filing needs.

The problem and its setting

A shortcoming of existing practice (N 32/32, P 32/32); background on existing technology (N 32/32, P 31/32); the need or goal the work addresses (N 31/32, P 29/32); where the idea can be applied (N 30/32, P 32/32); which feature answers which problem (N 26/32, P 26/32); an assumption the design relies on (N 23/32, P 20/32); a comparison with other approaches (N 22/32, P 20/32). Does your material say each of these? Skip any that do not apply to your idea.

What it is, what it gains, what it costs

A short overview of what it is and does (N 31/32, P 31/32); a stated benefit or advantage (N 30/32, P 28/32); a drawback or trade-off (N 16/32, P 11/32). Does your material say each of these? Skip any that do not apply to your idea.

The parts and what they run on

What the system is made of (N 32/32, P 31/32); the hardware or software it is built on (N 32/32, P 29/32); how the parts connect and communicate (N 32/32, P 28/32); which part or party performs each operation (N 29/32, P 27/32); where it is deployed and what it relies on (N 28/32, P 24/32); how many of an element there may be (N 25/32, P 22/32); how items are arranged or ordered (N 17/32, P 14/32); operating modes or states (N 12/32, P 11/32). Does your material say each of these? Skip any that do not apply to your idea.

What the parts do, and when

What each part does (N 32/32, P 32/32); what starts an operation (N 31/32, P 30/32); what an operation produces (N 28/32, P 29/32); what happens under a given condition (N 28/32, P 27/32); exclusions and exceptions (N 23/32, P 24/32); fixed rules or limits on behaviour (N 20/32, P 21/32); adjustments to changing conditions (N 16/32, P 9/32). Does your material say each of these? Skip any that do not apply to your idea.

The steps

Method steps (N 32/32, P 28/32); the order and timing of steps (N 31/32, P 31/32); what a decision or value is based on (N 29/32, P 28/32); how a step is carried out (N 27/32, P 23/32); loops and nested procedures (N 18/32, P 14/32); priority or preference rules (N 15/32, P 13/32); decision points that choose a path (N 14/32, P 14/32); what happens

when a step fails (N 10/32, P 9/32). Does your material say each of these? Skip any that do not apply to your idea.

The data and the values worked out from it

What a data item or message contains (N 31/32, P 31/32); where data comes from, is kept and goes (N 28/32, P 25/32); what a step operates on (N 24/32, P 18/32); data formats and structures (N 23/32, P 22/32); what a value or result means (N 22/32, P 20/32); links between data items (N 21/32, P 17/32); calculation or mapping rules (N 20/32, P 20/32); quantitative relationships (N 17/32, P 17/32); tables of values (N 6/32, P 6/32). Does your material say each of these? Skip any that do not apply to your idea.

Other ways, options and values

Alternative ways or forms (N 32/32, P 32/32); optional features (N 32/32, P 30/32); lists of examples of a general term (N 31/32, P 31/32); specific numbers, ranges or limits (N 24/32, P 26/32); named types or variants (N 21/32, P 22/32); configurable settings (N 19/32, P 23/32). Does your material say each of these? Skip any that do not apply to your idea.

Terms, properties and reasons

Definitions of terms (N 32/32, P 32/32); what a part or step is for (N 30/32, P 30/32); explanations of why it works (N 30/32, P 27/32); properties of an element (N 29/32, P 30/32); when an effect holds (N 25/32, P 24/32). Does your material say each of these? Skip any that do not apply to your idea.

Examples and results

Illustrative examples (N 31/32, P 29/32); worked numerical examples (N 16/32, P 17/32); reports of building or testing it (N 11/32, P 11/32). Does your material say each of these? Skip any that do not apply to your idea.

What a person sees and does

What a person does (N 23/32, P 22/32); what the interface shows or collects (N 22/32, P 22/32). Does your material say each of these? Skip any that do not apply to your idea.

Failure and safeguards

Safeguards and mitigations (N 20/32, P 16/32); risks and failure scenarios (N 14/32, P 13/32). Does your material say each of these? Skip any that do not apply to your idea.

Drafting material

About the document, its claims or its scope rather than the thing described. Counts as above: N is non-provisionals and P is provisionals, each out of 32.

Claims

Claim openings (preamble and category) (N 32/32, P 22/32); dependent claim references (N 32/32, P 16/32); claim limitations (N 29/32, P 21/32); the structure of the claim set (N 28/32, P 20/32); means-plus-function wording (N 6/32, P 5/32). Does your material say each of these? Skip any that do not apply to your idea.

Scope and reading language

Statements that examples do not limit the scope (N 32/32, P 32/32); the forms it may take (method, system, medium) (N 31/32, P 28/32); statements about the drawings as a set (N 31/32, P 26/32); rules for reading the wording (N 29/32, P 24/32); synonyms and alternative names (N 27/32, P 27/32); statements that features may be combined (N 25/32, P 22/32); statements that steps or parts may vary (N 25/32, P 19/32); statements about what a skilled person knows (N 23/32, P 20/32). Does your material say each of these? Skip any that do not apply to your idea.

Document apparatus

A title (N 32/32, P 32/32); descriptions of what each figure shows (N 32/32, P 32/32); citations of outside documents (N 30/32, P 14/32); related application data (N 30/32, P 1/32); statements of how the document is organized (N 29/32, P 28/32); passages that restate content found elsewhere (N 29/32, P 22/32); cross-references within the document (N 28/32, P 28/32); statements that two elements correspond (N 26/32, P 26/32); reference numerals tying text to figures (N 26/32, P 20/32); a technical field statement (N 21/32, P 20/32); docket numbers and other filing details (N 6/32, P 23/32). Does your material say each of these? Skip any that do not apply to your idea.

Scope. This checklist describes what 32 US software applications and their 32 provisionals carried, in one reading. It does not say what any filing needs, and finding a kind in your own material is not a judgment about that material. Rules differ by country.

Disclaimer. This checklist describes observed content of published patent filings for informational and educational purposes only. It is not a substitute for advice from qualified intellectual property counsel. Use of it does not constitute legal services or legal, patent, patentability, drafting, filing-strategy or deadline 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 consulting qualified intellectual property counsel about any legal or IP issue.

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