

## Patentability Evaluation Criteria

The University will consider supporting a US patent application for university inventors only if the resulting Intellectual Property will be the property of the University. International Patent criteria are discussed at the end of this document. Criteria used while considering a proposed US patent are:

**Criteria 1.** Is the proposed technology patentable and has it been sufficiently demonstrated:

- Does the investigator have sufficient **evidence of the state of the art** to convincingly state that this is New, Novel, and Not Obvious (from the web AI overview: “Specifically, it must be novel, meaning not previously known or used by others, and non-obvious, meaning it's not an obvious combination of what already exists. The invention also needs to be useful; a clear description of how to make and use it is required. “)
- Does the patent request convincingly portray a “new” technology or device. Is it truly unique or simply a repetition of what is already in place or an “obvious” extension of existing practice.
- Is it convincingly described as “reduced to practice.” (from AI web again: “the stage where an invention is demonstrated to be both useful and operable, typically involving the physical creation and testing of the invention”).
  - IF it is not reduced to practice, is there a compelling reason to seek patent protection NOW with a provisional patent?

**Criteria 2.** Is the Technology “of use” and does it either represent an advancement of the “public good” or is it economically viable.

- Is there an obvious industry that would license the technology?
- Does the process or invention make economic sense?
- Can the university see a pathway that will provide license partners or a revenue stream from this technology in the future?

## International Patent Evaluation Criteria

- The filing deadline for an international patent application is typically within one year of the filing date for the corresponding U.S. patent. International patents can be significantly more complex and costly than U.S. patents. To justify these expenses, the University will support an international patent application only when a potential licensing partner has been identified, the likelihood of a successful licensing agreement with this partner is high, and the international patent offers a substantial advantage to the licensing opportunity.
- Recommendations for international licensing are submitted to the Provost for final approval.