

# 16 Good Reasons For Pursuing A Quick Patent Grant

Why receiving a granted patent today is better than receiving the same granted patent only tomorrow.

# Most Important Context: Save Money

1. Save money using the PPH routes. „PPH“ as in Patent Prosecution Highway.
2. A lot of Examiners in this world only mirror foreign rejections to local requirements. That applies also in the opposite direction: when these Examiners see an issuance in the US or EP, they tend to follow as well. This is why getting that issuance before the 30/31/32-month deadline for entering PCT national/regional phase can save a lot in national prosecution costs.
3. Prosecuting a patent application to grant in a recognized country like the US or at EPO first can be very helpful in understanding what may be an issue in other, less recognized jurisdictions. So getting that issuance before the 12-month priority deadline can save a lot in prosecution costs because the follow-up application at the end of the priority year can be amended accordingly, in order to avoid similar problems elsewhere.
4. You might have access to free acceleration at the PTO due to inventor age, specific areas of invention etc. Reason for many: “If you can get something for free from the government then take it.”

# Important Context: Do What The Client Wants

1. Clients often want to have certainty over the scope of protection of their patent early, so that they understand the limits of their monopoly.
2. Some clients are very results focused and just want the patenting process finished, so they can tick it off the list and move on.

# Context: Practical Considerations

1. Lack of access to inventors. If you wait too long, people tend to leave the company or become unavailable. But you may need input from the inventors to get your patent granted. Note: your patent is not drafted well if you need the inventors` input for getting a granted patent.
2. Fast grant means you`re less likely to get caught up in changes in law/changes in attitude. We`ve all been in situations where we end up fighting with an examiner who is using ex post facto reasoning, especially when it comes to inventive step.

# Context: Licensing

1. The patent is used for negotiating licenses. Reason: a license agreement is much better enforced on someone that is already using your invention if the patent for your invention is granted. Note: patent trolls use that tactics, among others.
2. “Essential claims” in licensing agreements: in some agreements, securing essential claims in prosecution comes with enhanced royalties and other payment triggers.

# Context: Enforcement

1. A litigation is expected. Reason: you can only enforce a granted patent in court, but not a patent application. If an infringer is “agile” it can happen that without injunction you cannot benefit from your patent unless an injunction was obtained in the right time.

**Example „new face mask design for COVID”:** a litigation is expected soon after product launch because the invention is in a fast moving or transient market where most of the benefit will be realized in the first couple of years.

1. Damages in many countries are computed for a period starting from the grant date (in some countries this may be even shifted if corrections of translations need to be filled). Of course, damages are not always crucial and sometimes may not even cover all the costs of litigation but still there is a psychological effect on assumed infringers and their risk if their evil enterprises increase.

# Context: Government Cooperation

1. there is a public government tender for supplying goods or services. Reason: bureaucrats want certainty that only a granted patent seems to give, but not a patent application. Note: a registered utility model also works in these cases
2. in some countries there are government subsidies, but only for granted patents. Reason: there is real no reason, that is one of many arbitrary prerequisites for a government grant. Note: Government grants are seldom reasonable.

# Context: Financial Considerations

1. you're looking to raise startup money based on the patent, and the patent may be used as collateral. Reason: no reason, that is one of many arbitrary prerequisites for an investor to invest. Note: Investors are seldom reasonable.
2. Granted patents rank higher in algorithms for tangible assets valuation and can impact stock price more.

# Credits

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**Thank You!**