

IP Expert Advice:

# How do I track the status of a patent if the company is defunct?

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**Q**uestion: I worked for a start up and we created IP. A U.S. patent was applied for, and made it through the application process to some point, but the start up went out of business.

If I have an application number, what can I learn about this application?

**A**nswer: As of November 29, 2000, the U.S. Patent and Trademark Office has been publishing U.S. patent applications for the purpose of allowing the public to view the applications. There is an exception to the publication rule but, in general, U.S. applications are published at 18 months from an application's earliest filing date.

So if a U.S. patent application was filed on November 1, 2005 and does not claim priority from an earlier U.S. application, the U.S. application will be published on May 1, 2007. If the application claims priority from an earlier U.S. application (e.g., a provisional application which was filed on July 2, 2005), then the U.S. application will be published on January 2, 2007.

Published patent applications, just like issued U.S. patents, can be viewed from the U.S. Patent and Trademark Office website. At the site, select "patents" and then "search." On the right-hand side of the web page you can search among published patent applications based on the application number, inventor name, title, or by certain keywords in the patent application text.

Once you have the application number, you can obtain the status of the application from a different section of the site called the "Public



PAIR" link. PAIR is an acronym for Patent Application Information Retrieval and allows the public to access the file history of a published patent application.

When you access the "Private PAIR" link, perform a search by the application number and then select the "Image File Wrapper" tab to learn the status.

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