

Studying Citing Applications to Decide to File a Divisional Application



Aki Ryuka

Japanese Patent Attorney

Attorney at Law, California, U.S.A.

April 4, 2023

1. Before the examination ends, applications are often cited to other applications that were later filed

Because the applicant of the later application is claiming similar inventions, the later applicant is your (potential) **competitors.**

2. Patenting what the Later Applicant tried to patent

When your application is cited to a Later Application, your application discloses (a part of) the inventions claimed in the Later Application.



If the later applicant is your competitor, we suggest claiming and patenting what your competitor originally claimed, by a divisional application.

Because the claims of the Later Application often cover the future products of the competitor, you increase possibilities to cover the competitor's products.

3. Patenting claims that cover embodiments of Later Application

The embodiments of the Later Application show future product ideas of the later applicant.

We also suggest claiming the inventions that cover the embodiments of the Later Application by a divisional application.

Not Only in Japan

We suggest studying the later applications that cite your application not only in Japan, but throughout the world.

Upon receiving an allowance or Decision of Rejection, we are searching the later applications throughout the world.

If you have any questions or suggestions, please let us know.