

Three Main Criteria for Patentability

For an invention to be patentable, it must meet three key criteria:

(1) **Novel** (2) **Useful** (3) **Non-Obvious**

1. Novelty: a novel invention is new – something which has not been publicly disclosed anywhere in the world.

2. Utility or Usefulness: To be considered useful, an invention must perform a specific, useful function, must actually work as described and must be of some benefit to society.

Examples not demonstrating utility/usefulness:

- A gene with a previously unknown role in a disease pathway may not be patentable
- Just mechanism of action of a gene/protein/protein-protein interaction/pathway alone may not be sufficient to patent

Examples demonstrating utility/usefulness:

- A therapeutic that targets the function/activity of a protein to modulate a disease indication
- Clear proof-of-concept data (e.g., pharmacological, genetic etc)

Non-Obviousness: It is the inventive step, and it must not be an **obvious combination or modification** of existing knowledge to a person skilled in the field.

While this is somewhat objective – it is helpful to consider from someone of skill in the art (like yourself) – why a similar person of skill in the art would not have thought of your invention?