Patenting in Nevada (Part 3)

By Marketa Trimble, Associate Professor of Law

The number of patents granted in a given period for inventions originating in a particular territory is an inaccurate proxy for the innovative activity that occurs in the period and the territory. Patents on inventions considered novel, non-obvious, and useful capture only some of ongoing innovation, and therefore the number of patents granted is only one of several indicators of innovative activity. Fluctuations in the number of patents granted may be associated with a number of factors, including institutional and procedural changes in patent applicants’ organizations and in the Patent Office, and also changes in attitudes in a particular industry toward the protection of inventions by patents. The availability of highly skilled patent attorneys and patent agents who can draft and prosecute patent applications successfully is yet another factor that can affect the number of patents granted.

Keeping the above caveat in mind, we can note that the numbers of U.S. patents granted in 2010 – 2013 on inventions by Nevada inventors indicate a positive trend in innovation in Nevada. Throughout this post, the terms “patents” and “inventions” are used to refer to utility and design patents and to inventions and designs, and the statistics are for calendar years, not fiscal years.) While Figure 1 shows a slight decrease in the number of patents granted on applications listing Nevada assignees in 2011 and 2012 (when the numbers of such patents granted were in the 1,300s), Figure 1 also shows that in 2013 the number of such patents granted that year jumped to 1,691. Development in Nevada is unequivocally positive in Figure 2, which shows a gradual rise in the number of patents granted on inventions for which at least one inventor was a Nevada resident; the number increased from 794 patents granted in 2010 to 1265 patents granted in 2013.

Figure 3 compares the development of the numbers of all U.S. patents granted in 2010 – 2013 with the development of the numbers of U.S. patents granted on applications listing Nevada assignees and Nevada inventors. The number of all U.S. patents granted in 2013 was 24% higher than it was in 2010; the number of U.S. patents granted in 2013 exceeded 300,000. The number of U.S. patents granted on applications listing Nevada assignees in 2013 was 12% higher than it was in 2010, but there was a slight dip in the numbers in 2011 and 2012. However, patents on applications that named at least one Nevada inventor...
have been growing steadily from 2010 to 2013, and the number of such patents granted in 2013 was 59% higher than it was in 2010.

The numbers of patents granted could have risen in Nevada because of an increase in Nevada’s population or growth in Nevada’s economy; to find out whether the rise might be attributable to an increase in the intensity of innovation, it is useful to look at the development of the numbers of patents per million Nevada residents and per $ billion Nevada GDP. Figures 4 and 5 show that the numbers of patents on inventions by Nevada inventors, per million Nevada residents and per $ billion Nevada GDP, have been growing, and that they have been growing faster than the numbers of patents on inventions by all U.S. inventors, per million U.S. residents and per $ billion U.S. GDP. In fact, Figure 5 shows that more patents per $ billion Nevada GDP were granted on inventions by Nevada inventors in 2012 and 2013 than were granted on inventions by U.S. inventors per $ billion U.S. GDP in those years.

The increase in the number of patents on inventions by Nevada inventors is confirmed by Figures 6 and 7, which show, per million residents and per $ billion GDP, the number of patents on applications in which a U.S. and a Nevada resident were the first-named inventors. The state or country of residence of the first-named inventor is the criterion that the USPTO uses, for statistical purposes, to define the geographical origin of a patent. Using this definition, Figures 6 and 7 show an increase in the numbers of patents granted on inventions by Nevada inventors, per million Nevada residents and per $ billion Nevada GDP. The numbers of patents granted in 2012 and 2013 on inventions by Nevada residents per million Nevada residents and per $ billion Nevada GDP in Figure 7 do not exceed the U.S.-wide numbers as they do in Figure 5; nevertheless, Figures 4 – 7 all suggest possible intensification of innovation in Nevada.

As noted above, number of patents granted is not the only indicator of innovative activity, and might not even be an accurate predictor of economic development. Much more than patenting must happen to propel economic growth; lawyers who can provide high-quality legal advice and sensible business perspectives are indispensable for the success of innovation. Preparing lawyers who can happen to propel economic growth; lawyers who can

The data in Figures 1-7 are from the USPTO Calendar Year Patent Statistics and from data collected with the use of the USPTO Search for Patents.

For previous installments of this blog post chain see Part 1 and Part 2.

Professor Trimble welcomes any citing or quoting of this blog post or reposting of the entire blog post and/or the figures; however, she requests that you cite the author and title of the blog post and include a link to this page.

Posted by William S. Boyd School of Law

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