overview

nd maintenance process

Step 1

Determine the type of Intellectual Property protection that you need

To protect your invention, you may need a patent, trademark, copyright, marketing plan, trade secrets, or some combination of these. Before you begin preparing a patent application, find out if you really need a patent or some other form of Intellectual Property protection.

- What are patents, trademarks, servicemarks, and copyrights?
- Inventor resources
- Online services

Contact Patents

Provides contact information for all stages of the patent process including the Patent Electronic Business Center, the Inventors Assistance Center, Office of Patent Legal...

Patent Pro Bono Program for independent inventors and small businesses

The Program provides free legal assistance to under-resourced inventors interested in securing patent protection for their inventions.

Step 2

Determine if your invention is patentable

To determine if you can patent your invention, you will need to know the answers to a few simple questions. Go to our Patent FAQ page and enter these questions to learn more about the Patent Process -

- Who can apply for a patent?
- What can and cannot be patented?
- How do I know if my invention is patentable?
- How long does patent protection last?
- How much does it cost to get a patent?

Search to see if your invention has already been publicly disclosed

- You cannot get a patent if your invention has already been publicly disclosed. Therefore, a search of all previous public disclosures should be conducted. A search of foreign patents and printed publications should also be conducted.

If you are not experienced at performing patent searches, a registered attorney or agent is recommended.

- Attorneys and agents with licenses to practice before the USPTO
- Are you an inventor or small business who has limited resources and needs help applying for a patent on an invention? If so, you may be eligible to receive pro bono ("for free") attorney representation through either the Law School Clinic Program or the Patent Pro Bono Program. Additionally, the USPTO maintains several other legal assistance resources and programs for independent inventors, entrepreneurs, and small businesses.
- I want to file myself - learn more about filing Pro Se

It is possible, though difficult, for you to conduct your own search:

- How to Conduct a Preliminary U.S. Patent Search: A Step by Step Strategy - Web Based Tutorial (36 minutes)
- **The Seven-Step Strategy** - Outlines a suggested procedure for patent searching
  - A detailed handout of the Seven Step Strategy with examples and screen shots.
- Patent Search requires an understanding of Patent Classification systems. Learn about the **Cooperative Patent Classification (CPC) effort and the United States Patent Classification (USPC) system**.

Inventors Assistance Center

The Inventors Assistance Center provides patent information and services to the public. It is staffed by former Supervisory Patent Examiners and Primary Examiners who...

Patent and Trademark Resource Centers

A nationwide network of public, state, and academic libraries

Public Search Facility

Located in Alexandria, VA provides the public access to patent and trademark information in a variety of formats. Trained staff are available to assist public users

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Law School Clinic Certification Program

Free legal help provided by law students, who gain experience drafting and filing patents and trademark applications for clients of the law school clinic.

Granted Patents and Patent Applications may be searched using the **Patent Full Text Databases**

See our Patent Search page for additional Search resources.

Step 3

What kind of patent do you need?

There are three types of patents - Utility, Design, and Plant.

- General Information Concerning Patents

Utility Patent

Utility patents may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or compositions of matters, or any new useful improvement thereof. By far, most patent applications filed at the USPTO are utility applications.

- Applying for a Utility Patent
- Maintaining your Utility Patent
- Biotechnical Sequence listing Validation and Authoring tools
- Business Method Patent issues

Design Patent

Design patents may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture.

- Definition of a Design Patent
- Difference Between Design and Utility Patents
- How long does Patent Protection last for a Design Patent?

Plant Patent

Plant patents may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

- Introduction to Plant Patents
- Guide to Plant Patents
- More Plant Patent information

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Patent and Trademark Resource Centers
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Step 4

Get ready to apply

Once you have determined the type of Patent that you need, you can consider your application strategy and whether to use professional legal services.

- What are the different types of Patent applications/proceedings?

How much is this going to cost?

A patent application is subject to the payment of a basic fee and additional fees that include a search fee, an examination fee, and issue fee. Depending on your application, there may also be excess claims fees.

- Fees vary depending on the type of patent application that you submit

Filing, Search, and Examination Fees

- Additional $200 fee for small entity applications if they are filed by mail or hand-delivery
  - To avoid the $200 fee, get a Customer Number and a Digital Certificate so that you can file online
- Current Fee Schedule
- For Information on Fees under AIA and Prioritized examination go to our AIA FAQ page and filter on "Fees"

How long will this take?

Estimate how long it will be until you receive your first letter from the USPTO in response to your application.

See the Patents Data Visualization Center for an overall average First Office Action estimate and Total Pendency.

Consider expedited examination options. The USPTO Patent Application Initiatives Timeline displays various programs and initiatives that are available to applicants during each phase of the application process. Each program is designed to advance the progress of a patent application and to provide applicant assistance. View a detailed Matrix of programs available Prior to Examination.

Do you need International protection?

- International Patent Legal Administration (formerly PCT Legal)
- Filing a new International Application under the Patent Cooperation Treaty (PCT)

Do you want to file a Provisional or Nonprovisional application?

- Utility and Plant patent applications can be filled using either a provisional or nonprovisional application. A provisional application is a quick and inexpensive way for inventors to establish a U.S. filing date for their invention which can be claimed in a later filed nonprovisional application.
- Provisional Patent Application

Should you hire a Patent Attorney or Agent?

The preparation of an application for patent and the conducting of the proceedings in the United States Patent and Trademark Office (USPTO or Office) to obtain the patent is an undertaking requiring the knowledge of patent law and rules and Office practice and procedures, as well as knowledge of the scientific or technical matters involved in the particular invention.

Patent Electronic Business Center
The Patent Electronic Business Center (EBC) assists customers with filing their electronic patent application submissions via the Electronic Filing System (EFS-Web) and...

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Patent and Trademark Resource Centers
A nationwide network of public, state, and academic libraries

Application Assistance Unit
The staff in the Application Assistance Unit is trained to assist with a broad range of questions and issues pertaining to pre-examination processing of patent...

Forms For Patent Applications Filed On Or After September 16, 2012
Due to the enactment of the America Invents Act on September 16, 2011, the USPTO created this page containing forms for patent applications filed on or after September 16...

Patent Cooperation Treaty
he Patent Cooperation Treaty (PCT) is an international treaty with more than 150 Contracting States. The PCT makes it possible to seek patent protection for an invention...

Inventors may prepare their own applications and file them in the USPTO and conduct the proceedings themselves, but unless they are familiar with these matters or study them in detail, they may get into considerable difficulty. While a patent may be obtained in many cases by persons not skilled in this work, there would be no assurance that the patent obtained would adequately protect the particular invention.

Most inventors employ the services of registered patent attorneys or patent agents

- Additional info on Attorneys and Agents
- Attorneys and agents with licenses to practice before the USPTO
- Are you an inventor or small business who has limited resources and needs help applying for a patent on an invention? If so, you may be eligible to receive pro bono ("for free") attorney representation through the Nationwide Pro Bono Program.
- I want to file myself (Pro Se)

Step 5

Prepare and submit your initial application

See the Patent Application Guides for the detailed legal requirements for filing the type of Patent Application you have determined is right for you.

- Information about Application for Patent

Submit your initial application with all the required parts needed for obtaining a filing date and include the correct fee.

- Parts of Application to be filed together
- Application number, filing date, and completion of application
- Patent Application Filing Fees
- Payment of Fees
- Required Filing Fees

Submit your application online:

Use EFS-Web, the USPTO's electronic filing system for patent applications, to submit Utility patent applications, Provisional applications and many other types of Office correspondence to the USPTO via the Internet.

- Very basic tutorial on Filing a New Application online - Some sample documents, what must be submitted to get a filing date, documents that are also often included in a new application, etc.
- How to access our online filing and application status systems
- View the Quick Start Guides and Indexing Guides for basic online filing directions
- See also resources for filing for a patent online. First time online filers may also contact the Patents Electronic Business Center for assistance.

Before you sign your application, make sure that you read the written specification and claims. You will not be able to add anything new to your application once it has been filed with the USPTO.

Patent Electronic Business Center
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EFS-Web Guidance and Resources
Benefits of using the Electronic Filing System (EFS-Web) EFS-Web is safe. Filings made with EFS-Web provide you with the same legal protection as paper-based filings. You...

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Contact Patents

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Step 6

Work with your examiner

If your application is incomplete, you will be notified of the deficiencies by an official letter from the USPTO, known as an Office Action. You will be given a time period to complete the application filing (a surcharge may be required). If the omission is not corrected within a specified time period, the application will be returned or otherwise disposed of; the filing fee if submitted will be refunded less a handling fee as set forth in the fee schedule. Learn more about responding to Office Actions.

Estimate how long it will be until you receive your first official correspondence from the USPTO in response to your application.

EFS-Web Guidance and Resources
Benefits of using the Electronic Filing System (EFS-Web) EFS-Web is safe. Filings made with EFS-Web provide you with the same legal protection as paper-based filings. You...

Resources and Guidance
The following policies, procedures, guides, tools and manuals are associated with the patent process. NOTE: The

Once your application has been accepted as complete, it will be assigned for examination.

Your examiner will review the contents of the application to determine if the application meets the requirements of **35 U.S.C. 111(a)**.

- If the examiner does not think your application meets the requirements, the examiner will explain the reason(s). You will have opportunities to make amendments or argue against the examiner's objections.
- If you fail to respond to the examiner's requisition, within the required time, your application will be abandoned.

If your application is twice rejected, you may appeal the examiner's decision to the Patent Trial and Appeal Board (PTAB)

- If your response to a Final Action does not overcome all of the examiner's objections or if any of the claims have been twice rejected.You can consider filing an appeal with the Patent Trial and Appeal Board (PTAB)

If you have chosen legal representation, remember that once an application is filed by a patent attorney or agent, the USPTO will only communicate with the attorney or agent. Inventors often call the USPTO for updates, but they have a designated attorney or agent representing them. The USPTO does not engage in double correspondence with an applicant and a patent practitioner (37 CFR 1.33).

Sign up to view your pending application and documents in Private PAIR**.** You can also sign up for the PAIR e-Office Action Program to receive an email notification when a new Office communication is available for viewing and download in PAIR.

- Patent Examination Fees
- Patent Extension of Time Fees

Consider an Interview with your examiner - The USPTO encourages examiners to take a proactive approach to examination by reaching out and engaging our stakeholders in an effort to resolve issues and shorten prosecution.

View a detailed Matrix of programs available to assist you During Examination and After Close of Prosecution.

information below was correct at the time of original...

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Examination of Applications

Chapter 700 - Examination of Applications

Application Assistance Unit

The staff in the Application Assistance Unit is trained to assist with a broad range of questions and issues pertaining to pre-examination processing of patent...

Office of Stakeholder Outreach and Patents Ombudsman

The Patents Ombudsman Program enhances the USPTO's ability to assist applicants or their representatives with issues that arise during patent application prosecution.

Petitions

Learn more about petitions. Access to petition resources, reference material and FAQs.

Patent Electronic Business Center

The Patent Electronic Business Center (EBC) assists customers with filing their electronic patent application submissions via the Electronic Filing System (EFS-Web) and...

Patent Trial and Appeal Board

The Patent Trial and Appeal Board (PTAB) is created by statute, and includes statutory members and Administrative Patent Judges. The PTAB is charged with rendering...

Step 7

Receive your approval

If the examiner determines that your application is in satisfactory condition and meets the requirements, you will receive a Notice of Allowance.

- The notice of allowance will list the issue fee and may also include the publication fee that must be paid prior to the Patent being issued.
- Frequently asked Questions about the Notice of Allowance and the Issue fee.
- Patent Fee Table - Issuance Fees

Office of Stakeholder Outreach and Patents Ombudsman

The Patents Ombudsman Program enhances the USPTO's ability to assist applicants or their representatives with issues that arise during patent application prosecution.

Utility and reissue patents are issued within about four weeks after the issue fee and any required publication fee are received in the Office. A patent number and issue date will be assigned to an application and an Issue Notification will be mailed after the issue fee has been paid and processed by the USPTO.

The patent grant is mailed on the issue date of the patent. It includes any references to prior patents, the inventor(s') names, specification, and claims (to name a few). It is bound in an attractive cover and includes a gold seal and red ribbon on the cover.

Order certified documents - Order certified documents with the USPTO ribbon and seal as well as the signature of an authorized certifying officer.

Step 8

Maintain your patent

Pay Maintenance Fees and Check the Status

Maintenance fees are required to maintain a patent in force beyond 4, 8, and 12 years after the issue date for utility and reissue utility patents. If the maintenance fee and any applicable surcharge are not paid in a timely manner, the patent will expire.

- See the Maintain Your Patent page for more information.

After your Patent is issued and published

- Change the ownership of a Patent (Assignments)
- Corrections to Patents and published Patent Applications, revival of Abandonments, Withdrawal of Grants and more

Pay your Maintenance Fees
The USPTO's Patent Maintenance Fees Storefront

Patent Term Calculator
Estimate how long before your Patent expires

Application Assistance Unit
The staff in the Application Assistance Unit is trained to assist with a broad range of questions and issues pertaining to pre-examination processing of patent...

More Patent and Trademark Services
Record an Assignment or name change

Petitions
Learn more about petitions. Access to petition resources, reference material and FAQs.

Helpful | 1815 Not Helpful | 307 Share Print