



Requirements to Receive a Patent

- Useful (§101)
- Novel - Never existed anywhere at anytime (§102)
- Not obvious (§103)

Infringement Search

- Answer the question - *Are you infringing?*
- Search of all enforceable patents (< 20 years)
- Require portion of the Patentability Search done early.
- Fee of \$1,700 includes meeting to discuss results.
- No guarantee (Diminishing returns)

Provisional Patent

- First to file has patent rights
- Allow use of “Patent Pending” label
- Extra year of patent protections
- Gives you 12 months to determine the economic viability of continuing with the patenting process.
- All legal patent protections as long as your Non-provisional patent issues
- Fee of \$600 to review/file and fee of about \$4,000 to author it. Government fee is \$125.
- Not enforceable
- Only valid for 12 months

Prepatentability Search Activities

- Market research
- Seek investors (LLC or Corp)
- Product development

Patentability Search

- Answers the question - *Is it patentable?*
- Search of all prior art, patents and otherwise
- Answers the questions of novelty and obviousness
- Helps to prepare the non-provisional patent
- Fee of about \$3,000 or until prior art is found.
- No guarantee (Diminishing returns)

Non-Provisional Patent

- A complex legal document
- Provide patent protection for 20 years from the date of filing after patent issues.
- Will take 2 - 3 years to process.
- Look to spend about \$8,000. Government fee is \$750.

Office Action

- When USPTO requests changes to your application or rejects your application.
- Very common.
- Costs vary depending upon the change requested but should have \$3,000 in reserve.