

# The Patent Path: Procedures with Cost & Time Estimates

## I. Application

- A. Preliminary assessment (any immediately obvious red lights): Usually within the free half-hour initial consultation. This will be 101-related for software, 102-related for products with a history, 103-related for simple gadgets, or 112-related for complex inventions.
- B. Full disclosure, patent analysis, and product definition: Avg. 6 – 10 billable hours, 1 month, but variable.
  - 1. Clarifying exactly what it is that you've invented and communicating it to me.
  - 2. Identifying less obvious bars to patentability (including prior art), as well as zeroing in on the product's greatest patentable strengths.
  - 3. Interactive process requiring feedback between you and me. Be prepared; this will be hard work for you too.
  - 4. The more of your invention and prior art that you provide in writing or drawings, the more time and money you save!
- C. Writing the application: Avg. 8 – 12 billable hours ; 2 – 4 months, variable.
- D. Illustrations: Usu. About \$500
- E. Filing (Patent Pending). 1 – 2 billable hours, \$430 - \$860 USPTO fee.
- F. Grand total: Avg. \$4,000 – 6,000, 3 – 6 months.

## II. The "Patent Pending" Phase

- A. Your application is published after a few months, after which you can send warning letters to infringers.
- B. Wait 1 – 2 years
- C. Office action: USPTO's objections
- D. Arguments: 3 – 6 month process, legal needs and fees highly variable. I've had prosecutions as low as 0 hours and as high as 20 hours. Average is maybe 6 – 10.
- E. Issuance: \$250 - \$500 fee
- F. PATENT!

## III. Active Patent

- A. Now you can sue counterfeiters
- B. You can back-sue for infringement to publication of your application.
- C. You must pay \$3,000 - \$6,000 USPTO maintenance fees over 11 years
- D. Patent lasts 20 years

## IV. Upshot

- A. Expect a lifetime cost of \$10,000 – 15,000, about half of which will come up front in the first few months.
- B. The process requires months of hard work and years of waiting.