

The Patent Path

I. Application

- A. Recommended: “Starter case”, min. 2 billable hrs.
 - 1. You disclose to me
 - a. Your invention
 - b. Prior art and comparison
 - 2. First-impression opinion
 - a. 101, 102, 103, 112 concerns
 - b. Type of patent and application
 - c. Timing and strategies (search or no search)
 - d. Refined estimate of next step
- B. (Optional; recommended; up to budget) Prior art analysis: Avg. 6 – 10 billable hours, 1 month, but variable.
- C. Writing and filing the application:
 - 1. Avg. 8 – 16 billable hours ; 1 – 2 months.
 - 2. Illustrations: Usu. About \$500
 - 3. Filing. \$400 – 900 USPTO fee.
- D. **Grand total: Avg. \$4,000 – 6,000, 2 – 4 months.**
- E. Your patent application is now pending.

II. Prosecution

- A. Your application is published after a few months
 - 1. Send warning letters to infringers
- B. Wait 1 – 2 years
- C. Office action: USPTO’s objections
- D. Arguments
- E. **3 – 4 month process, \$1,000 – 3,000 legal fees**
- F. **Issuance: \$200 - 500 fee**
- G. PATENT!

III. Protection

- A. Now you can sue counterfeiters
- B. You can back-sue for infringement to publication of your application.

IV. **Maintenance: \$3,000 - 6,000** USPTO fees over the first **decade** of the patent’s lifetime.

V. **Grand Lifetime total = \$8,000 – 16,000.** Note that half of this comes immediately up front.