Prepared for Iowa State University Faculty

PATENT PROSECUTION

It usually takes at least six weeks to prepare a full patent application, perhaps more depending upon the availability of the inventors for preparation, review and comments, and revisions. It is possible to prepare a less formal application, but you must still teach one skilled in the art how to make and practice the invention, even if it is not a full application.

A provisional application has a life of up to one year; it is a placeholder that does not get examined.

A full utility application is put in line for examination. It can take 1 – 3 years for a first office action from a patent examiner. The first office action is usually, but not always, a rejection of all claims. This is very common. Patent prosecution is best described as a discussion between the patent office examiner and the person responsible for prosecuting the application on behalf of the inventor(s). In ISURF’s case, this is patent counsel we have retained specifically for your patent application.

You usually get 2 or 3 office actions before a “final” is issued. If you do not have allowed claims at that time, or the number or quality of allowed claims are too low, you can file a request to continue examination and pay the requisite filing fees again. You can also appeal, which requires additional time, money and briefing of the legal issues.

Patents issued without necessity of appeal, usually take between 3-5 years and cost around $15,000 - $20,000, although this number can vary widely.

More information about patents can be found at: [www.uspto.gov](http://www.uspto.gov)

Published patent applications\* and issued patents can be searched at the links available here: <http://www.uspto.gov/patents/process/search/index.jsp>

At Public Pair (also at that website) if you know the patent application or patent number, you can locate information and documents related to published applications and issued patents. See <http://portal.uspto.gov/pair/PublicPair>

The USPTO.gov website is not conducive to printing out entire applications or patents. A good site for that (if you know the application or patent number) is: [www.pat2pdf.org](http://www.pat2pdf.org).

\*Not all patent applications are published prior to issuance, if issued.

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