

**Juneau Partners**  
 Intellectual Property Law  
 Information - Analysis - Advice - Portfolios

PATENT APPLICATION TIMELINES

TABLE 1 - PATENT PROCESS OVERVIEW <sup>1</sup> -  
 Provisional to 111(a) Regular Utility and PCT, per application

Time:	USPTO Time: < 0 months	Time: 0 mos.	Time: 10 mos.	Time: 12 mos.	Time: 18 mos.	Time: 28 mos.	Time: 30 mos.	Time: 31 mos.	Time: Years after grant
	Prepare patent application	File provisional	Plan for re-filing updated provisional as U.S. and PCT international filing	File U.S. regular utility patent application to start examination; File PCT international	Patent application is published in U.S. and PCT	Plan for expiration of PCT and re-filing into U.S. and foreign countries	PCT expires National filings due in U.S., Canada, Japan, China, Brazil	National Filings due in all other countries, e.g. EPO	Annual maintenance fees
Legal Fees	\$5000 - \$35,000	\$450	\$1000	U.S. : see Table 2, minimum \$5500 PCT: see Table 3, about \$5000		\$500	\$3000 - \$4000	EPO \$6000 Others \$3000	\$200 - \$1000 per country
Patent Office Fees <sup>2</sup>		\$110		U.S. : see Table 2 PCT: see Table 3					

(1) ALL TIMES AND COSTS WILL VARY; EACH CASE WILL DIFFER

TABLE 2 - U.S. PATENT PROCESS TIMELINE<sup>1,2,3</sup>

Time:	USPTO Time: 0 months	Time: 2 mos.	Time: 3 mos.	Time: 12 mos.	Time: 15 mos.	Time: 17 mos.	Time: 21 mos.	Time: 24 mos.	Time: Years after grant
	Electronic FILING at USPTO	File IDS, File Assign-ment  In Biotech Cases, File Sequence Listing	1) Receive Notice MISSING PARTS from USPTO  2) Reply to NMP within 2 months: a) Submit Inventors Declaration and Pay any extra claim fees, b) submit corrected drawings	1) Receive Patent Examiner's Letter to RESTRICT claims;  2) File response within 3 months to elect one invention to go forward with examination.  Refile on other inventions now or wait to file DIVISIONAL before the first application is granted.	1) Receive the Patent Examiner's Report (aka "OFFICE ACTION").  2) Develop strategy for responding to office action; editing the claims to address the Examiner's rejections and/or amend the remaining text to address any objections.	1) INTERVIEW the Examiner to minimize the written record.  2) File RESPONSE, i.e. the edited claims are called amendments.  NOTE: The application is made public by the USPTO at about 19 months.	1) Receive the Notice of ALLOWANCE.  2) Pay final ISSUE FEE to have patent proceed to granting phase.  Re-File application to pursue DIVISIONAL patents on "non-elected inventions from the RESTRICTION.	1) Receive & forward to client for safekeeping the Official "Title", aka the GRANT OF U.S. LETTERS PATENT.  2) Review grant for ERRORS, and file Certificate of CORRECTION to fix typos, etc.	Maintenance Fee #1 Due 3.5 Years After Grant  Maintenance Fee #2 Due 7.5 Years After Grant  Maintenance Fee #3 Due 11.5 Years After Grant
Legal Fees	\$450	\$450 IDS \$350 Asgn \$600 Seqnc	a) \$450 b) \$150 per page	\$450	\$1500 - \$2000	\$1500 - \$2500	\$500	\$500	\$450
USPTO Fees <sup>2</sup>	\$82	\$40	\$540 Search Fee \$220 Exam Fee  Add'l Fees vary based on extra claims fees and late filing surcharges				\$1,510		\$980 \$2,480 \$4,110

TOTAL MINIMUM PROFESSIONAL FEES<sup>3</sup> - FILING TO GRANT: ~ \$5,500+

TOTAL MINIMUM USPTO FEES TO GRANT: ~ \$2,400+

(1) ALL TIMES AND COSTS WILL VARY; EACH CASE WILL DIFFER)

(2) USPTO FEES REDUCED 50% IF <500 EMPLOYEES IN COMPANY

(3) DOES NOT INCLUDE THE COST TO WRITE THE PATENT APPLICATION WHICH CAN VARY BASED ON STRATEGY AND DIFFICULTY

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TABLE 3 - PCT PROCESS TIMELINE<sup>1</sup>

Time:	USPTO Time: 12 months	Time: 18 mos.	Time: 20 mos.	Time: 21 mos.	Time: 22 mos.	Time: 26 mos.	Time: 28 mos.	Time: 30 and 31 mos.
	File PCT patent application	PCT is published	Optional: File Demand for Examination	PCT Patent Examiner conducts patentability search.  WIPO sends "PCT SEARCH REPORT" to us.	Optional: File amendment in response to Search Report	If a Demand was filed, then the PCT Patent Examiner prepares Written Comments concerning details of previous patent search  WIPO send us a "WRITTEN OPINION" to us.	Optional: File a response to the Examiner's Written Opinion to define the issues to come during patent examination at the national level.	PCT application expires.  To proceed, a request form and a copy of the patent application must be filed at each country to start patent examination which will lead to issuance/grant of Letters Patent.
Legal Fees	\$2500		\$1000		optional \$2500		optional: \$2500	
Patent Office Fees <sup>2</sup>	\$2500		~ \$921					

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