USPTO Patent Process Overview

STEP	WHO?	ACTIVITY

1. **Applicant** — Has your invention already been patented? Search: http://patft.uspto.gov → Yes → end
   No ↓

2. **Applicant** — What type of Application are you filing?
   - Design Patent (ornamental characteristics)
   - Plant Patent (new variety of asexually produced plant)
   - Utility Patent (most common) (useful process, machine, article of manufacture, composition of matter)

3. **Applicant** — Determine Filing Strategy
   - File Globally? → Yes → Need international protection? → File in U.S.? → No → end / Yes
   - No ↓

4. **Applicant** — File in U.S.? → Yes → Which type of Utility Patent Application to file? Provisional or Nonprovisional

5. **Applicant** — Consider expedited examination
   Prioritized Examination
   Accelerated Examination Program
   First Action Interview
   Patents Prosecution Highway

6. **Applicant** — Who Should File?
   File yourself (Pro Se)
   Use a Registered Attorney or Agent (Recommended)

7. **Applicant** — Prepare for electronic filing
   Determine Application processing Fees
   Apply for a Customer Number and Digital Certificate

8. **Applicant** — Apply for Patent using Electronic Filing System as a Registered eFiler (Recommended) About EFS-Web [EFS-Web]

9. **USPTO** — USPTO examines application Check application status
   - Allowed? → Yes / No

10. **Applicant** — Applicant files replies, requests for reconsideration, and appeals as necessary

11. **USPTO** — If objections and rejection of the examiner are overcome, USPTO sends Notice of Allowance and Fee(s) due

12. **Applicant** — Applicant pays the issue fee and the publication fee → USPTO GRANTS PATENT

13. **Applicant** — Maintenance fees due 3 ½, 7 ½, and 11 ½ years after patent grant → end

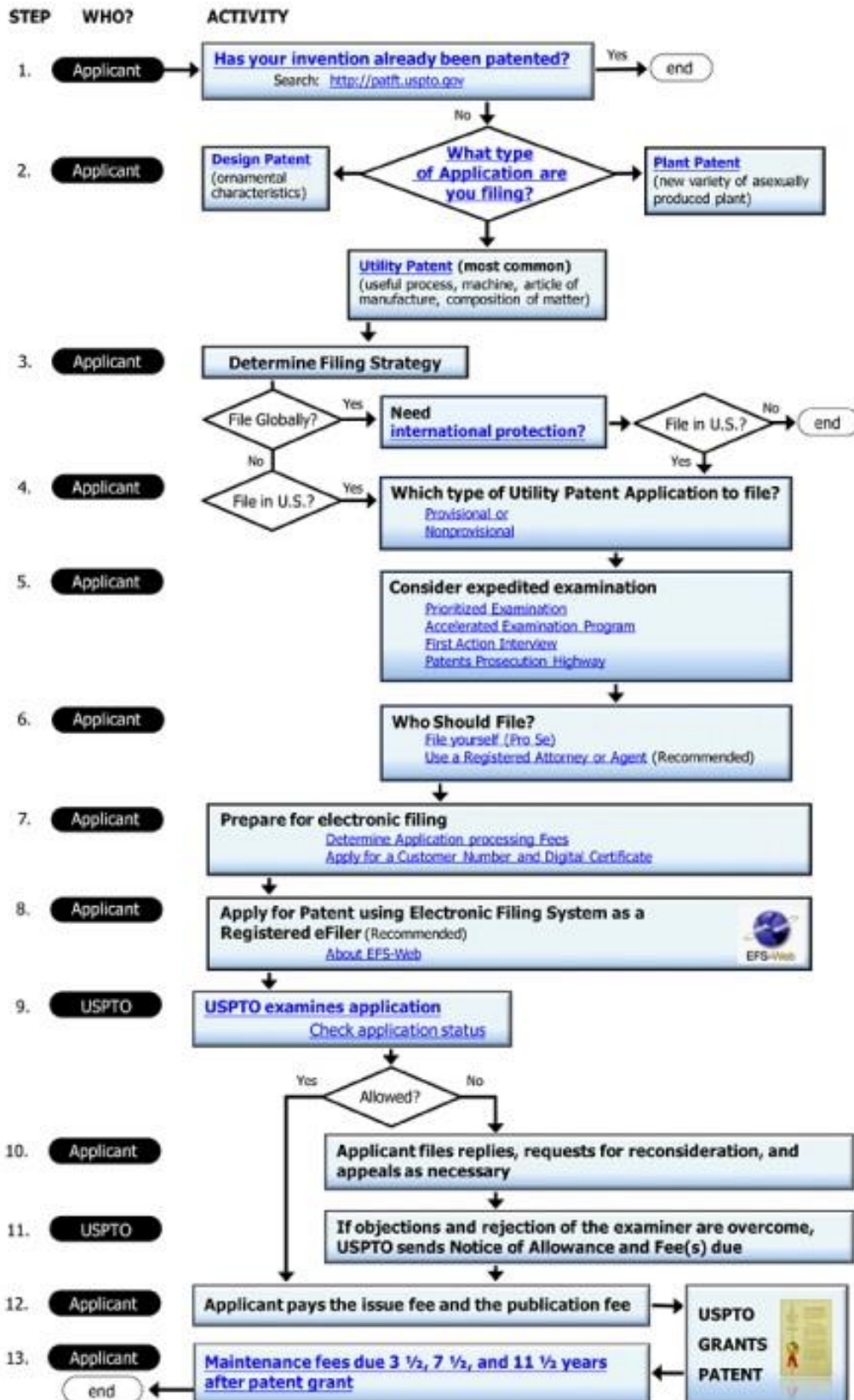Download Utility Patent Application Guide

Patent Process Overview
- Step 1, Applicant - Has your invention already been patented?
  - Search the Patent Full-Text and Full-Page Image Databases
    - If already patented, end of process
    - If not already patented, continue to Step 2
- Step 2, Applicant - What type of Application are you filing?
  - Design Patent (ornamental characteristics)
  - Plant Patent (new variety of asexually reproduced plant)
  - Utility Patent (most common) (useful process, machine, article of manufacture, composition of matter)
- Step 3, Applicant - Determine Filing Strategy
  - File Globally?
    - Need international protection?
  - File in U.S.? - continue to Step 4
- Step 4, Applicant - Which type of Utility Patent Application to file?
  - Provisional or
  - Nonprovisional
- Step 5, Applicant - Consider expedited examination
  - Prioritized Examination
  - Accelerated Examination Program
  - First Action Interview
  - Patent Prosecution Highway
- Step 6, Applicant - Who Should File?
  - File yourself (Pro Se)
  - Use a Registered Attorney or Agent (Recommended)
- Step 7, Applicant - Prepare for electronic filing
  - Determine Application processing fees
  - Apply for a Customer Number and Digital Certificate
- Step 8, Applicant - Apply for Patent using Electronic Filing System as a Registered e-Filer (Recommended)
  - About EFS Web
- Step 9, USPTO - USPTO examines application
  - Check Application Status
  - Allowed?
    - Yes, go to Step 12
    - No, continue to Step 10
- Step 10, Applicant - Applicant files replies requests for reconsideration, and appeals as necessary
- Step 11, USPTO - If objections and rejection of the examiner are overcome, USPTO sends Notice of Allowance and Fee(s) due
- Step 12, Applicant - Applicant pays the issue fee and the publication fee
  - USPTO Grants Patent
- Step 13, Applicant - Maintenance fees due 3 1/2, 7 1/2, and 11 1/2 years after patent grant
- Download the Utility Patent Application Guide