



The Law Firm of

**Louis
Ventre, Jr.**

Registered Patent
Attorney

**UTILITY PATENT
DETAILS**

[Add Site to Favorites](#)



UTILITY PATENT APPLICATION COSTS

(Reflects Government Fees effective October 1, 2007)

★ How Much is it Going to Cost Me?

In this Law Firm, individual [inventors](#) and small businesses get a discount and large entities get the benefit of lower than average fees:

- For **most small entities**, a utility application will be prepared for a fixed fee of \$2,500 plus filing costs of about \$435.

However, small entity applicants should be aware that the **likely** cost **through patent issuance** will be about \$6,200, which includes likely legal fees **after filing** of \$2,250 plus government publication and allowance fees of \$1,020. Cost may vary.

- For all the rest (which are grouped as "large entities"), a utility application will be prepared for a fixed fee of \$4,500 plus filing costs of about \$1,000.

However, large entity applicants should be aware that the **likely** cost **through patent issuance** will be about \$10,600, which includes likely legal fees **after filing** of about \$3,000 plus government publication and allowance fees of \$1,740. Cost may vary. These large entity fees are negotiable when more than a single transaction is contemplated.

- See below for a [comparison with typical intellectual property law firm charges](#).
- [So why is it so expensive?](#)
- Do I need a design, utility or plant patent? See the FAQ that describes "[What is Patentable](#)" in each type of patent and [What disqualifies you from obtaining a patent](#).






★ [What Do You Mean by *most*?](#) This firm does not offer discounted fees to small entities that are universities or government agencies, essentially, large organizations that can afford the regular rates. To qualify for the discounted small entity rates, you must be an individual inventor, group of inventors or a small business and you must not have given rights or assigned your invention to a large entity.

★ [What is a Small Entity?](#) The United States Patent and Trademark Office defines a "[small entity](#)" as, generally, an independent inventor, a small business, or a nonprofit organization. A small business generally has fewer than 500 employees, including affiliates. One does not qualify as a small entity if the invention has been assigned, granted, conveyed, or licensed (or the inventor is under an obligation to do so) to a large entity. If you meet the tests for a small entity, the government gives you a 50% discount in many filing costs. If you meet this test and you are also not a university, a government contractor whose patenting costs are paid by the government, or a government agency, then the Law Firm of Louis Ventre, Jr. also gives you a discount.

★ [Further Cost Breakdown and Details](#).

- [Preparing the Application](#). If Louis Ventre, Jr. agrees to represent you, small entities pay a fixed attorney fee of \$2,500 for preparing a utility patent application, or at your option, you may pay by the hour (\$150 per hour). The fixed price is usually a bargain for the client. Large entities pay a fixed price of \$4,500 for preparing a utility patent application, or at your option, may pay by the hour (\$250 per hour).
- [Retainer \(Deposit\)](#). The full anticipated cost of preparing and filing your application is deposited at the time of contract signing. Any actual deficit because of costs incurred is billed after the patent is filed and any actual surplus because of less than expected costs is refunded after the patent is filed. The deposit (also known as a retainer) is refundable if a patentability search results in your decision not to proceed. See [below](#) to read about the

refund after a preliminary patentability determination.

- **Patent Prosecution.** For applications prepared by Louis Ventre, Jr., a small entity pays \$150 per hour for attorney services to respond to the patent office after filing the application. This usually involves what is called "**patent prosecution.**" This Law Firm offers a cap or a maximum charge for small businesses of \$2,000 for the usual patent prosecution costs. Unusual services like appeals or petitions are not covered by the cap. A large entity or anyone who has an application not prepared by Louis Ventre, Jr. pays \$250 per hourly rate and a cap is negotiable.
- **Patent Issuance.** To issue a patent, the United States Patent and Trademark Office charges a small entity \$1,020 (\$1,740 for a large entity) for allowance and publication fees. Legal fees for preparing and filing the patent allowance papers are \$250.
- **Costs are Extra.** The Internet is used to its fullest to keep additional patent preparation costs to zero, if possible. Unlike most patent attorneys, this firm prepares simple patent drawings in house for no additional charge. This is the case for most patents. However, if more complicated drawings are required, a draftsman may charge usually not more than \$75 to \$150 per drawing. In the unusual event a draftsman is required, this cost would be passed on to you. Also, if you require printed documents, or U.S. postal mailings, the costs incurred, e.g., for printing, postage, copying, telephone and delivery, are billed to you in addition to the costs outlined above.
- **How May I Pay.** **Four major credit cards, eCHECK, and Paypal**
accounts accepted.      . Anyone can also send payments using email with **Paypal**. Foreign clients also find it useful to use Western Union.

For **design patents**, **plant patents**, and **provisional patent applications** some of the costs and details are different from those explained on this page. See the **Frequently Asked Questions** page to compare the types of patents available.

Download this web page in pdf format: (8 printed pages, 83 kb)

[Patent Application](#)

[1. UTILITY](#)

[-Business Method](#)

[-Software](#)

[-Drug](#)

[2. DESIGN](#)

[3. PLANT](#)

[4.](#)

[PROVISIONAL](#)

[5. PCT](#)

[Patent Infringement Opinions](#)

[Designing Around Patents](#)

[Patent Reexamination](#)

[Patent Reissue](#)

[Patent Infringement Damages](#)

[Patent Licensing](#)

[Foreign Filing License & Non-U.S. Filers](#)

[Invention Marketing](#)

[Invention Opportunities](#)

[Invention Notebook](#)

[Who Is An Inventor](#)

MORE ON GOVERNMENT PATENT APPLICATION FILING COSTS

★ **Fees.** The Government charges a \$515 initial application fee (\$435 if electronically filed) consisting of search fee (\$255), an examination fee (\$105) and a filing fee (\$155). This Law Firm's clients usually get the Government's \$80 discount for electronically filing a utility patent application. The Government's large entity filing fees are double those for small entities.

★ **Excess Claims.** Extra fees are due when the number of claims is larger than 20 or if there are complex claims. You can look up all the latest fees at the patent office site: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>.

★ **Assignments.** If the inventor wants to assign ownership of the invention to a company, the Patent Office charges an additional \$40. Attorney fees for preparation of the assignment documents and transmittal to the USPTO are fixed at \$150.

★ **Patent Issuance and Maintenance.** For a small entity, the Government charges a patent issuance fee of \$720, a publication fee of \$300 and maintenance fees over the life of a patent of about \$3,600. The maintenance fees are payable at years 3.5 (\$465), 7.5 (\$1,180), and 11.5 (\$1,955) after patent issuance. Patent Office fees are twice as much for a large entity, except that the publication fee is the same for both small and large entities.

★ **Total Government Fees.** Adding usual application fees for a small entity (\$435), plus patent issuance fees (\$1,020), plus patent maintenance fees (\$3,600) totals to minimum Government fees for a utility patent of \$5,055.

WHAT OTHER PATENT ATTORNEYS CHARGE

★ **What the Competition Charges.**

According to the 2007 American Intellectual Property Law Association Economic Survey of 2006 costs --

- average Patent Attorney fees for preparing an original

[Trademark Application](#)[Trademark Cancellation](#)[Trademark Infringement](#)[International Trademark](#)[Copyright Application](#)[Copyright Infringement](#)[Trade Secrets](#)[Employment Secrecy Agreement](#)[Cooperative R&D Agreement](#)[Pay by Charge Card](#)[Attorney Contact Information](#)[Attorney Biography](#)[Proximity to Patent Office](#)[Links](#)

non-provisional application of minimal complexity about \$6,500 to \$12,000 for complex applications in all fields; plus

- an *average* patent prosecution cost for each relatively complex amendment and supporting paper of \$3,000 (several may be needed per application) (*compare with a maximum prosecution charge for a small entity of \$2,000 by Attorney Louis Ventre, Jr.*);

These costs are in addition to the following costs, *which are usually included in the amount charged by Attorney Louis Ventre, Jr.*

- costs for drawings (\$500 - \$1,000); and
- costs for patentability (novelty) search with opinion on patentability (\$1,500 or more).

In addition, the usual filing and other costs of \$1,435 - \$2,570, discussed above are added to these charges.

[Back to top](#)

PATENT APPLICATION PREPARATION AND FOLLOWING

★ [What is filed?](#) An application is typically drafted from your write-up of the invention and the completed package is submitted electronically. A U.S. patent application can be prepared in about 4 weeks or less. If time limits are about to expire, or if you simply want to get up to an extra year of protection, you may want to submit a [provisional patent application](#) that fully describes the invention.

★ [What happens after filing?](#) The Patent Office [reviews the patent application](#) and usually issues an office action requiring changes to overcome prior art it has found. Typically, the Patent Office examiner sends out an office action rejecting some or all of the claims of the patent application in view of the prior art the examiner has found. At this point, the attorney must respond to the office action. A typical response includes [a meeting with the examiner](#) to discuss the office action and what is needed to overcome the objection(s). This is followed by the preparation and submission of amendments to the claims, specification text and/or drawings, consistent with the agreement reached at the meeting and

[Frequently Asked Questions](#)

[Tax Considerations](#)

[Website Index](#)

[Website Use Disclaimer](#)

distinctiveness of the invention described in the application. This process is called [patent prosecution](#).

★ [How Long Does it Take?](#) It typically takes about 2 to 3 years from application to issuance.

★ [Can I Determine If I Have a Patentable Invention Before I Invest in An Application?](#) Yes, partly: You have to make your initial deposit, but it gets refunded if you decide not to proceed after a **preliminary patentability determination**. Essentially, this Law Firm performs a preliminary patentability search at no additional cost to you. This typically involves a reasonable search of other United States patents and applications, but will not be an exhaustive search and review of all the prior art. It will usually be sufficient to reach a determination about whether or not you should proceed with a patent application. If you decide not to proceed, the paid retainer actually received from you will be **refunded**. The only caveat is that if you pay by credit card, your refund may be the actual amount of money received after the credit card company charges its customary processing fees. Many times, the Law Firm can arrange with the credit card company for a complete refund with no fees subtracted.

According to the 2007 American Intellectual Property Law Association Economic Survey, the median cost in 2006 for a novelty search is approximately \$2,000. [Back to top](#)

OTHER PATENT APPLICATION OPTIONS

★ [International Patent](#). The right conferred by the United States Government in a patent grant is, "the right to exclude others from making, using, offering for sale, or selling" the invention in the United States or "importing" the invention into the United States. A U.S. Patent offers protection only in the United States. See the page on [PCT applications](#) for more information on international patent protection.

If you want protection in a foreign country, this Law Firm can prepare an international patent application (PCT application) and file it. This is usually done within a year of filing the U.S. patent application. Be aware that after the international period (a maximum of about 31 months from the filing or priority date of the PCT application), an attorney licensed in each of the foreign nations from which you seek patent protection must be retained. Typically, an international patent

can cost \$25,000. Visit this Law Firm's web page on [PCT applications](#), or you may call or write us for additional information.

★ [Provisional Application](#). If you have a fully complete invention description, a provisional application will generally require only a few days work. If not, you might still file a [provisional application](#), which would add about \$705 to your overall patenting costs. A provisional patent application is valid for 1 year, during which time a regular patent application must be prepared and submitted in order to take advantage of the provisional filing date.

★ [More Answers on Patents](#). See the [FAQ](#) page, the [Design Patent page](#), the [Plant Patent page](#), the [Provisional Patent Application page](#), the [Business Method Patent page](#), and the [Software Patent](#) page for more questions answered on patents.

I WANT TO PROCEED

★ [What you must provide](#). Start by telling Attorney Louis Ventre, Jr. in general about what you would like to have done and a short non-proprietary description of what you have invented. Telephone us at 703-242-1247 or Email to: lventre@lventre.com.

If you use email, it is recommended that you send any information as an MS Word attachment to an email and use a password on the document. This Law Firm's [Disclaimers](#) page has information on how to do that and explains that emails are subject to interception by third parties and should not be considered secure.

Attorney Louis Ventre, Jr. will review your information free of charge. If this Law Firm does not have a conflict of interest and agrees to represent you, you will be asked to sign a contract that commits Louis Ventre, Jr. to represent you and details what you will pay for legal services.

So, if Louis Ventre, Jr. agrees to represent you, the process gets started by your being sent a contract for legal

representational services. Terms consistent with what is stated above will be set forth in the agreement. After you review it, you can electronically sign it and email it back. You will receive further instructions on how to do that. If you are more comfortable with signing by hand, you may do so and mail it or fax it with your write-up of your invention.

If you already have a write-up, it would help if you also prepared at least one hand sketch or drawing. In your write-up, you should describe how you think your invention improves on existing technology or processes and what problems it solves. Download an [MS Word invention description form](#) that may help you to organize the information you need to provide. It is also available in [pdf format](#).

Your activities to sell the invention and to whom you talked about your invention are important to patentability. Please disclose the dates of these events if they occurred. Generally, U.S. law prohibits granting a patent if it has been marketed or described in a publication over a year before the submission of the application. See the [FAQ page](#) for more discussion of this prohibition.

If you file an application for a patent with the U.S. Patent Office, you will have to sign an oath or declaration promising to disclose all you know of the prior art that could affect the validity of his claimed invention. Hiding such prior art is not only a felony, but it will not save the patent from invalidity if a court finds prior art that makes it an obvious invention.

★ Email your additional questions to lventre@lventre.com and you will promptly receive an answer.

[TRANSLATE THIS PAGE](#)

[Home](#) | [How to Communicate](#) | Email to: lventre@lventre.com |

[Useful Links](#)

[Client Inventions](#) | [Bio](#) | [FAQs](#) | [Index](#) | [Search](#) | [Disclaimers](#)

[Click Here to Fill-In a Web Form Email](#)

© 2004 Louis Ventre, Jr.

This file last modified 01/04/08.

This page is <http://www.lventre.com/details.html>.