**How the U.S. Patent Process Works**

Obtaining a patent is the U.S. involves a rigorous process. From conducting a patentability search to responding to the patent examiner’s objections and rejections, working with an experienced attorney along the way is a great idea. The following is an overview on the 6 stages of the U.S Patent Process:

1. **Perform a Patentability Search**

The first step in the U.S. patent process is to [perform a patentability search](http://patft.uspto.gov/). The process of applying for and obtaining a [patent](http://mlgiplaw.com/patents/) is costly. Performing a patentability search will provide you with a realistic idea as to whether your invention is likely eligible to be protected. There is no need to invest your money on attempting to obtain a patent on an invention that cannot be patented. Work with an experienced intellectual property attorney to perform a patentability search.

1. **Patent Application Preparation**

There are different [patent application](https://www.uspto.gov/patents-getting-started/patent-basics/types-patent-applicationsproceedings) requirements you must meet depending on the type of patent you file. Consider filing a provisional patent application if you are still developing your invention. For a reasonable fee, you can obtain a “filing date” to protect your invention. Obtaining a filing date is important because the U.S. has moved away from a “first to invent” system to a “first to file” system. Once you file the provisional application, your filing date will be secured and your application status will officially be “patent pending.”

As you develop your invention, you can file additional provisional patent applications as follow-ons. Once your invention is complete, you can move forward with a non-provisional patent application filing.

1. **File Patent Application**

Your patent application will be sent to a patent examiner once it is filed. But due to the backlog, this may take over a year. The patent examiner will review your application and either grant or deny your patent request.

1. **Prosecute Patent Application**

The patent examiner will review your application and search for other similar patents or patent applications. The examiner may make objections and rejections to your patent application. You and your patent attorney will have an opportunity to respond to the patent examiner’s comments and demonstrate the patent application has met all the requirements for patentability. The patent prosecution process usually last two to four years depending on the complexity of the invention.

1. **Allowance**

If your patent is granted, you will receive a Notice of Allowability indicating your patent application is in condition for allowance. You may be required to meet additional requirements before your patent is granted. Once all formalities are corrected, you must pay an issue fee to receive the issued patent.

1. **Issuance**

Once the issue fee is received, the Patent Office will assign your invention a patent number and the patent will be officially granted.

Contact our law office at (732) 889-1311for a confidential consultation regarding your invention. We can help you obtain a design, plant or utility patent. We can also provide you with more in-depth information on how the U.S. patent process works. Complete our [Invention and Disclosure Form](https://docs.google.com/viewer?url=http%3A%2F%2Fmlgiplaw.com%2Fwp-content%2Fuploads%2F2016%2F02%2Fpat_inv_disc.doc&embedded=true&chrome=false&dov=1) to get started.