PROCESS FOR OBTAINING A UTILITY PATENT

Step	Who?	Activity
1.	Applicant	Has your Invention already been patented? → 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
4.	Applicant	**File PCT / Paris Convention** → Yes → Need international protection? → **File in US?** → End; No → **File in US?** → Yes → Which type of Utility Patent to File? Provisional or Nonprovisional?
5.	Applicant	Consider expedited examination Accelerated Examination Program First Action Review 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 Electroic Filing System as a Registered eFiler (recommended)
9.	USPTO	USPTO examines application Check application status
		Allowed? Yes → Applicant Files replies, requests for consideration and appeals as necessary; No ↓
10.	Applicant	Applicant Files replies, requests for consideration 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 Files replies, requests for consideration and appeals as necessary → USPTO Grants Patent
13.	Applicant	Maintenance fees due 3 1/2, 7 1/2, and 11 1/2 years after patent grant ← USPTO Grants Patent