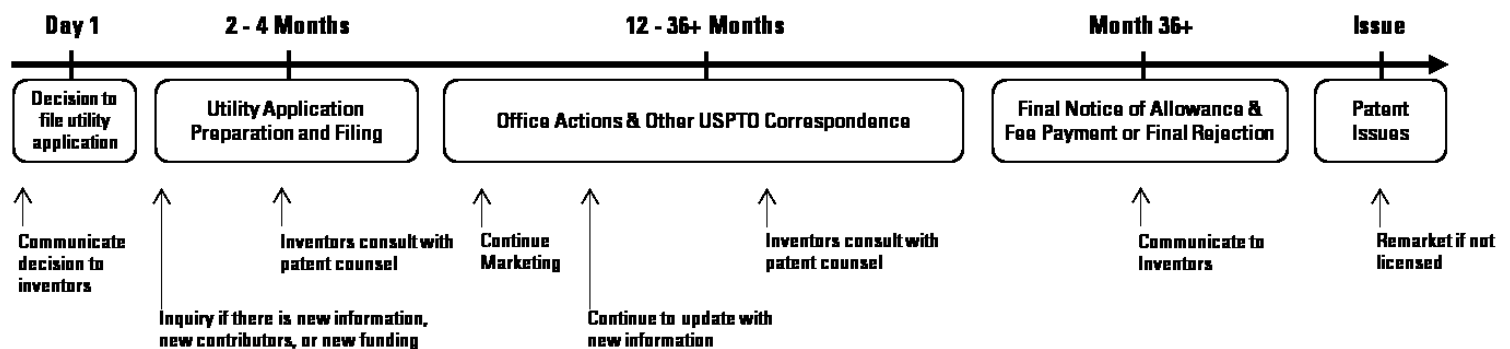




Utility Patent Application – what to expect . . .

U.S. utility patent applications are filed because ISURF has determined the technology is important to industry, there is a sufficient licensing opportunity, and it fulfills the requirements for patentability. When a utility patent application is filed in the United States, it may take three or more years before a patent issues. Here is what you can expect during the next few years:



ISURF Cost

The cost of a U.S. utility patent application varies depending on any previous filings, complexity, and number of claims. By the time the patent issues, the average cost of a U.S. utility patent is ~\$20,000 - \$25,000.

Timeline (Months)



Month 1: Decision to File

- If no provisional application was filed, a patent attorney will be selected and consultations will be held with the contributors(s).
- If a provisional application was filed, the patent attorney and/or ISURF staff will consult with the inventors to gather new information such as new data, new contributors, and new funding.
- Consultations with inventors will continue until the U.S. utility application is filed and may require significant time. The patent attorney provides the legal language and knowledge of patent application drafting requirements and is responsible for the patent application draft and filing. Active cooperation by the inventors is essential in reviewing patent application drafts and providing scientific content such as:
 - A complete written description of the invention. A manuscript is ideal; other publications or descriptions are helpful.
 - Data, examples, ranges, context, parameters, etc.
 - Listing of all contributors and their contribution.
 - An indication of the direction of future research.
 - Any public disclosure/presentation plans.



Months 2 – 36+: From filing to issuance or final rejection

ISURF will:

- Continue to market if the technology is not licensed or optioned.
- Manage ongoing prosecution efforts, including office actions, which are conversations with the USPTO about the patent application. Inventor time and attention is required.
- Notify inventors of the publication of the utility patent application ~18 months.

Inventors help by:

- Continuing to publish/present as provided under any funding agreements; this can be a helpful marketing tool.
 - Continuing to report and update ISURF regarding new data, improvements, advancements, and setbacks.
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Notice of Allowance or Rejection

Inventors will be notified by ISURF:

- Good news – The patent is going to issue.
 - Not so good news – The patent might be denied or the allowed claims might not be commercially significant.
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At Issue

- ISURF will pay the issue fee and conduct an additional marketing campaign if needed, as the issued patent provides an enhanced value proposition.
 - The patent is valid up to 20 years from the filing date of the utility patent application. See Through the Life of a Patent, Just In Time series, for more information.
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