

Frequently Asked Questions

1. Intellectual Property Law

a. Patents

- i. How do I pick a good patent attorney?
 1. Working with a good patent attorney is important. It is very important that they understand your invention and that you feel it is easy to communicate with them. Hiring a patent attorney that you can work with is very important because of the amount of time it takes to get a patent issued (18-24 months from filing).
- ii. What does a patent protect?
 1. A patent protects the novel aspects of a product, device, and/or process of manufacture.
- iii. What are the different types of patents?
 1. Utility patent
 2. Design patent
 3. Plant patent
- iv. What is the difference between a utility patent and a design patent?
 1. There are primarily two general differences between a design patent and utility patent. The first is that a utility patent protects the concept of an invention. A design patent only claims the ornamental shape of the item.
- v. What sections are required to be in a utility patent?
 1. There are several sections that must be included in a utility patent: Abstract, Background of the Invention, Brief Summary of the Invention, Drawings (generally required); Brief Description of the Drawings (required if drawings are required); Detailed Description of the Invention; and Claims.
- vi. Do I need to have a prototype before filing for a patent?
 1. No, you generally do not need to have a prototype before filing a patent application.
- vii. How much does it cost to get a patent?
 1. The cost of a patent varies on the complexity of the invention, the type of patent being obtained, and the type of inventor filing for the application or the type of company that the patent will be assigned to. Generally speaking if an inventor qualifies as a micro-entity, a utility non-provisional patent application of minimal complexity will cost \$5,000. This should include everything to getting the patent awarded.
 2. The cost of filing a design patent is far less for an applicant that qualifies for micro entity status. Depending on the number of drawings required to show invention, you should expect to pay less than \$2,500 to obtain a design patent.
 3. Because the attorney fee for filing a patent depends so heavily on the invention, we provide more specific estimates after an initial consultation.
- viii. How long does it take for a patent to be issued?
 1. Once a patent application is filed, it will generally take 18-24 months for the patent to be issued.
- ix. When do I pay maintenance fees for my patent?

1. Maintenance fees for US patents must be paid after 3.5 years, 7.5 years, and 11.5 years after the patent was issued. The cost of the maintenance fee will increase in cost respectively. Maintenance fees only apply to utility patent applications, not design patents.
 - x. What do I do if I forgot to pay my maintenance fee?
 1. If you forget to pay your maintenance fee there is a 6 month grace period where you can pay your maintenance fee plus a surcharge late fee. If you miss the grace period then you will need to file a petition with the USPTO's Petition Office to revive your patent.
 - xi. How do I patent an invention?
 1. You may file a patent yourself, however it is better to hire a patent attorney.
 - xii. When is my invention considered patent pending?
 1. Your invention is considered patent pending when a provisional or non-provisional patent application is filed with the USPTO.
 - b. Trademarks
 - i. What does a trademark protect?
 1. Trademarks protect the brand of a company, product, or service. Trademark law also protects certifications
 - ii. How long does a trademark last?
 1. A trademark will last as long as the mark is being used in connection with a good or service and therefore, can theoretically last forever.
 - iii. When should I renew my trademark?
 1. While federal trademarks will last as long as you are using the mark in connection with the claimed goods, after it is registered a renewal must be filed between the 5th and 6th year and 9th and 10th year. After the 10th year a renewal must be filed ever subsequent 10th year.
 - iv. How much does a trademark cost?
 1. Trademarks vary in costs, but a reasonable estimate is \$1,500.
 - v. How long does it take for a trademark to be allowed?
 1. It typically takes 8 to 12 months for a trademark to get registered by the USPTO.
 - vi. When do can I place a "TM" or an "R" next to my company name?
 - c. Copyrights
 - i. What does a copyright protect?
 1. Copyrights protect creative works that have no inherent utility.
 - ii. How long does a copyright last?
 - iii. How long does it take for a copyright application to be approved?
 1. It typically takes about 10 to 12 months for a copyright to be approved by the United States Congress.
2. Adoption
 - a. How long does the adoption process take?
 3. Social Security Disability
 - a. How long does it take to be approved for disability?