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Non-Provisional Utility Patent Application (U.S. Application)

A Non-Provisional Utility Patent Application is simply a regular patent application which may mature into a patent. When a patent is obtained, the patent 'claims' define what is owned. If someone infringes at least one claim, they infringe the patent. Claims are either Independent Claims which stand on their own, or Dependent Claims which add additional elements or limitation to a preceding claim. Three independent claims and a total of twenty claims may be filed with the basic filing fee. Additional claims add to the filing fee. Generally, twenty claims are sufficient, but more claims may be filed if an inventor wishes to protect several embodiments of the same invention.

Eventually, sometimes as long as three years after filing, the application is examined and each claim is allowed, rejected, or objected to by a patent examiner at the U.S. Patent and Trademark Office. The results of the examination are mailed as an Office Action which must be responded to within six months to avoid abandonment of the patent application. The response may include amendments to the claims, arguments that the claims should have been allowed, or most often, a combination of amendments and arguments. Generally, after one or two amendments, agreement is reached and the patent is allowed.

The term of a utility patent is 20 years from the filing date, subject to patent term extensions if the Patent and Trademark Office does not meet guidelines for examining the patent, and to paying three maintenance fees during the life of the patent. A patent may not be renewed or otherwise extended (there are exceptions for pharmaceuticals to make up for approval by the Food and Drug Administration).