



# U.S. Utility Patent Application Request

## PLEASE TELL US ABOUT INVENTOR 1 (and/or our main contact person)

How many inventors are there for this invention? \_\_\_\_\_

An inventor is anyone who contributed to the way this invention works. You may have each inventor assign their ownership rights in the patent to a company or another individual, but the Patent & Trademark Office (PTO) wants to know the actual persons who should be listed on the patent as inventors, even if they ultimately do not have ownership in the patent.

Listed Name\*: \_\_\_\_\_

\*The **Listed Name** is your name printed as how you want it to appear on the final patent. We recommend using your full legal name in case there's any question about proving you are the inventor on this patent, including prefix and suffix.

Mail Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Ext. \_\_\_\_\_

Mail City: \_\_\_\_\_ Mobile: \_\_\_\_\_

State/Prov.: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Home City: \_\_\_\_\_ Home State/Prov: \_\_\_\_\_ Zip/Country: \_\_\_\_\_

Note that we will only correspond with one person as your designated contact person (or the first named inventor). It is up to this primary contact to disseminate communications from us to the other co-inventors. Note also that the first-named inventor will be the first listed person on the published application and patent document, but that each co-inventor will initially have a 100% interest in the patent. This is counter-intuitive, so please let us know if you have any questions about this.

Is this person an inventor? Yes  No  (that is, this person is the main contact, but not an inventor.)

## PLEASE TELL US ABOUT INVENTOR 2 (if any)

Listed Name: \_\_\_\_\_

Mail Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Ext. \_\_\_\_\_

Mail City: \_\_\_\_\_ Mobile: \_\_\_\_\_

State/Prov.: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Home City: \_\_\_\_\_ Home State/Prov: \_\_\_\_\_ Zip/Country: \_\_\_\_\_

## PLEASE TELL US ABOUT INVENTOR 3 (if any)

Listed Name: \_\_\_\_\_

Mail Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Ext. \_\_\_\_\_

Mail City: \_\_\_\_\_ Mobile: \_\_\_\_\_

State/Prov.: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Home City: \_\_\_\_\_ Home State/Prov: \_\_\_\_\_ Zip/Country: \_\_\_\_\_

If there are more inventors than three, please provide the above information for each on a separate sheet.

Will the inventors be assigning this invention? No  Yes  (If yes, to whom?: \_\_\_\_\_ )

If this application is to be assigned (that is, the ownership transferred to a company or other third party), then we'll need to have each co-inventor sign an "assignment agreement" that conveys the ownership of the patent application to the company or third party. Such an assignment can be found at <http://www.quickpatents.com/userfiles/file/PTOAssignment.pdf>. Note there is a charge to have the assignment agreement recorded at the PTO, and the assignment must be notarized. The application can be assigned at any time during its life, so from our standpoint there is no hurry. But you'll want to check with your other advisers to see if there is any urgency to file an assignment (ie., tax reasons, liability, etc.). As we are not a law firm, we cannot help you with the wording of the assignment agreement, or advise you as to if you need to assign the application or not.

**PLEASE DESCRIBE YOUR INVENTION (ATTACH ADDITIONAL PAGES, DRAWINGS, & PROTOTYPES)**

Quick Patents (QP) promises that all information provided by our clients will be treated as confidential material; i.e., no part of said information will be used for any purpose whatsoever outside of the intended purpose of conducting application services for the client. QP will neither use nor cause others to use, nor divulge to third parties un-affiliated with QP, all or any part of said information, in any way, without your express written approval. For a signed Non-Disclosure agreement, go to <http://www.quickpatents.com/agreement> before completing this form.

**Proposed Title of the Invention:** \_\_\_\_\_

The Title of your patent has nothing to do with your trademark, or what you call the product in the marketplace. Instead, the title of the patent has to be a boring, concise, and descriptive word or phrase. So "Weedmaster 5000" would not be a good title, but "Weeding Tool" would be, for example.

**General Description of invention:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What specifically is new about the invention, in comparison to the prior art?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Please list most relevant prior art patents or products:** (Or use previous QP patent search report )

\_\_\_\_\_  
\_\_\_\_\_

**What features do you consider to be the core features of the invention?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**What features do you consider to be optional or secondary to the invention?** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**If you filed a Provisional Application (or any other related patents), when?** \_\_\_\_\_

**What was the application #?** \_\_\_\_\_

**What date did you first publicly disclose the invention or offer it for sale?** \_\_\_\_\_

Or  **N/A** (the invention is still a secret, other than those under a Non-Disclosure Agreement or otherwise sworn to secrecy)

Note that in order to obtain a patent in the United States, you cannot have publicly disclosed the product for more than one year prior to your filing date. We ask this question to ensure there is enough time to prepare your application before your one-year anniversary of your first public disclosure (ie., your first offer for sale, or public marketing effort, or trade show disclosure, public use, etc.). In many foreign countries, you will lose your foreign filing rights if you publicly disclose your idea before filing a patent application.

**Verify Type of Patent:**                      **Utility**                       **Design**                       **Both**                       **I am unsure**

A design patent protects the ornamental appearance of the product, or its shape, regardless of how it works or its "theory of operation." A utility patent, on the other hand, protects how the product works, regardless of what it looks like. A utility patent, if you can get one, is usually considered stronger than a design patent since it protects how the product works regardless of its aesthetic shape or appearance. It may be that you want both types of patents to protect both the functional and the ornamental aspects of the product (plus you can then legally say "Multiple Patents Pending" on your product). Or, you may wish to lead off with a design patent, which gives you an inexpensive way to legally claim "Patent Pending" and then wait and see how the product does in the market before filing any utility patents (although since we're now on a first-to-file system in the US, the best advice is not to wait but to file your patents as soon as possible). Now if you want to protect your invention overseas, or think there may be competitors watching your every move, this may not be the best strategy. Let's set-up a time to discuss this if you still have questions.

**DRAWINGS, SKETCHES, PHOTOS, PROTOTYPES**

**I have:**   **Drawings/CAD**       **Photos**       **Sketches**                       **Prototype**

**My drawings/photos/sketches are:**

Attached:

Will be e-mailed to patents@QuickPatents.com:

Sent Previously:

Will send prototype to address below:

**COMMUNICATION**

E-mail (default):

Fax:

Priority Mail:

Overnight (RUSH):

The secrecy of your invention and the details of your patent are important to us. While we prefer to communicate with you via email, for ease and speed, we are also aware that some clients prefer to communicate by other, possibly more secure but more expensive means. As such, please let us know the way you would prefer that we communicate with you, send you drafts of your claims and specification, and so forth. Note that phone calls to and from QP may be recorded, and that by using our services you agree to these terms. We are not responsible for your failure to receive our email communications, and it is up to you to add quickpatents.com as a trusted sender in your email client. Further, we strive to ensure the secrecy of our clients' proprietary information. Therefore, you agree that if you inadvertently receive from us any information meant for another client or party, you will maintain the secrecy of that information and will immediately delete or otherwise destroy such information and inform us immediately of the possible error.

**TYPE OF PATENT APPLICATION**

	<b>RUSH 1 week</b>	<b>Standard 3 weeks+</b>
US Regular Utility Application - Simple mechanical or electrical (Does include up to 3 drawing sheets, but not PTO filing fees)	<input type="checkbox"/> \$4,995	<input type="checkbox"/> \$3,995
US Regular Utility Application - Complex software, bus. methods, etc. (Does include up to 3 drawing sheets, but not PTO filing fees)	<input type="checkbox"/> \$5,995	<input type="checkbox"/> \$4,995

\*Service times are estimates to first draft for review. Fees to QP include up to three sheets of drawings; additional sheets charged at \$100 ea. Listed fees are for relatively simple mechanical or method inventions; up to three embodiments or 20 written pages. Each add'l embodiment is \$500, each additional sheet after 20 is \$100.

**PTO FILING FEE WORKSHEET**

**Checklist (please check "yes" or "no" for each question):**

- Yes  No Do you or the assignee (the company or other party that owns or will own the patent application, if any) have 500 or more employees?
- Yes  No Has any inventor been named on 5 or more previously filed US design or non-provisional utility patent applications? (Provisional and foreign applications do not count.)
- Yes  No Did any inventor earn more than \$169,548\* in gross personal income last year?
- Yes  No Did the assignee of this patent application, if any, earn in excess of \$169,548 in gross income last year? (See <http://bit.ly/PTOmicro> for most recent year's threshold.)

**Check whichever category applies to you this year:**

- Large Entity - \$1,420** (if you answered "yes" to question 1 above, regardless of your other answers)
- Small Entity - \$785** (if you answered "no" to question 1 but "yes" to any of the questions 2 through 4)
- Micro Entity - \$430** (if you answered "no" to each of the above questions)

**SPECIAL CIRCUMSTANCES – Check any that apply**

Any inventor over the age of 65:

I/We plan on filing foreign patents:  -- or --

Invention made with government aid:

Do not publish at 18 months:

Request RUSH PTO Exam+fee:  (add \$4250, \$2250, or \$1250 to PTO filing fee depending on entity type)

I have or will assign this patent to: \_\_\_\_\_

(Recording Assignment at PTO is an additional \$125 charge. Please request Sample Assignment Form.)

**Please list any other relevant details regarding patenting of this invention.** You have the obligation to the US Patent & Trademark Office to fully disclose any non-patented prior art. Also, if you sold or offered the invention for sale more than one year ago, your patent rights may be reduced. Please provide any information that may limit your patent rights or otherwise affect the strength of the application.

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## PAYMENT

**Total: US\$** \_\_\_\_\_ (total from above, based on type of patent you wish to file)

**PTO Filing Fee\$** \_\_\_\_\_ (from above, plus any PTO RUSH fees if selected)

**Payment Method:**  Credit Card (M/V/A/D)  Check Enclosed  Pay-Pal (to [paypal@quickpatents.com](mailto:paypal@quickpatents.com))

CC Acct# \_\_\_\_\_ Exp. Date (MM/YY): \_\_\_\_\_ CSV\*: \_\_\_\_\_ (3 or 4 digits)

Billing address if different from above: \_\_\_\_\_

\* CSV is the 3-digit number on the back of your card, or the 4 digits on the front of an American Express card.

**Utility Patent Filing Fees:** Note that if using a credit card, we will charge our fees now, and then use your credit card at the PTO for the filing fees, possibly weeks or months from now. Let us know if you'd prefer an alternate method.

## WHAT HAPPENS NEXT?

Once we receive this completed request form, and all related drawings, photos, and other requested information, we should have everything we need to get started on your application. If you still have questions, be sure to make an appointment with your assigned patent practitioner to discuss. Once we finish the patent search, if you ordered one, we'll send you the patent search report with our opinion as to what it means for you and the patentability of your product. Then, provided we have all of the required details that we need to do the patent drawings and claims, we'll prepare the drawings and claims over the next 2 to 3 weeks, and send you a draft for your review. Shortly after that we'll send you the first draft of the patent application and drawings. Once you approve the complete application and sign the Power-of-Attorney and Declaration forms (to follow), we'll be able to file your patent application, usually that same day at the PTO, and at that point you'll be officially "Patent Pending."

Then the government, as efficient as they are, will take between 2 and 3 years or more to examine your application. Two years is pretty typical for utility patents. We normally get an "Office Action" 2 to 3 years after filing with utility patents, in which case we'll have to respond with an Office Action Response. If the response is effective, we should then get a "Notice-of-Allowance," which means that the PTO has approved your patent and is just waiting for you to pay the government issue fee, whatever it is at the time. You can see the current fees at [www.quickpatents.com/fees](http://www.quickpatents.com/fees). Once you pay the issue fee, your patent will issue about a month later and it will be good for 20 years from the filing date, or at least 17 years. There are 3 maintenance fees with utility patents at 3.5, 7.5, and 11.5 years after issuance.

Note that you are not currently patent pending just because you've hired a patent firm to start work on your patent application. We must actually file the patent application before you are officially and legally "Patent Pending," and the fees you paid for this utility patent application do not apply towards any future work on office action responses (almost always required 2 to 3 years after filing), issue or petition fees, recording fees for assignments, or the like.

Also, after your utility patent application is filed, be sure to let us know if any of the following occurs:

- You find a relevant prior art patent or product that might impact the patentability of your invention
- You move or change phone numbers or email addresses
- You publicly disclose the product, offer it for sale, launch a website that discloses the product, etc.
- Your entity status changes (see the PTO Fee Worksheet at [www.quickpatents.com/fees](http://www.quickpatents.com/fees))

**Additional Terms:** In order to qualify for patent protection in the U.S., your invention must be new, useful, and non-obvious in light of all other prior art inventions. If it would be obvious to "one skilled in the art" or field of your invention, you may not ultimately receive a patent. Please be sure you understand the level of novelty of your device before assuming that merely by applying for a patent you will receive one. Patent Searches, if done through us or elsewhere, are never 100% complete, so there is always some risk that a patent search will have missed a relevant reference. Each country has its own patent laws and filing requirements. You should make us aware of any potential public use or offer for sale of your invention beforehand so we can advise you as to the potential ramifications of public disclosure. There is no guarantee that paying us to submit a patent application on your behalf will result in a patent being granted. Refunds will not be granted for services already rendered. PTO fees can be raised without notice, so you agree that you will pay any additional amounts owed if the PTO raises filing fees before we have filed your application. Fees deemed earned when received.

**I am authorizing payment of the fees above for the services listed above. The information above is true and complete to the best of my knowledge and I agree with the above statement.**

**Inventor #1 Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Inventor #2 Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Inventor #3 Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Return this completed form with payment to the address below, by email, or FAX to 702-508-9007**

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