

## **Provisional vs. Patent Application:**

(Fees listed may change with time. Please verify fees at [www.uspto.gov](http://www.uspto.gov))

The inventor is very tempted to keep costs to a minimum so the \$75 fee for the Provisional Application and one year of patent pending status would appear to be the less expensive of the two choices. But it is really? First, consider the difference between the two applications: COST, CLAIMS, and PROTECTION. Starting fees: \$75 verses \$370. The most significant difference between the two: a patent application requires that claims belonging to your invention are made defining the unique properties not previously known or utilized as shown by a thorough patent search. The provisional application does not require any claims. Finally, intellectual property protection (IPP) ends within one year of filing the provisional unless you file a patent application anyway. If approved, a utility patent provides up to 20 years IPP from the date of filing of either the provisional, if filed first, or the patent application itself. So, for anyone who is convinced he or she has the next best thing to hit the market, what sounds like the more secure approach to take?

This comparison does not take into account attorney fees and additional USPTO fees that are assessed at different stages of the patent process and over the life of the patent. For more details, go to [www.uspto.gov](http://www.uspto.gov).