

USPTO Post Grant Procedures



	Pre-Issuance Submissions	Post-Issuance Submissions	Post-Grant Review	Inter Partes Review	Ex Parte Reexamination	Supplemental Examination
COST (USPTO Fees)	<u>\$180</u>	<u>\$0</u>	\$20,000 Request + \$27,500 Once Successful <u>\$47,500 Total</u>	\$19,000 Request + \$22,500 Once Successful <u>\$41,500 Total</u>	Streamlined <u>\$6,300</u> Non-streamlined <u>\$12,600</u>	\$4,620 Request + \$12,700 If Re-exam ordered <u>\$17,320 Total</u>
Authorized Filer/ Requestor/Petitioner	Any third party	Anyone	Any third party		Anyone	Patent Owner
When Procedure can be Used	Before notice of allowance; or later of: six months after first publication or first rejection of a claim	Anytime during enforceability of patent	From Day Patent Issues Until 9 months	9 Months after grant of patent	Anytime during enforceability of patent	
Scope of the Procedure	Patents and printed publications		Any grounds relating to novelty, obviousness, written description, enablement, and indefiniteness	Patents and printed publications Only issues related to novelty and obviousness		Any grounds relating to patent eligible subject matter, anticipation, obviousness, written description, enablement, best mode and indefiniteness
Threshold of the Procedure	Concise description of relevance of each document	Must explain pertinence of cited art to at least 1 claims	Petition must show that it is more likely than not that 1 challenged claim is not patentable	Show a reasonable likelihood the petitioner will prevail with respect to at least 1 claim	Substantial New Question of Patentability	
Estoppel Effects	None		Yes – Estopped from raising any issue that was or could have been raised in proceeding		None	
Applicable Patents/ Applications	All Patents/Applications regardless of filing date		Applications filed after March 16, 2013	All Patents regardless of filing date		
Disclosure of Real Party in Interest	Can choose to remain anonymous		Real parties in interest must be identified		Can choose to remain anonymous	Real parties in interest must be identified

Post Grant Timelines for USPTO

