

## Chapter 25

# Complete Patent Timeline



*(the calendar Alex used—from spark to grant, without missing a gate)*

Alex decided early that patents aren't just law; they're logistics. Rights arrive on a calendar. Deadlines—statutory and practical—drive what you can claim, where you can file, and how much leverage you'll have when it's time to commercialize. This chapter gives you a realistic, text-only timeline you can follow the way Alex did, from the first sketch through maintenance, with callouts on when to bring in counsel, when to harness AI (and when not to), and how to accelerate examination when business demands it.

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### Day 0–14: The spark, secrecy, and a quick reality check

**Capture, don't polish.** Alex wrote a dated invention note: the problem, the mechanism (not just the result), and two alternative embodiments. Photos of breadboards, oscilloscope traces, and CAD screenshots went into a single folder with timestamps.

**Secrecy first.** No public posts, demos, crowdfunding previews, or sales pages. U.S. law gives a limited grace period for your own

disclosures, but many foreign systems do not. Alex treated anything public as if it started an irreversible clock abroad.

**Quick search—sanity, not surgery.** Alex ran a two-hour sweep of public patents and papers to see if the idea was obviously crowded and to refine the *story* of novelty. Findings were captured—win or lose—in a short memo. No confidential material went into public tools.

**(A)Idea — Advisory:** Use AI as a research assistant for **public** sources only. Ask it for CPC classes to explore and to summarize public abstracts. Do not feed it internal logs, CAD, or code.

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## **Weeks 2–6: Patent Search & File a provisional that teaches the invention**

**Get a professional patent search** and a legal opinion from a patent attorney on patentability and confirm the scope of your potential patent rights.

**Draft to enable, not to impress.** Alex and counsel wrote a working-level description: how the control loop actually cooperates with sampling cadence, windowed statistics, hysteresis thresholds, and thermal placement/pressure—plus two variations with different trade-offs. Ranges were justified (“why these numbers”) so later claims had room to breathe.

**Drawings matter.** Even for software-heavy inventions, Alex included system diagrams with labeled elements that could anchor later claims.

**Assignments and inventors.** Everyone who contributed to the claimed subject matter signed invention assignments. Better to resolve credit now than to fight about it when funding arrives.

**File the provisional.** The moment the receipt hit, Alex could say “patent pending,” brief investors safely, and continue R&D without bleeding priority.

**(A)Idea — Avoidance:** A sketchy, under-enabled provisional can paint you into a corner a year later. If cash is tight, trim marketing, not pages in your spec.

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### **Months 1–3 after filing: Build evidence and options**

**Engineer more embodiments.** Alex used this window to try at least one alternate path to the same technical effect. Future claims love alternatives.

**Start an FTO lane.** In parallel, Alex scoped a targeted freedom-to-operate review around the specific parts and vendors planned for the first commercial SKU. Patentability  $\neq$  FTO; treat them separately.

**Docket discipline.** A simple spreadsheet tracked: provisional date, foreign strategy decision date, planned interview with counsel, and a “go/no-go” for a continuation strategy later.

**(AI)dea — Action:** Teach your calendar to nag you. Monthly 30-minute IP reviews beat last-minute scrambles.

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## **Months 4–6: Choose your international lane and prosecution strategy**

**PCT or direct national filings?** If Alex wanted global options on a startup budget, the PCT (international) route kept doors open while deferring some costs. If only a few countries were must-haves, direct filings might be cleaner. Decision tentatively penciled for month 6, final at month 11.

**Design patents?** If the product's look would matter, Alex teed up a design filing cadence in parallel with the utility path so enforcement could be faster on counterfeit looks.

**Plan to accelerate—or not.** Alex marked two acceleration options for the later non-provisional:

- **Track One (Prioritized Examination):** pay an additional fee at filing to target a much earlier first action (subject to USPTO limits and claim count constraints).
- **Petition to Make Special:** available on limited grounds without the Track One fee—most commonly **age (65+)** or **health**, with other categories appearing in specific programs from time to time.

Alex didn't push the button yet; the business case would decide.

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## Month 9: Start the non-provisional draft

Alex didn't wait until month 12. Three months ahead, Alex and counsel began the non-provisional:

- **Claim skeleton first.** Independent claims for the core mechanism; dependent claims for favored embodiments, error handling, calibration tricks, and hardware placements.
- **Specification refresh.** Everything learned since the provisional—new data, ranges, alternatives—was folded in.
- **IDS hygiene.** Alex listed the prior art read since the provisional so the Information Disclosure Statement would be clean at filing.
- **Choose acceleration.** If market timing mattered (upcoming partnership, fundraising milestone), Alex planned to request **Track One** at filing. If an inventor was **65+**, counsel planned a **Make Special (age)** petition with the required declaration.

**(AI)dea — Advisory:** Building the non-provisional is not just “polish the provisional.” Treat it like a new, deliberate draft that you expect to live in front of an examiner.

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## Month 12: The non-provisional (and PCT) filing deadline

This is the **hard** date: the U.S. non-provisional must claim priority to the provisional **within 12 months**. Alex filed:

- **U.S. non-provisional** with claims tuned to the spec that now fully enabled them.
- **Optional PCT** the same week to keep foreign options open for national entries around months 30–31.
- **Acceleration choice**: If Alex chose **Track One**, it was requested at filing, with claim counts adjusted to meet limits; if **Make Special**, the petition and supporting declaration were included.

(AI)dea — **Action**: Alex started non-provisional drafting **three months** before this date. That buffer kept quality high and avoided fee shocks or sloppy enablement.

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## Months 13–18: Publication and pre-first-action posture

Around 18 months from the earliest priority, the application publishes. That's when competitors may notice. Alex:

- **Aligned marketing** with what was now public.
- **Checked claims** for subject-matter that should seed a **continuation** (filed any time before allowance/grant) to

pursue complementary scope.

- **Watched the market** for look-alikes and kept a polite “first contact” letter template ready (see enforcement chapters).

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### **Months 15–18 (typical) or ~6 months (if expedited): First Office Action arrives**

In a **normal** lane, Alex planned for a first substantive Office Action roughly **12–15 months** after the non-provisional filing. Under **Track One**, the first action tended to arrive **significantly sooner**. Under a granted **Make Special** petition, the pace was also accelerated.

**Interview early.** Alex read the examiner's cited art and scheduled an interview with a one-page agenda: what Alex believed the art did (and did not) teach, and how a modest amendment could focus the claims on the actual technical effect.

**Response window.** Statutory time to respond is three months, extendable (for a fee). Alex targeted responses within the original window to maintain momentum and reduce cost.

**(AI)dea — Avoidance:** Don't argue metaphors. Tie every amendment to a **measured** technical effect that isn't in the cited art.

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## **Months 18–30: Iterate toward allowance (without burning the file)**

**Amend with a plan.** Each amendment was minimal and explained *why* it distinguished the art, avoiding unnecessary disclaimers that would haunt licensing later.

**After Final strategy.** If the examiner maintained rejections after a final action, Alex used an **After Final** interview and, where appropriate, a **Pre-Appeal** or **RCE** (Request for Continued Examination) to keep prosecution moving without starting over.

**Continuation(s).** If commercialization revealed a profitable alternate angle—for example, a method at the factory rather than in the field—Alex filed a **continuation** to keep the family alive and aligned with where money moved.

**Foreign national phase (if PCT filed).** Around months 30–31 from the priority date, Alex entered key countries based on sales plans and budgets. Where early allowances existed, Alex used cooperative programs to speed examination abroad.

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## **Allowance → Grant: Lock it in cleanly**

**Notice of Allowance.** Alex verified that the allowed claims matched the business moat and that no critical dependent claim was left behind.

**Issue fee.** Paid promptly. Alex fixed any minor errors via examiner's amendments before grant.

**Marking.** On grant, Alex updated **virtual marking** (product/website) so damages windows would be preserved if enforcement became necessary.

**(AI)dea — Action:** Ship a one-page “claims to product” mapping to the sales and ops teams. It informs pricing power, channel messaging, and enforcement posture.

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### **Post-grant: Maintenance and monetization cadence**

**Maintenance fees (U.S.).** Due at approximately **3.5, 7.5, and 11.5 years** from grant. Alex reviewed performance and licensing prospects before each payment: pay, prune, or let lapse.

**Licensing & enforcement.** With claims in hand, Alex pursued field-of-use licenses where partners could scale the technology faster. For blatant copies, Alex used the professional, business-first letter approach you've seen.

**Pipeline.** Continuations and divisionals—filed earlier—kept leverage aligned with evolving products, keeping competitors honest.

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### **When to accelerate—and why**

Alex didn't expedite reflexively. Acceleration made sense when:

- **A partner or investor** required clarity **soon** on patentability.
- **Market timing** meant a competing launch could undercut Alex's premium story.
- **Licensing outreach** would benefit from having a first action (or allowance) on the table.

#### Options recap:

- **Track One (Prioritized Examination):** requested at filing, with an additional fee and claim number limitations.
- **Petition to Make Special:** most commonly for **age (65+)** or **health**; other grounds exist under specific programs.
- **Work-sharing/PPH:** once one office indicates allowance, request accelerated treatment in another by aligning the claims.

(AI)dea — **Advisory:** Acceleration is a **business** decision. Tie it to a dated milestone (fundraise, partner launch, RFP) so the premium you pay has a return.

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### The one-page calendar Alex actually ran (text-only)

- **Day 0–14:** Capture invention; lock down secrecy; quick **public art** sweep.
- **Weeks 2–6:** Draft & **file provisional** (enable real mechanisms); record assignments.
- **Month 2–3:** Begin **FTO** on the planned SKU; schedule monthly IP review.
- **Month 4–6:** Tentative **PCT vs. direct** decision; outline design filings; pencil **acceleration** options.
- **Month 9:** Kick off **non-provisional** drafting; line up IDS; choose Track One / Make Special based on business need.
- **Month 12:** **File non-provisional** (and **PCT** if chosen).
- **Month 15–18:** Expect **first Office Action** (earlier if expedited); interview; respond within three months.
- **Month 18–30:** Iterate; use RCE/Pre-Appeal judiciously; file **continuations** that track revenue.
- **~Month 18 from priority: Publication;** align comms; watch competitors.
- **Grant:** Pay **issue fee**; update **marking**; circulate claims-to-product brief.

- **Years 3.5 / 7.5 / 11.5: Maintenance** checkpoints: pay/prune/continue; review licensing posture.
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## AI on the calendar (seatbelts on)

### Helpful at specific moments:

- **Early search:** cluster **public** prior art and classifications.
- **Draft support:** help outline sections you'll fill with real facts and figures.
- **Docket nudges:** generate reminders and checklists for upcoming actions.
- **Market watch:** monitor public catalogs and certification lists for look-alikes.

### Hard rules Alex kept:

- No confidential uploads to public models—ever.
- Enterprise tools with **no training on prompts** and audit logs only.
- Human review on any text that touches **claims**, **EOU**, or **legal** positions.

**(A)Idea — Avoidance:** If you wouldn't put it on a tradeshow poster, don't paste it in a prompt.

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### Common slips (and how Alex avoided them)

- **Waiting until month 12 to start drafting.** Fix: start at month 9.
  - **Confusing patentability with FTO.** Fix: run both tracks; one protects **you**, the other avoids **others'** claims.
  - **Under-enabled provisional.** Fix: teach mechanisms with ranges and reasons now; don't gamble on "we'll add it later."
  - **No acceleration plan.** Fix: decide **why** and **when** before filing the non-provisional.
  - **Silence after publication.** Fix: watch the market; have a calm first-contact play ready.
  - **Maintenance by autopilot.** Fix: tie each fee to a business decision: pay/prune/continue/monetize.
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## **Why this chapter mattered to Alex**

Nothing here was mystical. Alex put dates to decisions, decisions to documents, and documents to dollars. Starting the non-provisional three months before the 12-month deadline kept quality high. Choosing when to accelerate made business sense rather than noise. Running FTO alongside patentability prevented landmines. And by turning the whole journey into a calendar, Alex reclaimed time to build the invention and the business—while the rights took shape on schedule.