

# Budgeting / Cost Scenarios for Patent Applications



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## ASSUMPTIONS / IMPORTANT NOTICE:

- This document is supposed to **provide a guidance for budgeting** cost for a patent application (one single invention).
- The numbers are **rough estimates only! Cost can vary significantly** depending on the circumstances (easily by 30% up or down). The cost includes a certain "safety buffer".
- Assumption: Medium complexity (classic engineering/biotech), max. 15 claims, 15 description pages.
- The cost strongly **depends** on
  - the **number of countries covered**,
  - the **number of office actions** (objections raised by the national examiner) until grant of a patent. We assume an average of two office actions and the corresponding responses.
- A patent **grant procedure takes 3-5 years** in average. Office action intervals are several months, sometimes more than a year.
- Official fees (patent office fees) and attorney fees change regularly.
- Plan optional **upfront cost** (Year 0):
  - Prior art search (~2000 EUR)
  - IP strategy consulting (~2000 EUR)
  - Invention identification (technical documentation, exact technical feature description; ~2000 EUR)

A **GRANT PROCEDURE** has two stages:

- I. **First filing** in Germany (DE) or Europe (EP) – (priceless first step to get a first opinion from patent office)
- II. File subsequent **international applications** e.g. in US, China, ... (> 50% of total cost!)

## How to select countries for international extension? (Patent family)

There is no "world patent". Instead, patents are granted by the patent offices of individual countries.

- Focus on your **key markets** and let smaller markets aside. (for a competitor it mostly does not make business sense to bypass the key markets). You may set your total budget for 5 years and then select the countries by priority.
- Germany, USA and China have a good **market-size/cost ratio**.
- A rule of thumb: **Cost per country** (e.g. US, China, Korea, Japan ...) is in the **range of 15.000 EUR for the first 5 years** including translations for a well-prepared application with reasonable chances for grant. More difficult cases can cost significantly more.
- Europe/EP: Use the new European **Unitary Patent** system to lower cost.

We provide you with a customized **fixed price proposal** for the first stage until filing.

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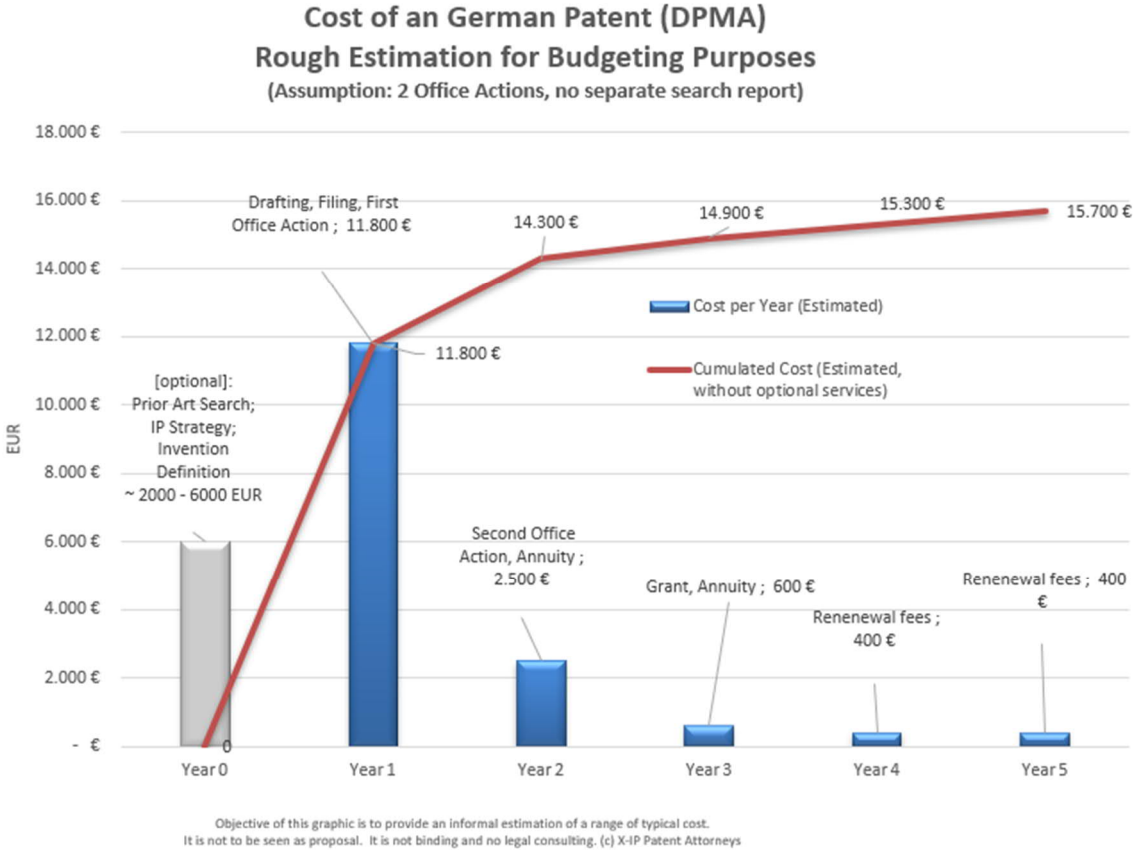
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# Budgeting / Cost Scenarios for Patent Applications



## 1. German Application (DPMA)

- Germany (DPMA) – cover biggest EU market. Priceless first step.
- Search request + Examination request.
- Assumption: Two office actions & responses
- Official fees, attorney fees, annual fees (annuities)



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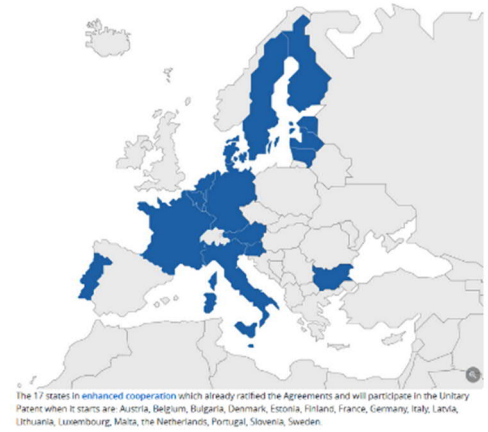
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## 2. European Unitary Patent (EP)

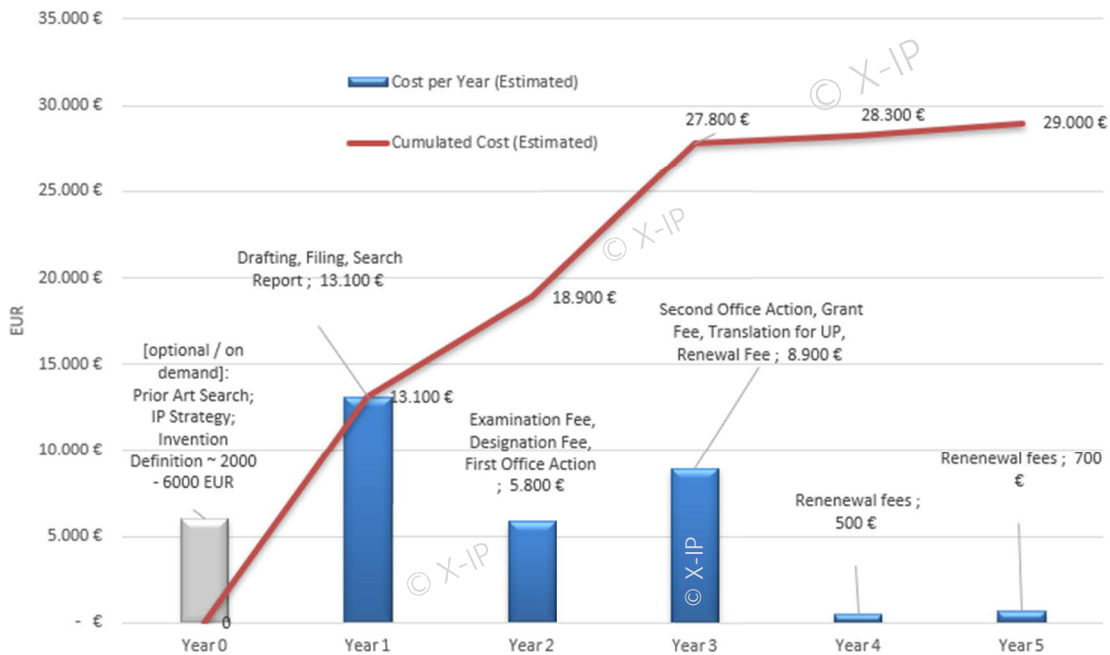
- Covers 17 EU countries (Mar 2024), excluding UK.
- UK may be optionally added via separate validation EP process (~1000 EUR excl. translation)
- Assumption: Two office actions
- Official fees, attorney fees, annual fees (annuities)

Current states in the UP and UPC system (17)



### Cost of an EP Unitary Patent Estimation for Budgeting Purposes

(Assumption: EP Unitary Patent with 17 countries, Search Report + 2 Office Actions)



Objective of this graphic is to provide an informal estimation of a range of typical cost. It is not to be seen as proposal. It is not binding and no legal consulting. (c) X-IP Patent Attorneys

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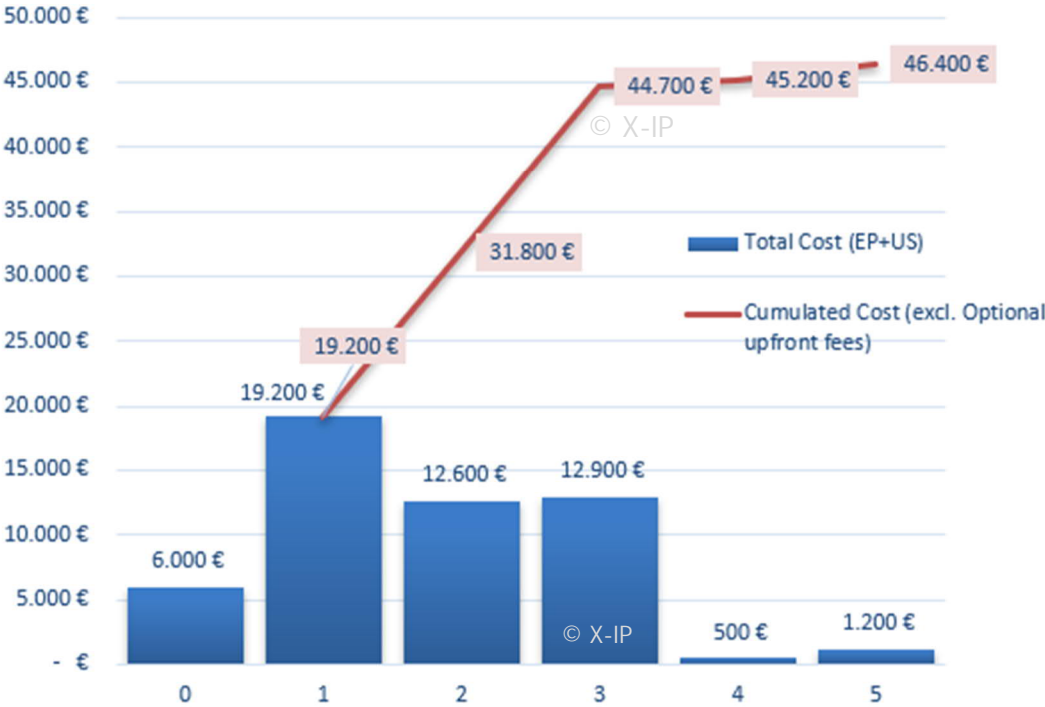
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### 3. European Unitary Patent (EP) + USA direct (USPTO)

- EP Unitary Patent + US direct filing with the USPTO (via US law firm)
- Broad EU national coverage + US market
- Includes translation cost (e.g. non-English text)
- Official fees, attorney fees, annual fees (annuities)

**Estimated Cost EP + USA (direct) per Year**



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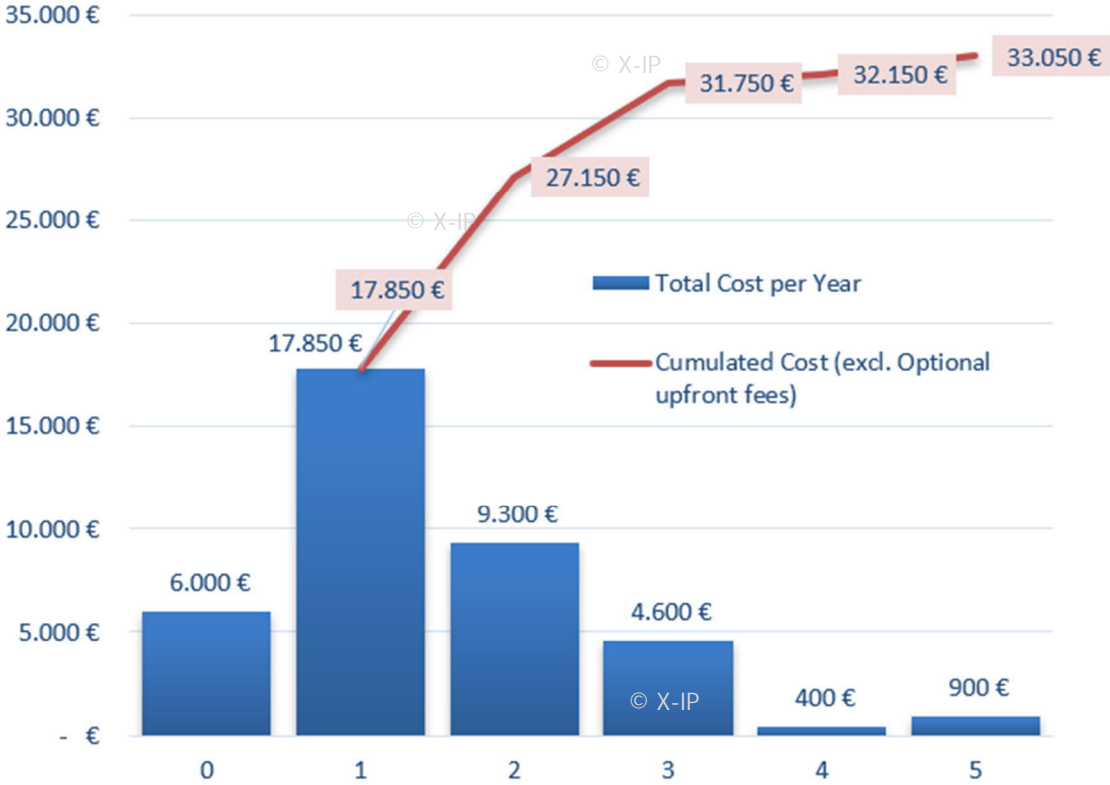


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## 4. German Application (DPMA) + USA (direct)

- First filing in Germany (DPMA) – cover biggest EU market, priceless.
- US direct filing with the USPTO (via US law firm)
- Includes translation cost (non-English text)
- Search + Examination request.
- Official fees, attorney fees, annual fees (annuities)

### Estimated Cost Germany + USA (direct)



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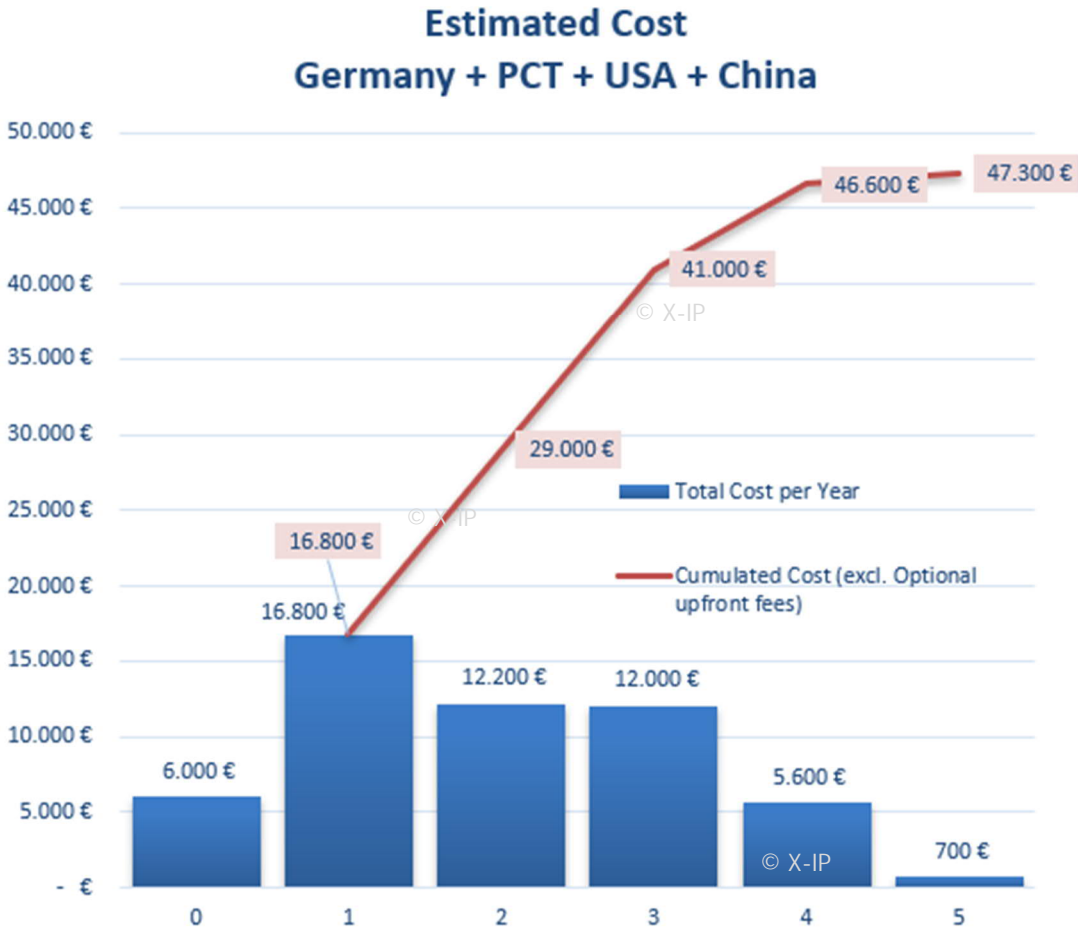
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## 5. Germany (+ PCT) + USA + China

- First filing in Germany (DPMA) – priceless, get opinion from office
- PCT: “buy” additional 18 months of time to decide which countries to file
- Includes translation cost (non-English text)
- Assumption: Search + Examination request / two office actions.
- Official fees + attorney fees, annual fees (annuities)



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