**Procedural Analysis - How to Electronically File a Provisional Patent as a New User**

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**Procedural Analysis – How to Electronically File a Provisional Patent as a New User**

This procedural analysis will focus solely on filing for a provisional patent. Prior to this process, you should have already performed a Patentability Search & Opinion (PSO) and completed a Prior Art search. You must also have already prepared the three required documents that must be submitted in the application (Transmittal pdf, specifications pdf and drawing (s) pdf. You cannot submit this form until you have completed all of these actions.

**Process:**

1. **Go to the United States Patent and Trademark Office website** 
   1. Open the Internet browser of your choice.
   2. Enter <https://www.uspto.gov> into the Address bar, which is located at the very top of your page.
   3. A Click Enter on your keyboard.
2. **Find the Provisional Patent Option on the United States Patent and Trademark Office website**

2.1 Look to the top navigation of the website. The “Patent” tab should be located on the top left-hand side.

2.1 A Hover over the tab that says “Patent,” by placing your mouse over the word. A sub-menu will display.

2.1 B Under the term “Getting Started,” select the first option named “Patent Basics.”

2.1 C Under the first column on the page named, “The Essentials,” select the third option named “What kind of patent do I need?”

2.1 D Scroll down the page until you reach “Step 4, Get Ready to Apply.”

2.1 E Under the question, “Do **you want to file a Provisional or Nonprovisional application?” select the option that says, “Provisional Application for Patent.”**

1. **Choose to File Electronically**

3.1 Under the header, “How to File,” you will see the words **“Electronically Using EFS-Web.”**

**3.2 Click on the following link located under it and you will be brought to a new page.** [**http://www.uspto.gov/patents/process/file/efs/guidance**](https://www.uspto.gov/patents/process/file/efs/guidance).

1. **Create a USPTO.gov Account**

4.1 Under the header, “Getting Started,” select the following link: [**Getting Started -- New Users (Obtain Customer Number and Verified USPTO.gov account)**](https://www.uspto.gov/patents/apply/applying-online/getting-started-new-users)

**4.2 Read the information on the “New User” page.**

**4.3 Under the header, “Create a USPOT.gov account,” select the following link:** [**MyUSPTO homepage**](https://my.uspto.gov/).

4.4 Under the title, “I need an account,” click the button that says, “**Create a USPOT.gov account.”**

**4.5 Enter the required fields.** <See Create a USPOT.gov account module of steps>> (**Page 7**)

1. **File**

5.1 After activating your account (**4.5**), you are ready to file.

5.2 Select the radio button that says, “New Application.”

5.2 Under “Select Type of New Application,” select the radio button that says, “Provisional Patent.” There are no other entries for this page of the form.

5.3 On the bottom, right-hand side of the page, click “Continue.”

**Application Data**

5.4 Enter the title of your invention in the box that says, “Title of your invention.”

**Name of Inventor**

5.5 Tab to the First name box and enter your first name.

5.6 Tab to the Last name box and enter your last name.

**Correspondence Address**

5.7 **Enter the required fields.** <See Correspondence Address module of steps>> (**Page 8**)

5.8 There are no more entries on this page of the form. Click on “Continue,” located at the bottom right-hand side of the page.

1. **Attach Documents**

6.1 You are now ready to submit the three documents you prepared prior to beginning the process to file your provisional patent. You may enter them in any order you choose.

6.1 A Under “Files to be Submit,” go to number 1 and click on “Choose File.”

6.1 B Choose the folder that your first file is in and double click the file.

6.1 C Click on “Upload File.”

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6.1 D Under “Document Description,” click the drop-down arrow connected to the entry box.

6.1 D Select the type of document you are submitting. Your options are Transmittal pdf, Specifications pdf or Drawing (s).

6.1 F Under “Files to be Submit,” go to number 2 and click on “Choose File.”

6.1 G Choose the folder that your second file is in and double click the file.

6.1 H Click on “Upload File.”

6.1 I Select the type of document you are submitting. Your options are Transmittal pdf, Specifications pdf or Drawing (s). You should be selecting a different option than you selected in step 1.

6.1 J Under “Files to be Submit,” go to number 3 and click on “Choose File.”

6.1 K Choose the folder that your third file is in and double click the file.

6.1 L Click on “Upload File.”

6.1 M Select the type of document you are submitting. Your options are Transmittal pdf, Specifications pdf or Drawing (s). You should be selecting a different option than you selected in steps 1 and 2.

6.2 Find and click the “Upload and Validate” button, located at the bottom right side of the page.

6.2 A. A new screen will populate showing the error statuses of the three files that you uploaded.

**No Errors Found**

6.2 B If the results say. “No Errors,” press the “Continue” button located at the bottom right-hand side of the page.

6.2 C Skip to step 7, “Payment.”

**Error(s) Found**

6.2 D If there are errors found, the file(s) with the errors will be highlighted in red.

6.2 E Verify that you have submitted all files in a pdf format by looking at the options you selected.

6.2 F Verify that you have selected the correct document descriptions for each entry by looking at the options you selected.

6.3 G Fix any errors by selecting the drop-down menu on the error box to select another option.

6.3 H Press the “Continue” button located at the bottom right-hand side of the page.

1. **Calculate Fees**

**Select your Entity Size**

7.1 If you are an individual completing this form, or if you are a business with up to 500 employees, select the option that says, “Small Entity.”

7.1 A If you are a business with over 500 individuals, select “Large Entity.”

7.2 Click on the “Calculate” button found at the bottom-middle of the page.

7.3 Review the sub-total and breakdown of charges that is now on the page by looking at the information.

7.4 If you are ok with the charges, select the “Continue” button, located at the bottom-middle of the page, right next to the “Calculate” button.

1. **Review your Information**

8.1 Review all of the entry fields you have submitted while filling out the form.

8.2 Review that the documents your submitted are correct.

8.3 Once you are confident that all of your information is correct, click the “Submit” button located at the bottom right-hand side of the page.

1. **Submit Payment**

**Chose your Payment Method**

8.1 Tab to the “Payment Method” box and choose one of the following payment options: Visa, Mastercard, Discover or American Express.

8.1 A Tab to the “Name on Card” box.

8.1 B Enter the name that is on your card.

8.1 C Tab to the “Billing Address” box.

8.1 D Enter the address, city, state, and zip code associated with the card

you are using.

8.1 E Tab to the “Card Number” box.

8.1 F Enter the card number.

8.1 G Tab to the “Expiration Date” box

8.1 H Enter the card’s expiration date using the following format, mm/yyyy.

8.1 I Tab to the “CVV” box

8.1 J Enter the card’s CVV number. This is the three-digit number found on the back of your card.

8.1 K Review the information you have entered.

8.1 L Click the “Submit,” button located at the bottom right-hand side of the page.

**Process Complete**

**The screen will generate your electronic receipt.  In about 3-5 weeks, you will get an official filing receipt from the Patent Office.  The official receipt will have your application number and filing date.  You can now use the term "patent pending."**

**Create a USPOT.gov account module**

1. Tab to the “Email” field
2. Type in your email name
3. Tab to “First Name”
4. Type in your First Name
5. Tab to “Last Name”
6. Type in your Last Name
7. Tab to “Phone Number”
8. Type in your phone number, including your area code
9. Complete the **reCaptcha verification**
   1. Check the box next to the statement that says, “I am not a robot.”
10. Read the Terms of Use and Policy Privacy
    1. Check the box next to the statement that says, “I understand and agree with USPTO's [Terms of Use](http://www.uspto.gov/terms-use-uspto-websites) and [Privacy Policy](http://www.uspto.gov/privact.jsp).
11. Click the “Next” button.
12. Go to your personal email and open the email from USPOT.gov.
13. Click on “Activate Account.” You will be brought back to the USPOT.gov website to create a password.
14. Tab to the “Enter your new password.”
15. Enter a password of your choice.
16. Tab to “Re-enter your new password.”
17. Re-enter your new password. You should now be signed into your account.

End Create a USPOT.gov account module

**Correspondence Address module of steps**

1. Tab to “Name”
2. Type in your First and Last Name
3. Tab to “Street Address 1”
4. Type your Street Name
5. Tab to “City”
6. Type your City
7. Tab to “Country”
8. Type your country
9. Tab to your “Postal Code”
10. Type in your Postal Code
11. Tab to “Telephone Number”
12. Type your Telephone Number
13. Tab to “Email Address”
14. Type your Email Address

End Correspondence Address module