

Chapter 2500 Maintenance Fees

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2501 Introduction [R-07.2015]

35 U.S.C. 41 Patent fees; patent and trademark search systems.

(b) MAINTENANCE FEES

(1) IN GENERAL. — The Director shall charge the following fees for maintaining in force all patents based on applications filed on or after December 12, 1980:

- (A) Three years and 6 months after grant, \$980.
- (B) Seven years and 6 months after grant, \$2,480.
- (C) Eleven years and 6 months after grant, \$4,110.

(2) GRACE PERIOD; SURCHARGE. — Unless payment of the applicable maintenance fee under paragraph (1) is received in the Office on or before the date the fee is due or within a grace period of 6 months thereafter, the patent shall expire as of the end of such grace period. The Director may require the payment of a surcharge as a condition of accepting within such 6-month grace period the payment of an applicable maintenance fee.

(3) NO MAINTENANCE FEE FOR DESIGN OR PLANT PATENT. — No fee may be established for maintaining a design or plant patent in force.

(c) DELAYS IN PAYMENT OF MAINTENANCE FEES.

(1) ACCEPTANCE. — The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in subsection (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a maintenance fee after the 6-month grace period, the patent shall be considered as not having expired at the end of the grace period.

(2) EFFECT ON RIGHTS OF OTHERS.— A patent, the term of which has been maintained as a result of the acceptance of a payment of a maintenance fee under this subsection, shall not abridge or affect the right of any person or that person's successors in business who made, purchased, offered to sell, or used anything protected by the patent within the United States, or imported anything protected by the patent into the United States after the 6-month grace period but prior to the acceptance of a maintenance fee under this subsection,

to continue the use of, to offer for sale, or to sell to others to be used, offered for sale, or sold, the specific thing so made, purchased, offered for sale, used, or imported. The court before which such matter is in question may provide for the continued manufacture, use, offer for sale, or sale of the thing made, purchased, offered for sale, or used within the United States, or imported into the United States, as specified, or for the manufacture, use, offer for sale, or sale in the United States of which substantial preparation was made after the 6-month grace period but before the acceptance of a maintenance fee under this subsection, and the court may also provide for the continued practice of any process that is practiced, or for the practice of which substantial preparation was made, after the 6-month grace period but before the acceptance of a maintenance fee under this subsection, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the 6-month grace period but before the acceptance of a maintenance fee under this subsection.

I. MAINTENANCE FEE BRANCH

The Maintenance Fee Branch of the Receipts Accounting Division of the Office of Finance provides specialized advice and guidance to the public on maintenance fee matters.

The Maintenance Fee Branch determines the proper status of issued patents which are subject to payment of maintenance fees, receives and processes fee transmittals, updates entity status, responds to public inquiries on post-issuance status and maintenance fees, and determines if maintenance fees are timely and properly computed. This Branch also generates the data necessary to produce *Official Gazette* notices of maintenance fees due and of expiration of patents due to failure to pay maintenance fees.

II. OFFICE OF PATENT APPLICATION PROCESSING

The Office of Patent Application Processing (OPAP) updates patent post issuance automated files with the following information:

- (A) Changes of Correspondence Address
- (B) Powers of Attorney and Revocations Thereof
- (C) Changes to Entity Status

The official mailing address for submitting requests to update all post-issuance patent information is:

Director of the United States Patent and Trademark Office
Mail Stop Post Issue
P.O. Box 1450
Alexandria, Virginia 22313-1450

2502-2503 [Reserved]

2504 Patents Subject to Maintenance Fees [R-10.2019]

37 CFR 1.362 Time for payment of maintenance fees.

(a) Maintenance fees as set forth in §§ 1.20(e) through (g) are required to be paid in all patents based on applications filed on or after December 12, 1980, except as noted in paragraph (b) of this section, to maintain a patent in force beyond 4, 8 and 12 years after the date of grant.

(b) Maintenance fees are not required for any plant patents or for any design patents.

(c) The application filing dates for purposes of payment of maintenance fees are as follows:

(1) For an application not claiming benefit of an earlier application, the actual United States filing date of the application.

(2) For an application claiming benefit of an earlier foreign application under 35 U.S.C. 119, the United States filing date of the application.

(3) For a continuing (continuation, division, continuation-in-part) application claiming the benefit of a prior patent application under 35 U.S.C. 120, the actual United States filing date of the continuing application.

(4) For a reissue application, including a continuing reissue application claiming the benefit of a reissue application under 35 U.S.C. 120, [the] United States filing date of the original non-reissue application on which the patent reissued is based.

(5) For an international application which has entered the United States as a Designated Office under 35 U.S.C. 371, the international filing date granted under Article 11(1) of the Patent Cooperation Treaty which is considered to be the United States filing date under 35 U.S.C. 363.

(d) Maintenance fees may be paid in patents without surcharge during the periods extending respectively from:

(1) 3 years through 3 years and 6 months after grant for the first maintenance fee,

(2) 7 years through 7 years and 6 months after grant for the second maintenance fee, and

(3) 11 years through 11 years and 6 months after grant for the third maintenance fee.

(e) Maintenance fees may be paid with the surcharge set forth in § 1.20(h) during the respective grace periods after:

(1) 3 years and 6 months and through the day of the 4th anniversary of the grant for the first maintenance fee.

(2) 7 years and 6 months and through the day of the 8th anniversary of the grant for the second maintenance fee, and

(3) 11 years and 6 months and through the day of the 12th anniversary of the grant for the third maintenance fee.

(f) If the last day for paying a maintenance fee without surcharge set forth in paragraph (d) of this section, or the last day for paying a maintenance fee with surcharge set forth in paragraph (e) of this section, falls on a Saturday, Sunday, or a federal holiday within the District of Columbia, the maintenance fee and any necessary surcharge may be paid under paragraph (d) or paragraph (e) respectively on the next succeeding day which is not a Saturday, Sunday, or Federal holiday.

(g) Unless the maintenance fee and any applicable surcharge is paid within the time periods set forth in paragraphs (d), (e) or (f) of this section, the patent will expire as of the end of the grace period set forth in paragraph (e) of this section. A patent which expires for the failure to pay the maintenance fee will expire at the end of the same date (anniversary date) the patent was granted in the 4th, 8th, or 12th year after grant.

(h) The periods specified in §§ 1.362(d) and (e) with respect to a reissue application, including a continuing reissue application thereof, are counted from the date of grant of the original non-reissue application on which the reissued patent is based.

Maintenance fees are required to be paid on all patents based on applications filed on or after December 12, 1980, except for plant patents and design patents. Furthermore, maintenance fees are required for a reissue patent unless the patent being reissued did not require maintenance fees. See subsection I below for more information regarding the payment of maintenance fees in reissue utility patents and original utility patents for which a reissue application is pending.

Application filing dates for purposes of determining whether a patent is subject to payment of maintenance fees are as follows:

(A) For an application not claiming benefit of an earlier application, the actual United States filing date of the application.

(B) For an application claiming benefit of an earlier foreign application under [35 U.S.C. 119\(a\)-\(d\)](#), the actual United States filing date of the application.

(C) For a continuing (continuation, division, continuation-in-part) application claiming the benefit of a prior patent application under [35 U.S.C. 120](#), the actual United States filing date of the continuing application.

(D) For a reissue application, including a continuing reissue application claiming the benefit of a reissue application under [35 U.S.C. 120](#), the United States filing date of the original nonreissue application on which the patent reissued is based.

(E) For an international application that has entered the United States as a Designated Office under [35 U.S.C. 371](#), the international filing date granted under [Article 11\(1\)](#) of the Patent Cooperation Treaty which is considered to be the United States filing date under [35 U.S.C. 363](#).

The term of a utility patent that can be maintained in force by the payment of maintenance fees may be lengthened by any patent term extension under [35 U.S.C. 156](#) or adjustment under [35 U.S.C. 154](#), or may be reduced if there is any disclaimed term. Subject to the payment of maintenance fees and any patent term extension, adjustment, or disclaimer, the patent term begins on the date the patent issues and ends 20 years from the date the application was filed, or if the application claims the benefit of an earlier filed U.S. application or applications (excluding provisional applications), the patent term ends 20 years from the date the earliest such application was filed (hereafter, 20 year term). For utility and plant applications filed prior to June 8, 1995, the patent term is the greater of the 20 year term or 17 years from the patent issue date subject to any disclaimer or term extension.

I. REISSUE UTILITY PATENTS AND ORIGINAL UTILITY PATENTS FOR WHICH AN APPLICATION FOR REISSUE IS PENDING

Effective January 16, 2018, each reissue utility patent requires its own maintenance fee payment during the unexpired part of the term of the original patent (unless the original patent was filed before December 12, 1980). This practice requires a maintenance fee to be paid in each reissue patent in force on (i.e., issued before) the maintenance fee due date. This includes all reissue patents that replace the same original patent (“multiple reissued patents”) and have maintenance fees due on or after January 16, 2018. This practice also includes a requirement for maintenance fee payments in original patents that are not surrendered because one or more reissue applications of the same original patent are still pending on the maintenance fee due date. In summary, for maintenance fees due on or after

January 16, 2018, a separate payment of the maintenance fee is required for each reissue patent based on a single original patent, and for the original patent if there is a pending reissue application based on the same original patent, to maintain each reissue patent and the original patent in force beyond the 4th, 8th, or 12th anniversary of the grant date of the original patent. The due date for a maintenance fee is the last day the maintenance fee may be paid without a surcharge under [37 CFR 1.362\(d\)](#). See [MPEP § 2506](#) for more information on the times for submitting maintenance fee payments.

The former practice of requiring only one maintenance fee in the latest issued reissue patent for all reissue patents based on the same original patent and for the original patent was discontinued on January 16, 2018. Accordingly, maintenance fee payments that were due on January 15, 2018 were the last maintenance fees payable under the former practice. However, to ensure that all patentees have a six-month period to pay maintenance fees without a surcharge, the Office is establishing procedures for patentees to request a refund of the surcharge under [37 CFR 1.20\(h\)](#) for payments submitted January 17, 2018, through July 16, 2018. The surcharge cannot be waived during the transition due to limitations in the automated processing system. The request for refund is limited to the surcharge accompanying the maintenance fee payments that are newly required by this change in practice (e.g., for patents in reissue patent families except for the latest reissue patent). See paragraph D below for more information on the refund of the surcharge under [37 CFR 1.20\(h\)](#).

A. Maintenance Fee Payments for Multiple Reissued Utility Patents

Effective January 16, 2018, each reissue patent of an original utility patent that was issued from an application filed on or after December 12, 1980 and that is in force on the relevant maintenance fee due date (i.e., the 3½, 7½, or 11½ year date) requires its own maintenance fee payment.

In some instances, more than one reissue patent will be granted to replace a single original patent. “Multiple reissued patents” that replace a single original patent are provided for in [35 U.S.C. 251\(b\)](#).

See [MPEP § 1451](#). In these instances, each of the reissue utility patents requires payment of its own set of maintenance fees in order to prevent expiration of the reissue patent. The maintenance fee payment schedule established for the original patent continues to apply to each reissue patent such that the maintenance fee due dates are based on the date of the original patent grant. Based on the maintenance fee due dates, the time periods for paying maintenance fees in reissue utility patents are set forth in paragraphs (d) and (e) of [37 CFR 1.362](#). See [MPEP § 2506](#) for more information on the times for submitting maintenance fee payments. To prevent expiration of any reissue patent, including each reissue patent based on a single original patent, any maintenance fee with a due date on or after January 16, 2018 must be paid in each reissue patent in force on the maintenance fee due date.

B. Maintenance Fee Payments for Original Utility Patents Not Surrendered by Reissue

Effective January 16, 2018, the original patent requires a separate maintenance fee payment if at least one reissue application based on the original patent is pending on the maintenance fee due date (i.e., the 3½, 7½, or 11½ year date) even if a maintenance fee payment is made in reissue patent(s) that have issued from the same original patent.

[35 U.S.C. 251](#) permits reissue only for “the unexpired part of the term of the original patent.” An original patent is not surrendered under [35 U.S.C. 252](#) until a reissue application, based on the original patent, issues as a reissue patent and no other reissue application, based on the same original patent, is still pending. Because it is the granting of the reissue patent – and not the filing of the reissue application – that effectuates surrender of the original patent under [35 U.S.C. 252](#), maintenance fees remain due in the original patent whenever an application for reissue of the original patent is pending on the maintenance fee due date. Specifically, when one or more reissue patents have issued and at least one application for reissue of the same original patent remains pending, the original patent is not surrendered and maintenance fees remain due in the original patent until the last remaining reissue application issues as a reissue patent or becomes abandoned. In other words, while there is an

application for reissue pending in a reissue patent family, maintenance fee payments will be required in *both* the original patent and the corresponding reissue patent(s).

C. Example

A total of three applications were filed for reissue of the same original utility patent, which issued on August 27, 2010. The reissue applications result in first and second reissue patents granted on June 18, 2013 and June 25, 2013, respectively. The third reissue application based on the original patent is scheduled to issue as the third reissue patent on March 20, 2018 (after the February 27, 2018 due date for the 7½ year maintenance fee). The 3½ year maintenance fee, which was due on February 27, 2014, was paid in the second reissue patent on December 6, 2013, under the former practice that required only one set of maintenance fees in the latest issued reissue patent. The 7½ year maintenance fee due date is Tuesday, February 27, 2018, which is 7½ years after the August 27, 2010 issue date of the original patent.

The following steps are used to determine which patents in the patent family (i.e., the original patent and all reissue patents from the original patent) require payment of the 7½ year maintenance fee:

1. Determine whether the new practice applies. For the new practice of more than one maintenance fee being due to apply, the reissue patent family based on an original utility patent will include more than one reissue patent, or at least one reissue patent and at least one pending application for reissue, of the same original utility patent and have maintenance fees due on or after January 16, 2018.

In this example, the patent family has two reissue patents and a pending reissue application. The 7½ year maintenance fee due date is February 27, 2018, which is after the January 16, 2018 effective date of the new practice set forth in this notice. Therefore, the new practice applies.

2. Determine which of the reissue patents in the patent family require separate payment of the maintenance fee.

In this example, the first and second reissue patents were granted in June 2013 and remain in force on January 16, 2018. Therefore, to avoid expiration of the first and second reissue patents, the 7½ year maintenance fee must be separately paid in both the first and second reissue patents, regardless of whether the maintenance fee(s) are paid before, on, or after January 16, 2018. Note that if any of the required maintenance fee payments are made during the grace period beginning on February 28, 2018 and ending on August 27, 2018, the surcharge under [37 CFR 1.20\(h\)](#) must be included with each maintenance fee payment made during the grace period.

3. Determine whether the original utility patent requires separate payment of the maintenance fee.

The maintenance fee must be paid if the maintenance fee due date is before the date the original patent is surrendered (i.e., the date the last remaining application for reissue of the original patent issues as a reissue patent or becomes abandoned). Any time an application for reissue of the original patent is still pending on the maintenance fee due date, the maintenance fee must be paid in the original patent.

In this example, the third reissue application is still pending on the February 27, 2018 maintenance fee due date and is not scheduled to issue as a reissue patent until March 20, 2018. Therefore, the 7½ year maintenance fee must be paid in the original patent to avoid expiration of the third reissue patent. To avoid any uncertainty in the record about payment of the maintenance fee, payment should be made prior to March 20, 2018 because when the third reissue application issues as a reissue patent, the original patent is surrendered and ceases to exist. If the maintenance fee is paid on or after March 20, 2018, payment must still be made in the original patent because the maintenance fee was due before surrender of the original patent. In addition, if the 7½ year maintenance fee is paid during the grace period beginning on February 28, 2018 and ending on August 27, 2018, the maintenance fee payment must include the surcharge under [37 CFR 1.20\(h\)](#).

In the example above, note that the 7½ year maintenance fee would be the first maintenance fee ever paid in both the original patent and the first

reissue patent because the 3½ year maintenance fee was paid (four years ago) in only the second reissue patent under the former practice that required maintenance fee payment in only the latest issued reissue patent. Also, note that if the original utility patent, which issued on August 27, 2010 in the example, was instead issued on June 15, 2010, the 7½ year maintenance fee would be due prior to the January 16, 2018 effective date. In this situation, the 7½ year maintenance fee would only be due in the latest issued reissue patent under the former practice, even if the 7½ year maintenance fee and surcharge under [37 CFR 1.20\(h\)](#) are paid on or after the January 16, 2018 effective date during the grace period.

D. Request for Refund of the Surcharge under 37 CFR 1.20(h) for a Limited Time

To ensure that all patentees have a six-month period to pay maintenance fees without a surcharge, the Office is establishing procedures for patentees to request a refund of the surcharge under [37 CFR 1.20\(h\)](#) for payments submitted January 16, 2018 through July 16, 2018. The request for refund is limited to the surcharge accompanying the maintenance fee payments that are newly required by this change in practice (e.g., for patents in reissue patent families except for the latest reissue patent). In other words, the new practice did not alter the requirement to pay the maintenance fees within the [37 CFR 1.362\(d\) or \(e\)](#) time periods to avoid the expiration of a single reissue patent, the latest reissue patent in a reissue patent family, or the original patent when no reissue patent has issued. For these patents, any request for refund should not be made and will not be favorably considered if made.

To request a refund for the surcharge under [37 CFR 1.20\(h\)](#), patentee must submit a letter that states the patent number(s) for which the maintenance fee(s) and surcharge(s) were made, the maintenance fee due date(s), the original payment date(s), the fee amount(s), the fee codes(s), and a brief explanation of why a refund is appropriate. In the brief explanation, patentees must explain why the maintenance fee payment is newly required by the change in practice and should make reference to the Official Gazette notice *Original Utility Patents Not Surrendered by Reissue and All Reissue Patents in*

the Reissue Patent Family Require Separate Maintenance Fee Payments, 1446 OG 300 (January 30, 2018). For example, the brief explanation should identify the original patent, the reissue patents and any pending application(s) for reissue in the reissue patent family, any previously paid maintenance fees, and for which patents the maintenance fees were paid, if applicable. A request for refund must be made on or before January 16, 2019. The request for refund may be submitted via EFS-Web using document code PET.OP or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2505 [Reserved]

2506 Times for Submitting Maintenance Fee Payments [R-10.2019]

Maintenance fees cannot be paid in advance since [35 U.S.C. 41\(f\)](#) permits maintenance fees to be adjusted every year on October 1 to reflect any fluctuations during the previous 12 months in the Consumer Price Index as determined by the Secretary of Labor.

[37 CFR 1.362\(d\)](#) sets forth the time periods when the maintenance fees for a utility patent can be paid without surcharge. Those periods, referred to generally as the “window period,” are the 6-month periods preceding each due date. The “due dates” are defined in [35 U.S.C. 41\(b\)](#). The window periods are (1) 3 years to 3 1/2 years after the date of issue for the first maintenance fee payment, (2) 7 years to 7 1/2 years after the date of issue for the second maintenance fee payment, and (3) 11 years to 11 1/2 years after the date of issue for the third and final maintenance fee payment. A maintenance fee paid on the last day of a window period can be paid without surcharge. The last day of a window period is the same day of the month the patent was granted 3 years and 6 months, 7 years and 6 months, or 11 years and 6 months after grant of the patent.

[37 CFR 1.362\(e\)](#) sets forth the time periods when the maintenance fees for a utility patent can be paid with surcharge. Those periods, referred to generally as the “grace period,” are the 6-month periods

immediately following each due date. The grace periods are (1) 3 1/2 years and through the day of the 4th anniversary of the grant of the patent, (2) 7 1/2 years and through the day of the 8th anniversary of the grant of the patent and, (3) 11 1/2 years and through the day of the 12th anniversary of the grant of the patent. A maintenance fee may be paid with the surcharge on the same date (anniversary date) the patent was granted in the 4th, 8th, or 12th year after grant to prevent the patent from expiring.

Maintenance fees for all reissue patents are due based upon the schedule established for the original utility patent. The filing of a request for *ex parte* or *inter partes* reexamination and/or the publication of a reexamination certificate does not alter the schedule of maintenance fee payments of the original patent.

If the day for paying a maintenance fee falls on a Saturday, Sunday, or a federal holiday within the District of Columbia, the maintenance fee may be paid on the next succeeding day that is not a Saturday, Sunday, or federal holiday. For example, if the window period for paying a maintenance fee without a surcharge ended on a Saturday, Sunday, or a federal holiday within the District of Columbia, the maintenance fee can be paid without surcharge on the next succeeding day that is not a Saturday, Sunday, or a federal holiday within the District of Columbia. Likewise, if the grace period for paying a maintenance fee with a surcharge ended on a Saturday, Sunday, or a federal holiday within the District of Columbia, the maintenance fee can be paid with surcharge on the next succeeding day that is not a Saturday, Sunday, or a federal holiday within the District of Columbia. In the latter situation, the failure to pay the maintenance fee and surcharge on the next succeeding day that is not a Saturday, Sunday, or a federal holiday within the District of Columbia will result in the patent expiring on a date (4, 8, or 12 years after the date of grant) earlier than the last date on which the maintenance fee and surcharge could be paid. This situation results from the provisions of [35 U.S.C. 21](#), but those provisions do not extend the expiration date of the patent if the maintenance fee and any required surcharge are not paid when required. For example, if the grace period for paying a maintenance fee with a surcharge ended on a Saturday, the maintenance fee and surcharge

could be paid on the next succeeding business day, e.g., Monday, but the patent will have expired after midnight on Saturday (e.g., on Sunday) if the maintenance fee and surcharge were not paid on the following Monday. Therefore, if the maintenance fee and any applicable surcharge are not paid, the patent will expire as of the end of the grace period as listed above. A patent that expires for failure of payment will expire on the day following the anniversary date the patent was granted in the 4th, 8th, or 12th year after the grant.

2507-2509 [Reserved]

2510 Submission of Maintenance Fee Payments and Documents [R-08.2017]

A listing of available payment options and current mailing addresses is available on the USPTO website at www.uspto.gov/PatentMaintenanceFees.

I. SUBMISSION OVER THE INTERNET

Maintenance fee payments can be made quickly and easily over the Internet at www.uspto.gov by electronic funds transfer (EFT), credit card or deposit account payment methods. Maintenance fee payments cannot be submitted by using EFS-Web. Maintenance fees paid online are through the Patent Maintenance Fees Storefront (<https://fees.uspto.gov/MaintenanceFees>). See [MPEP § 509](#) and [§ 2522](#) for additional information pertaining to payments by credit card and payments by deposit account. Payment receipts for all payments submitted over the Internet are available immediately in the Patent Maintenance Fees Storefront after the payment is processed. Receipts for bulk file payments of maintenance fees will include a listing of accepted payments for each patent maintained in force as well as a listing of any payments that could not be accepted with an explanation why. Note that the bulk file payment option can only be done online using the Patent Maintenance Fees Storefront.

II. SUBMISSION BY MAIL

Maintenance fee payments not electronically submitted over the Internet, and correspondence related to maintenance fees may be addressed to:

Director of the United States Patent and Trademark Office
Attn: Maintenance Fee
2051 Jamieson Avenue, Suite 300
Alexandria, Virginia 22314

[37 CFR 1.366\(b\)](#) provides that the certificate of mailing procedures of [37 CFR 1.8](#) or the mailing by Priority Mail Express® provisions of [37 CFR 1.10](#) may be utilized in paying maintenance fees. The specific requirements of either [37 CFR 1.8](#) or [1.10](#) must be fully complied with if the benefits of either are desired. See [MPEP § 512](#) and [§ 513](#).

III. SUBMISSION BY FACSIMILE

Payment of a maintenance fee is accepted via facsimile to the fax number stated on the Maintenance Fee Transmittal Form (SB/45), when charged to a deposit account or to a credit card. Credit Card Payment Form (PTO-2038) should be used if payment is made by credit card. See [MPEP § 509](#) and [§ 2522](#). In addition, requests pertaining to post-issuance documents, such as change of correspondence address, assignment of fee address, etc., may be submitted by facsimile.

[37 CFR 1.366\(b\)](#) provides that the certificate of transmission procedure of [37 CFR 1.8](#) may be utilized in paying maintenance fees. The specific requirements of [37 CFR 1.8](#) must be fully complied with if the benefits thereof are desired. See [MPEP § 512](#).

IV. SUBMISSION BY HAND DELIVERY

Maintenance fee payments may be hand-carried to the Office of Finance receptionist in Suite 300 of the Carlyle Place Building, 2051 Jamieson Avenue, Alexandria, VA 22314. Although the receptionist will not process the maintenance fee payment, if the payment is delivered with an itemized postcard, the receptionist will provide a delivery receipt by date stamping the postcard. The maintenance fee payment should be placed in an envelope with

MAINTENANCE FEE written in dark ink across the envelope.

2511-2514 [Reserved]

2515 Information Required for Submission of Maintenance Fee Payment [R-07.2015]

37 CFR 1.366 Submission of maintenance fees.

(a) The patentee may pay maintenance fees and any necessary surcharges, or any person or organization may pay maintenance fees and any necessary surcharges on behalf of a patentee. A maintenance fee transmittal letter may be signed by a juristic applicant or patent owner. A patentee need not file authorization to enable any person or organization to pay maintenance fees and any necessary surcharges on behalf of the patentee.

(b) A maintenance fee and any necessary surcharge submitted for a patent must be submitted in the amount due on the date the maintenance fee and any necessary surcharge are paid. A maintenance fee or surcharge may be paid in the manner set forth in [§ 1.23](#) or by an authorization to charge a deposit account established pursuant to [§ 1.25](#). Payment of a maintenance fee and any necessary surcharge or the authorization to charge a deposit account must be submitted within the periods set forth in [§ 1.362\(d\), \(e\), or \(f\)](#). Any payment or authorization of maintenance fees and surcharges filed at any other time will not be accepted and will not serve as a payment of the maintenance fee except insofar as a delayed payment of the maintenance fee is accepted by the Director in an expired patent pursuant to a petition filed under [§ 1.378](#). Any authorization to charge a deposit account must authorize the immediate charging of the maintenance fee and any necessary surcharge to the deposit account. Payment of less than the required amount, payment in a manner other than that set forth in [§ 1.23](#), or in the filing of an authorization to charge a deposit account having insufficient funds will not constitute payment of a maintenance fee or surcharge on a patent. The procedures set forth in [§ 1.8](#) or [§ 1.10](#) may be utilized in paying maintenance fees and any necessary surcharges.

(c) In submitting maintenance fees and any necessary surcharges, identification of the patents for which maintenance fees are being paid must include the patent number, and the application number of the United States application for the patent on which the maintenance fee is being paid. If the payment includes identification of only the patent number (*i.e.*, does not identify the application number of the United States application for the patent on which the maintenance fee is being paid), the Office may apply the payment to the patent identified by patent number in the payment or may return the payment.

(d) Payment of maintenance fees and any surcharges should identify the fee being paid for each patent as to whether it is the 3 1/2-, 7 1/2-, or 11 1/2-year fee, whether small entity status is being changed or claimed, the amount of the maintenance fee and any surcharge being paid, and any assigned customer number. If the maintenance fee and any necessary surcharge is being paid on a reissue patent, the payment must identify the

reissue patent by reissue patent number and reissue application number as required by paragraph (c) of this section and should also include the original patent number.

(e) Maintenance fee payments and surcharge payments relating thereto must be submitted separate from any other payments for fees or charges, whether submitted in the manner set forth in [§ 1.23](#) or by an authorization to charge a deposit account. If maintenance fee and surcharge payments for more than one patent are submitted together, they should be submitted on as few sheets as possible with the patent numbers listed in increasing patent number order. If the payment submitted is insufficient to cover the maintenance fees and surcharges for all the listed patents, the payment will be applied in the order the patents are listed, beginning at the top of the listing.

(f) Notification of any change in status resulting in loss of entitlement to small entity status must be filed in a patent prior to paying, or at the time of paying, the earliest maintenance fee due after the date on which status as a small entity is no longer appropriate. See [§ 1.27\(g\)](#).

(g) Maintenance fees and surcharges relating thereto will not be refunded except in accordance with [§§ 1.26](#) and [1.28\(a\)](#).

[37 CFR 1.366](#) establishes the guidelines and procedures for submission of maintenance fees, including any necessary surcharges. The patentee may pay maintenance fees and any necessary surcharges or any person or organization may pay maintenance fees and any necessary surcharges on behalf of the patentee without filing in the Office evidence of authorization by the patentee to pay maintenance fees. This will enable patentees to pay the maintenance fees and any necessary surcharges themselves or authorize some person or organization to pay maintenance fees and any necessary surcharges on their behalf. No verification of the authority to pay maintenance fees and any necessary surcharges in a particular patent will be made by the Office. While anyone may pay the maintenance fees and any necessary surcharges on a patent, if the payment is accepted by the Office, any Office notices relating to maintenance fees and any necessary surcharges will be mailed to the “fee address” set forth in [37 CFR 1.363](#). If the payment is not accepted by the Office, it will be returned to the person who submitted the payment if a return address is available. It is strongly recommended that the payor should include a return address along with his or her telephone number since the Office may contact the payor in some instances when it is unclear to which patent the fees are to be applied. See [MPEP § 2530](#).

A maintenance fee and any necessary surcharge for a patent must be submitted in the amount due on the

date the maintenance fee and any necessary surcharge are paid, and at the proper time, i.e., within the periods set forth in [37 CFR 1.362](#). If the amount of the maintenance fee is correct on the date it is paid and credited to the patent, a later change in the maintenance fees to reflect a new fee amount will not require a modification in the amount paid.

[37 CFR 1.366\(c\)](#) provides that a maintenance fee payment must include the patent number and the application number on which the maintenance fee is being paid. If the payment includes identification of only the patent number (i.e., does not identify the application number for the patent on which the maintenance fee is being paid), the Office may apply the payment to the patent identified by patent number in the payment or may return the payment. See [MPEP § 2530](#). The application number required to be submitted is not that of a prior parent application, but rather the application number of the actual application that matured into the patent for which maintenance fees are to be paid. If the maintenance fee and any necessary surcharge is being paid on a reissue patent, the application number required is that of the reissue application.

If a patent expires because the maintenance fee and any necessary surcharge have not been paid in the manner required by [37 CFR 1.366](#), the patentee could proceed under [37 CFR 1.378](#) (see [MPEP § 2590](#)), if appropriate, or could file a petition under [37 CFR 1.377](#) (see [MPEP § 2580](#)) within the period set therein seeking to have the maintenance fee accepted as timely even though not all of the required identifying data was present prior to expiration of the grace period.

Under [37 CFR 1.366\(d\)](#), the following information should also be submitted for each patent on which a maintenance fee or surcharge is paid ([37 CFR 1.366\(d\)](#)):

- (A) the fee year (i.e., 3 1/2, 7 1/2, or 11 1/2 year fee);
- (B) the amount of the maintenance fee and any surcharge being submitted;
- (C) any assigned customer number; and
- (D) whether entity status is being changed or claimed with the payment.

Where the payment is a maintenance fee and any necessary surcharge on a reissue patent, in addition to the information requested for all payments, it is requested that the original patent number be furnished. Although the submission of the information requested under [37 CFR 1.366\(d\)](#) is not mandatory, it would expedite the processing of maintenance fee payments.

The Maintenance Fee Transmittal Form, PTO/SB/45 should be used when submitting maintenance fees by mail or by facsimile transmission. This form is available, upon request, from the Maintenance Fee Branch. It is also available from the USPTO website (www.uspto.gov/patent/patents-forms#patent).

The Office processes fees in the order in which they are presented. If the payment submitted is insufficient to cover the maintenance fees and surcharges for all patents listed, and there is no general authorization to charge a deposit account, the payment will be applied in the order the patents are listed, beginning at the top of the listing.

2516-2519 [Reserved]

2520 Maintenance Fee Amounts [R-08.2017]

[37 CFR 1.20\(e\)-\(h\)](#) sets the fee amounts for the maintenance fees and the grace period surcharge. The maintenance fee amounts are subject to adjustment to reflect fluctuations occurring in the Consumer Price Index pursuant to [35 U.S.C. 41\(f\)](#). The maintenance fee amounts ([37 CFR 1.20\(e\)-\(h\)](#)) are subject to a 50% reduction for small entities pursuant to [35 U.S.C. 41\(h\)](#) and a 75% reduction for micro entities. The Maintenance Fee Branch may be contacted or the USPTO Fee Information website (www.uspto.gov/Fees) may be accessed for the current maintenance fee amounts.

The term of a patent might be shortened, e.g., by a terminal disclaimer. If a patent will expire part way between the due dates set in [35 U.S.C. 41\(b\)](#), or between the latest due date and the term set in [35 U.S.C. 154](#), it is still required that the entire maintenance fee amount for the due date be paid. The maintenance fee amount cannot be prorated to

cover only the amount of time past the due date before the patent expires.

[37 CFR 1.366\(g\)](#) provides that maintenance fees and surcharges relating thereto will not be refunded except in accordance with [37 CFR 1.26](#) and [1.28\(a\)](#). A patentee cannot obtain a refund of a maintenance fee that was due and payable on the patent. Any duplicate payment will be refunded to the fee submitter.

2521 [Reserved]

2522 Methods of Payment [R-10.2019]

The method of payment for the maintenance fee and any necessary surcharge is set forth in [37 CFR 1.23](#). The payment shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order as provided in [37 CFR 1.23\(a\)](#). If the maintenance fee and any necessary surcharge is sent in any other form, the Office may delay or cancel the credit until collection is made. For example, a personal or other uncertified check drawn on a U.S. bank that is not immediately negotiable, e.g., because it lacks a signature or due to insufficient funds, will not constitute payment of a maintenance fee and/or surcharge.

The maintenance fee can be charged to a credit card as set forth in [37 CFR 1.23\(b\)](#), but credit for the payment is subject to actual receipt of the fee by the Office. Credit Card Payment Form (PTO-2038) should be used for payment of fees by credit card unless the payment is submitted over the Internet. If credit card information is provided on a form or document other than the form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge. See [MPEP § 509](#).

Any remittance from a foreign country must be payable and immediately negotiable in the United States for the full amount of the maintenance fee and/or surcharge required.

[37 CFR 1.366\(b\)](#) provides that maintenance fees and any necessary surcharge may be paid by authorization to charge a deposit account established pursuant to [37 CFR 1.25](#). The authorization to charge the deposit account must be submitted within an appropriate window or grace period and must be limited to maintenance fees and surcharges payable on the date of submission. The authorization to charge the deposit account cannot be submitted prior to the third, seventh, or eleventh year after grant of the patent. If an authorization to charge a deposit account were submitted to pay the maintenance fee due at 3 years and 6 months after grant, a new authorization to charge a deposit account or other form of payment will have to be submitted at the appropriate time for each of the maintenance fees due at 7 years and 6 months and 11 years and 6 months. Any payment or authorization filed at any time other than that set forth in [37 CFR 1.362\(d\)](#), [\(e\)](#), or [\(f\)](#) will not serve as a payment of the maintenance fee, except insofar as a delayed payment of the maintenance fee is accepted by the Director pursuant to [37 CFR 1.378](#). See [MPEP § 2590](#). A payment of less than the required amount, a payment in a manner other than that set forth in [37 CFR 1.23](#), or the filing of an authorization to charge a deposit account having insufficient funds, will not constitute payment of a maintenance fee on a patent. The authorization is required to permit the immediate charging of the maintenance fee to the deposit account. An authorization would be improper if it only authorized the maintenance fee to be charged at a later date, e.g., on the last possible day of payment without surcharge. Such an authorization would not serve as payment of the maintenance fee. Any payment which fails to result in the entire proper amount of the maintenance fee being present on the due date will not constitute payment of the maintenance fee.

Maintenance fee payments and any surcharges relating thereto must be submitted separately from any other payments for fees or charges, whether submitted in the manner set forth in [37 CFR 1.23](#) or by authorization to charge a deposit account. See [37 CFR 1.366\(e\)](#). Maintenance fee payments and surcharge payments relating thereto that are commingled with payments for other fees or charges, e.g., application filing fees, issue fees, document supply fees, etc., will not be accepted. Maintenance

fees require processing by a separate area of the Office and are not processed in the same manner as other fees and charges. Maintenance fees for a number of patents can be submitted together in one submission and one payment. [37 CFR 1.366\(e\)](#) specifies that if maintenance fee payments for more than one patent are submitted together, they should be submitted on as few sheets as possible, listing the patent numbers in increasing patent number order. If the payment submitted is insufficient to cover the maintenance fees and any surcharges for all the listed patents, the payment will be applied in the order the patents are listed. In such a circumstance the maintenance fee and any surcharge for one or more of the last listed patents will not be paid.

Money orders and checks must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted. See [37 CFR 1.23\(a\)](#)). Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount required.

2523-2529 [Reserved]

2530 Special Acceptance of Maintenance Fee Payments Containing Informalities [R-07.2015]

It is strongly recommended that a maintenance fee submission by mail or facsimile include both a telephone number and a mailing address for the fee submitter because, provided the fee is sufficient, the Office may attempt to contact the submitter by telephone and/or by mail to confirm the patent to which the fee is to be applied. If the Office specially accepts a payment under any one of scenarios I – III below, a Notice of Special Acceptance of Patent Maintenance Fee (PTO-2143) will be mailed to the submitter that identifies the patent number and application number to which the maintenance fee was applied and requests the submitter to verify that the payment was applied as intended. If the payment was not applied to the intended patent, a petition (such as a petition under [37 CFR 1.377](#)) must be filed. If the petition is not filed within 2 months of

the date of the notice (PTO-2143), the petition may be dismissed as untimely, and relief may have to be pursued under [37 CFR 1.378\(a-c\)](#).

I. PATENT NUMBER SUPPLIED BUT NO APPLICATION NUMBER SUPPLIED

If a maintenance fee payment identifies only the patent number (i.e., does not identify the application number for the patent on which the maintenance fee is being paid), the Office may apply the payment to the patent identified by the patent number in the payment or may return the payment. See [37 CFR 1.366\(c\)](#).

II. PATENT NUMBER AND APPLICATION NUMBER SUPPLIED BUT THEY DO NOT CORRESPOND

When a patent number and an application number are both supplied, but they do not correspond to the same patent, the Office will generally apply the payment to the patent identified by the patent number, if possible. Even if the payment is sufficient and timely to pay the maintenance fee due in the patent identified by the patent number, the Office may return the payment if additional information on the payment submission is inconsistent with the patent identified by the patent number. The Office may even apply the payment to the patent identified by the application number if the additional information corroborates that patent. Such may be the case, for example, where the fee submitter is the addressee named in the correspondence address or fee address of the patent identified by the application number.

III. NO PATENT NUMBER SUPPLIED BUT APPLICATION NUMBER SUPPLIED

If a maintenance fee is due on the patent identified by the application number and the payment submitted is sufficient, the Office may apply the payment to the patent (provided additional corroborating information is present) or may return the payment.

2531 Payment Late or Insufficient [R-07.2015]

Examples of when a payment of maintenance fees and any necessary surcharges will be considered to be late or insufficient include instances when:

(A) Though a payment was received, additional funds are required due to surcharge or fee increase;

(B) Though a payment was received in an amount for small entity, the patented file records do not indicate that an assertion of small entity status was received; or

(C) The payment was received after the patent expired.

If the Office considers a payment to be late or insufficient, a notice (e.g., a Notice of Non-Acceptance of Patent Maintenance Fee (PTO-2142)) will be sent to the “fee submitter.” Reply to the notice is required prior to expiration of the grace period provided by [37 CFR 1.362\(e\)](#) in order to avoid the expiration of the patent. If a reply is not received prior to expiration of the patent, then an appropriate petition under [37 CFR 1.377](#) or [37 CFR 1.378](#) is required. See [MPEP § 2580](#) and [§ 2590](#).

If a payment is deemed insufficient because the payment was submitted in a discounted amount but entitlement to the entity status (small or micro) corresponding to the discounted amount was not established, an Underpayment Notice or Non-Acceptance Notice will be mailed to the fee submitter. See [MPEP § 2550](#) for information on establishing or changing an entity status for the purpose of paying a maintenance fee.

2532 Duplicate Payments [R-08.2017]

In the event a maintenance fee is submitted (hereafter, duplicate payment) in the required amount (including any necessary surcharge) within the payment window for the patent identified for payment, but the same maintenance fee for that patent was already paid by a previous fee submitter (hereafter, first fee submitter), the Office intends to treat the duplicate payment from the second fee submitter as follows:

(A) If the duplicate payment does not comply with [37 CFR 1.366\(c\)](#) by not containing both the patent number and the corroborating application number, the Office will return the duplicate payment to the second fee submitter with an indication that the maintenance fee for the patent was already paid.

(B) If the duplicate payment does comply with [37 CFR 1.366\(c\)](#) by containing both the patent number and the corroborating application number, the Office will verify that the first payment was properly processed.

(1) If the first payment was properly processed, the Office will return the duplicate payment to the second fee submitter. In this event the returned payment will be accompanied by identification of the first fee submitter.

(2) If a review of the Office record of the first maintenance fee payment reveals that the first payment was not properly processed (e.g., did not comply with [37 CFR 1.366\(c\)](#) or was not specially accepted in accordance with [MPEP § 2530](#)), the Office will attempt to determine whether the first payment should have been applied to a patent other than the patent identified under [37 CFR 1.366\(c\)](#) by the second fee submitter. Based on this determination the Office will: (a) attempt to apply the duplicate payment (and retract the first payment); or (b) return the duplicate payment to the second fee submitter with identification of the first fee submitter.

2533-2539 [Reserved]

2540 Fee Address for Maintenance Fee Purposes [R-08.2017]

37 CFR 1.363 Fee address for maintenance fee purposes.

(a) All notices, receipts, refunds, and other communications relating to payment or refund of maintenance fees will be directed to the correspondence address used during prosecution of the application as indicated in [§ 1.33\(a\)](#) unless:

(1) A fee address for purposes of payment of maintenance fees is set forth when submitting the issue fee, or

(2) A change in the correspondence address for all purposes is filed after payment of the issue fee, or

(3) A fee address or a change in the “fee address” is filed for purposes of receiving notices, receipts and other correspondence relating to the payment of maintenance fees after the payment of the issue fee, in which instance, the latest such address will be used.

(b) An assignment of a patent application or patent does not result in a change of the “correspondence address” or “fee address” for maintenance fee purposes.

(c) A fee address must be an address associated with a Customer Number.

Generally, notices, receipts, and other communications relating to the payment of a maintenance fee will be directed to the correspondence address used during the prosecution of the application, unless a “fee address” for the purpose of payment of the maintenance fee has been designated or a change in the correspondence address has been made (see [MPEP § 2542](#)). [37 CFR 1.33\(d\)](#) allows a correspondence address or change thereto to be filed during the enforceable life of the patent. Patentees should ensure that the Office is properly notified of the proper “fee address” to which all maintenance fee communications are to be directed.

Under the statutes and rules, the Office has no duty to notify patentee of the requirement to pay maintenance fees or to notify patentee when the maintenance fee is due. It is solely the responsibility of the patentee to ensure that the maintenance fee is paid timely to prevent expiration of the patent. The failure to receive the reminder notice will not shift the burden of monitoring the time for paying a maintenance fee from the patentee to the Office. The Office will attempt to assist patentees through the mailing of a Maintenance Fee Reminder in the grace period. However, the failure to receive a Maintenance Fee Reminder will not relieve the patentee of the obligation to timely pay the appropriate maintenance fee to prevent expiration of the patent. See *Rydeen v. Quigg*, 748 F. Supp. 900, 16 USPQ2d 1876 (D.D.C. 1990), *aff’d* 937 F.2d 623 (Fed. Cir. 1991) (table), *cert. denied*, 502 U.S. 1075 (1992). Maintenance fee correspondence will not be directed to more than one address.

[37 CFR 1.363\(c\)](#) states that “[a] fee address must be an address associated with a Customer Number.” Only an address represented by a customer number can be established as the fee address for maintenance fee purposes. The use of the following form(s) is suggested when requesting establishment of a fee address: a current version of the “Fee Address” Indication Form (PTO/SB/47), and if necessary, a Request for Customer Number (PTO/SB/125). If a customer number was previously acquired from the

Office for the address being designated as the fee address, that customer number should be entered on the “Fee Address” Indication Form (PTO/SB/47) to make the fee address designation. If no customer number was previously acquired from the Office for the address being designated as the fee address, then the “Fee Address” Indication Form (PTO/SB/47) should be accompanied by a completed Request for Customer Number (form PTO/SB/125). See [MPEP § 403](#) concerning customer number practice.

It is recommended that only a current version of the “Fee Address” Indication Form (PTO/SB/47) available from the USPTO website (www.uspto.gov/patent/patents-forms) be used when designating a fee address.

At the time of issue fee payment, applicants may designate a fee address by submitting a “Fee Address” Indication Form (PTO/SB/47) as an attachment to the Issue Fee Transmittal (PTOL-85B). After issue fee payment, applicants may designate a fee address by submitting a “Fee Address” Indication Form (PTO/SB/47), and if necessary, a Request for Customer Number (PTO/SB/125), to the address specified on the “Fee Address” Indication Form (PTO/SB/47).

All fee addresses established at the Office will be represented by a customer number, even if the fee address designation lacks an explicit request that a customer number be used for this purpose (e.g., in the event that an outdated “Fee Address” Indication Form (PTO/SB/47), or equivalent form, is submitted without an accompanying Request for Customer Number (PTO/SB/125)).

The current version of the “Fee Address” Indication Form (PTO/SB/47) is available upon request from the Maintenance Fee Branch and from the USPTO website (www.uspto.gov). The Request for Customer Number (PTO/SB/125) is available upon request from the Electronic Business Center and from the USPTO website (www.uspto.gov). Requests for the establishment of a fee address should be submitted to the Maintenance Fee Branch prior to or at the time of payment of maintenance fees in order to ensure that receipt of payment is directed to the fee address.

Additional patent numbers may be assigned to a customer number at any time, upon written request.

2541 [Reserved]

2542 Change of Correspondence Address [R-07.2015]

Unless a fee address has been designated, notices, receipts, and other communications relating to the patent will generally be directed to the correspondence address ([37 CFR 1.33](#)) used during the prosecution of the application. Practitioners of record when the patent issues who do not wish to receive correspondence relating to maintenance fees must change the correspondence address in the patented file or provide a fee address to which such correspondence should be sent. It is not required that a practitioner file a request for permission to withdraw pursuant to [37 CFR 1.36](#) solely for the purpose of changing the correspondence address in a patented file.

The correspondence address should be updated or changed as necessary to ensure that all communications are received in a timely manner. A change of correspondence address may be made as provided in [pre-AIA 37 CFR 1.33\(a\)](#) or [37 CFR 1.33\(a\)](#). The correspondence address may be changed as provided in [pre-AIA 37 CFR 1.33\(a\)\(1\)](#) prior to the filing of an oath or declaration. After an oath or declaration has been executed and filed by at least one inventor, the correspondence address may be changed as provided in [pre-AIA 37 CFR 1.33\(a\)\(2\)](#).

Requests for a change of the correspondence address may be sent to the Office of Patent Application Processing during the enforceable life of the patent. To ensure accuracy and to expedite requests for change to the correspondence address, it is suggested that the request include both the patent number and the application number. The Office form, Change of Correspondence Address, Application (PTO/SB/122) may be used to request a change of correspondence address in a patent application. The Office form, Change of Correspondence Address, Patent (PTO/SB/123) may be used to request a

change of correspondence address for an issued patent.

2543-2549 [Reserved]

2550 Entity Status Discounts [R-10.2019]

I. CLAIMING ENTITLEMENT TO AN ENTITY STATUS DISCOUNT

Reduced maintenance fees are available for patentees that can establish entitlement to small or micro entity status.

In order to establish small entity status for the purpose of paying a maintenance fee, a written assertion of entitlement to small entity status must be filed prior to or with the maintenance fee paid as a small entity. [37 CFR 1.27\(c\)\(2\)](#) specifies who can sign and file the written assertion of small entity status. A written assertion of small entity status is only required to be filed once and will remain effective until changed. See [MPEP §§ 509.02](#) and [509.03](#) regarding the requirements for qualifying as a small entity and the requirements for making an assertion of small entity status.

In order to establish micro entity status for the purpose of paying a maintenance fee, a written certification of micro entity status must be filed prior to or at the time the maintenance fee is paid in the micro entity amount. A certification of micro entity status must be signed by a person authorized under [37 CFR 1.33\(b\)](#). See [MPEP § 509.04](#) regarding the requirements for qualifying as a micro entity as well as the requirements for certifying micro entity status.

A paper changing the entity status of the patent can be included with a maintenance fee payment submitted by mail, facsimile, or hand delivery. For maintenance fee payments to be made over the Internet using the Patent Maintenance Fees Storefront ([https://fees.uspto.gov/Maintenance Fees](https://fees.uspto.gov/MaintenanceFees)), any change in entity status must be made prior to submitting the payment. Before submitting a payment via the Patent Maintenance Fees Storefront in an entity status different from the entity status of record, it is suggested that the entity status entitlement document (i.e., the certification of micro

entity status or written assertion of small entity status) or the document for removal of entity status (i.e., notification of loss of entitlement to micro entity status under [37 CFR 1.29\(i\)](#) and/or notification of loss of entitlement to small entity status under [37 CFR 1.27\(g\)\(2\)](#)) as appropriate, be filed by either making the entity status change via Private PAIR using the “Update” Entity Status feature or faxing the document to 571-273-6500 (the maintenance fee transmittal fax number). In order to change entity status via Private PAIR, you must: (1) be a registered patent attorney/agent, an independent inventor, or a person granted limited recognition, (2) have a USPTO.gov account, (3) have a customer number, and (4) have two-step authentication. (Contact the Electronic Business Center (EBC) at 866-217-9197 or ebc@uspto.gov for information relating to Private PAIR including how to update entity status via Private PAIR.)

The refund provisions of [37 CFR 1.28\(a\)](#) for later submitted small entity assertions do apply to maintenance fees. However, the process in [37 CFR 1.28\(a\)](#) for later establishment of small entity status is not applicable to later submitted micro entity certifications. Accordingly, no refunds are available for later establishment of micro entity status.

II. REMOVAL OF ENTITY STATUS

Notification of any change in status resulting in loss of entitlement to an entity status must be filed in a patent prior to paying, or at the time of paying, the earliest maintenance fee due after the date on which status as a small or micro entity is no longer appropriate. [37 CFR 1.27\(g\)\(2\)](#) requires that a notification of loss of entitlement to small entity status be in the form of a specific written notification, rather than only payment of the undiscounted fee. Similarly, [37 CFR 1.29\(i\)](#) provides that notification of a loss of entitlement to micro entity status must be filed in the application or patent prior to paying, or at the time of paying, any fee after the date on which status as a micro entity is no longer appropriate. See [MPEP § 509.04\(e\)](#) for further information regarding notifying the Office of a loss of entitlement to micro entity status, including notifying the Office of a loss of entitlement to both micro and small entity status. All notifications to the Office regarding loss of entity status must be signed

by a party identified in [37 CFR 1.33\(b\)](#). [37 CFR 1.366\(f\)](#) serves as a reminder to patentees of the necessity to check for the loss of small entity status prior to paying each maintenance fee on a patent. This is also a requirement of [37 CFR 1.27\(g\)](#). Similarly [37 CFR 1.29\(g\)](#) serves as a reminder of the necessity to check for the loss of micro entity status prior to paying any fee in the micro entity amount.

If status as a small or micro entity has been previously established by filing an assertion of small entity status or certification of micro entity status, and such status is checked and found to be proper, no notification is required. It is not necessary to file a new assertion establishing small or micro entity status at this point if the status as a small or micro entity has been established and is still proper. After establishing small or micro entity status, it is not necessary to file a new assertion of small entity status or certification of micro entity status, even if rights have been transferred from one small entity to another, or from one micro entity to another. The requirement is to notify the Office of the loss of entitlement and to pay the maintenance fee in the proper amount, where appropriate.

III. PAYMENTS NOT MATCHING THE ENTITY STATUS OF RECORD

If a payment is submitted that conflicts with the Office record of the patentee's entity status, a notice relating to entity status will be sent to the fee submitter. An Overpayment Notice will be sent if Office records indicate establishment of an entity status (small or micro) entitling the patentee to a reduction in the fee amount submitted. An Underpayment Notice will be sent if Office records indicate that the patentee has not established entitlement to the entity status (small or micro) corresponding to the discounted amount submitted.

Where an Overpayment Notice is sent, the required reply depends on whether the entity status of record is correct. If the patentee determines entitlement to the entity status of record no longer exists or cannot be verified, the appropriate loss of entitlement notification must be filed. See [37 CFR 1.27\(g\)\(2\)](#) regarding notification of loss of entitlement to small entity status. See [37 CFR 1.29\(i\)](#) regarding

notification of loss of entitlement to micro entity status. The loss of entitlement notification must be filed by mail, facsimile, or EFS-Web because the online payment system cannot accept entity status documents. A non-extendable ONE MONTH period from the mailing date of the notice will be provided for filing a notification of loss of entitlement to small or micro entity status. However, if additional money is required to complete an undiscounted payment of the maintenance fee and any required surcharge under [37 CFR 1.362\(e\)](#), the reply (including the additional money and the loss of entity status entitlement notice) must be filed within the earlier of: (A) the non-extendable ONE MONTH period from the mailing date of the notice; or (B) any time remaining under [37 CFR 1.362](#), including the grace period provided by [37 CFR 1.362\(e\)](#). Absent a timely reply to the Overpayment Notice, the Office will apply the maintenance fee in the reduced amount corresponding to the entity status of record and refund the overpayment amount. Accordingly, if the patentee is actually entitled to the entity status of record, no reply to the Overpayment Notice is necessary.

Where an Underpayment Notice is sent, the required reply depends on whether the entity status of record is correct. If the patentee determines that the entity status of record is correct, the reply including the additional money required for a sufficient payment in the correct higher amount, including any necessary surcharge under [37 CFR 1.362\(e\)](#), must be timely filed. If the patentee determines the entity status of record is not correct, the reply must include any additionally required money including any necessary surcharge under [37 CFR 1.362\(e\)](#), and the appropriate entity status document (e.g., written assertion of small entity status under [37 CFR 1.27](#) or certification of micro entity status under [37 CFR 1.29](#)). The entity status document must be filed by mail, facsimile, or EFS-Web because the online payment system (i.e., the Patent Maintenance Fees Storefront (<https://fees.uspto.gov/MaintenanceFees>)) cannot accept entity status documents. Whether or not the entity status of record is correct, the reply must be filed within the earlier of: (A) a non-extendable ONE MONTH period from the mailing date of the notice; or (B) any time remaining under [37 CFR 1.362](#), including the grace period provided by [37 CFR 1.362\(e\)](#). Note that if a

previously unpaid surcharge under [37 CFR 1.362\(e\)](#) has come due by the time the reply is filed, sufficient payment will require payment of the surcharge as well as any additional money required to complete the required maintenance fee amount. Absent a timely reply to the Underpayment Notice, the Office will return the amount received. If the amount received was returned, payment of the maintenance fee and any necessary surcharge in the correct amount must be filed within the time remaining under [37 CFR 1.362](#), including the grace period provided by [37 CFR 1.362\(e\)](#). Note that an entity status document may also be required to be filed with the payment in order to establish what the correct amount is (e.g., if the patentee determines that the entity status of record is not correct). If the payment was returned and there is no time remaining in the grace period provided by [37 CFR 1.362\(e\)](#), a petition under [37 CFR 1.378](#) for acceptance of a delayed maintenance fee payment must be filed in order to seek acceptance of an unintentionally delayed maintenance fee. See [MPEP § 2590](#).

2551-2559 [Reserved]

2560 Revocation of Power of Attorney and Withdrawal of Attorney [R-07.2015]

The revocation or withdrawal of an attorney may be submitted at any time; however, a revocation or withdrawal of an attorney filed after issuance of a patent is not normally processed.

It should be noted that an assignment does not act as a revocation of power of attorney for authorization previously given. However, the assignee may revoke a previous power of attorney. See [37 CFR 3.71](#) and [3.73](#).

2561-2569 [Reserved]

2570 Maintenance Fee Payment Status Requests [R-08.2017]

The Maintenance Fee Branch will respond to requests for the maintenance fee payment status of patents. Maintenance fee status information for a

patent of interest can be obtained over the Internet by entering the patent number and the corresponding application number in the appropriate spaces on the webpage available at <https://fees.uspto.gov/MaintenanceFees>. In addition, maintenance fee status can be requested by telephone. Telephone status requests are limited to two patent numbers per telephone call. See [MPEP § 1730](#) for the telephone number.

2571-2574 [Reserved]

2575 Notices [R-07.2015]

Under the statutes and the regulations, the Office has no duty to notify patentees when their maintenance fees are due. It is the responsibility of the patentee to ensure that the maintenance fees are paid to prevent expiration of the patent. The Office will, however, provide some notices as reminders that maintenance fees are due, but the notices, errors in the notices or in their delivery, or the lack or tardiness of notices will in no way relieve a patentee from the responsibility to make timely payment of each maintenance fee to prevent the patent from expiring by operation of law. The notices provided by the Office are courtesies in nature and intended to aid patentees. The Office's provision of notices in no way shifts the burden of monitoring the time for paying maintenance fees on patents from the patentee to the Office.

I. PREPRINTED STANDARD NOTICES

The patent grant currently includes a reminder notice that maintenance fees may be due. The Notice of Allowance currently includes a reminder notice that maintenance fees may be due.

II. OFFICIAL GAZETTE NOTICE

A notice will appear in each issue of the *Official Gazette* which will indicate which patents have been granted 3, 7, and 11 years earlier, that the window period has opened, and that maintenance fee payments will now be accepted for those patents.

Another *Official Gazette* notice published after expiration of the grace period will indicate any patent which has expired due to nonpayment of maintenance fees and any patents which have been reinstated. An annual compilation of such expirations and reinstatements will also be published.

III. MAINTENANCE FEE REMINDERS

Since patentees are expected to maintain their own record and docketing systems and since it is expected that most patentees will pay their maintenance fees during the window period to avoid payment of a surcharge, the Office will not send any reminder notices to the patentee until after the grace period has begun. This will reduce and simplify the mailing of notices but still give patentees an opportunity to pay their maintenance fee with surcharge during the grace period before expiration of their patents. The Office will mail any Maintenance Fee Reminder to the fee address as set forth in [37 CFR 1.363](#). See [MPEP § 2540](#).

IV. RECEIPT NOTICES

Upon request, the Office will issue a receipt for payment of maintenance fees submitted by mail or facsimile after entry of the maintenance fee payment. Such a receipt, which is sent to the fee address (if no fee address, then the correspondence address), will provide an opportunity for the patentee or fee submitter to check if the Office has properly credited the payment.

V. EXPIRATION NOTICES

The Office will mail a Notice of Patent Expiration to the fee address as set forth in [37 CFR 1.363](#) when Office records indicate that a patent has expired for failure to pay a required maintenance fee.

2576-2579 [Reserved]

2580 Review of Decision Refusing to Accept and Record Payment of a Maintenance Fee

Filed Prior to Expiration of Patent [R-10.2019]

37 CFR 1.377 Review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of patent.

(a) Any patentee who is dissatisfied with the refusal of the Patent and Trademark Office to accept and record a maintenance fee which was filed prior to the expiration of the patent may petition the Director to accept and record the maintenance fee.

(b) Any petition under this section must be filed within two months of the action complained of, or within such other time as may be set in the action complained of, and must be accompanied by the fee set forth in [§ 1.17\(g\)](#). The petition may include a request that the petition fee be refunded if the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.

(c) Any petition filed under this section must comply with the requirements of [§ 1.181\(b\)](#) and must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

[37 CFR 1.377](#) provides a mechanism for review of a decision refusing to accept and record payment of a maintenance fee filed prior to the expiration of a patent. [37 CFR 1.377\(a\)](#) permits a patentee who is dissatisfied with the refusal of the Office to accept and record a maintenance fee which was filed prior to the expiration of the patent to petition the Director to accept and record the maintenance fee. This petition may be used, for example, in situations where an error is present in the identifying data required by [37 CFR 1.366\(c\)](#) with the maintenance fee payment, i.e., either the patent number or the application number is incorrect. See [MPEP § 2515](#) and [§ 2530](#). A petition under [37 CFR 1.377](#) would not be appropriate where there is a complete failure to include at least one correct mandatory identifier as required by [37 CFR 1.366\(c\)](#) for the patent since no evidence would be present as to the patent on which the maintenance fee was intended to be paid. If the maintenance fee payment with an incorrect mandatory identifier was made near the end of the grace period, the patent might expire since the Office would not credit the fee to the patent. A petition under [37 CFR 1.377](#) would not be appropriate where the patentee paid a maintenance fee on one patent when the patentee intended to pay the maintenance fee on a different patent but through error identified the wrong patent number and application number. Likewise, a petition under [37 CFR 1.377](#) would not be appropriate where the entire maintenance fee

payment, including any necessary surcharge, was not filed prior to expiration of the patent.

Any petition filed under [37 CFR 1.377](#) must be filed within 2 months of the action complained of, or within such other time as may be set in the action complained of. The petition must be accompanied by the proper petition fee ([37 CFR 1.17\(g\)](#)). The petition may include a request that the petition fee be refunded if the refusal to accept and record the maintenance fee is determined to have resulted from an error by the Office.

Any petition filed under [37 CFR 1.377](#) must comply with the requirements of [37 CFR 1.181\(b\)](#) and must be signed by an attorney or agent registered to practice before the Office, or by the patentee, the assignee, or other party in interest. A person or organization whose only responsibility insofar as the patent is concerned is the payment of a maintenance fee is not a party in interest for purposes of [37 CFR 1.377](#). If the petition is signed by a person not registered to practice before the Office, the petition must indicate whether the person signing the petition is the patentee, assignee, or other party in interest. An assignee must comply with the requirements of [pre-AIA 37 CFR 3.73\(b\)](#), for applications filed prior to September 16, 2012 or [37 CFR 3.73\(c\)](#) for applications filed on or after September 16, 2012, which are discussed in [MPEP §§ 324](#) and [325](#), respectively.

Any petition under [37 CFR 1.377](#) should be marked on the front page of the communication to the attention of the Office of Petitions and addressed as follows:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

2581-2589 [Reserved]

2590 Acceptance of Delayed Payment of Maintenance Fee in Expired Patent to Reinstate Patent [R-10.2019]

37 CFR 1.378 Acceptance of delayed payment of maintenance fee in expired patent to reinstate patent.

(a) The Director may accept the payment of any maintenance fee due on a patent after expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unintentional. If the Director accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired, but will be subject to the conditions set forth in [35 U.S.C. 41\(c\)\(2\)](#).

(b) Any petition to accept an unintentionally delayed payment of a maintenance fee must include:

(1) the required maintenance fee set forth in [§ 1.20\(e\) through \(g\)](#);

(2) the petition fee as set forth in [§ 1.17\(m\)](#); and

(3) A statement that the delay in payment of the maintenance fee was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

(c) Any petition under this section must be signed in compliance with [§ 1.33\(b\)](#).

(d) Reconsideration of a decision refusing to accept a delayed maintenance fee may be obtained by filing a petition for reconsideration within two months of the decision, or such other time as set in the decision refusing to accept the delayed payment of the maintenance fee.

(e) If the delayed payment of the maintenance fee is not accepted, the maintenance fee will be refunded following the decision on the petition for reconsideration, or after the expiration of the time for filing such a petition for reconsideration, if none is filed.

[37 CFR 1.378\(a\)](#) provides that the Director of the Office may accept the payment of any maintenance fee due on a patent based on an expiration of the patent if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director of the Office to have been unintentional. The appropriate petition fee set forth in [37 CFR 1.17\(m\)](#) must be paid as a condition of accepting payment of the maintenance fee. If multiple maintenance fees due on a single patent have not been paid, a separate petition fee is required for each delayed maintenance fee payment. A statement that the delay in payment of the maintenance fee was unintentional is also required with respect to each delayed maintenance fee payment. While the patentee can include the statements of unintentional delay in a single petition (if desired), a separate petition fee is required for each delayed maintenance fee payment. If the Director of the Office accepts payment of the maintenance fee upon petition, the patent shall be considered as not having expired but will be subject to the intervening rights and provisions of [35 U.S.C. 41\(c\)\(2\)](#).

Any petition under [37 CFR 1.378\(b\)](#) should be marked on the front page of the communication to the attention of the Office of Petitions and addressed as follows:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

For applications filed on or after September 16, 2012, [37 CFR 1.33\(b\)](#) requires that amendments and other papers be signed by: (1) a patent practitioner of record; (2) a patent practitioner not of record who acts in a representative capacity under the provisions of [37 CFR 1.34](#); or (3) the applicant ([37 CFR 1.42](#)). [37 CFR 1.33\(b\)](#) further provides that, unless otherwise specified, all papers submitted on behalf of a juristic entity must be signed by a patent practitioner.

For applications filed prior to September 16, 2012, [pre-AIA 37 CFR 1.33\(b\)](#) requires that amendments and other papers be signed by: (1) A patent practitioner of record appointed in compliance with [pre-AIA 37 CFR 1.32\(b\)](#); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of [37 CFR 1.34](#); (3) An assignee as provided for under [pre-AIA 37 CFR 3.71\(b\)](#) of this chapter; or (4) All of the applicants ([pre-AIA 37 CFR 1.41\(b\)](#)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with [pre-AIA 37 CFR 3.71](#) of this chapter. Pursuant to [37 CFR 1.31](#) as revised effective September 16, 2012, a juristic entity (e.g., organizational assignee) must be represented by a patent practitioner and therefore, unless otherwise specified, all papers submitted on behalf of a juristic entity on or after September 16, 2012 must be signed by a patent practitioner.

[37 CFR 1.378\(d\)](#) provides a mechanism for obtaining reconsideration of a decision refusing to accept a maintenance fee upon petition filed pursuant to paragraph (a). This mechanism is a petition for reconsideration which may be filed within 2 months of, or such other time as set in, the decision refusing to accept the delayed payment of the maintenance fee. The decision on the petition for reconsideration, may provide that no further reconsideration or review

of the matter will be undertaken by the Director of the Office. The maintenance fee submitted will be refunded if the delayed payment of the maintenance fee is not accepted. The refund will be made following the decision on the petition for reconsideration if the decision provides that no further reconsideration or review of the matter will be undertaken, or, upon request, after the expiration of the time for filing a petition for reconsideration, if none is filed.

I. UNINTENTIONAL DELAY

Under [35 U.S.C. 41\(c\)\(1\)](#), the Director of the Office may accept late payment of any maintenance fee filed after the 6-month grace period, if the delay in payment is shown to the satisfaction of the Director of the Office to have been unintentional. See [MPEP § 711.03\(c\)](#) for a general discussion of the “unintentional” delay standard.

In addition to the timeliness deadline set forth in the preceding paragraph, a petition filed under the unintentional standard of [37 CFR 1.378\(b\)](#) must include:

- (A) the required maintenance fee set forth in [37 CFR 1.20\(e\) through \(g\)](#);
- (B) the petition fee set forth in [37 CFR 1.17\(m\)](#); and
- (C) a statement that the delay in payment of the maintenance fee was unintentional.

A person seeking reinstatement of an expired patent should not make a statement that the delay in payment of the maintenance fee was unintentional unless the entire delay was unintentional, including the period from discovery that the maintenance fee was not timely paid until payment of the maintenance fee. For example, a statement that the delay in payment of the maintenance fee was unintentional would not be proper when the patentee becomes aware of an unintentional failure to timely pay the maintenance fee and then intentionally delays filing a petition for reinstatement of the patent under [37 CFR 1.378](#).

Applicant should use PTO/SB/66 form found on the USPTO forms website at www.uspto.gov/patent/patents-forms to file petitions to accept

unintentionally delayed payment of a maintenance fee in an expired patent. The petitions will be processed by the Office of Petitions. The EFS-Web version of the SB/66 form that allowed for auto-processing was retired on February 1, 2018.

2591 Intervening Rights in Reinstated Patents [R-08.2012]

Intervening rights in reinstated patents are provided by [35 U.S.C. 41\(c\)\(2\)](#) which is reproduced in [MPEP § 2501](#). No patent, the term of which has been maintained as a result of the acceptance of a late payment of a maintenance fee, shall abridge or affect the right of any person or his or her successors in business who made, purchased, imported, or used after the 6-month grace period but prior to the acceptance of the late maintenance fee anything protected by the patent, to continue the use or importation of, or to sell to others to be used or sold, the specific things made, purchased, imported, or used. A court before which such matter is in question may provide for the continued manufacture, use, importation, or sale of the thing made, purchased, imported, or used as specified, or for the manufacture, use, importation, or sale of which substantial preparation was made after the 6-month grace period but before the acceptance of the late

maintenance fee, and it may also provide for the continued practice of any process, practiced, or for the practice of which substantial preparation was made, after the 6-month grace period but prior to the acceptance of the late maintenance fee, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced after the 6-month grace period but before the acceptance of the late maintenance fee.

2592-2594 [Reserved]

2595 Forms [R-10.2019]

The following forms are suggested when submitting a maintenance fee or establishing a fee address for maintenance fee purposes. “Maintenance Fee Transmittal Form,” Form PTO/SB 45; and “‘Fee Address’ Indication Form,” Form PTO/SB/47.

Form PTO/SB/125 (“Request for Customer Number”) may be used to request a customer number. Form PTO/SB/66 (“Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent ([37 CFR 1.378\(b\)](#))”) may be used to file a petition under [37 CFR 1.378\(b\)](#).

PTO/SB/45 (03-13)

Approved for use through 09/30/2021. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM*(Do not submit this form electronically via EFS-Web)*

Address to: Director of the United States Patent and Trademark Office Attn: Maintenance Fee 2051 Jamieson Avenue, Suite 300 Alexandria, VA 22314	I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314" on _____ Signature _____ Typed or printed name _____						
- OR -							
Fax to: 571-273-6500 Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).							
1. <input type="checkbox"/> A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed. 2. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is enclosed. 3. <input type="checkbox"/> The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____. 4. <input type="checkbox"/> The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. _____.							
Item	Patent Number*	U.S. Application Number* [e.g., 08/555,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below) Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1							
2							
3							
4							
5							
Subtotals: Columns 3 & 4					<input type="checkbox"/> _____ additional sheets attached for listing additional patents.		
Total Payment							
* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5). WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038. Respectfully submitted,** Customer's Signature _____ Customer's Name _____ Registration Number, if applicable: _____ Telephone: _____ Fax: _____ Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363. Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to notify of a loss of entitlement to small entity status, a written assertion is required. See 37 CFR 1.27 and 1.33(b). Payment of micro entity fee is appropriate if patent owner certifies micro entity status. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. To notify of a loss of entitlement to micro entity status, a written assertion is required. See 37 CFR 1.29 and 1.33(b). ** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.							

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: MFEE/C AD

Document Description: Maintenance Fee Address Change

PTO/SB/47 (10-18)

Approved for use through 08/30/2021. OMB 0651-0016

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

“FEE ADDRESS” INDICATION FORM

Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax to:
571-273-6500

- OR -

INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below:** If you have a Customer Number to represent the fee address. **When to check the second box below:** If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the “Fee Address” under the provisions of 37 CFR 1.363 the address associated with:

☐ Customer Number:

OR

☐ The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER

Completed by (check one):

☐ Applicant/Inventor

Signature

☐ Attorney or Agent of record

(Reg. No.)

Typed or printed name

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) (Form PTO/SB/96) is
 enclosed or was filed on _____

(Date)

Requester's telephone number

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. If the assignee is a juristic entity, this form must be signed by a patent practitioner (attorney or agent) of record. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.363. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/SB/125A (11-08)

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Although the Requester acknowledges that Internet communications are not secure, the Requester hereby authorizes the USPTO to send the assigned customer number by e-mail to the email address listed below.

To the Commissioner for Patents: Please assign a Customer Number to the address indicated below:					
Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			
Please associate the following practitioner registration number(s) with the Customer Number assigned to the address cited above.					
<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>
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<input type="checkbox"/> Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto.					
Request Submitted by:					
Firm Name (if applicable)					
Signature					
Name of person submitting request				Date	
Registration Number, if applicable			Telephone Number		

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Request for
Customer NumberPractitioner Registration Number
Supplement Sheet

Page

of

Pages

Please associate the following practitioner registration number(s) with the Customer Number assigned to the Address cited on Request for Customer Number form attached.

Firm Name

Date

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Additional supplemental sheets(s) attached hereto

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PTO/SB/66 (12-18)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))	Docket Number (Optional) _____				
Page 1 of 3					
<p>Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.</p> <p>Patent No. _____ Application Number _____</p> <p>Issue Date _____ Filing Date _____</p> <p>CAUTION: Maintenance fee payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).</p> <p>Also complete the following information, if applicable.</p> <p>The above-identified patent</p> <p><input type="checkbox"/> is a reissue of original Patent No. _____ original issue date _____</p> <p style="padding-left: 40px;">original application number _____</p> <p style="padding-left: 40px;">original filing date _____.</p> <p><input type="checkbox"/> resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____</p> <p style="padding-left: 40px;">filed on _____.</p>					
<p style="text-align: center;">CERTIFICATE OF MAILING (37 CFR 1.8(a))</p> <p>I hereby certify that this paper (* along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">Date</td> <td style="width: 50%; text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">Signature</td> </tr> <tr> <td colspan="2" style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">Typed or Printed Name of Person Signing Certificate</td> </tr> </table>		Date	Signature	Typed or Printed Name of Person Signing Certificate	
Date	Signature				
Typed or Printed Name of Person Signing Certificate					

[page 1 of 3]

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PTO/SB/66 (12-18)

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Page 2 of 3

1. SMALL ENTITY

☐ Patentee asserts, or has previously asserted, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MICRO ENTITY

☐ Patentee certifies, or has previously certified, micro entity status. See 37 CFR 1.29
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

4. LOSS OF ENTITLEMENT TO MICRO ENTITY STATUS

☐ Patentee is no longer entitled to micro entity status. See 37 CFR 1.29(i).

5. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

Undiscounted			Small Entity			Micro Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3½ yr fee	(2551)	<input type="checkbox"/> \$ _____	3½ yr fee	(3551)
<input type="checkbox"/> \$ _____	7½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7½ yr fee	(2552)	<input type="checkbox"/> \$ _____	7½ yr fee	(3552)
<input type="checkbox"/> \$ _____	11½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11½ yr fee	(2553)	<input type="checkbox"/> \$ _____	11½ yr fee	(3553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

6. PETITION FEE

The petition fee required by 37 CFR 1.17(m) of:

\$ _____ Undiscounted (Fee Code 1558); or

\$ _____ Small Entity (Fee Code 2558); or

\$ _____ Micro Entity (Fee Code 3558)

must be paid as a condition of accepting an unintentionally delayed payment of a maintenance fee.

PETITION FEE BEING SUBMITTED \$ _____

7. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ Payment made via EFS-Web.

8. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee or petition deficiency to Deposit Account No. _____

PTO/SB/66 (12-18)

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Page 3 of 3

9. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____**OR**☐ Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information, such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form (PTO-2038) submitted for payment purposes), is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms (PTO-2038) submitted for payment purposes are not retained in the application file and therefore are not publicly available.

10. STATEMENT

The delay in payment of the maintenance fee for this patent was unintentional.

11. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

_____	_____
Date	Signature(s) of Petitioner(s)
_____	_____
Registration Number, if applicable	Typed or Printed Name(s)

Telephone Number	

Address_____
Address

37 CFR 1.378(c) states: "Any petition under this section must be signed in compliance with § 1.33(b)."

12. ENCLOSURES

- ☐ Maintenance Fee Payment
☐ Petition fee under 37 CFR 1.17(m) (fee for filing the maintenance fee petition)
☐ _____

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