

Patent Maintenance Fees

Category: Patents
February 26, 2013



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So you have just received your Notice of Allowance for your patent application. In the Notice of Allowance, there is a requirement for you to pay an issue fee and a publication fee. You may have paid the publication fee early pursuant to a request for early publication. Section 1129 of the Manual of Patent Examining Procedures (MPEP) provides more information on issue fees and publication fees. As it currently stands, the combination of the issue fee and the publication fee is about \$1200.

The good news is that after you pay the publication fee and the issue fee, you will receive an issued patent. As you can tell from the picture to the right, this is one of the prettiest looking documents the government has ever produced. After you receive your issued patent in the mail, you will notice that the patent process has not exactly ended. In order to keep your patent valid, you will need to pay maintenance fees.

Information on patent maintenance fees can be found in Chapter 2500 of the MPEP. In short, in order to keep it alive, you need to pay maintenance fees on your issued patent. These are due at the 3.5 year mark, the 7.5 year mark, and the 11.5 year mark. To be specific, the window to pay the first maintenance fee opens at the three year mark and closes at the four year mark. If the maintenance fee is paid within the

first six months of the window being opened, then no surcharge applies which, of course, means that there is a surcharge that applies if the maintenance fee is paid in the last six months of the window. The same goes for the next two maintenance fees.

If a patent maintenance fee is not paid, the patent will go abandoned, and the invention, as recited in the claims of the patent, will be dedicated to the public. The current maintenance fees are outlined on the PTO Fee Chart. As you can imagine, these fees change from time to time, so it is advisable to check the amount of the fee prior to attempting to pay it. You can pay your maintenance fees on your patent by accessing the maintenance fee page on the PTO website.

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