

Training Module for Chapter 25 of the MPEP

(Revised August 16 2018)

Summary

Chapter 25: Maintenance Fees

NOTE: The provisions of Chapter 25 have not been changed by the AIA.

- After a patent has been issued, maintenance fees must be paid using the following schedule (following the date of grant):

- (1) \$980 3 years after grant (3 ½ years including grace period)
- (2) \$2,480 7 years after grant (7 ½ years including grace period)
- (3) \$4,110 11 years after grant (11 ½ years including grace period)

NOTE: No maintenance fees are required for design and plant patents.

- No surcharge will be required if the payment is made on or before the last day of the grace period.
- If payment is not made by the final day of the grace period, the patent will expire as of that date.
- Late payments to reinstate an expired patent may be accepted by the Director if it can be shown that the delay in paying was unavoidable or unintentional. In this case a surcharge will be required.
- If the late payment is accepted by the Director, the patent shall be considered to not having been expired.

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

(Strange situation) **Any person or organization** may pay maintenance fees and any necessary surcharges on behalf of the patentee without filing in the USPTO evidence of authorization by the patentee for such payments.

NOTE: Several exam questions have come up concerning payment of maintenance fees by third parties. **These payments are always proper.**

Selected Questions and Answers for Chapter 25

In-Depth Review of Chapter 25

Chapter 25 from the MPEP, in its entirety, is on the selection bar at the top of this page. You are encouraged to familiarize yourself with the general format and structure of the MPEP. However, it is recommended that you quickly scan through most of the chapter - while reading only those sections that are **highlighted in yellow**.

[Chapter 25, MPEP](#)