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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)

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Mail to: **Mail Stop Petition**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.

Patent No. _____ Application Number _____

Issue Date _____ Filing Date _____

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).

Also complete the following information, if applicable.

The above-identified patent

is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____.

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Maintenance fee; and
- (3) Statement that the delay in payment of the maintenance fee was unintentional.

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

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 being transmitted to the U.S. Patent and Trademark Office by EFS-Web, or by facsimile to (571) 273-8300, on the date shown below.

Date

Signature

Typed or Printed Name of Person Signing Certificate

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This collection of information is required by 37 CFR 1.378(b). 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 1 hour 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: Mail Stop Petition, 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.

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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. _____

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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, petitioner/applicant 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.

Petitioner is reminded that a delay resulting from a deliberately chosen course of action or a change in circumstance is not an unintentional delay.

Petitioner is further reminded that 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. See MPEP 2590.

NOTE: Where the petition under 37 CFR 1.378 is filed more than two years after the date the patent expired for nonpayment of the maintenance fee, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

Because this petition under 37 CFR 1.378 is being filed more than two years after the date the patent expired for nonpayment of the maintenance fee, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

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11. PETITIONER REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT BE REINSTATED.

Date

Signature(s) of Petitioner

Registration Number, if applicable

Typed or Printed Name

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)
- Additional sheet(s) containing statement establishing unintentional delay
- Other: _____

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.