

Statutes

Advanced Search Fields

Preliminary

United States Code Annotated
Title 35. Patents (Refs & Annos)
Part II. Patentability of Inventions and Grant of Patents (Refs & Annos)
Chapter 14. Issue of Patent

35 U.S.C.A. § 151 ← Citation

§ 151. Issue of patent ← Caption

Currentness

Text

If it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.

Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned.

Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof and, if not paid, the patent shall lapse at the termination of this three-month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded.

If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Director as though no abandonment or lapse had ever occurred.

Credits

(July 19, 1952, c. 950, 66 Stat. 803; July 24, 1965, Pub.L. 89-83, § 4, 79 Stat. 260; Jan. 2, 1975, Pub.L. 93-601, § 3, 88 Stat. 1956; Nov. 29, 1999, Pub.L. 106-113, Div. B, § 1000(a)(9) [Title IV, § 4732(a)(10)(A)], 113 Stat. 1536, 1501A-582; Nov. 2, 2002, Pub.L. 107-273, Div. C, Title III, § 13206(b)(1)(B), 116 Stat. 1906.)

Credits

CODE OF FEDERAL REGULATIONS

Abandonment of application for failure to pay issue fee, see 37 CFR § 1.316, set out in the Appendix.

Allowance and issue of patent, see 37 CFR § 1.311 et seq., set out in the Appendix.

Delayed payment of balance of issue fee, see 37 CFR § 1.317, set out in the Appendix.

Time of issuance of patent, see 37 CFR § 1.314, set out in the Appendix.

Current through P.L. 111-144 approved 3-2-10