

Process for Maintaining Our Patent Portfolio

As part of the harmonization of the US patent system to make it more in line with the patent systems of European countries, a requirement of periodic payment of fees was introduced so that only valuable patents are kept in force. Under the provisions of 35 USC 41(b), three separate fees must be paid to maintain a patent in force. The fees are due 3 years and 6 months, 7 years and 6 months, and 11 years and 6 months from the date of issuance of the patent. Failure to pay these maintenance fees results in the lapse of the patent. As it is DA policy to maintain in force only those Army-owned patents in which an Army agency or activity has a substantial interest and for which a clear commercial potential can be demonstrated, TACOM-ARDEC utilizes the following memorandum to ensure timely payment of fees. A link to the patent on the USPTO web page and the relevant section on maintenance fees from AR 27-60 conveniently is provided.

SAMPLE MEMORANDUM

SUSPENSE :

AMSTA-AR-GCL

DATE

MEMORANDUM FOR ORGANIZATION

SUBJECT: MAINTENANCE FEES ON PATENT 1,234,456, ISSUED ON DATE, BY INVENTOR NAME FOR TITLE OF PATENT

1. This inquiry will aid in determining whether the Government should pay, or continue to pay, the periodic fees required by the United States Patent Office in Washington, to keep this patent in force. Several thousand dollars must be paid on three occasions, starting 3 _ years following the issue date of the patent, or else the patent will lapse. Observance of the suspense date will allow the Army to avoid additional surcharge fees due to the late payment of the basic fees.

2. If you believe that payment of these fees should be continued by the Government, please briefly indicate that decision together with your reasoning. Facts that might be taken into consideration include: that the invention in the patent is used or is expected to be put into actual use by

the Government, or if the patent is expected to be licensed out by the U.S. Army to commercial companies to bring in royalty income for the Government. You may view the patent at the link below.

3. Thank you for your response. If there is any question, please contact the undersigned at ext. 3449, or Mr. John F. Moran, Chief of Intellectual Property at ext. 6590.

KATHRYN VANDER SANDE
Paralegal Specialist Patents
Intellectual Property Law Team

[http://Patent](#) Link



AR27_60 Sec 2_8
Maintenance Fe...