

Allowance and Issue of Patent

If, on examination of the application, or at a later stage during the reconsideration of the application, the patent application is found to be allowable, a Notice of Allowance and Fee(s) Due will be sent to the applicant, or to applicant's attorney or agent of record, if any, and a fee for issuing the patent and if applicable, for publishing the patent application publication (see 37 CFR 1.211-1.221), is due within three months from the date of the notice. If timely payment of the fee(s) is not made, the application will be regarded as abandoned. See the current fee schedule at www.uspto.gov/main/howtofees.htm

The Director may accept the fee(s) late, if the delay is shown to be unavoidable (35 U.S.C. 41, 37 CFR 1.137(a)) or unintentional (35 U.S.C. 151, 37 CFR 1.137(b)). When the required fee are paid, the patent issues as soon as possible after the date of payment, dependent upon the volume of printing on hand. The patent grant then is delivered or mailed on the day of its grant, or as soon thereafter as possible, to the inventor's attorney or agent if there is one of record, otherwise directly to the inventor. On the date of the grant, the patent file becomes open to the public for applications not opened earlier by publication of the application.

In cases where the publication of an application or the granting of a patent would be detrimental to the national security, the Commissioner of Patents will order that the invention be kept secret and shall withhold the publication of the application or the grant of the patent for such period as

the national interest requires. The owner of an application which has been placed under a secrecy order has a right to appeal from the order to the Secretary of Commerce. 35 U.S.C. 181.