EFS-Web

Petition under 1.378(c)
Quick Start Guide
EFS-Web 1.2

Introduction

The Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) is available in EFS-Web under the *Existing application/patent* flow and allows e-Filers to pay the maintenance fee on an expired patent and have the petition automatically granted.

Benefits

When submitted through EFS-Web, the petition may be automatically granted in real-time versus several weeks time frame when submitted in paper. Also, the petition grant document is returned to the e-Filer as part of the acknowledgement receipt as well as placed in the Image File Wrapper (IFW), which is viewable in the Patent Application Information Retrieval (PAIR) system.

Submission Process

A Registered e-Filer or an Unregistered e-Filer can file this petition.

To submit this petition, you must

1. Complete the petition using the required fillable form SB66, *Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))*.
2. Select *Existing application/patent* from the initial EFS-Web page;
3. Select *Petition under 37 CFR 1.378(c)*;
4. Enter the application number and corresponding patent number for the petition;
5. Attach the petition on the *Attach Documents* screen in EFS-Web.

Data validation will be done on the petition form to ensure all fields within the form are completed and also at upload to verify the data entered on the form matches the data at the USPTO. If the data does not match or if there are business rules that prohibit auto-processing, the petition will not be submitted.

Data Entry Assistance

To assist e-Filers in ensuring that the data entered in the form matches what is in USPTO systems, the necessary bibliographic application data is echoed back on the *Attach Documents* screen upon entry of the application number and corresponding patent number. The application data echoed back on the web screen can then be entered in the form for submission.

Requirements

The following requirements must be met before the e-Filer can file the petition:
- Valid signatories
- Prior maintenance fees have been paid
- Expiration of the patent is less than 24 months
- Required payment of all maintenance and surcharge fees at time of submission