USPTO Shifts Toward Electronic Patent Grants

The U.S. Patent and Trademark Office (USPTO) is altering how it issues patent grants. Beginning April 18, 2023, the USPTO will switch to issuing electronic patent grants (eGrants) to recipients. This new process will provide official copies of patent grants in an electronic format. The USPTO will continue to issue bound paper versions as ceremonial copies during a limited transition period, but eventually, such ceremonial copies will only be available through the payment of a nominal fee.

Kathi Vidal, the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, explained the transition: “By issuing eGrants, we’re making considerable strides toward more environmentally-conscious operations at the USPTO. The eGrant process not only minimizes paper waste, but it also benefits stakeholders by reducing pendency and streamlining the process. It's a win-win for the agency and for our customers.”

The eGrant process will apply to all issued patents, including utility, design, plant and reissue patents. However, for the time being, it will not apply to Certificates of Correction or Reexamination Certificates, which accompany a patent when such certificates are issued. The eGrant process is anticipated to significantly reduce the USPTO’s printing and mailing requirements, potentially reducing patent pendency and saving the agency nearly $2 million annually in printing and mailing expenses. Under this new process, patent recipients will receive their electronic patent grant in PDF format on the day of issuance.

Furthermore, during the transition period, patent awardees will have access to the eGrant official copy in the USPTO Patent Center and receive the bound paper version as a ceremonial copy. Thereafter, patent recipients may still request certified and presentation copies for an additional fee from the USPTO’s certified copy center. In addition, unlimited copies of eGrants can be printed from USPTO’s Patent Center at the requester’s expense. As some filers may be aware, the agency already provides electronic trademark registration certificates to trademark owners.

The adoption of eGrants will likely decrease the duration between the issue fee payment and the granting of a patent. However, this decrease implies that there will be less time after the payment of the issue fee for applicants to file continuing applications and requests to withdraw an application from issue. Therefore, it is

POSTED:

Mar 1, 2023

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advisable to file these submissions as soon as possible after issue fee payment. Preferably, continuing applications should be filed before payment of the issue fee.

In conclusion, the USPTO's shift towards electronic patent grants to reduce paper waste, streamline the process and improve efficiency is not likely to significantly impact the prosecution of patent applications. However, in the near future, patentees will need to coordinate obtaining ceremonial or presentation copies of patents when desired. Attorney John Paul Kale or another Reinhart patent attorney can assist you with this process and answer any questions or concerns.

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