

REPORT

USPTO FEE INCREASES

March 4, 2010

A "temporary" 15% increase in U.S. government patent fees for the 2011 fiscal year is included in the proposed budget that President Obama has sent to the U.S. Congress. This is in line with the amount recommended by new USPTO Director Kappos as a "temporary" measure to address USPTO revenue shortfalls. While the exact expiration date of the "temporary" increase is not yet known, in the past, Congress has repeatedly extended the expiration date of "temporary" fee increases from year to year, and may do the same for any new "temporary" fee increases.

There has been little resistance in the U.S. patent community to the increase, and we do not expect significant Congressional opposition to it. The increase could go into effect as early as October 1, 2010. The actual date will depend on when next year's budget is finally approved by Congress and then signed by the President, which could be later in the fall. While the effective date of an increase after October 1 is highly unpredictable, it will likely then be very sudden when the budget is approved. Therefore, we recommend that our clients plan on a 15% increase in government patent fees that will come into effect on October 1. We will continue to monitor the situation closely, and will provide updates as further information become available.

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Oloff & Berridge, PLC is a full-service Intellectual Property law firm based in historic Alexandria, Virginia. The firm specializes in patent, copyright, trademark, and antitrust law and litigation, and represents a large and diverse group of domestic and international clients, including businesses ranging from large multinational corporations to small privately owned companies, major universities, and individual entrepreneurs.

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