

REPORT

FURTHER USPTO FEE INCREASES

October 4, 2007

Our August 31, 2007 *Special Report* explained a Final Rule promulgated by the USPTO that adjusted certain patent fees on September 30, 2007 to reflect fluctuations in the Consumer Price Index (CPI). However, on September 28, 2007, the USPTO issued a corrected Final Rule to correct oversights to adjustments to certain patent fees.

Specifically, the corrected Final Rule corrects the adjusted fees associated with extension fees for responses filed in the fourth or the fifth month. A corrected chart is attached showing the previous fees as well as the new fees that became effective on October 1, 2007.

As we discussed in our August 31 *Special Report*, Congress is currently considering legislation that might affect this fee change. However, we do not expect Congress to take action that will change the fees. Thus, we recommend that your planning be based on the enclosed revised fee schedule.

We will continue to monitor the situation closely and will provide updates accordingly

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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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USPTO Fee Increases

(Small entity fee amounts, where applicable, appear in parentheses.)

Type of Fee	Previous Fee Amount	New Fee Amount
PROVISIONAL PATENT APPLICATION FEES:		
Filing Fee	\$200 (\$100)	\$210 (\$105)
UTILITY PATENT APPLICATION FEES:		
Basic Utility filing fee	\$300 (\$150)	\$310 (\$155)*
Search Fee	\$500 (\$250)	\$510 (\$255)
Examination Fee	\$200 (\$100)	\$210 (\$105)
Total Utility Patent Application Fees	\$1000 (\$500)	\$1030 (\$515)
PCT NATIONAL PHASE APPLICATION FEES:		
U.S. national phase filing fee -- USPTO not ISA or IPEA - with JPO or EPO Search Report	\$300 (\$150)	\$310 (\$155)
National phase of PCT international application Search Fee (with JPO or EPO Search Report)	\$400 (\$200)	\$410 (\$205)
Examination Fee	\$200 (\$100)	\$210 (\$105)
Total PCT National Phase Application Fees	\$900 (\$450)	\$930 (\$465)
DESIGN PATENT APPLICATION FEES:		
Basic Design filing fee	\$200 (\$100)	\$210 (\$105)
Search Fee	\$100 (\$50)	\$100 (\$50)
Examination Fee	\$130 (\$65)	\$130 (\$65)
Total Design Patent Application Fees	\$430 (\$215)	\$440 (\$220)
PLANT PATENT APPLICATION FEES:		
Basic Plant filing fee	\$200 (\$100)	\$210 (\$105)
Search Fee	\$300 (\$150)	\$310 (\$155)
Examination Fee	\$160 (\$80)	\$160 (\$80)
Total Plant Patent Application Fees	\$660 (\$330)	\$680 (\$340)
REISSUE PATENT APPLICATION FEES:		
Basic Reissue filing fee	\$300 (\$150)	\$310 (\$155)
Search Fee	\$500 (\$250)	\$510 (\$255)
Examination Fee	\$600 (\$300)	\$620 (\$310)
Total Reissue Patent Application Fees:	\$1400 (\$700)	\$1440 (\$720)
APPLICATION THAT EXCEEDS 100 SHEETS OF PAPER:** Each additional 50 sheets of paper	\$250 (\$125)	\$260 (\$130)

* \$75 for small entities who file electronically.

** Applications that include a specification and drawings exceeding 100 sheets of paper, excluding any sequence listing or computer program listing filed electronically.

Type of Fee	Previous Fee Amount	New Fee Amount
REQUEST FOR CONTINUED EXAMINATION (RCE)	\$790 (\$395)	\$810 (\$405)
EXCESS CLAIMS FEES:***		
Independent claims in excess of 3 - per claim	\$200 (\$100)	\$210 (\$105)
Total claims in excess of 20 - per claim	\$50 (\$25)	\$50 (\$25)
Multiple dependent claim - per application	\$360 (\$180)	\$370 (\$185)
ISSUE FEES:		
Utility issue fee	\$1400 (\$700)	\$1440 (\$720)
Design issue fee	\$800 (\$400)	\$820 (\$410)
Plant issue fee	\$1100 (\$550)	\$1130 (\$565)
APPEAL FEES:		
Notice of Appeal	\$500 (\$250)	\$510 (\$255)
Appeal Brief	\$500 (\$250)	\$510 (\$255)
Request for Oral Hearing	\$1000 (\$500)	\$1030 (\$515)
REVIVAL FEES:		
Petition to revive unintentionally abandoned application	\$1500 (\$750)	\$1540 (\$770)
Petition to revive unavoidably abandoned application	\$500 (\$250)	\$510 (\$255)
Acceptance of an unintentionally delayed claim for priority	\$1370	\$1410
EXTENSION FEES:		
Extension for response within first month	\$120 (\$60)	\$120 (\$60)
Extension for response within second month	\$450 (\$225)	\$460 (\$230)
Extension for response within third month	\$1020 (\$510)	\$1050 (\$525)
Extension for response within fourth month	\$1590 (\$795)	\$1640 (\$820)
Extension for response within fifth month	\$2160 (\$1080)	\$2230 (\$1115)
PATENT MAINTENANCE FEES:		
Maintenance fee - due at 3.5 years	\$900 (\$450)	\$930 (\$465)
Maintenance fee - due at 7.5 years	\$2300 (\$1150)	\$2360 (\$1180)
Maintenance fee - due at 11.5 years	\$3800 (\$1900)	\$3910 (\$1955)

*** Please note that the Rule Changes effective November 1, 2007 change the definitions of independent and dependent claims.