

REPORT

PATENT ISSUE, PUBLICATION AND ASSIGNMENT RECORDATION FEES DECREASE EFFECTIVE JANUARY 1, 2014

October 4, 2013

For Notices of Allowance issued on or after October 1, 2013, USPTO fees required for issuance of a patent will be substantially lower **if** paid after January 1, 2014 (e.g., up to \$1120 lower for large entities and up to \$710 lower for small entities).

As discussed in our January 18, 2013 Special Report, changes to the patent fee structure under the America Invents Act (AIA) will go into effect on January 1, 2014. Those changes **reduce** the Issue Fee, **eliminate** the Publication Fee, and **eliminate** the Assignment Recordation Fee (for assignments submitted electronically). The Utility, Design, Plant and Reissue Patent Fees for issuance will **decrease** as set forth in the following table:

OLD FEE AMOUNT (\$)		ISSUE FEE CHANGES	NEW FEE AMOUNT (\$)	
Large Entity	Small Entity		Large Entity	Small Entity
1,780	890	Utility Issue Fee	960	480
1,020	510	Design Issue Fee	560	280
1,400	700	Plant Issue Fee	760	380
1,780	890	Reissue Issue Fee	960	480
300	300	Publication Fee	0	0

The USPTO places no restriction on the applicability of these reduced fees. Thus, by paying

these fees after January 1, 2014, the total issuance fees payable by utility patent applicants will decrease from \$2080 to \$960 for large entities, and from \$1190 to \$480 for small entities. Accordingly, if the three month window for paying Issue and Publication fees closes on or after January 1, 2014, substantial savings can be achieved by delaying payment until after that date.

In view of these potential savings, we recommend evaluating the cost savings against the delay in issue date or assignment recordation for all affected patent applications and patents.

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This Special Report is intended to provide information about legal issues of current interest. It is not intended as legal advice and does not constitute an opinion of Oloff & Berridge, PLC. Readers should seek the advice of professional counsel before acting upon any of the information contained herein.

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