

## REPORT

## USPTO FEE INCREASES

August 19, 2020

The U.S. Patent and Trademark Office (USPTO) issued final rules to adjust certain patent fees effective Friday, October 2, 2020.<sup>1</sup> In general, the affected patent fees will increase by about 5%.

A chart is attached showing the current fees as well as the new fees that will be in place on October 2. In general, non-provisional patent application filing fees will increase by \$100, national phase application filing fees will increase by \$80, issue fees by \$200, and maintenance fees by \$400 (1st), \$160 (2<sup>nd</sup>), and \$300 (3rd). Small and micro entity fees also increase in proportionate amounts. The attached chart reflects the more common fees that are increasing. A full listing of the increased fees can be found on the USPTO website [here](#).

We recommend that your short-term planning be based at least on the enclosed revised fee schedule, which includes the 5% increase on October 2.

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*Oliff 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*

<sup>1</sup> The Final Rules also include a surcharge for new application filings that not in the DOCX electronic format, which becomes effective on January 1, 2022. We will address this requirement separately in more detail.

*multinational corporations to small privately owned companies, major universities, and individual entrepreneurs.*

*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 Oliff PLC. Readers should seek the advice of professional counsel before acting upon any of the information contained herein.*

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# REPORT

### USPTO Fee Increases

Type of Fee	Current Fees			New Fees		
	Large Entity Fee	Small Entity Fee	Micro Entity Fee	Large Entity Fee	Small Entity Fee	Micro Entity Fee
<b>PROVISIONAL PATENT APPLICATION FEES</b>						
Filing Fee	\$280	\$140	\$70	\$300	\$150	\$75
<b>UTILITY PATENT APPLICATION FEES</b>						
Basic Filing fee	\$300	\$75	\$75	\$320	\$80	\$80
Search Fee	\$660	\$330	\$165	\$700	\$350	\$175
Examination Fee	\$760	\$380	\$190	\$800	\$400	\$200
Total Utility Patent Application Fees	\$1,720	\$785	\$430	\$1,820	\$830	\$455
<b>PCT NATIONAL PHASE APPLICATION FEES</b>						
Basic Filing fee	\$300	\$150	\$75	\$320	\$160	\$80
Search Fee (with Search Report provided to USPTO)	\$520	\$260	\$130	\$540	\$270	\$135
Examination Fee	\$760	\$380	\$190	\$800	\$400	\$200
Total PCT National Phase Application Fees	\$1,580	\$790	\$395	\$1,660	\$830	\$415
<b>DESIGN PATENT APPLICATION FEES</b>						
Basic Filing fee	\$200	\$100	\$50	\$220	\$110	\$55
Search Fee	\$160	\$80	\$40	\$160	\$80	\$40
Examination Fee	\$600	\$300	\$150	\$640	\$320	\$160
Total Design Patent Application Fees	\$960	\$480	\$240	\$1,020	\$510	\$255
<b>PLANT PATENT APPLICATION FEES</b>						
Basic Filing fee	\$200	\$100	\$50	\$220	\$110	\$55
Search Fee	\$420	\$210	\$105	\$440	\$220	\$110
Examination Fee	\$620	\$310	\$155	\$660	\$330	\$165
Total Plant Patent Application Fees	\$1,240	\$620	\$310	\$1,320	\$660	\$330
<b>REISSUE PATENT APPLICATION FEES</b>						
Basic Filing fee	\$300	\$150	\$75	\$320	\$160	\$80
Search Fee	\$660	\$330	\$165	\$700	\$350	\$175
Examination Fee	\$2,200	\$1,100	\$550	\$2,320	\$1,160	\$580
Total Reissue Patent Application Fees	\$3,160	\$1,580	\$790	\$3,340	\$1,670	\$835
<b>APPLICATIONS THAT EXCEED 100 SHEETS OF PAPER</b> (Each additional 50 sheets or fraction thereof)						
	\$400	\$200	\$100	\$420	\$210	\$105
<b>EXCESS CLAIMS FEES</b>						
Each Independent Claim in Excess of Three	\$460	\$230	\$115	\$480	\$240	\$120
Each Claim in Excess of 20	\$100	\$50	\$25	no change		
Multiple Dependent Claim (per application)	\$820	\$410	\$205	\$860	\$430	\$215

Type of Fee	Current Fees			New Fees		
	Large	Small	Micro	Large	Small	Micro
<b>ISSUE FEES</b>						
Utility Issue Fee	\$1,000	\$500	\$250	\$1,200	\$600	\$300
Design Issue Fee	\$700	\$350	\$175	\$740	\$370	\$185
Plant Issue Fee	\$800	\$400	\$200	\$840	\$420	\$210
Reissue Issue Fee	\$1,000	\$500	\$250	\$1,200	\$600	\$300
<b>EXTENSION OF TIME FEES</b>						
Extension for Response Within First Month	\$200	\$100	\$50	\$220	\$110	\$55
Extension for Response Within Second Month	\$600	\$300	\$150	\$640	\$320	\$160
Extension for Response Within Third Month	\$1,400	\$700	\$350	\$1,480	\$740	\$370
Extension for Response Within Fourth Month	\$2,200	\$1,100	\$550	\$2,320	\$1,160	\$580
Extension for Response Within Fifth Month	\$3,000	\$1,500	\$750	\$3,160	\$1,580	\$790
<b>APPEAL FEES</b>						
Notice of Appeal	\$800	\$400	\$200*	\$840	\$420	\$210
Request for Oral Hearing	\$1,300	\$650	\$325*	\$1,360	\$680	\$340
Forwarding an Appeal to the Board	\$2,240	\$1,120	\$560*	\$2,360	\$1,180	\$590*
<b>MAINTENANCE FEES</b>						
Maintenance Fee - Due at 3-1/2 years	\$1,600	\$800	\$400	\$2,000	\$1,000	\$500
Maintenance Fee - Due at 7-1/2 years	\$3,600	\$1,800	\$900	\$3,760	\$1,880	\$940
Maintenance Fee - Due at 11-1/2 years	\$7,400	\$3,700	\$1,850	\$7,700	\$3,850	\$1,925
Surcharge - Late Payment Within 6 Months	\$160	\$80	\$40	\$500	\$250	\$125
<b>MISCELLANEOUS FEES</b>						
Petition to Revive Unintentionally Abandoned Application/Patent	\$2,000	\$1,000	\$500	\$2,100	\$1,050	\$525
Request for Continued Examination - 1st Request	\$1,300	\$650	\$325	\$1,360	\$680	\$340
Request for Continued Examination - 2nd and Subsequent Request	\$1,900	\$950	\$475	\$2,000	\$1,000	\$500
Request for Expedited Examination of a Design Application	\$900	\$450	\$225	\$1,600	\$800	\$400
Submission of an Information Disclosure Statement	\$240	\$120	\$60	\$260	\$130	\$65