

# REPORT

## USPTO FEE INCREASES

July 1, 2011

The USPTO has issued a Proposed Rule Change indicating that it intends to adjust certain patent fees on October 1, 2011 to reflect fluctuations in the Consumer Price Index (CPI). In general, the fees will increase by about 2.3%. The actual adjustment will be based on the most recent annual increase in the CPI, as reported by the Secretary of Labor, at the time the final rule is implemented. A chart is attached showing the current fees as well as the new fees that are projected to be in place on October 1.

Both the U.S. Senate and the U.S. House of Representatives have recently passed separate but similar patent reform legislation. It is now in a conformation process that may lead to its enactment this year, possibly as early as this summer. The version of the patent reform legislation passed by the House of Representatives, which appears likely to be enacted in this regard, contains a provision that would impose a 15% surcharge on most patent fees. It is not clear whether the USPTO will also implement the proposed 2.3 % fee adjustment if this 15% increase is implemented. We recommend that our clients also plan for the 15% surcharge on patent fees, which would take effect 10 days after enactment of the legislation. However, we cannot predict with certainty whether or when the patent reform legislation may be enacted.

Thus, we recommend that your planning be based at least on the enclosed revised fee schedule, which includes the anticipated 2.3% increase on October 1. Further, as discussed above, it would also be prudent to plan for the 15% patent reform legislation increase, which may become effective even before October 1.

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.*

*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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## USPTO Fee Increases

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

Type of Fee	Current Fee Amount	New Fee Amount
<b>PROVISIONAL PATENT APPLICATION FEES:</b>		
Filing Fee	\$220 (\$110)	\$230 (\$115)
<b>UTILITY PATENT APPLICATION FEES:</b>		
Basic Fee	\$330 (\$165)*	\$340 (\$170)*
Search Fee	\$540 (\$270)	\$540 (\$275)
Examination Fee	\$220 (\$110)	\$230 (\$115)
<b>Total Utility Patent Application Fees</b>	<b>\$1090 (\$545)</b>	<b>\$1110 (\$555)</b>
<b>PCT NATIONAL PHASE APPLICATION FEES:</b>		
Basic Fee	\$330 (\$165)	\$340 (\$170)
Search Fee (with JPO or EPO Search Report)	\$540 (\$270)	\$540 (\$270)
Examination Fee	\$220 (\$110)	\$230 (\$115)
<b>Total PCT National Phase Application Fees</b>	<b>\$1090 (\$545)</b>	<b>\$1110 (\$555)</b>
<b>DESIGN PATENT APPLICATION FEES:</b>		
Basic Fee	\$220 (\$110)	\$230 (\$115)
Search Fee	\$100 (\$50)	\$100 (\$50)
Examination Fee	\$140 (\$70)	\$140 (\$70)
<b>Total Design Patent Application Fees</b>	<b>\$460 (\$230)</b>	<b>\$470 (\$235)</b>
<b>PLANT PATENT APPLICATION FEES:</b>		
Basic Fee	\$220 (\$110)	\$230 (\$115)
Search Fee	\$330 (\$165)	\$330 (\$165)
Examination Fee	\$170 (\$85)	\$170 (\$85)
<b>Total Plant Patent Application Fees</b>	<b>\$720 (\$360)</b>	<b>\$730 (\$365)</b>
<b>REISSUE PATENT APPLICATION FEES:</b>		
Basic Fee	\$330 (\$165)	\$340 (\$170)
Search Fee	\$540 (\$270)	\$540 (\$270)
Examination Fee	\$650 (\$325)	\$660 (\$330)
<b>Total Reissue Patent Application Fees</b>	<b>\$1520 (\$760)</b>	<b>\$1540 (\$770)</b>
<b>APPLICATION THAT EXCEEDS 100 SHEETS OF PAPER:**</b> Each additional 50 sheets of paper	\$270 (\$135)	\$280 (\$140)

\* \$82 (\$84) for small entities who file electronically.

\*\* Applications that include a specification and drawings exceeding 100 sheets of paper (125 sheets if filed electronically), excluding any sequence listing or computer program listing filed electronically.

Type of Fee	Current Fee Amount	New Fee Amount
<b>REQUEST FOR CONTINUED EXAMINATION (RCE)</b>	\$810 (\$405)	\$810 (\$405)
<b>EXCESS CLAIMS FEES:</b>		
Independent claims in excess of 3 - per claim	\$220 (\$110)	\$230 (\$115)
Total claims in excess of 20 - per claim	\$52 (\$26)	\$52 (\$26)
Multiple dependent claim - per application	\$390 (\$195)	\$400 (\$200)
<b>ISSUE FEES:</b>		
Utility Issue Fee	\$1510 (\$755)	\$1540 (\$770)
Design Issue Fee	\$860 (\$430)	\$880 (\$440)
Plant Issue Fee	\$1190 (\$595)	\$1220 (\$610)
<b>APPEAL FEES:</b>		
Notice of Appeal Fee	\$540 (\$270)	\$550 (\$275)
Appeal Brief Fee	\$540 (\$270)	\$550 (\$275)
Request for Oral Hearing Fee	\$1080 (\$540)	\$1100 (\$550)
<b>REVIVAL FEES:</b>		
Petition to revive unintentionally abandoned application	\$1620 (\$810)	\$1660 (\$830)
Petition to revive unavoidably abandoned application	\$540 (\$270)	\$550 (\$275)
Acceptance of an unintentionally delayed claim for priority	\$1410	\$1410
<b>EXTENSION FEES:</b>		
Extension Fee for response within first month	\$130 (\$65)	\$130 (\$65)
Extension Fee for response within second month	\$490 (\$245)	\$500 (\$250)
Extension Fee for response within third month	\$1110 (\$555)	\$1120 (\$560)
Extension Fee for response within fourth month	\$1730 (\$865)	\$1740 (\$870)
Extension Fee for response within fifth month	\$2350 (\$1175)	\$2360 (\$1180)
<b>PATENT MAINTENANCE FEES:</b>		
Maintenance Fee - due at 3.5 years	\$980 (\$490)	\$1000 (\$500)
Maintenance Fee - due at 7.5 years	\$2480 (\$1240)	\$2540 (\$1270)
Maintenance Fee - due at 11.5 years	\$4110 (\$2055)	\$4200 (\$2100)