

# REPORT

## IMMINENT 15% USPTO FEE INCREASES

December 10, 2010

Further to our March 4, 2010 Special Report, the U.S. House of Representatives has passed an appropriations bill that includes a provision imposing a 15% surcharge on many patent fees through September 30, 2011. The provision is intended as a temporary funding provision to address current USPTO revenue shortfalls. Although the appropriations bill awaits approval by the Senate and signature by President Obama before becoming effective, the Senate is working on a similar appropriations bill that contains a similar patent fee surcharge provision. It is likely that a bill will be sent to President Obama by the end of December, and thus likely that the 15% surcharge will be imposed shortly. The fee increase is scheduled to go into effect 10 days after the legislation is signed by President Obama.

The attached chart shows the current USPTO fees as well as the fees after the 15% surcharge is imposed. Because the new fees will be "rounded" by the Government, they may not precisely match those on the attached chart. However, they will likely be very close to the fees on the chart. Please note that these fee increases have not yet been imposed, but may go into effect by the end of December or by early January. We thus recommend that your planning be based upon the enclosed revised fee schedule.

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

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*Oliff & 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 Oliff & 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)	\$253 (\$127)
<b>UTILITY PATENT APPLICATION FEES:</b>		
Basic Fee	\$330 (\$165)*	\$380 (\$190)
Search Fee	\$540 (\$270)	\$621 (\$311)
Examination Fee	\$220 (\$110)	\$253 (\$127)
<b>Total Utility Patent Application Fees</b>	<b>\$1090 (\$545)</b>	<b>\$1254 (\$628)</b>
<b>PCT NATIONAL PHASE APPLICATION FEES:</b>		
Basic Fee	\$330 (\$165)	\$380 (\$190)
Search Fee (with ISA Search Report)	\$430 (\$215)	\$495 (\$248)
Examination Fee	\$220 (\$110)	\$253 (\$127)
<b>Total PCT National Phase Application Fees</b>	<b>\$980 (\$490)</b>	<b>\$1128 (\$565)</b>
<b>DESIGN PATENT APPLICATION FEES:</b>		
Basic Fee	\$220 (\$110)	\$253 (\$127)
Search Fee	\$100 (\$50)	\$115 (\$58)
Examination Fee	\$140 (\$70)	\$161 (\$81)
<b>Total Design Patent Application Fees</b>	<b>\$460 (\$230)</b>	<b>\$529 (\$266)</b>
<b>PLANT PATENT APPLICATION FEES:</b>		
Basic Fee	\$220 (\$110)	\$253 (\$127)
Search Fee	\$330 (\$165)	\$380 (\$190)
Examination Fee	\$170 (\$85)	\$196 (\$98)
<b>Total Plant Patent Application Fees</b>	<b>\$720 (\$360)</b>	<b>\$829 (\$415)</b>
<b>REISSUE PATENT APPLICATION FEES:</b>		
Basic Fee	\$330 (\$165)	\$380 (\$190)
Search Fee	\$540 (\$270)	\$621 (\$311)
Examination Fee	\$650 (\$325)	\$748 (\$374)
<b>Total Reissue Patent Application Fees</b>	<b>\$1520 (\$760)</b>	<b>\$1749 (\$875)</b>
<b>APPLICATION THAT EXCEEDS 100 SHEETS OF PAPER:** Each additional 50 sheets of paper</b>	<b>\$270 (\$135)</b>	<b>\$311 (\$156)</b>

\* \$82 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.

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Type of Fee	Current Fee Amount	New Fee Amount
<b>REQUEST FOR CONTINUED EXAMINATION (RCE)</b>	\$810 (\$405)	\$932 (\$466)
<b>EXCESS CLAIMS FEES:</b>		
Independent claims in excess of 3 - per claim	\$220 (\$110)	\$253 (\$127)
Total claims in excess of 20 - per claim	\$52 (\$26)	\$60 (\$30)
Multiple dependent claim - per application	\$390 (\$195)	\$449 (\$225)
<b>ISSUE FEES:</b>		
Utility Issue Fee	\$1510 (\$755)	\$1737 (\$869)
Design Issue Fee	\$860 (\$430)	\$989 (\$495)
Plant Issue Fee	\$1190 (\$595)	\$1369 (\$685)
<b>APPEAL FEES:</b>		
Notice of Appeal Fee	\$540 (\$270)	\$621 (\$311)
Appeal Brief Fee	\$540 (\$270)	\$621 (\$311)
Request for Oral Hearing Fee	\$1080 (\$540)	\$1242 (\$621)
<b>DISCLAIMER FEES:</b>		
Fee for Statutory Disclaimer	\$140 (\$70)	\$161 (\$81)
<b>REVIVAL FEES:</b>		
Petition to revive unintentionally abandoned application	\$1620 (\$810)	\$1863 (\$932)
Petition to revive unavoidably abandoned application	\$540 (\$270)	\$621 (\$311)
Acceptance of an unintentionally delayed claim for priority	\$1410	\$1622
<b>EXTENSION FEES:</b>		
Extension Fee for response within first month	\$130 (\$65)	\$150 (\$75)
Extension Fee for response within second month	\$490 (\$245)	\$564 (\$282)
Extension Fee for response within third month	\$1110 (\$555)	\$1277 (\$639)
Extension Fee for response within fourth month	\$1730 (\$865)	\$1999 (\$1000)
Extension Fee for response within fifth month	\$2350 (\$1175)	\$2703 (\$1352)
<b>PATENT MAINTENANCE FEES:</b>		
Maintenance Fee - due at 3.5 years	\$980 (\$490)	\$1127 (\$564)
Maintenance Fee - due at 7.5 years	\$2480 (\$1240)	\$2852 (\$1426)
Maintenance Fee - due at 11.5 years	\$4110 (\$2055)	\$4727 (\$2364)