

REPORT

UPDATE: MICRO ENTITY DISCOUNT NOT YET AVAILABLE

September 29, 2011

As discussed in our September 9 and 14 Special Reports, the America Invents Act (AIA) includes a provision for "micro entity" fees that will be discounted 75% compared to large entity fees. Since our previous Special Reports, the Patent Office clarified when the micro entity fees will become available.

The Patent Office will **not** accept micro entity fees at this time. Specifically, the Patent Office has indicated that it will not accept fees at a micro entity rate until after it has set new fees under the fee setting authority provided to it in Section 10 of the AIA. When the Patent Office sets new fees, the new fees should include micro entity fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents.

As explained in our September 14 Special Report, we expect the Patent Office to publish a proposed fee change about 9.5 months before the fee change will take effect. Thus, we do not expect micro entity fees to be available in the

near future. Until further notice, we recommend that applicants who would otherwise qualify to pay micro entity fees continue to pay fees at the currently applicable large or small entity rate.

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