

REPORT

USPTO ISSUES PROPOSED PATENT FEE SCHEDULE FOR OCTOBER 1, 2012

May 14, 2012

The USPTO today issued a Proposed Rule Change indicating that it intends to adjust certain patent fees on October 1, 2012 to reflect fluctuations in the Consumer Price Index (CPI). In general, the fees will increase by about 2.9%. 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.

The above-proposed inflation-based increases in fees are unrelated to the proposed fee increases discussed in our February 9, 2012 Special Report, which reported that the U.S. Patent and Trademark Office (PTO) was initiating the process to exercise its fee setting authority under Section 10 of the AIA. The PTO is anticipating that the majority of the patent fees set via its AIA fee setting authority will go into effect in March of 2013.

We recommend that your planning be based at least on the enclosed revised fee schedule, which includes the anticipated 2.9% increase on October 1. Further, although the proposed

substantial fee increases discussed in our February 9, 2012 Special Report are subject to change, it would also be prudent to plan for substantial increases in patent fees anticipated to go into effect in March of 2013.

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

* * * * *

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.

For further information, please contact us by telephone at (703) 836-6400, facsimile at (703) 836-2787, email at email@oliff.com or mail at 277 South Washington Street, Suite 500, Alexandria, Virginia 22314. Information about our firm can also be found on our web site, www.oliff.com.

スペシャル・レポートの日本語版は、英語版の発行後、二週間以内にウェブ・サイトでご覧いただけます。

Proposed USPTO Fee Increases

(Amounts shown in U.S. Dollars; small entity fee amounts, where applicable, appear in parentheses.)

Type of Fee	Current Fee Amount	New Fee Amount
PROVISIONAL PATENT APPLICATION FEES:		
Filing Fee	250 (125)	260 (130)
UTILITY PATENT APPLICATION FEES:		
Basic Fee	380 (190)	390 (195)*
Search Fee	620 (310)	620 (310)
Examination Fee	250 (125)	260 (130)
Total Utility Patent Application Fees	1250 (625)	1270 (635)
PCT NATIONAL PHASE APPLICATION FEES:		
Basic Fee	380 (190)	390 (195)
Search Fee (with JPO or EPO Search Report)	620 (310)	620 (310)
Examination Fee	250 (125)	260 (130)
Total PCT National Phase Application Fees	1250 (625)	1270 (635)
DESIGN PATENT APPLICATION FEES:		
Basic Fee	250 (125)	260 (130)
Search Fee	120 (60)	120 (60)
Examination Fee	160 (80)	160 (80)
Total Design Patent Application Fees	530 (265)	540 (270)
PLANT PATENT APPLICATION FEES:		
Basic Fee	250 (125)	260 (130)
Search Fee	380 (190)	380 (190)
Examination Fee	200 (100)	210 (105)
Total Plant Patent Application Fees	830 (415)	850 (425)
REISSUE PATENT APPLICATION FEES:		
Basic Fee	380 (190)	390 (195)
Search Fee	620 (310)	620 (310)
Examination Fee	750 (375)	770 (385)
Total Reissue Patent Application Fees	1750 (875)	1810 (905)
APPLICATION THAT EXCEEDS 100 SHEETS OF PAPER: ** Each additional 50 sheets of paper	310 (155)	320 (160)

* \$98 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.

OLIFF & BERRIDGE, PLC

ATTORNEYS AT LAW

Type of Fee	Current Fee Amount	New Fee Amount
EXCESS CLAIMS FEES:		
Independent claims in excess of 3 - per claim	250 (125)	260 (130)
Total claims in excess of 20 - per claim	60 (30)	62 (31)
Multiple dependent claim - per application	450 (225)	460 (230)
ISSUE FEES:		
Utility Issue Fee	1740 (870)	1790 (895)
Design Issue Fee	990 (495)	1020 (510)
Plant Issue Fee	1370 (685)	1410 (705)
APPEAL FEES:		
Notice of Appeal Fee	620 (310)	640 (320)
Appeal Brief Fee	620 (310)	640 (320)
Request for Oral Hearing Fee	1240 (620)	1280 (640)
REVIVAL FEES:		
Petition to revive unintentionally abandoned application	1860 (930)	1910 (955)
Petition to revive unavoidably abandoned application	620 (310)	640 (320)
EXTENSION FEES:		
Extension Fee for response within first month	150 (75)	150 (75)
Extension Fee for response within second month	560 (280)	580 (290)
Extension Fee for response within third month	1270 (635)	1310 (655)
Extension Fee for response within fourth month	1980 (990)	2040 (1020)
Extension Fee for response within fifth month	2690 (1345)	2770 (1385)
PATENT MAINTENANCE FEES:		
Maintenance Fee - due at 3.5 years	1130 (565)	1160 (580)
Maintenance Fee - due at 7.5 years	2850 (1425)	2930 (1465)
Maintenance Fee - due at 11.5 years	4730 (2365)	4870 (2435)