

# REPORT

## REVISED USPTO FEE INCREASES

August 19, 2008

Further to our June 24 Special Report, the USPTO has issued a Final Rule Change indicating that it intends to adjust certain patent fees on October 2, 2008 to reflect fluctuations in the Consumer Price Index (CPI). In general, the fees will increase by about 5%, rather than by the 4% predicted in the Proposed Rule Change.

A chart is attached showing the current fees as well as the new fees that will be in place on October 2. This chart should be used in place of the chart attached to our June 24 Special Report in view of the differences between the Proposed Rule and the Final Rule. Please also note that the change goes into effect on October 2 rather than October 1.

Congress is currently considering legislation that might affect this fee change. However, we do not expect Congress to take action that will change the proposed fees. Thus, we recommend that your planning be based on the enclosed revised fee schedule.

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

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*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	\$210 (\$105)	\$220 (\$110)
<b>UTILITY PATENT APPLICATION FEES:</b>		
Basic Fee	\$310 (\$155)	\$330 (\$165)*
Search Fee	\$510 (\$255)	\$540 (\$270)
Examination Fee	\$210 (\$105)	\$220 (\$110)
<b>Total Utility Patent Application Fees</b>	<b>\$1030 (\$515)</b>	<b>\$1090 (\$545)</b>
<b>PCT NATIONAL PHASE APPLICATION FEES:</b>		
Basic Fee	\$310 (\$155)	\$330 (\$165)
Search Fee (with ISA Search Report)	\$410 (\$205)	\$430 (\$215)
Examination Fee	\$210 (\$105)	\$220 (\$110)
<b>Total PCT National Phase Application Fees</b>	<b>\$930 (\$465)</b>	<b>\$980 (\$490)</b>
<b>DESIGN PATENT APPLICATION FEES:</b>		
Basic Fee	\$210 (\$105)	\$220 (\$110)
Search Fee	\$100 (\$50)	\$100 (\$50)
Examination Fee	\$130 (\$65)	\$140 (\$70)
<b>Total Design Patent Application Fees</b>	<b>\$440 (\$220)</b>	<b>\$460 (\$230)</b>
<b>PLANT PATENT APPLICATION FEES:</b>		
Basic Fee	\$210 (\$105)	\$220 (\$110)
Search Fee	\$310 (\$155)	\$330 (\$165)
Examination Fee	\$160 (\$80)	\$170 (\$85)
<b>Total Plant Patent Application Fees</b>	<b>\$680 (\$340)</b>	<b>\$720 (\$360)</b>
<b>REISSUE PATENT APPLICATION FEES:</b>		
Basic Fee	\$310 (\$155)	\$330 (\$165)
Search Fee	\$510 (\$255)	\$540 (\$270)
Examination Fee	\$620 (\$310)	\$650 (\$325)
<b>Total Reissue Patent Application Fees</b>	<b>\$1440 (\$720)</b>	<b>\$1520 (\$760)</b>
<b>APPLICATION THAT EXCEEDS 100 SHEETS OF PAPER:**</b> Each additional 50 sheets of paper	\$260 (\$130)	\$270 (\$135)

\* \$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.

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	\$210 (\$105)	\$220 (\$110)
Total claims in excess of 20 - per claim	\$50 (\$25)	\$52 (\$26)
Multiple dependent claim - per application	\$370 (\$185)	\$390 (\$195)
<b>ISSUE FEES:</b>		
Utility Issue Fee	\$1440 (\$720)	\$1510 (\$755)
Design Issue Fee	\$820 (\$410)	\$860 (\$430)
Plant Issue Fee	\$1130 (\$565)	\$1190 (\$595)
<b>APPEAL FEES:</b>		
Notice of Appeal Fee	\$510 (\$255)	\$540 (\$270)
Appeal Brief Fee	\$510 (\$255)	\$540 (\$270)
Request for Oral Hearing Fee	\$1030 (\$515)	\$1080 (\$540)
<b>DISCLAIMER FEES:</b>		
Fee for Statutory Disclaimer	\$130 (\$65)	\$140 (\$70)
<b>REVIVAL FEES:</b>		
Petition to revive unintentionally abandoned application	\$1540 (\$770)	\$1620 (\$810)
Petition to revive unavoidably abandoned application	\$510 (\$255)	\$540 (\$270)
Acceptance of an unintentionally delayed claim for priority	\$1410	\$1410
<b>EXTENSION FEES:</b>		
Extension Fee for response within first month	\$120 (\$60)	\$130 (\$65)
Extension Fee for response within second month	\$460 (\$230)	\$490 (\$245)
Extension Fee for response within third month	\$1050 (\$525)	\$1110 (\$555)
Extension Fee for response within fourth month	\$1640 (\$820)	\$1730 (\$865)
Extension Fee for response within fifth month	\$2230 (\$1115)	\$2350 (\$1175)
<b>PATENT MAINTENANCE FEES:</b>		
Maintenance Fee - due at 3.5 years	\$930 (\$465)	\$980 (\$490)
Maintenance Fee - due at 7.5 years	\$2360 (\$1180)	\$2480 (\$1240)
Maintenance Fee - due at 11.5 years	\$3910 (\$1955)	\$4110 (\$2055)