

# REPORT

## USPTO PROPOSES AIA-BASED PATENT FEE CHANGES

September 14, 2012

As noted in our September 6 Special Report regarding the upcoming October 5 fee increase, the U.S. Patent and Trademark Office (USPTO) has announced that it will also revise its present fee structure under the America Invents Act (AIA). The new fee structure is planned to go into effect by March of 2013. The USPTO's proposed fee schedule is set forth in the attached Table of Patent Fee Changes. We expect the final fees to be published in January.

The proposed fees are not final, and thus are subject to change. However, in view of the volume of public commentary previously provided to the USPTO with respect to its previously proposed fee schedule, we do not expect to see substantial changes from the current proposed fees when the final fees are published. Once the final fees are published, an intervening period of at least 45 days is required before they become effective.<sup>1</sup> Thus, we recommend beginning to plan for these or very similar fee changes to come into effect by February or March of 2013.

---

<sup>1</sup> The USPTO has indicated that this period may be 30 days, but we believe the AIA statute prohibits any such shortening, and will point that out in comments to the USPTO.

### I. Proposed Fee Changes

Similar to the previously proposed fee schedule (discussed in our February 9, 2012 Special Report), the proposed fee structure reduces the cost of obtaining a patent if applicants simplify the work of the USPTO. However, it increases costs for activities the USPTO wants to discourage. It also increases costs that relate to more valuable patents.

For example, if an application is filed and prosecuted to avoid any additional fees (e.g., avoiding excess claims, extensions of time, appeals, RCEs, etc.), the proposed changes to the filing and issue fees combined will decrease the government fees to obtain a patent by 22% relative to the current fee schedule. However, adding even a few extra independent claims will result in increased patenting fees. Maintenance fees are dramatically increased, as they generally involve more commercially valuable patents.

Some of the more significant proposed changes are listed below (fee amounts are provided for large entity fees only). The amount of change set forth below is based on current fees, which will increase by about 1.7% on October 5.

September 14, 2012

**A. Increased Fees**

- 28% increase in minimum fees for filing a utility patent application (basic, search and examination fees) (from \$1,250 to \$1,600);<sup>2</sup>
- 33% increase in the fee for each claim in excess of 20 (from \$60 to \$80);
- 68% increase in the fee for each independent claim in excess of 3 (from \$250 to \$420);
- 73% increase in the fee for presenting multiple dependent claims (from \$450 to \$780);
- 29% increase in the fee for each 50 sheets in an application in which the specification and drawings exceed 100 sheets of paper (from \$310 to \$400);
- 43% increase in the minimum fees for filing a design patent application (from \$530 to \$760);
- 33% increase in the fee for filing a first Petition for one-month Extension of Time (from \$150 to \$200);
- 29% increase in the fee for filing a first Request for Continued Examination (RCE) (from \$930 to \$1,200);
- 83% increase in the fee for filing a second or subsequent RCE (from \$930 to \$1,700);
- 73% overall increase in fees for appealing rejections to the Patent Trial and Appeal Board (PTAB), which includes a \$380 increase in the fee paid with a Notice of Appeal (from \$620 to \$1,000), elimination of the \$620 fee paid when submitting an Appeal Brief, a new Appeal Forwarding Fee (\$2,000) to forward the appeal file — containing the Appellant’s Brief, the Examiner’s Answer and any Reply Brief — to the PTAB for review, and a \$60 increase (from \$1,240 to \$1,300) in the optional oral hearing request fee;
- 42% increase in the first Maintenance Fee due at 3.5 years (from \$1,130 to \$1,600);
- 26% increase in the second Maintenance Fee due at 7.5 years (from \$2,850 to \$3,600); and
- 56% increase in the third Maintenance Fee due at 11.5 years (from \$4,730 to \$7,400);

**B. Decreased Fees**

- 53% decrease in the combined Issue and Publication Fees effective January 1, 2014 (from \$2,040 to \$960);
- 100% decrease, effective January 1, 2014, in the fee amount (from \$40 to \$0) for electronically submitting an assignment for recordation;

<sup>2</sup> Similar increases apply to PCT U.S. National Phase filing fees.

September 14, 2012

- 15% decrease in the fee for *ex parte* reexamination (from \$17,750 to \$15,000);
- 14% decrease in the fee for Processing and Treating a Request for Supplemental Examination (from \$5,140 to \$4,400), and 16% decrease in the fee for conducting an *ex parte* reexamination ordered as a result of the Supplemental Examination (from \$16,120 to \$13,600);
- 15% effective decrease (from \$27,200 to \$23,000) for Inter Partes Review in view of a new fee (\$9,000) for an Inter Partes Review Request directed to up to 20 claims (plus a per claim fee of \$200 for each claim in excess of 20), and a new Inter Partes Review Post Institution Fee (\$14,000) for up to 15 claims (plus a per claim fee of \$400 for each claim in excess of 15);
- 16% effective decrease (from \$35,800 to \$30,000) for Post Grant Review (including covered business method post grant review) fees in view of a new fee (\$12,000) for a Post Grant Review Request directed to up to 20 claims (plus a per claim fee of \$250 for each claim in excess of 20), and a new Post Grant Review Post Institution Fee (\$18,000) for up to 15 claims (plus a per claim fee of \$550 for each claim in excess of 15); and
- 17% decrease in the fee for requesting prioritized examination (from \$4,800 to \$4,000).

**C. New Fees and Discounts**

- Establishment of "micro entity" fees (75% discount as compared to the "small entity" 50% discount) for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents;<sup>3</sup>
- Small and micro entity discounts on fees for submission of certain Information Disclosure Statements (from \$180 to \$90 and \$45, respectively);
- A new fee (\$1,000) for correction of inventorship in an application after the first Office Action on the merits;
- A new fee (\$400) for filing a Derivation Petition to initiate a derivation proceeding; and
- A new fee (\$400) for a written request for access to a settlement agreement from an interference, Post Grant Review, or Inter Partes Review.

For other proposed fee changes, please see the attached Table of Patent Fee Changes.

<sup>3</sup> The definition of "micro entity" is discussed in the USPTO's May 30, 2012 Notice of Proposed Rulemaking on the micro entity provisions of the AIA, but that definition has not yet been finalized. Further information regarding the definition of "micro entity" may also be found in Section II(C) of our November 22, 2011 Special Report, "Updated Analysis of America Invents Act (AIA)."

September 14, 2012

## II. Recommendations

In the upcoming months, and certainly after the final fees are published (and the effective date of the new fees is established), we recommend the following:

(1) Identify any patents for which maintenance fees may be paid before the effective date of the new fees. Determine for each such patent whether it would be beneficial to pay the maintenance fee before the new fees are in place in order to avoid the anticipated substantial increase in maintenance fees.

(2) Identify any new applications that may be filed within the coming months. Determine for each such application whether it would be beneficial to file the new application before the new fees are in place. For example, filing an application before the fee change will provide a lower filing fee, and that application may eventually also get the benefit of the reduced issue fee.

(3) In making this determination, applicants should consider whether the difference in the fees would outweigh the implications of prosecuting an application under the different laws and rules that will be in place before and after March 16, 2013. Namely, filing the application before both the fee change and March 16, 2013 will likely be less expensive and will result in the application being examined under the current first-to-invent system. Filing the application after both the fee change and March 16, 2013 will likely be more expensive and may or may not result in the application being examined under the new first-inventor-to-file system, in which the universe of prior art is generally much larger, but will not include certain types of prior art.

(4) Identify any pending applications with outstanding USPTO due dates that fall near the effective date of the new fees in which government fees (for extensions of time, Appeals, RCEs, excess claims, Issue and Publication, etc.) may be incurred. Determine for each such application whether it would be beneficial to submit the USPTO filing either before or after the new fees are in place.

For example, effective January 1, 2014, the Issue and Publication fees are anticipated to decrease to \$960. The current USPTO proposal appears to place no other restriction on the applicability of this reduced fee. Accordingly, if the three month window for paying the Issue and Publication fees extends after January 1, 2014, savings can be achieved by paying the Issue and Publication fees after January 1, 2014. Otherwise, because most patent fees are likely to increase, savings can be achieved by submitting other USPTO filings such as Notices of Appeal or RCEs before the effective date of the new fees.

(5) Identify any patents in which post grant proceedings (Post-Grant Review, Inter Partes Review, Ex Parte Reexamination, Supplemental Examination) are under consideration and may be initiated on either side of the effective date of the new fees. Determine for each such patent whether there would be any detriment to wait to initiate such proceedings until after the new lower fees are in place.

(6) If applicable, identify any applications or patents in which the applicant(s) may be entitled to pay fees at a micro entity rate. As shown in the attached Table, micro entity fees will be half of the current small entity fees. Thus, savings can be achieved by micro entities by postponing payment of the subject fees until after the effective date of the new fees.

September 14, 2012

We will provide more recommendations when the final fees are published. In the interim, please let us know if you have any questions regarding any of the topics discussed above, or if you would like us to submit comments regarding the proposed fees to the USPTO on your behalf.

\* \* \* \* \*

*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](mailto: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](http://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。

Table of Patent Fee Changes

USPTO Patent Fees										
USPTO Large/Small Fee Codes	Description	Current Fees			Proposed Fees			Change in Large Entity Fees		
		Large	Small	Micro	Large	Small	Micro	Dollar Change	Percent Change	
<b>Patent Application Filing Fees</b>										
1011/2011/3011	Basic filing fee - Utility	380.00	190.00	280.00	140.00	70.00	70.00	-100.00	-26%	
4011	Basic filing fee - Utility (electronic filing for small entities)	n/a	95.00	n/a	70.00	n/a	n/a	-25.00	-26%	
1051/2051/3051	Surcharge - Late filing fee, search fee, examination fee or oath or declaration	130.00	65.00	140.00	70.00	35.00	35.00	10.00	8%	
1012/2012/3012	Basic filing fee - Design	250.00	125.00	180.00	90.00	45.00	45.00	-70.00	-28%	
1017/2017/3017	Basic filing fee - Design (CPA)	250.00	125.00	180.00	90.00	45.00	45.00	-70.00	-28%	
1013/2013/3013	Basic filing fee - Plant	250.00	125.00	180.00	90.00	45.00	45.00	-70.00	-28%	
1014/2014/3014	Basic filing fee - Reissue	380.00	190.00	280.00	140.00	70.00	70.00	-100.00	-26%	
1019/2019/3019	Basic filing fee - Design Reissue (CPA)	380.00	190.00	280.00	140.00	70.00	70.00	-100.00	-26%	
1005/2005/3005	Provisional application filing fee	250.00	125.00	260.00	130.00	65.00	65.00	10.00	4%	
1052/2052/3052	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00	60.00	30.00	15.00	15.00	10.00	20%	
1631/2631/3631	Basic National Stage Fee	380.00	190.00	280.00	140.00	70.00	70.00	-100.00	-26%	
1053/2053/3053	Non-English specification	130.00	n/a	140.00	70.00	35.00	35.00	10.00	8%	
<b>Patent Search Fees</b>										
1111/2111/3111	Utility Search Fee	620.00	310.00	600.00	300.00	150.00	150.00	-20.00	-3%	
1112/2112/3112	Design Search Fee	120.00	60.00	120.00	60.00	30.00	30.00	0.00	0%	
1113/2113/3113	Plant Search Fee	380.00	190.00	380.00	190.00	95.00	95.00	0.00	0%	
1114/2114/3114	Reissue Search Fee	620.00	310.00	600.00	300.00	150.00	150.00	-20.00	-3%	
1640/2640/3640	National Stage Search Fee - U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0%	
1641/2641/3641	National Stage Search Fee - U.S. was the ISA	120.00	60.00	120.00	60.00	30.00	30.00	0.00	0%	
1642/2642/3642	National Stage Search Fee - search report prepared and provided to USPTO	490.00	245.00	480.00	240.00	120.00	120.00	-10.00	-2%	
1632/2632/3632	National Stage Search Fee - all other situations	620.00	310.00	600.00	300.00	150.00	150.00	-20.00	-3%	
<b>Patent Examination Fees</b>										
1311/2311/3311	Utility Examination Fee	250.00	125.00	720.00	360.00	180.00	180.00	470.00	188%	
1312/2312/3312	Design Examination Fee	160.00	80.00	460.00	230.00	115.00	115.00	300.00	188%	
1313/2313/3313	Plant Examination Fee	200.00	100.00	580.00	290.00	145.00	145.00	380.00	190%	
1314/2314/3314	Reissue Examination Fee	750.00	375.00	2,160.00	1080.00	540.00	540.00	1,410.00	188%	
1643/2643/3643	National Stage Examination Fee - U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0%	
1633/2633/3633	National Stage Examination Fee - all other situations	250.00	125.00	720.00	360.00	180.00	180.00	470.00	188%	
XXXX	Correct Inventorship After First Action on the Merits	n/a	n/a	1000.00	500.00	250.00	250.00	n/a	n/a	
<b>Request for Continuing Examination Fees</b>										
1801/2801/3801	Request for continued examination (RCE) (1st Request) (see 37 CFR 1.114)	930.00	465.00	1,200.00	600.00	300.00	300.00	270.00	29%	
XXXX	Request for continued examination (RCE) (2nd and subsequent)	n/a	n/a	1,700.00	850.00	425.00	425.00	n/a	n/a	
<b>Track I Fees</b>										
1817/2817/3817	Request for prioritized examination	4,800.00	2,400.00	4,000.00	2,000.00	1,000.00	1,000.00	-800.00	-17%	

Table of Patent Fee Changes

USPTO Patent Fees									
USPTO Large/Small Fee Codes	Description	Current Fees			Proposed Fees			Change in Large Entity Fees	
		Large	Small	Large	Small	Micro	Dollar Change	Percent Change	
<b>Pre-Grant Publication Fees</b>									
1504	Publication fee for early, voluntary, or normal publication - Through 12/31/12	300.00	n/a	300.00	n/a	n/a	n/a	0.00	0%
1504	Publication fee for early, voluntary, or normal publication - Effective 1/1/2014	300.00	n/a	0.00	n/a	n/a	n/a	-300.00	-100%
1505	Publication fee for republication	300.00	n/a	300.00	n/a	n/a	n/a	0.00	0%
<b>Issue Fees</b>									
1501/2501/3501	Utility issue fee - Through 12/31/2013	1,740.00	870.00	1,780.00	890.00	445.00	445.00	40.00	2%
1501/2501/3501	Utility issue fee - Effective 1/1/2014	1,740.00	870.00	960.00	480.00	240.00	240.00	-780.00	-45%
1502/2502/3502	Design issue fee - Through 12/31/2013	990.00	495.00	1,020.00	510.00	255.00	255.00	30.00	3%
1502/2502/3502	Design issue fee - Effective 1/1/2014	990.00	495.00	560.00	280.00	140.00	140.00	-430.00	-43%
1503/2503/3503	Plant issue fee - Through 12/31/2013	1,370.00	685.00	1,400.00	700.00	350.00	350.00	30.00	2%
1503/2503/3503	Plant issue fee - Effective 1/1/2014	1,370.00	685.00	760.00	380.00	190.00	190.00	-610.00	-45%
1511/2511/3511	Reissue issue fee - Through 12/31/2013	1,740.00	870.00	1,780.00	890.00	445.00	445.00	40.00	2%
1511/2511/3511	Reissue issue fee - Effective 1/1/2014	1,740.00	870.00	960.00	480.00	240.00	240.00	-780.00	-45%
<b>Patent Maintenance Fees</b>									
1551/2551/3551	Due at 3.5 years	1,130.00	565.00	1,600.00	800.00	400.00	400.00	470.00	42%
1552/2552/3552	Due at 7.5 years	2,850.00	1,425.00	3,600.00	1,800.00	900.00	900.00	750.00	26%
1553/2553/3553	Due at 11.5 years	4,730.00	2,365.00	7,400.00	3,700.00	1,850.00	1,850.00	2,670.00	56%
1554/2554/3554	Surcharge - 3.5 year - Late payment within 6 months	150.00	75.00	160.00	80.00	40.00	40.00	10.00	7%
1555/2555/3555	Surcharge - 7.5 year - Late payment within 6 months	150.00	75.00	160.00	80.00	40.00	40.00	10.00	7%
1556/2556/3556	Surcharge - 11.5 year - Late payment within 6 months	150.00	75.00	160.00	80.00	40.00	40.00	10.00	7%
1557/2557/3557	Surcharge after expiration - Late payment is unavoidable	700.00	n/a	700.00	350.00	175.00	175.00	0.00	0%
1558/2558/3558	Surcharge after expiration - Late payment is unintentional	1,640.00	n/a	1,640.00	820.00	410.00	410.00	0.00	0%
<b>Patent Appeals/Interference Fees</b>									
1405	Petitions to the Chief Administrative Patent Judge under 37 CFR 41.3	400.00	n/a	400.00	n/a	n/a	n/a	0.00	0%
1401/2401/3401	Notice of appeal	620.00	310.00	1,000.00	500.00	250.00	250.00	380.00	61%
1402/2402/3402	Filing a brief in support of an appeal	620.00	310.00	0.00	0.00	0.00	0.00	-620.00	-100%
XXXX	Forwarding an appeal in an application or ex parte reexamination proceeding to the Board	n/a	n/a	2,000.00	1,000.00	500.00	500.00	2,000.00	100%
XXXX	Filing a brief in support of an appeal in an inter partes reexamination proceeding	n/a	n/a	2,000.00	1,000.00	500.00	500.00	2,000.00	100%
1403/2403/3403	Request for oral hearing	1,240.00	620.00	1,300.00	650.00	325.00	325.00	60.00	5%
XXXX	Petition for Inter Partes Review up to 20 claims	27,200.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a
XXXX	Petition for Inter Partes Review, for each claim in excess of 20	600.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a
XXXX	Inter Partes Review Request Fee	n/a	n/a	9,000.00	n/a	n/a	n/a	9,000.00	100%
XXXX	Inter Partes Review Post-Institution Fee	n/a	n/a	14,000.00	n/a	n/a	n/a	14,000.00	100%
XXXX	Inter Partes Review Request of Each Claim in excess of 20	n/a	n/a	200.00	n/a	n/a	n/a	200.00	100%
XXXX	Inter Partes Post-Institution Request of Each Claim in excess of 15	n/a	n/a	400.00	n/a	n/a	n/a	400.00	100%
XXXX	Post Grant of Covered Business Method Patent Review up to 20 claims	35,800.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a
XXXX	Post Grant of Covered Business Method Patent Review, for each claim in excess of 20	800.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a
XXXX	Post Grant of Covered Business Method Patent Review Request	n/a	n/a	12,000.00	n/a	n/a	n/a	12,000.00	100%

Table of Patent Fee Changes

USPTO Patent Fees									
USPTO Large/Small Fee Codes	Description	Current Fees			Proposed Fees			Change in Large Entity Fees	
		Large	Small	Micro	Large	Small	Micro	Dollar Change	Percent Change
XXXX	Post Grant of Covered Business Method Patent Review Post Institution	n/a	n/a	n/a	18,000.00	n/a	n/a	18,000.00	100%
XXXX	Post Grant of Covered Business Method Patent Review Request of Each Claim in excess of 20	n/a	n/a	n/a	250.00	n/a	n/a	250.00	100%
XXXX	Post Grant of Covered Business Method Patent Review Post-Institution Request of Each Claim in excess of 15	n/a	n/a	n/a	550.00	n/a	n/a	550.00	100%
XXXX	Derivation Petition	400.00	n/a	n/a	400.00	n/a	n/a	0.00	0%
XXXX	Derivation Institution and Trial Fee	n/a	n/a	n/a	0.00	n/a	n/a	n/a	n/a
XXXX	Request to make settlement agreement available	n/a	n/a	n/a	400.00	n/a	n/a	400.00	100%
<b>Re-exam Ex Partes Fees</b>									
1812	Request for ex parte reexamination	2,520.00	n/a	n/a	15,000.00	7,500.00	3,750.00	12,480.00	495%
<b>Excess Claims Fees</b>									
1201/2201/3201	Independent claims in excess of three	250.00	125.00	105.00	420.00	210.00	105.00	170.00	68%
1202/2202/3202	Claims in excess of 20	60.00	30.00	20.00	80.00	40.00	20.00	20.00	33%
1203/2203/3203	Multiple dependent claim	450.00	225.00	195.00	780.00	390.00	195.00	330.00	73%
1204/2204/3204	Reissue independent claims in excess of three	250.00	125.00	105.00	420.00	210.00	105.00	170.00	68%
1205/2205/3205	Reissue claims in excess of 20	60.00	30.00	20.00	80.00	40.00	20.00	20.00	33%
1614/2614/3614	[PCT National Stage] Claims - extra independent (over three)	250.00	125.00	105.00	420.00	210.00	105.00	170.00	68%
1615/2615/3615	[PCT National Stage] Claims - extra total (over 20)	60.00	30.00	20.00	80.00	40.00	20.00	20.00	33%
1616/2616/3616	[PCT National Stage] Claims - multiple dependent	450.00	225.00	195.00	780.00	390.00	195.00	330.00	73%
<b>Patent Extension of Time Fees</b>									
1251/2251/3251	Extension for response within first month	150.00	75.00	50.00	200.00	100.00	50.00	50.00	33%
1252/2252/3252	Extension for response within second month	560.00	280.00	150.00	600.00	300.00	150.00	40.00	7%
1253/2253/3253	Extension for response within third month	1,270.00	635.00	350.00	1,400.00	700.00	350.00	130.00	10%
1254/2254/3254	Extension for response within fourth month	1,980.00	990.00	550.00	2,200.00	1,100.00	550.00	220.00	11%
1255/2255/3255	Extension for response within fifth month	2,690.00	1,345.00	750.00	3,000.00	1,500.00	750.00	310.00	12%
<b>Application Size Fees</b>									
1081/2081/3081	Utility Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	310.00	155.00	100.00	400.00	200.00	100.00	90.00	29%
1082/2082/3082	Design Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	310.00	155.00	100.00	400.00	200.00	100.00	90.00	29%
1083/2083/3083	Plant Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	310.00	155.00	100.00	400.00	200.00	100.00	90.00	29%
1084/2084/3084	Reissue Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	310.00	155.00	100.00	400.00	200.00	100.00	90.00	29%
1085/2085/3085	Provisional Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	310.00	155.00	100.00	400.00	200.00	100.00	90.00	29%
1681/2681/3681	National Stage Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	310.00	155.00	100.00	400.00	200.00	100.00	90.00	29%
<b>Revival Fees</b>									
1452/2452/3452	Petition to revive unavoidably abandoned application	620.00	310.00	160.00	640.00	320.00	160.00	20.00	3%
1453/2453/3453	Petition to revive unintentionally abandoned application	1,860.00	930.00	475.00	1,900.00	950.00	475.00	40.00	2%



Table of Patent Fee Changes

USPTO Patent Fees									
USPTO Large/Small Fee Codes	Description	Current Fees			Proposed Fees			Change in Large Entity Fees	
		Large	Small	Large	Small	Large	Small	Dollar Change	Percent Change
<b>Miscellaneous Patent Fees</b>									
1808	Processing fee, except in provisional applications	130.00	n/a	130.00	n/a	n/a	n/a	0.00	0%
1803	Request for voluntary publication or republication	130.00	n/a	130.00	n/a	n/a	n/a	0.00	0%
1802	Request for expedited examination of a design application	900.00	n/a	900.00	450.00	225.00	0.00	0.00	0%
1806/2806/3806	Submission of an Information Disclosure Statement	180.00	n/a	180.00	90.00	45.00	0.00	0.00	0%
1807	Processing fee for provisional applications	50.00	n/a	50.00	n/a	n/a	0.00	0.00	0%
1809/2809/3809	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00	840.00	420.00	210.00	30.00	30.00	4%
1810/2810/3810	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00	840.00	420.00	210.00	30.00	30.00	4%
1814/2814	Statutory disclaimer, including terminal disclaimer	160.00	80.00	160.00	n/a	n/a	0.00	0.00	0%
XXXX	Reexamination Petition	1,930.00	n/a	1,940.00	970.00	485.00	10.00	10.00	1%
XXXX	Supplemental Examination Request	5,140.00	n/a	4,400.00	2,200.00	1,100.00	-740.00	-740.00	-14%
XXXX	Supplemental Examination Reexamination	16,120.00	n/a	13,600.00	6,800.00	3,400.00	-2,520.00	-2,520.00	-16%
XXXX	Supplemental Examination document size fees; 21-50	170.00	n/a	180.00	90.00	45.00	10.00	10.00	6%
XXXX	Supplemental examination document size fees; each additional 50	280.00	n/a	280.00	140.00	70.00	0.00	0.00	0%
<b>Post Issuance Fees</b>									
1811	Certificate of correction	100.00	n/a	100.00	n/a	n/a	0.00	0.00	0%
1816	Processing fee for correcting inventorship in a patent	130.00	n/a	130.00	n/a	n/a	0.00	0.00	0%
1813	Request for inter partes reexamination	8,800.00	n/a	n/a	n/a	n/a	n/a	n/a	n/a
1821/2821/3821	Reexamination independent claims in excess of three and also in excess of the number of such claims in the patent under reexamination	250.00	125.00	420.00	210.00	105.00	170.00	170.00	68%
1822/2822/3822	Reexamination claims in excess of 20 and also in excess of the number of claims in the patent under reexamination	60.00	30.00	100.00	50.00	25.00	40.00	40.00	67%
1814/2814	Statutory disclaimer, including terminal disclaimer	160.00	80.00	160.00	n/a	n/a	0.00	0.00	0%
<b>Patent Petition Fees</b>									
1462/2462/3462	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	n/a	400.00	200.00	100.00	0.00	0.00	0%
1463/2463/3463	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	n/a	200.00	100.00	50.00	0.00	0.00	0%
1464/2464/3464	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	n/a	140.00	70.00	35.00	10.00	10.00	8%
1454/2454/3454	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	n/a	1,420.00	710.00	355.00	10.00	10.00	1%
1455	Filing an application for patent term adjustment	200.00	n/a	200.00	n/a	n/a	0.00	0.00	0%
1456	Request for reinstatement of term reduced	400.00	n/a	400.00	n/a	n/a	0.00	0.00	0%
1457	Extension of term of patent	1,120.00	n/a	1,120.00	n/a	n/a	0.00	0.00	0%
1458	Initial application for interim extension (see 37 CFR 1.790)	420.00	n/a	420.00	n/a	n/a	0.00	0.00	0%
1459	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	n/a	220.00	n/a	n/a	0.00	0.00	0%

Table of Patent Fee Changes

USPTO Patent Fees									
USPTO Large/Small Fee Codes	Description	Current Fees			Proposed Fees			Change in Large Entity Fees	
		Large	Small	Large	Small	Micro	Dollar Change	Percent Change	
<b>PCT Fees - National Stage</b>									
1617/2617/3617	Search fee, examination fee or oath or declaration after thirty months from priority date	130.00	65.00	140.00	70.00	35.00	10.00	8%	
1618/2618/3618	English translation after thirty months from priority date	130.00	n/a	140.00	70.00	35.00	10.00	8%	
<b>PCT Fees - International Stage</b>									
1601/2601/3601	Transmittal fee	240.00	n/a	240.00	120.00	60.00	0.00	0%	
1602/2602/3602	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	2,080.00	n/a	2,080.00	1,040.00	520.00	0.00	0%	
1604/2604/3604	Supplemental search fee when required, per additional invention	2,080.00	n/a	2,080.00	1,040.00	520.00	0.00	0%	
1605/2605/3605	Preliminary examination fee - U.S. was the ISA	600.00	n/a	600.00	300.00	150.00	0.00	0%	
1606/2606/3606	Preliminary examination fee - U.S. was not the ISA	750.00	n/a	760.00	380.00	190.00	10.00	1%	
1607/2607/3607	Supplemental examination fee per additional invention	600.00	n/a	600.00	300.00	150.00	0.00	0%	
1619	Late payment fee	variable	n/a	variable	variable	variable	n/a	n/a	
1621	Transmitting application to Intl. Bureau to act as receiving office	240.00	n/a	240.00	120.00	60.00	0.00	0%	
<b>Patent Service Fees</b>									
8001	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00	n/a	3.00	n/a	n/a	0.00	0%	
8003	Printed copy of plant patent in color	15.00	n/a	15.00	n/a	n/a	0.00	0%	
8004	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00	n/a	25.00	n/a	n/a	0.00	0%	
8005	Patent Application Publication (PAP)	3.00	n/a	3.00	n/a	n/a	0.00	0%	
8007	Copy of patent application as filed	20.00	n/a	20.00	n/a	n/a	0.00	0%	
8008	Copy of patent-related file wrapper and contents of 400 or fewer pages, if provided on paper	200.00	n/a	200.00	n/a	n/a	0.00	0%	
8009	Additional fee for each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00	n/a	40.00	n/a	n/a	0.00	0%	
8010	Individual application documents, other than application as filed, per document	25.00	n/a	25.00	n/a	n/a	0.00	0%	
8011	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in 1.19(b)(1)(ii)	55.00	n/a	55.00	n/a	n/a	0.00	0%	
8012	Additional fee for each continuing physical electronic medium in single order of 1.19(b)(1)(ii)(B)	15.00	n/a	15.00	n/a	n/a	0.00	0%	
8041	Copy of patent-related file wrapper contents that were submitted and are stored on compact disk or other electronic form (e.g., compact disks stored in Artifact folder), other than as available in 1.19(b)(1); first physical electronic medium in a single order	55.00	n/a	55.00	n/a	n/a	0.00	0%	
8042	Additional fee for each continuing copy of patent-related file wrapper contents as specified in 1.19(b)(2)(i)(A)	15.00	n/a	15.00	n/a	n/a	0.00	0%	
8043	Copy of patent-related file wrapper contents that were submitted and are stored on compact disk, or other electronic form, other than as available in 1.19(b)(1); if provided electronically other than on a physical electronic medium, per order	55.00	n/a	55.00	n/a	n/a	0.00	0%	

Table of Patent Fee Changes

USPTO Large/Small Fee Codes	Description	USPTO Patent Fees						Change in Large Entity Fees	
		Current Fees		Proposed Fees			Dollar Change	Percent Change	
		Large	Small	Large	Small	Micro			
8013	Copy of office records, except copies of applications as filed	25.00	n/a	25.00	n/a	n/a	0.00	0%	
8014	For assignment records, abstract of title and certification, per patent	25.00	n/a	25.00	n/a	n/a	0.00	0%	
8904	Library service	50.00	n/a	50.00	n/a	n/a	0.00	0%	
8015	List of U.S. patents and SIRs in subclass	3.00	n/a	3.00	n/a	n/a	0.00	0%	
8016	Uncertified statement re status of maintenance fee payments	10.00	n/a	10.00	n/a	n/a	0.00	0%	
8017	Copy of non-U.S. document	25.00	n/a	25.00	n/a	n/a	0.00	0%	
8050	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST	n/a	AT COST	n/a	n/a	n/a	n/a	
8020	International type search report	40.00	n/a	40.00	n/a	n/a	0.00	0%	
8902	Self-service copy charge, per page	0.25	n/a	0.25	n/a	n/a	0.00	0%	
8021	Recording each patent assignment, agreement or other paper, per property - when submitted other than electronically	40.00	n/a	40.00	n/a	n/a	0.00	0%	
XXXX	Recording each patent assignment, agreement or other paper, per property - when submitted electronically	40.00	n/a	0.00	n/a	n/a	-40.00	-100%	
8022	Publication in Official Gazette	25.00	n/a	25.00	n/a	n/a	0.00	0%	
8023	Labor charges for services, per hour or fraction thereof	40.00	n/a	40.00	n/a	n/a	0.00	0%	
8024	Unspecified other services, excluding labor	AT COST	n/a	AT COST	n/a	n/a	n/a	n/a	
8026	Handling fee for incomplete or improper application	130.00	n/a	130.00	n/a	n/a	0.00	0%	
8027	Handling fee for withdrawal of SIR	130.00	n/a	130.00	n/a	n/a	0.00	0%	
<b>Patent Enrollment Fees</b>									
9001	Application fee (non-refundable)	40.00	n/a	40.00	n/a	n/a	0.00	0%	
9003	Registration to practice or grant of limited recognition under §11.9(b) or (c)	100.00	n/a	100.00	n/a	n/a	0.00	0%	
9004	Reinstatement to practice	100.00	n/a	100.00	n/a	n/a	0.00	0%	
9005	Certificate of good standing as an attorney or agent	10.00	n/a	10.00	n/a	n/a	0.00	0%	
9006	Certificate of good standing as an attorney or agent, suitable for framing	20.00	n/a	20.00	n/a	n/a	0.00	0%	
9010	For test administration by commercial entity	200.00	n/a	200.00	n/a	n/a	0.00	0%	
9011	For test administration by the USPTO	450.00	n/a	450.00	n/a	n/a	0.00	0%	
9012	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	n/a	130.00	n/a	n/a	0.00	0%	
9013	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	n/a	130.00	n/a	n/a	0.00	0%	
9014	Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h)	1,600.00	n/a	1,600.00	n/a	n/a	0.00	0%	
9015	Annual fee for registered attorney or agent in active status	118.00	n/a	120.00	n/a	n/a	2.00	2%	
9016	Annual fee for registered attorney or agent in voluntary inactive status	25.00	n/a	25.00	n/a	n/a	0.00	0%	
9017	Requesting restoration to active status from voluntary inactive status	50.00	n/a	50.00	n/a	n/a	0.00	0%	

Table of Patent Fee Changes

USPTO Patent Fees									
USPTO Large/Small Fee Codes	Description	Current Fees			Proposed Fees			Change in Large Entity Fees	
		Large	Small	Micro	Large	Small	Micro	Dollar Change	Percent Change
9018	Balance of annual fee due upon restoration to active status from voluntary inactive status	93.00	n/a	n/a	100.00	n/a	n/a	7.00	8%
9019	Annual fee for individual granted limited recognition	118.00	n/a	n/a	120.00	n/a	n/a	2.00	2%
9020	Delinquency fee for annual fee	50.00	n/a	n/a	50.00	n/a	n/a	0.00	0%
9024	Unspecified other services, excluding labor	AT COST	n/a	n/a	AT COST	n/a	n/a	n/a	n/a
9025	Registration to practice for change of practitioner type	100.00	n/a	n/a	100.00	n/a	n/a	0.00	0%