

# REPORT

## USPTO FEE INCREASES

September 6, 2012

The U.S. Patent and Trademark Office (USPTO) issued final rules to adjust certain patent fees effective Friday, October 5, 2012 to reflect fluctuations in the Consumer Price Index (CPI).<sup>1</sup> In general, the affected patent fees will increase by about 1.7% (instead of 2.9% as originally estimated by the USPTO earlier this year, and reported in our May 14, 2012 Special Report).

A chart is attached showing the current fees as well as the new fees that will be in place on October 5. In general, patent filing fees will increase by \$10-\$20, issue fees by \$20-\$30, and maintenance fees by \$20 (1st) to \$80 (3rd).

These inflation-based increases are unrelated to the proposed fee increases discussed in our February 9, 2012 Special Report, which reported that the PTO was initiating the process to exercise its fee setting authority under the America Invents Act (AIA). Proposed rules implementing the AIA-based fee changes were published today in the Federal Register. We are reviewing the proposed rules, and will issue an additional Special Report next week that focuses on these proposed rules. The USPTO anticipates

that the AIA-based fee changes will go into effect in early 2013.

We recommend that your short-term planning be based at least on the enclosed revised fee schedule, which includes the 1.7% increase on October 5. It would also be prudent to plan for substantial changes in patent fees anticipated to go into effect in early 2013. We will continue to monitor the situation closely, and will provide updates accordingly.

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*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, e-mail 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).*

<sup>1</sup> A representative of the USPTO has confirmed that the Federal Register Notice inadvertently indicated that the CPI-based fee increases will be implemented on October 1, instead of the date the final rules go into effect (October 5).

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## USPTO Fee Increases

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

Type of Fee	Current Fee Amount	New Fee Amount
<b>PROVISIONAL PATENT APPLICATION FEES:</b>		
Filing Fee	\$250 (\$125)	\$250 (\$125)
<b>UTILITY PATENT APPLICATION FEES:</b>		
Basic Fee	\$380 (\$190)	\$390 (\$195)*
Search Fee	\$620 (\$310)	\$620 (\$310)
Examination Fee	\$250 (\$125)	\$250 (\$125)
<b>Total Utility Patent Application Fees</b>	<b>\$1250 (\$625)</b>	<b>\$1260(\$630)</b>
<b>PCT NATIONAL PHASE APPLICATION FEES:</b>		
Basic Fee	\$380 (\$190)	\$390 (\$195)
Search Fee (with Search Report provided to USPTO)	\$490 (\$245)	\$500 (\$250)
Examination Fee	\$250 (\$125)	\$250 (\$125)
<b>Total PCT National Phase Application Fees</b>	<b>\$1120 (\$560)</b>	<b>\$1140 (\$570)</b>
<b>DESIGN PATENT APPLICATION FEES:</b>		
Basic Fee	\$250 (\$125)	\$250 (\$125)
Search Fee	\$120 (\$60)	\$120 (\$60)
Examination Fee	\$160 (\$80)	\$160 (\$80)
<b>Total Design Patent Application Fees</b>	<b>\$530 (\$265)</b>	<b>\$530 (\$265)</b>
<b>PLANT PATENT APPLICATION FEES:</b>		
Basic Fee	\$250 (\$125)	\$250 (\$125)
Search Fee	\$380 (\$190)	\$380 (\$190)
Examination Fee	\$200 (\$100)	\$200 (\$100)
<b>Total Plant Patent Application Fees</b>	<b>\$830 (\$415)</b>	<b>\$830 (\$415)</b>
<b>REISSUE PATENT APPLICATION FEES:</b>		
Basic Fee	\$380 (\$190)	\$390 (\$195)
Search Fee	\$620 (\$310)	\$620 (\$310)
Examination Fee	\$750 (\$375)	\$760 (\$380)
<b>Total Reissue Patent Application Fees</b>	<b>\$1750 (\$875)</b>	<b>\$1770 (\$885)</b>
<b>APPLICATION THAT EXCEEDS 100 SHEETS OF PAPER:**</b> 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.

Type of Fee	Current Fee Amount	New Fee Amount
<b>EXCESS CLAIMS FEES:</b>		
Independent claims in excess of 3 - per claim	\$250 (\$125)	\$250 (\$125)
Total claims in excess of 20 - per claim	\$60 (\$30)	\$62 (\$31)
Multiple dependent claim - per application	\$450 (\$225)	\$460 (\$230)
<b>ISSUE FEES:</b>		
Utility Issue Fee	\$1740 (\$870)	\$1770 (\$885)
Design Issue Fee	\$990 (\$495)	\$1010 (\$505)
Plant Issue Fee	\$1370 (\$685)	\$1390 (\$695)
Reissue Issue Fee	\$1740 (\$870)	\$1770 (\$885)
<b>APPEAL FEES:</b>		
Notice of Appeal Fee	\$620 (\$310)	\$630 (\$315)
Appeal Brief Fee	\$620 (\$310)	\$630 (\$315)
Request for Oral Hearing Fee	\$1240 (\$620)	\$1260 (\$630)
<b>REVIVAL FEES:</b>		
Petition to revive unintentionally abandoned application	\$1860 (\$930)	\$1890 (\$945)
Petition to revive unavoidably abandoned application	\$620 (\$310)	\$630 (\$315)
<b>EXTENSION FEES:</b>		
Extension Fee for response within first month	\$150 (\$75)	\$150 (\$75)
Extension Fee for response within second month	\$560 (\$280)	\$570 (\$285)
Extension Fee for response within third month	\$1270 (\$635)	\$1290 (\$645)
Extension Fee for response within fourth month	\$1980 (\$990)	\$2010 (\$1005)
Extension Fee for response within fifth month	\$2690 (\$1345)	\$2730 (\$1365)
<b>PATENT MAINTENANCE FEES:</b>		
Maintenance Fee - due at 3.5 years	\$1130 (\$565)	\$1150 (\$575)
Maintenance Fee - due at 7.5 years	\$2850 (\$1425)	\$2900 (\$1450)
Maintenance Fee - due at 11.5 years	\$4730 (\$2365)	\$4810 (\$2405)