

**U.S. Patent and Trademark Office, Commerce**

**§ 1.16**

**§ 1.15 Requests for identifiable records.**

(a) Requests for records, not disclosed to the public as part of the regular informational activity of the Patent and Trademark Office and which are not otherwise dealt with in the rules in this part, shall be made in writing, with the envelope and the letter clearly marked "Freedom of Information Request." Each such request, so marked, should be submitted by mail addressed to the "Patent and Trademark Office, Freedom of Information Request Control Desk, Box 8, Washington, DC 20231," or hand delivered to the Office of the Solicitor, Patent and Trademark Office, Arlington, Virginia. The request will be processed in accordance with the procedures set forth in part 4 of title 15, Code of Federal Regulations.

(b) Any person whose request for records has been initially denied in whole or in part, or has not been timely determined, may submit a written appeal as provided in § 4.8 of title 15, Code of Federal Regulations.

(c) Procedures applicable in the event of service of process or in connection with testimony of employees on official matters and production of official documents of the Patent and Trademark Office in civil legal proceedings not involving the United States shall be those established in parts 15 and 15a of title 15, Code of Federal Regulations.

[53 FR 47686, Nov. 25, 1988]

**FEES AND PAYMENT OF MONEY**

**§ 1.16 National application filing fees.**

(a) Basic fee for filing each application for an original patent, except provisional, design, or plant applications:

By a small entity (§ 1.27(a))—\$370.00  
By other than a small entity—\$740.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a))—\$42.00  
By other than a small entity—\$84.00

(c) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each claim (whether independent or dependent) in excess of

20 (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes.):

By a small entity (§ 1.27(a)) ..... \$9.00  
By other than a small entity .. \$18.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a))—\$140.00  
By other than a small entity—\$280.00

(e) Surcharge for filing the basic filing fee or oath or declaration on a date later than the filing date of the application, except provisional applications:

By a small entity (§ 1.27(a)) ..... \$65.00  
By other than a small entity .. \$130.00

(f) Basic fee for filing each design application:

By a small entity (§ 1.27(a))—\$165.00  
By other than a small entity—\$330.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.27(a))—\$255.00  
By other than a small entity—\$510.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.27(a))—\$370.00  
By other than a small entity—\$740.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.27(a))—\$42.00  
By other than a small entity—\$84.00

(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.27(a)) ..... \$9.00  
By other than a small entity .. \$18.00

(k) Basic fee for filing each provisional application:

By a small entity (§ 1.27(a))—\$80.00

**§ 1.17**

**37 CFR Ch. I (7-1-02 Edition)**

By other than a small entity—\$160.00  
 (1) Surcharge for filing the basic filing fee or cover sheet (§ 1.51(c)(1)) on a date later than the filing date of the provisional application:  
 By a small entity (§ 1.27(a)) ..... \$25.00  
 By other than a small entity .. \$50.00

(m) If the additional fees required by paragraphs (b), (c), (d), (i) and (j) of this section are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims must be canceled by amendment, prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency.

NOTE: See §§ 1.445, 1.482 and 1.492 for international application filing and processing fees.

[56 FR 65151, Dec. 13, 1991, as amended at 57 FR 38194, Aug. 21, 1992; 60 FR 20221, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39587, July 30, 1996; 61 FR 43400, Aug. 22, 1996; 62 FR 40452, July 29, 1997; 62 FR 53182, Oct. 10, 1997; 63 FR 67579, Dec. 8, 1998; 64 FR 67777, Dec. 3, 1999; 65 FR 49195, Aug. 11, 2000; 65 FR 78959, Dec. 18, 2000; 66 FR 39449, July 31, 2001]

**§ 1.17 Patent application and reexamination processing fees.**

(a) Extension fees pursuant to § 1.136(a):

(1) For reply within first month:  
 By a small entity (§ 1.27(a)) \$55.00  
 By other than a small entity ..... \$110.00  
 (2) For reply within second month:

(h) For filing a petition to the Commissioner under one of the following sections which refers to this paragraph ..... \$130.00  
 § 1.12—for access to an assignment record  
 § 1.14—for access to an application  
 § 1.47—for filing by other than all the inventors or a person not the inventor  
 § 1.53(e)—to accord a filing date  
 § 1.59—for expungement and return of information  
 § 1.84—for accepting color drawings or photographs  
 § 1.91—for entry of a model or exhibit  
 § 1.102—to make an application special  
 § 1.103(a)—to suspend action in an application  
 § 1.138(c)—to expressly abandon an application to avoid publication  
 § 1.182—for decision on a question not specifically provided for  
 § 1.183—to suspend the rules  
 § 1.295—for review of refusal to publish a statutory invention registration  
 § 1.313—to withdraw an application from issue  
 § 1.314—to defer issuance of a patent

By a small entity (§ 1.27(a))—\$200.00  
 By other than a small entity—\$400.00

(3) For reply within third month:

By a small entity (§ 1.27(a))—\$460.00  
 By other than a small entity—\$920.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a))—\$720.00  
 By other than a small entity—\$1,440.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a))—\$980.00  
 By other than a small entity—\$1,960.00

(b) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:

By a small entity (§ 1.27(a))—\$160.00  
 By other than a small entity—\$320.00

(c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a))—\$160.00  
 By other than a small entity—\$320.00

(d) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a))—\$140.00  
 By other than a small entity—\$280.00

(e) To request continued examination pursuant to § 1.114:

By a small entity (§ 1.27(a))—\$370.00  
 By other than a small entity—\$740.00

(f)–(g) [Reserved]