

Attachment 1: Table of Patent Fee Changes



Submitted to the Patent Public Advisory Committee

In accordance with the Leahy-Smith America Invents Act
(Public Law 112-29), Section 10

February 7, 2012 Originally Released

**February 9, 2012, Revised Page 5, Select Post Issuance Fees
FY 2010 Unit Cost**

TABLE OF PATENT FEE CHANGES

| USPTO Patent Fees | | | | | | | | | | | | | Location for Description of Rationale for Changes | |
|---------------------------------------|-------------|------------------|--|----------------------------|--------|---------------|--------|--------|-----------------------------|----------------|--------------------------------|-------------------------|---|--|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description | |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | | |
| Patent Application Filing Fees | | | | | | | | | | | | | | |
| 1011/2011 | 1.16(a)(1) | 41(a)(1)(A) | Basic filing fee - Utility | 380.00 | 190.00 | 400.00 | 200.00 | 100.00 | 20.00 | 5% | 243.00 | | Refer to p. 56 | |
| 4011 | 1.16(a)(1) | 41(h)(3) | Basic filing fee - Utility (electronic filing for small entities) | n/a | 95.00 | n/a | 100.00 | 50.00 | 5.00 | 5% | 243.00 | | Refer to p. 56 | |
| 1051/2051 | 1.16(f) | | Surcharge - Late filing fee, search fee, examination fee or oath or declaration | 130.00 | 65.00 | 140.00 | 70.00 | 35.00 | 10.00 | 8% | c | | Refer to p. 56 | |
| 1012/2012 | 1.16(b)(1) | 41(a)(1)(B) | Basic filing fee - Design | 250.00 | 125.00 | 260.00 | 130.00 | 65.00 | 10.00 | 4% | 243.00 | | Refer to p. 56 | |
| 1017/2017 | 1.16(b)(1) | 41(a)(1)(B) | Basic filing fee - Design (CPA) | 250.00 | 125.00 | 260.00 | 130.00 | 65.00 | 10.00 | 4% | 632.00 | | Refer to p. 56 | |
| 1013/2013 | 1.16(c)(1) | 41(a)(1)(C) | Basic filing fee - Plant | 250.00 | 125.00 | 320.00 | 160.00 | 80.00 | 70.00 | 28% | 243.00 | Yes | Refer to p. 56 | |
| 1014/2014 | 1.16(e)(1) | 41(a)(1)(E) | Basic filing fee - Reissue | 380.00 | 190.00 | 400.00 | 200.00 | 100.00 | 20.00 | 5% | 242.00 | | Refer to p. 56 | |
| 1019/2019 | 1.16(e)(1) | 41(a)(1)(E) | Basic filing fee - Design Reissue (CPA) | 380.00 | 190.00 | 400.00 | 200.00 | 100.00 | 20.00 | 5% | 632.00 | | Refer to p. 56 | |
| 1005/2005 | 1.16(d) | 41(a)(1)(D) | Provisional application filing fee | 250.00 | 125.00 | 260.00 | 130.00 | 65.00 | 10.00 | 4% | 122.00 | | Refer to p. 56 | |
| 1052/2052 | 1.16(g) | | Surcharge - Late provisional filing fee or cover sheet | 50.00 | 25.00 | 60.00 | 30.00 | 15.00 | 10.00 | 20% | c | | Refer to p. 56 | |
| 1631/2631 | 1.492(a) | 41(a)(1)(F) | Basic National Stage Fee | 380.00 | 190.00 | 400.00 | 200.00 | 100.00 | 20.00 | 5% | 355.00 | | Refer to p. 56 | |
| 1053 | 1.17(i) | | Non-English specification | 130.00 | | 140.00 | 70.00 | 35.00 | 10.00 | 8% | c | | Refer to p. 56 | |
| Patent Search Fees | | | | | | | | | | | | | | |
| 1111/2111 | 1.16(k) | 41(d)(1)(B)(i) | Utility Search Fee | 620.00 | 310.00 | 660.00 | 330.00 | 165.00 | 40.00 | 6% | 1,694.00 | Yes | Refer to p. 56 | |
| 1112/2112 | 1.16(l) | 41(d)(1)(B)(ii) | Design Search Fee | 120.00 | 60.00 | 420.00 | 210.00 | 105.00 | 300.00 | 250% | 448.00 | Yes | Refer to p. 56 | |
| 1113/2113 | 1.16(m) | 41(d)(1)(B)(v) | Plant Search Fee | 380.00 | 190.00 | 520.00 | 260.00 | 130.00 | 140.00 | 37% | 1,694.00 | Yes | Refer to p. 56 | |
| 1114/2114 | 1.16(n) | 41(d)(1)(B)(iii) | Reissue Search Fee | 620.00 | 310.00 | 660.00 | 330.00 | 165.00 | 40.00 | 6% | 1,694.00 | Yes | Refer to p. 56 | |
| 1640/2640 | 1.492(b)(1) | | 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% | 277.00 | | Refer to p. 56 | |
| 1641/2641 | 1.492(b)(2) | | National Stage Search Fee - U.S. was the ISA | 120.00 | 60.00 | 140.00 | 70.00 | 35.00 | 20.00 | 17% | 277.00 | Yes | Refer to p. 56 | |
| 1642/2642 | 1.492(b)(3) | | National Stage Search Fee - search report prepared and provided to USPTO | 490.00 | 245.00 | 640.00 | 320.00 | 160.00 | 150.00 | 31% | 1,694.00 | Yes | Refer to p. 56 | |
| 1632/2632 | 1.492(b)(4) | 41(d)(1)(B)(iv) | National Stage Search Fee - all other situations | 620.00 | 310.00 | 660.00 | 330.00 | 165.00 | 40.00 | 6% | 1,694.00 | Yes | Refer to p. 56 | |
| Patent Examination Fees | | | | | | | | | | | | | | |
| 1311/2311 | 1.16(o) | 41(a)(3)(A) | Utility Examination Fee | 250.00 | 125.00 | 780.00 | 390.00 | 195.00 | 530.00 | 212% | 1,969.00 | Yes | Refer to p. 56 | |
| 1312/2312 | 1.16(p) | 41(a)(3)(B) | Design Examination Fee | 160.00 | 80.00 | 500.00 | 250.00 | 125.00 | 340.00 | 213% | 517.00 | Yes | Refer to p. 56 | |
| 1313/2313 | 1.16(q) | 41(a)(3)(C) | Plant Examination Fee | 200.00 | 100.00 | 620.00 | 310.00 | 155.00 | 420.00 | 210% | 1,969.00 | Yes | Refer to p. 56 | |
| 1314/2314 | 1.16(r) | 41(a)(3)(E) | Reissue Examination Fee | 750.00 | 375.00 | 780.00 | 390.00 | 195.00 | 30.00 | 4% | 1,969.00 | | Refer to p. 56 | |
| 1643/2643 | 1.492(c)(1) | | 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% | 1,969.00 | | Refer to p. 56 | |
| 1633/2633 | 1.492(c)(2) | 41(a)(3)(D) | National Stage Examination Fee - all other situations | 250.00 | 125.00 | 780.00 | 390.00 | 195.00 | 530.00 | 212% | 1,969.00 | Yes | Refer to p. 56 | |

TABLE OF PATENT FEE CHANGES

| USPTO Patent Fees | | | | | | | | | | | | Location for Description of Rationale for Changes | |
|--|-------------|-------------|---|----------------------------|----------|---------------|----------|----------|-----------------------------|----------------|--------------------------------|---|---|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | |
| Request for Continuing Examination Fees | | | | | | | | | | | | | |
| 1801/2801 | 1.17(e) | | Request for continued examination (RCE) (see 37 CFR 1.114) | 930.00 | 465.00 | 1,700.00 | 850.00 | 425.00 | 770.00 | 83% | 1,696.00 | Yes | Refer to p. 61 |
| Track I Fees | | | | | | | | | | | | | |
| 1817/2817 | 1.17(c) | | Request for prioritized examination ^b | 4,800.00 | 2,400.00 | 4,000.00 | 2,000.00 | 1,000.00 | -800.00 | -17% | 4,000.00 | Yes | Refer to p. 57 |
| Pre-Grant Publication Fees | | | | | | | | | | | | | |
| 1504 | 1.18(d) | | Publication fee for early, voluntary, or normal publication | 300.00 | | 300.00 | | | 0.00 | 0% | 158.00 | | Refer to p. 62 |
| 1505 | 1.18(d) | | Publication fee for republication | 300.00 | | 300.00 | | | 0.00 | 0% | 122.00 | | Refer to p. 62 |
| Issue Fees | | | | | | | | | | | | | |
| 1501/2501 | 1.18(a) | 41(a)(4)(A) | Utility issue fee - Through 12/31/2013 | 1,740.00 | 870.00 | 1,780.00 | 890.00 | 445.00 | 40.00 | 2% | 231.00 | | Refer to p. 62 |
| 1502/2502 | 1.18(b) | 41(a)(4)(B) | Design issue fee - Through 12/31/2013 | 990.00 | 495.00 | 1,020.00 | 510.00 | 255.00 | 30.00 | 3% | 231.00 | | Refer to p. 62 |
| 1503/2503 | 1.18(c) | 41(a)(4)(C) | Plant issue fee - Through 12/31/2013 | 1,370.00 | 685.00 | 1,400.00 | 700.00 | 350.00 | 30.00 | 2% | 231.00 | | Refer to p. 62 |
| 1511/2511 | 1.18(a) | 41(a)(4)(D) | Reissue issue fee - Through 12/31/2013 | 1,740.00 | 870.00 | 1,780.00 | 890.00 | 445.00 | 40.00 | 2% | 231.00 | | Refer to p. 62 |
| XXXX | | | Utility issue fee (with Pre-Grant Publication) - NEW Effective 1/1/2014 | | | 960.00 | 480.00 | 240.00 | -1,080.00 | -53% | 389.00 | Yes | Refer to p. 62 |
| 1502/2502 | 1.18(b) | 41(a)(4)(B) | Design issue fee - Effective 1/1/2014 | | | 560.00 | 280.00 | 140.00 | -430.00 | -43% | 231.00 | Yes | Refer to p. 62 |
| XXXX | | | Plant issue fee (with Pre-Grant Publication) - NEW Effective 1/1/2014 | | | 760.00 | 380.00 | 190.00 | -910.00 | -54% | 389.00 | Yes | Refer to p. 62 |
| 1511/2511 | 1.18(a) | 41(a)(4)(D) | Reissue issue fee - Effective 1/1/2014 | | | 960.00 | 480.00 | 240.00 | -780.00 | -45% | 231.00 | Yes | Refer to p. 62 |
| Patent Maintenance Fees | | | | | | | | | | | | | |
| 1551/2551 | 1.20(e) | 41(b)(1) | Due at 3.5 years | 1,130.00 | 565.00 | 1,600.00 | 800.00 | 400.00 | 470.00 | 42% | 1.00 | Yes | Refer to p. 63 |
| 1552/2552 | 1.20(f) | 41(b)(2) | Due at 7.5 years | 2,850.00 | 1,425.00 | 3,600.00 | 1,800.00 | 900.00 | 750.00 | 26% | 1.00 | Yes | Refer to p. 63 |
| 1553/2553 | 1.20(g) | 41(b)(3) | Due at 11.5 years | 4,730.00 | 2,365.00 | 7,600.00 | 3,800.00 | 1,900.00 | 2,870.00 | 61% | 1.00 | Yes | Refer to p. 63 |
| 1554/2554 | 1.20(h) | | Surcharge - 3.5 year - Late payment within 6 months | 150.00 | 75.00 | 160.00 | 80.00 | 40.00 | 10.00 | 7% | c | | Refer to p. 63 |
| 1555/2555 | 1.20(h) | | Surcharge - 7.5 year - Late payment within 6 months | 150.00 | 75.00 | 160.00 | 80.00 | 40.00 | 10.00 | 7% | c | | Refer to p. 63 |
| 1556/2556 | 1.20(h) | | Surcharge - 11.5 year - Late payment within 6 months | 150.00 | 75.00 | 160.00 | 80.00 | 40.00 | 10.00 | 7% | c | | Refer to p. 63 |
| 1557/2557 | 1.20(i)(1) | | Surcharge after expiration - Late payment is unavoidable | 700.00 | | 700.00 | 350.00 | 175.00 | 0.00 | 0% | 68.00 | | Refer to p. 63 |
| 1558/2558 | 1.20(i)(2) | | Surcharge after expiration - Late payment is unintentional | 1,640.00 | | 1,640.00 | 820.00 | 410.00 | 0.00 | 0% | 68.00 | | Refer to p. 63 |
| Patent Appeals Fees | | | | | | | | | | | | | |
| 1405 | 41.20(a) | | Petitions to the Chief Administrative Patent Judge under 37 CFF 41.3 | 400.00 | | 400.00 | | | 0.00 | 0% | 68.00 | | |
| 1401/2401 | 41.20(b)(1) | 41(a)(6)(A) | Notice of appeal | 620.00 | 310.00 | 1,500.00 | 750.00 | 375.00 | 880.00 | 142% | | Yes | Refer to p. 64 |
| 1402/2402 | 41.20(b)(2) | 41(a)(6)(B) | Filing a brief in support of an appeal | 620.00 | 310.00 | 0.00 | 0.00 | 0.00 | -620.00 | -100% | 4,960.00 | Yes | Refer to p. 64 |
| XXXX | | | Filing an Appeal - NEW | | | 2,500.00 | 1,250.00 | 625.00 | 2,500.00 | N/A | | | Refer to p. 64 |
| XXXX | | | Patent issue fee (with PG Pub) After Examiner Withdrawal fo Final Rejection - NEW | | | 0.00 | 0.00 | 0.00 | 0.00 | | 389.00 | Yes | Refer to p. 64 |
| 1403/2403 | 41.20(b)(3) | 41(a)(6)(B) | Request for oral hearing | 1,240.00 | 620.00 | 1,300.00 | 650.00 | 325.00 | 60.00 | 5% | 361.00 | | |

TABLE OF PATENT FEE CHANGES

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|-------------------------------|------------|-------------|---|----------------------------|--------|---------------|----------|----------|-----------------------------|----------------|--------------------------------|---|---|--------------------------------------|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description | |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | | |
| Post Grant Review Fees | | | | | | | | | | | | | | |
| XXXX | | | Covered business method patent and post grant review, 20 or fewer claims ^b | 35,800.00 | | 35,800.00 | | | | 0.00 | 0% | 35,800.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| XXXX | | | Covered business method patent and post grant review, 21 - 30 claims ^b | 44,750.00 | | 44,750.00 | | | | 0.00 | 0% | 44,750.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| XXXX | | | Covered business method patent and post grant review, 31 - 40 claims ^b | 53,700.00 | | 53,700.00 | | | | 0.00 | 0% | 53,700.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| XXXX | | | Covered business method patent and post grant review, 41 - 50 claims ^b | 71,600.00 | | 71,600.00 | | | | 0.00 | 0% | 71,600.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| XXXX | | | Covered business method patent and post grant review, 51 - 60 claims ^b | 89,500.00 | | 89,500.00 | | | | 0.00 | 0% | 89,500.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| XXXX | | | Covered business method patent and post grant review, 61 - 70 claims ^b | 125,300.00 | | 125,300.00 | | | | 0.00 | 0% | 125,300.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| XXXX | | | Covered business method patent and post grant review, each additional group of 10 claims ^b | 35,800.00 | | 35,800.00 | | | | 0.00 | 0% | 35,800.00 | | Refer to NPRM (RIN - 0651-AC72/AC73) |
| Re-exam Ex Partes Fees | | | | | | | | | | | | | | |
| 1812 | 1.20(c)(1) | | Request for ex parte reexamination | 2,520.00 | | 17,760.00 | 8,880.00 | 4,440.00 | 15,240.00 | 605% | | 16,648.00 | Yes | Refer to NPRM (RIN - 0651-AC69) |
| XXXX | | | Petition in an ex parte or inter partes reexamination proceeding | 1,930.00 | | 1,940.00 | 970.00 | 485.00 | 10.00 | 1% | | 1,812.00 | | Refer to NPRM (RIN - 0651-AC69) |
| Excess Claims Fees | | | | | | | | | | | | | | |
| 1201/2201 | 1.16(h) | 41(a)(2)(A) | Independent claims in excess of three | 250.00 | 125.00 | 460.00 | 230.00 | 115.00 | 210.00 | 84% | a | | Yes | Refer to p. 59 |
| 1202/2202 | 1.16(i) | 41(a)(2)(B) | Claims in excess of 20 | 60.00 | 30.00 | 100.00 | 50.00 | 25.00 | 40.00 | 67% | a | | Yes | Refer to p. 59 |
| 1203/2203 | 1.16(j) | 41(a)(2)(C) | Multiple dependent claim | 450.00 | 225.00 | 860.00 | 430.00 | 215.00 | 410.00 | 91% | a | | Yes | Refer to p. 59 |
| 1204/2204 | 1.16(h) | 41(a)(2)(A) | Reissue independent claims in excess of three | 250.00 | 125.00 | 460.00 | 230.00 | 115.00 | 210.00 | 84% | a | | Yes | Refer to p. 59 |
| 1205/2205 | 1.16(i) | 41(a)(2)(B) | Reissue claims in excess of 20 | 60.00 | 30.00 | 100.00 | 50.00 | 25.00 | 40.00 | 67% | a | | Yes | Refer to p. 59 |
| 1614/2614 | 1.492(d) | 41(a)(2)(A) | [PCT National Stage] Claims - extra independent (over three) | 250.00 | 125.00 | 460.00 | 230.00 | 115.00 | 210.00 | 84% | a | | Yes | Refer to p. 59 |
| 1615/2615 | 1.492(e) | 41(a)(2)(B) | [PCT National Stage] Claims - extra total (over 20) | 60.00 | 30.00 | 100.00 | 50.00 | 25.00 | 40.00 | 67% | a | | Yes | Refer to p. 59 |
| 1616/2616 | 1.492(f) | 41(a)(2)(C) | [PCT National Stage] Claims - multiple dependent | 450.00 | 225.00 | 860.00 | 430.00 | 215.00 | 410.00 | 91% | a | | Yes | Refer to p. 59 |

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| USPTO Patent Fees | | | | | | | | | | | | Location for Description of Rationale for Changes | |
|--------------------------------------|------------|-------------|---|----------------------------|----------|---------------|-----------|----------|-----------------------------|----------------|--------------------------------|---|---|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | |
| Patent Extension of Time Fees | | | | | | | | | | | | | |
| 1251/2251 | 1.17(a)(1) | 41(a)(8) | Extension for response within first month | 150.00 | 75.00 | 200.00 | 100.00 | 50.00 | 50.00 | 33% | c | Yes | Refer to p. 60 |
| 1252/2252 | 1.17(a)(2) | 41(a)(8) | Extension for response within second month | 560.00 | 280.00 | 600.00 | 300.00 | 150.00 | 40.00 | 7% | c | Yes | Refer to p. 60 |
| 1253/2253 | 1.17(a)(3) | 41(a)(8) | Extension for response within third month | 1,270.00 | 635.00 | 1,400.00 | 700.00 | 350.00 | 130.00 | 10% | c | Yes | Refer to p. 60 |
| 1254/2254 | 1.17(a)(4) | 41(a)(8) | Extension for response within fourth month | 1,980.00 | 990.00 | 2,200.00 | 1,100.00 | 550.00 | 220.00 | 11% | c | Yes | Refer to p. 60 |
| 1255/2255 | 1.17(a)(5) | 41(a)(8) | Extension for response within fifth month | 2,690.00 | 1,345.00 | 3,000.00 | 1,500.00 | 750.00 | 310.00 | 12% | c | Yes | Refer to p. 60 |
| Application Size Fees | | | | | | | | | | | | | |
| 1081/2081 | 1.16(s) | 41(a)(1)(G) | Utility Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 310.00 | 155.00 | 400.00 | 200.00 | 100.00 | 90.00 | 29% | a | Yes | Refer to p. 58 |
| 1082/2082 | 1.16(s) | 41(a)(1)(G) | Design Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 310.00 | 155.00 | 400.00 | 200.00 | 100.00 | 90.00 | 29% | a | Yes | Refer to p. 58 |
| 1083/2083 | 1.16(s) | 41(a)(1)(G) | Plant Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 310.00 | 155.00 | 400.00 | 200.00 | 100.00 | 90.00 | 29% | a | Yes | Refer to p. 58 |
| 1084/2084 | 1.16(s) | 41(a)(1)(G) | Reissue Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 310.00 | 155.00 | 400.00 | 200.00 | 100.00 | 90.00 | 29% | a | Yes | Refer to p. 58 |
| 1085/2085 | 1.16(s) | 41(a)(1)(G) | Provisional Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 310.00 | 155.00 | 400.00 | 200.00 | 100.00 | 90.00 | 29% | a | Yes | Refer to p. 58 |
| 1681/2681 | 1.492(j) | 41(a)(1)(G) | National Stage Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 310.00 | 155.00 | 400.00 | 200.00 | 100.00 | 90.00 | 29% | a | Yes | Refer to p. 58 |
| Revival Fees | | | | | | | | | | | | | |
| 1452/2452 | 1.17(l) | 41(a)(7) | Petition to revive unavoidably abandoned application | 620.00 | 310.00 | 640.00 | 320.00 | 160.00 | 20.00 | 3% | | | |
| 1453/2453 | 1.17(m) | 41(a)(7) | Petition to revive unintentionally abandoned application | 1,860.00 | 930.00 | 1,900.00 | 950.00 | 475.00 | 40.00 | 2% | | | |
| Miscellaneous Patent Fees | | | | | | | | | | | | | |
| 1808 | 1.17(i) | | Processing fee, except in provisional applications | 130.00 | | 130.00 | | | 0.00 | 0% | | | |
| 1803 | 1.17(j) | | Request for voluntary publication or republication | 130.00 | | 130.00 | | | 0.00 | 0% | | | |
| 1802 | 1.17(k) | | Request for expedited examination of a design application | 900.00 | | 900.00 | 450.00 | 225.00 | 0.00 | 0% | | | |
| 1804 | 1.17(n) | | Request for publication of SIR - Prior to examiner's action | 920.00 | | 920.00 | | | 0.00 | 0% | | | |
| 1805 | 1.17(o) | | Request for publication of SIR - After examiner's action | 1,840.00 | | 1,840.00 | | | 0.00 | 0% | | | |
| 1806 | 1.17(p) | | Submission of an Information Disclosure Statement | 180.00 | | 180.00 | 90.00 | 45.00 | 0.00 | 0% | d | | |
| 1807 | 1.17(q) | | Processing fee for provisional applications | 50.00 | | 50.00 | | | 0.00 | 0% | | | |
| 1809/2809 | 1.17(r) | | Filing a submission after final rejection (see 37 CFR 1.129(a)) | 810.00 | 405.00 | 840.00 | 420.00 | 210.00 | 30.00 | 4% | | | |
| 1810/2810 | 1.17(s) | | 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 | 4% | | | |
| XXXX | | | Supplemental Examination Request [†] | 5,180.00 | | 7,000.00 | 3,500.00 | 1,750.00 | 1,820.00 | 35% | | Yes | Refer to NPRM (RIN - 0651-AC69) & p. 65 |
| XXXX | | | Supplemental Examination Reexamination [‡] | 16,120.00 | | 20,000.00 | 10,000.00 | 5,000.00 | 3,880.00 | 24% | | Yes | Refer to NPRM (RIN - 0651-AC69) & p. 65 |
| XXXX | | | Supplemental examination document size fees; 21-5 [§] | 170.00 | | 180.00 | 90.00 | 45.00 | 10.00 | 6% | | Yes | Refer to NPRM (RIN - 0651-AC69) & p. 65 |

TABLE OF PATENT FEE CHANGES

| USPTO Patent Fees | | | | | | | | | | | | Location for Description of Rationale for Changes | |
|-----------------------------|------------|-------------|---|----------------------------|--------|---------------|----------|--------|-----------------------------|----------------|--------------------------------|---|---|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | |
| XXXX | | | Supplemental examination document size fees; each additional 50 pages ^b | 280.00 | | 280.00 | 140.00 | 70.00 | 0.00 | 0% | 280.00 | Yes | Refer to NPRM (RIN - 0651-AC69) & p. 65 |
| XXXX | | | Derivation proceeding | 400.00 | | 400.00 | 200.00 | 100.00 | 0.00 | 0% | 400.00 | Yes | Refer to NPRM (RIN - 0651-AC74) |
| 1814/2814 | 1.20(d) | 41(a)(2)(B) | Statutory disclaimer, including terminal disclaimer | 160.00 | 80.00 | 160.00 | | | 0.00 | 0% | d | | |
| XXXX | | | File and oath/declaration up to the notice of allowance - NEW | 0.00 | | 3,000.00 | 1,500.00 | 750.00 | 3,000.00 | | | Yes | Refer to p. 66 |
| XXXX | | | Correct inventorship during examination where the oath/declaration was not provided before examination - NEW | 0.00 | | 1,700.00 | 850.00 | 425.00 | 1,700.00 | | | Yes | Refer to p. 66 |
| Post Issuance Fees | | | | | | | | | | | | | |
| 1811 | 1.20(a) | | Certificate of correction | 100.00 | | 100.00 | | | 0.00 | 0% | 68.00 | | |
| 1816 | 1.20(b) | | Processing fee for correcting inventorship in a patent | 130.00 | | 130.00 | | | 0.00 | 0% | d | | |
| 1813 | 1.20(c)(2) | | Request for inter partes reexamination | 8,800.00 | | | | | -8,800.00 | -100% | 31,688.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, 20 or fewer claims ^b | 27,200.00 | | 27,200.00 | | | 0.00 | 0% | 27,200.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, 21 - 30 claims ^b | 34,000.00 | | 34,000.00 | | | 0.00 | 0% | 34,000.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, 31 - 40 claims ^b | 40,800.00 | | 40,800.00 | | | 0.00 | 0% | 40,800.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, 41 - 50 claims ^b | 54,400.00 | | 54,400.00 | | | 0.00 | 0% | 54,400.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, 51 - 60 claims ^b | 68,000.00 | | 68,000.00 | | | 0.00 | 0% | 68,000.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, 61 - 70 claims ^b | 95,200.00 | | 95,200.00 | | | 0.00 | 0% | 95,200.00 | | Refer to NPRM (RIN - 0651-AC71) |
| XXXX | | | Petition for inter partes review, each additional group of 10 claims ^b | 27,200.00 | | 27,200.00 | | | 0.00 | 0% | 27,200.00 | | Refer to NPRM (RIN - 0651-AC71) |
| 1821/2821 | 1.20(c)(3) | 41(a)(2)(A) | 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 | 460.00 | 230.00 | 115.00 | 210.00 | 84% | a | Yes | Refer to p. 59 |
| 1822/2822 | 1.20(c)(4) | 41(a)(5) | 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 | 67% | a | Yes | Refer to p. 59 |

TABLE OF PATENT FEE CHANGES

| USPTO Patent Fees | | | | | | | | | | | Location for Description of Rationale for Changes | | |
|---------------------------------------|-------------|--------|--|----------------------------|-------|---------------|----------|----------|-----------------------------|----------------|---|-------------------------|---|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | |
| Patent Petition Fees | | | | | | | | | | | | | |
| 1462 | 1.17(f) | | Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I) | 400.00 | | 400.00 | 200.00 | 100.00 | 0.00 | 0% | 68.00 | | |
| 1463 | 1.17(g) | | Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II) | 200.00 | | 200.00 | 100.00 | 50.00 | 0.00 | 0% | 68.00 | | |
| 1464 | 1.17(h) | | Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III) | 130.00 | | 140.00 | 70.00 | 35.00 | 10.00 | 8% | 68.00 | | |
| 1451 | 1.17(j) | | Petition to institute a public use proceeding | 1,510.00 | | 1,520.00 | 760.00 | 380.00 | 10.00 | 1% | 68.00 | | |
| 1454 | 1.17(t) | | Acceptance of an unintentionally delayed claim for priority, or for filling a request for the restoration of the right of priority | 1,410.00 | | 1,420.00 | 710.00 | 355.00 | 10.00 | 1% | 68.00 | | |
| 1455 | 1.18(e) | | Filing an application for patent term adjustment | 200.00 | | 200.00 | | | 0.00 | 0% | 68.00 | | |
| 1456 | 1.18(f) | | Request for reinstatement of term reduced | 400.00 | | 400.00 | | | 0.00 | 0% | 68.00 | | |
| 1457 | 1.20(j)(1) | | Extension of term of patent | 1,120.00 | | 1,120.00 | | | 0.00 | 0% | 68.00 | | |
| 1458 | 1.20(j)(2) | | Initial application for interim extension (see 37 CFR 1.790) | 420.00 | | 420.00 | | | 0.00 | 0% | 68.00 | | |
| 1459 | 1.20(j)(3) | | Subsequent application for interim extension (see 37 CFR 1.790) | 220.00 | | 220.00 | | | 0.00 | 0% | 68.00 | | |
| PCT Fees - National Stage | | | | | | | | | | | | | |
| 1617/2617 | 1.492(h) | | 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% | c | | |
| 1618/2618 | 1.492(i) | | English translation after thirty months from priority date | 130.00 | | 140.00 | 70.00 | 35.00 | 10.00 | 8% | c | | |
| PCT Fees - International Stage | | | | | | | | | | | | | |
| 1601 | 1.445(a)(1) | | Transmittal fee | 240.00 | | 240.00 | 120.00 | 60.00 | 0.00 | 0% | 424.00 | | |
| 1602 | 1.445(a)(2) | | Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) | 2,080.00 | | 2,080.00 | 1,040.00 | 520.00 | 0.00 | 0% | 1,889.00 | | |
| 1604 | 1.445(a)(3) | | Supplemental search fee when required, per additional inventor | 2,080.00 | | 2,080.00 | 1,040.00 | 520.00 | 0.00 | 0% | 1,889.00 | | |
| 1605 | 1.482(a)(1) | | Preliminary examination fee - U.S. was the ISA | 600.00 | | 600.00 | 300.00 | 150.00 | 0.00 | 0% | 710.00 | | |
| 1606 | 1.482(a)(1) | | Preliminary examination fee - U.S. was not the ISA | 750.00 | | 760.00 | 380.00 | 190.00 | 10.00 | 1% | 710.00 | | |
| 1607 | 1.482(a)(2) | | Supplemental examination fee per additional invention | 600.00 | | 600.00 | 300.00 | 150.00 | 0.00 | 0% | 710.00 | | |
| 1619 | | | Late payment fee | variable | | variable | variable | variable | | | c | | |
| 1621 | 1.445(a)(4) | | Transmitting application to Intl. Bureau to act as receiving office | 240.00 | | 240.00 | 120.00 | 60.00 | 0.00 | 0% | 9.00 | | |
| Patent Service Fees | | | | | | | | | | | | | |
| 8001 | 1.19(a)(1) | | Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means | 3.00 | | 3.00 | | | 0.00 | 0% | d | | |
| 8003 | 1.19(a)(2) | | Printed copy of plant patent in color | 15.00 | | 15.00 | | | 0.00 | 0% | d | | |

TABLE OF PATENT FEE CHANGES

| USPTO Patent Fees | | | | | | | | | | | | Location for Description of Rationale for Changes | |
|-----------------------------|-------------------|-------------|---|----------------------------|-------|---------------|-------|-------|-----------------------------|----------------|--------------------------------|---|---|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | |
| 8004 | 1.19(a)(3) | | Color copy of patent (other than plant patent) or SIR containing a color drawing | 25.00 | | 25.00 | | | 0.00 | 0% | d | | |
| 8005 | 1.19(a)(1) | | Patent Application Publication (PAP) | 3.00 | | 3.00 | | | 0.00 | 0% | d | | |
| 8007 | 1.19(b)(1)(i)(A) | | Copy of patent application as filed | 20.00 | | 20.00 | | | 0.00 | 0% | d | | |
| 8008 | 1.19(b)(1)(i)(B) | | Copy of patent-related file wrapper and contents of 400 or fewer pages, if provided on paper | 200.00 | | 200.00 | | | 0.00 | 0% | d | | |
| 8009 | 1.19(b)(1)(i)(C) | | Additional fee for each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof | 40.00 | | 40.00 | | | 0.00 | 0% | d | | |
| 8010 | 1.19(b)(1)(i)(D) | | Individual application documents, other than application as filed, per document | 25.00 | | 25.00 | | | 0.00 | 0% | d | | |
| 8011 | 1.19(b)(1)(ii)(B) | | 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 | | 55.00 | | | 0.00 | 0% | d | | |
| 8012 | 1.19(b)(1)(ii)(C) | | Additional fee for each continuing physical electronic medium in single order of 1.19(b)(1)(ii)(B) | 15.00 | | 15.00 | | | 0.00 | 0% | d | | |
| 8041 | 1.19(b)(2)(i)(A) | | 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 | | 55.00 | | | 0.00 | 0% | d | | |
| 8042 | 1.19(b)(2)(i)(B) | | Additional fee for each continuing copy of patent-related file wrapper contents as specified in 1.19(b)(2)(i)(A) | 15.00 | | 15.00 | | | 0.00 | 0% | d | | |
| 8043 | 1.19(b)(2)(ii) | | 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 | | 55.00 | | | 0.00 | 0% | d | | |
| 8013 | 1.19(b)(3) | | Copy of office records, except copies of applications as filed | 25.00 | | 25.00 | | | 0.00 | 0% | d | | |
| 8014 | 1.19(b)(4) | | For assignment records, abstract of title and certification, per patent | 25.00 | | 25.00 | | | 0.00 | 0% | d | | |
| 8904 | 1.19(c) | | Library service | 50.00 | | 50.00 | | | 0.00 | 0% | d | | |
| 8015 | 1.19(d) | | List of U.S. patents and SIRs in subclass | 3.00 | | 3.00 | | | 0.00 | 0% | d | | |
| 8016 | 1.19(e) | | Uncertified statement re status of maintenance fee payments | 10.00 | | 10.00 | | | 0.00 | 0% | d | | |
| 8017 | 1.19(f) | | Copy of non-U.S. document | 25.00 | | 25.00 | | | 0.00 | 0% | d | | |
| 8050 | 1.19(g) | | 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 | | AT COST | | | | | d | | |
| 8020 | 1.21(e) | | International type search report | 40.00 | | 40.00 | | | 0.00 | 0% | d | | |
| 8902 | 1.21(g) | 41(d)(2)(B) | Self-service copy charge, per page | 0.25 | | 0.25 | | | 0.00 | 0% | d | | |
| 8021 | 1.21(h) | 41(d)(2)(A) | Recording each patent assignment, agreement or other paper, per property | 40.00 | | 40.00 | | | 0.00 | 0% | d | | |
| 8022 | 1.21(i) | | Publication in Official Gazette | 25.00 | | 25.00 | | | 0.00 | 0% | d | | |
| 8023 | 1.21(j) | | Labor charges for services, per hour or fraction thereof | 40.00 | | 40.00 | | | 0.00 | 0% | d | | |
| 8024 | 1.21(k) | | Unspecified other services, excluding labor | AT COST | | AT COST | | | | | d | | |
| 8026 | 1.21(n) | | Handling fee for incomplete or improper application | 130.00 | | 130.00 | | | 0.00 | 0% | d | | |
| 8027 | | 1.296 | Handling fee for withdrawal of SIR | 130.00 | | 130.00 | | | 0.00 | 0% | d | | |

TABLE OF PATENT FEE CHANGES

| USPTO Patent Fees | | | | | | | | | | | | Location for Description of Rationale for Changes | |
|-------------------------------|-------------------|--------|--|----------------------------|-------|---------------|-------|-------|-----------------------------|----------------|--------------------------------|---|---|
| USPTO Large/Small Fee Codes | 37 CFR | 35 USC | Description | Current (Alternative) Fees | | Proposed Fees | | | Change in Large Entity Fees | | FY 2010 Unit Cost ^e | Change is >\$10 AND >5% | See Appendix G - Rationale for Specific Fee Changes for Description |
| | | | | Large | Small | Large | Small | Micro | Dollar Change | Percent Change | | | |
| Patent Enrollment Fees | | | | | | | | | | | | | |
| 9001 | 1.21(a)(1)(i) | | Application fee (non-refundable) | 40.00 | | 40.00 | | | | 0.00 | 0% | d | |
| 9003 | 1.21(a)(2) | | Registration to practice or grant of limited recognition under §11.9(b) or (c) | 100.00 | | 100.00 | | | | 0.00 | 0% | d | |
| 9004 | 1.21(a)(9)(ii) | | Reinstatement to practice | 100.00 | | 100.00 | | | | 0.00 | 0% | d | |
| 9005 | 1.21(a)(4) | | Certificate of good standing as an attorney or agent | 10.00 | | 10.00 | | | | 0.00 | 0% | d | |
| 9006 | 1.21(a)(4) | | Certificate of good standing as an attorney or agent, suitable for framing | 20.00 | | 20.00 | | | | 0.00 | 0% | d | |
| 9010 | 1.21(a)(1)(ii)(A) | | For test administration by commercial entity | 200.00 | | 200.00 | | | | 0.00 | 0% | d | |
| 9011 | 1.21(a)(1)(ii)(B) | | For test administration by the USPTO | 450.00 | | 450.00 | | | | 0.00 | 0% | d | |
| 9012 | 1.21(a)(5)(i) | | Review of decision by the Director of Enrollment and Discipline under §11.2(c) | 130.00 | | 130.00 | | | | 0.00 | 0% | d | |
| 9013 | 1.21(a)(5)(ii) | | Review of decision of the Director of Enrollment and Discipline under §11.2(d) | 130.00 | | 130.00 | | | | 0.00 | 0% | d | |
| 9014 | 1.21(a)(10) | | Application fee for person disciplined, convicted of a felony or certain misdemeanors under §11.7(h) | 1,600.00 | | 1,600.00 | | | | 0.00 | 0% | d | |
| 9015 | 1.21(a)(7)(i) | | Annual fee for registered attorney or agent in active status | 118.00 | | 120.00 | | | | 2.00 | 2% | d | |
| 9016 | 1.21(a)(7)(ii) | | Annual fee for registered attorney or agent in voluntary inactive status | 25.00 | | 25.00 | | | | 0.00 | 0% | d | |
| 9017 | 1.21(a)(7)(iii) | | Requesting restoration to active status from voluntary inactive status | 50.00 | | 50.00 | | | | 0.00 | 0% | d | |
| 9018 | 1.21(a)(7)(iv) | | Balance of annual fee due upon restoration to active status from voluntary inactive status | 93.00 | | 100.00 | | | | 7.00 | 8% | d | |
| 9019 | 1.21(a)(8) | | Annual fee for individual granted limited recognition | 118.00 | | 120.00 | | | | 2.00 | 2% | d | |
| 9020 | 1.21(a)(9)(i) | | Delinquency fee for annual fee | 50.00 | | 50.00 | | | | 0.00 | 0% | d | |
| 9024 | 1.21(k) | | Unspecified other services, excluding labor | AT COST | | AT COST | | | | | | d | |
| 9025 | 1.21(a)(2) | | Registration to practice for change of practitioner type | 100.00 | | 100.00 | | | | 0.00 | 0% | d | |

a - Included within the average unit cost of search and exam.

b - Cost was not derived from FY 2010 historical ABI cost, but from like historical data used as a foundation to calculate cost of a new program or activity.

c - Unit cost was not calculated for these fees because there are no significant, specific activities supporting them, other than collecting and depositing the fee.

d - FY 2010 unit costs were not calculated for these fees and the Office is therefore, not proposing changes to these fees until we are able to evaluate them against their respective cost (with one exception, three enrollment fees are adjusted to correct rounding errors).

e - See Appendix C - Background on Activity Based Information costing methodology for calculation descriptions.