

Highlights of the New USPTO Fee Bill

The revised fee bill, as approved by the Office of Management and Budget, was forwarded to the Congress on February 4, 2003. The fees are fixed at levels which the USPTO estimates will produce \$1.504 B in revenue in FY2004 as called for in the President's FY2004 Budget. The highlights of the fee bill are:

- A combined filing, search and examination fee will be due upon filing a utility patent application that will initially total \$1000. The Director will be authorized to refund portions of the search or examination fees upon express abandonment of an application. These filing, search, and examination fees will be initially set by statute, but the Director will be authorized to modify the search fee "to recover an amount not to exceed the estimated average cost to the Office of searching applications for patent either by acquiring a search report from a qualified search authority, or by causing a search by Office personnel..."
- Claim fees will be \$200 for each independent claim in excess of 3, and \$50 for each claim in excess of 20. (The "punitive fees" for excess claims found in the June 3, 2002 fee bill have been eliminated along with the large surcharges proposed for continuations and for patentably indistinct claims in related applications.) Applications in excess of 100 pages will be charged \$250 per 50 excess pages.
- An extension of time for the first month will be \$120; for the second month \$330; and for the third and subsequent months \$570 each.
- Maintenance fees will be raised to \$900 (first stage), to \$2300 (second stage), and to \$3800 (third stage). (They are currently \$890, \$2050, and \$3150.)
- Patent issue fees (presently \$1300) will rise to \$1400.
- Trademark application fees will be \$375 for paper filing, \$325 for electronic filing, and \$275 for electronic filing and prosecution under conditions of the accelerated prosecution option.

Accompanying the bill are a Statement of Purpose and Need found at:

(<http://www.uspto.gov/web/offices/com/strat21/feepurpose.htm>),

A Section-by -Section Analysis found at:

(<http://www.uspto.gov/web/offices/com/strat21/feeanalysis.htm>)

A Comparison of Fee Proposals found at:

(<http://www.uspto.gov/web/offices/com/strat21/feeproposalcomparison.htm>)

For comparison purposes, the chart below compares what the total life cycle fees would be under both the current fee schedule and under the proposed new fee schedule for a "typical" application and for a "moderately complex" application:

	TYPICAL APPLICATION			MODERATELY COMPLEX APPLICATION		
	FY2003 Current Fees	FY 2004 PTO Fee Bill 2-4-03	Increase Over Current Fees	FY 2003 Current Fees	FY 2004 PTO Fee Bill 2-4-03	Increase Over Current Fees
<u>Life Cycle Large Entity Fees:</u>						
Utility Patent Filing/Search/Examination Fee	\$750	\$1,000	\$250	\$750	\$1,000	\$250
Other Fees (Excess Claims, Specification Size)						
Claims Fees						
Independent Claims	\$0	\$0		\$336	\$800	\$464
Total Claims	\$0	\$0		\$360	\$1,000	\$640
Specification Size Fee	\$0	\$0		\$0	\$250	\$250
Subtotal Increase-At Time of Filing			\$250			\$1,604
Pre-Grant Publication Fee	\$300	\$300		\$300	\$300	
Utility Patent Issue Fee	\$1,300	\$1,400	\$100	\$1,300	\$1,400	\$100
Subtotal Increase Through Issuance			\$350			\$1,704
Patent Maintenance Fee (First Stage)	\$890	\$900	\$10	\$890	\$900	\$10
Patent Maintenance Fee (Second Stage)	\$2,050	\$2,300	\$250	\$2,050	\$2,300	\$250
Patent Maintenance Fee (Third Stage)	\$3,150	\$3,800	\$650	\$3,150	\$3,800	\$650
Total Life Cycle Costs	\$8,140	\$9,400		\$8,836	\$11,450	
Total Life Cycle Increase Over Current Fees			\$1,260			\$2,614

Note: Typical = 20 total claims, 3 independent claims, 22 pages
Moderately complex = 40 total claims, 7 independent claims, 101 pages

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