

2005 PATENT AND TRADEMARK FEES

FEES FOR PATENT SERVICES.

FILING AND BASIC NATIONAL FEE

Utility patent	\$300
Design patent	\$200
Plant patent	\$200
Provisional application.....	\$200
Reissue of a patent	\$300
National fee for each international application.....	\$300

In addition, excluding any sequence listing or computer program listing filed in an electronic medium as prescribed by the Director, for any application the specification and drawings of which exceed 100 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium), \$250 for each additional 50 sheets of paper (or equivalent as prescribed by the Director if filed in an electronic medium) or fraction thereof.

EXCESS CLAIMS FEES

- \$200—For each claim in independent form in excess of 3
- \$50—For each claim (whether dependent or independent) in excess of 20
- \$360—For each application containing a multiple dependent claim.

For the purpose of computing fees under this paragraph, a multiple dependent claim referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any claim that is canceled before an examination on the merits, as prescribed by the Director, has been made of the application under section 131 of this title. Errors in payment of the additional fees under this paragraph may be rectified in accordance with regulations prescribed by the Director.

EXAMINATION FEES

Utility patent	\$200
Design patent	\$130
Plant patent	\$160
Reissue of a patent	\$600
National fee for each international application.....	\$200

PATENT SEARCH FEES (FY2005)

Utility patent	\$500
Design patent	\$100
Plant patent	\$300
Reissue of a patent	\$500
National fee for each international application.....	\$500

The Director shall charge a fee for the search of each application for a patent, except for provisional applications. The Director shall establish the fees charged under this paragraph 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 to be made, of each application for patent. For the 3-year period beginning on October 1, 2004, the fee for a search by a qualified search authority of a patent application described in clause (i), (iv), or (v) of subparagraph (B) may not exceed \$500, of a patent application described in clause (ii) of subparagraph (B) may not exceed \$100, and of a patent application described in clause (iii) of subparagraph (B) may not exceed \$300. The Director may not increase any such fee by more than 20 percent in each of the next three 1-year periods, and the Director may not increase any such fee thereafter.

The provisions of section 111(a)(3) of this title relating to the payment of the fee for filing the application shall apply to the payment of the fee specified in this paragraph with respect to an application filed under section 111(a) of this title. The provisions of section 371(d) of this title relating to the payment of the national fee shall apply to the payment of the fee specified in this paragraph with respect to an international application.

The Director may by regulation provide for a refund of any part of the fee specified in this paragraph for any applicant who files a written declaration of express abandonment as prescribed by the Director before an examination has been made of the application under section 131 of this title, and for any applicant who provides a search report that meets the conditions prescribed by the Director.

DISCLAIMER FEE

On filing each disclaimer\$130

ISSUE FEES

Utility patent\$1,400
Design patent\$800
Plant patent\$1,100
Reissue of a patent\$1,400

APPEAL FEES

\$500—Filing an appeal from the examiner to the Board of Patent Appeals and Interferences.
\$500—Filing a brief in support of the appeal.
\$1,000—Requesting an oral hearing in the appeal before the Board of Patent Appeals and Interferences.

REVIVAL FEES

\$1,500—Filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding.
\$500—If the petition is filed under section 133 or 151.

EXTENSION FEES

For petitions for 1-month extensions of time to take actions required by the Director in an application:

\$120—on filing a first petition.
\$330—on filing a second petition.
\$570—on filing a third or subsequent petition.

PATENT MAINTENANCE FEES

For maintaining in force all patents based on applications filed on or after December 12, 1980:

- \$900—due 3 years and 6 months after grant.
- \$2,300—due 7 years and 6 months after grant.
- \$3,800—due 11 years and 6 months after grant.

OTHER FEES:

- Recording a document affecting title (per property)\$40.00
- Photocopy per page\$.25
- Black and white copy of a patent\$3.00
- Yearly fee for providing a library specified in section 12 of this title with uncertified printed copies of the specifications and drawings for all patents in that year.\$50.00

FEES FOR SMALL ENTITIES

During fiscal year 2005, subsection (h) of section 41 of title 35, United States Code, shall be administered as though that subsection is amended:

(1) in paragraph (1), by striking “Fees charged under subsection (a) or (b)” and inserting “Subject to paragraph (3), fees charged under subsections (a), (b), and (d)(1)”; and

(2) by adding at the end the following new paragraph:

“(3) The fee charged under subsection (a)(1)(A) shall be reduced by 75 percent with respect to its application to any entity to which paragraph (1) applies, if the application is filed by electronic means as prescribed by the Director.”.

FEES FOR TRADEMARK SERVICES.

FEE FOR FILING APPLICATION

- \$375—For filing of a paper application for the registration of a trademark shall be
- \$325—For filing of an electronic application
- \$275—For the filing of an electronic application meeting certain additional requirements prescribed by the Director

EFFECTIVE DATE

The provisions of this title shall take effect on the date of the enactment of this Act. If this Act takes effect after October 1, 2004, the provisions of this title shall apply only with respect to the remaining portion of fiscal year 2005.

(b) Applicability—

- (1) (A) Except as provided in subparagraphs (B) and (C), the provisions of section 701 shall apply to all patents, whenever granted, and to all patent applications pending on or filed after the effective date set forth in subsection (a) of this section.

 - (B) (i) Except as provided in clause (ii), sections 41(a)(1), 41(a)(3), and 41(d)(1) of title 35, United States Code, as administered as provided in this title, shall apply only to—
 - (I) applications for patents filed under section 111 of title 35, United States Code, on or after the effective date set forth in subsection (a) of this section, and
 - (II) international applications entering the national stage under section 371 of title 35, United States Code, for which the basic national fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.
 - (ii) Section 41(a)(1)(D) of title 35, United States Code as administered as provided in this title, shall apply only to applications for patent filed under section 111(b) of title 35, United States Code, before, on, or after the effective date set forth in subsection (a) of this section in which the filing fee specified in section 41 of title 35, United States Code, was not paid before the effective date set forth in subsection (a) of this section.
 - (C) Section 41(a)(2) of title 35, United States Code, as administered as provided in this title, shall apply only to the extent that the number of excess claims, after giving effect to any cancellation of claims, is in excess of the number of claims for which the excess claims fee specified in section 41 of title 35, United States Code, was paid before the effective date set forth in subsection (a) of this section.
- (2) The provisions of section 702 shall apply to all applications for the registration of a trademark filed or amended on or after the effective date set forth in subsection (a) of this section.