

## Articles

October 17, 2012

### USPTO Increases Fees, More Fee Adjustments to Come

*IP Buzz*

On October 5, 2012, the USPTO implemented a modest fee increase. See [here](#). The previous USPTO fee schedule had been in effect since September 26, 2011.

The USPTO is also contemplating a more comprehensive fee adjustment based on the AIA. The proposed (not final) fees were published on September 6, 2012. See [here](#). Of the contemplated fee adjustments, the large entity fees for a utility patent application are increasing by approximately 27%, while the large entity issue fee is decreasing by approximately 46%. However, the three maintenance fees are increasing by approximately 43%. These further fee adjustments are expected to be implemented before the first-to-file crossover date of March 16, 2013.

The following table compares some of the more relevant USPTO fees for these three time periods: (1) from September 26, 2011 to October 4, 2012; (2) from October 5, 2012 forward; and (3) contemplated AIA fee adjustments.

USPTO Fees (Large Entities)	USPTO Fee Schedule from September 26, 2011 to October 4, 2012	USPTO Fee Schedule from October 5, 2012 forward	USPTO contemplated AIA fee adjustments
Utility Application Fees (Basic, Search, and Examination)	\$1,250	\$1,260	\$1,600
Excess Claims (more than 3 independent / 20 total)	\$250 / \$60	\$250 / \$62	\$420 / \$80
Extension of Time Fee (1st / 2nd / 3rd month)	\$150 / \$560 / \$1,270	\$150 / \$570 / \$1,290	\$200 / \$600 / \$1,400
RCE (1st / 2nd or more)	\$930 / \$930	\$930 / \$930	\$1,200 / \$1,700
Appeal	\$1,240	\$1,260	\$3,000
Issue Fee	\$1,740	\$1,770	\$960
Maintenance Fee (3.5 / 7.5 / 11.5 years)	\$1,130 / \$2,850 / \$4,730	\$1,150 / \$2,900 / \$4,810	\$1,600 / \$3,600 / \$7,400

Of the fee increases being implemented on October 5, 2012, we note that the basic filing fees are increasing from \$1250 to \$1260, and that the issue fee is increasing from \$1740 to \$1770.

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For this proposed fee adjustment (and based on the current fees), we note that the basic filing fees are proposed to increase from \$1250 to \$1600, and that the issue fee is proposed to decrease from \$1740 to \$960.