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On October 5, 2012, a revised U.S. Patent Office fee schedule will go into effect. As shown in the table below, the fees effective October 5, 2012 reflect slight increases for the filing of utility applications, payment of issue and maintenance fees, appeals, and extension fees.

A much more significant change to the Patent Office fees will take place early next year. Section 10 of the America Invents Act (AIA) granted the USPTO the independent fee-setting authority after accepting public comment. Acting under this authority, the USPTO published proposed fee increases on September 6, 2012 and is accepting public comments through November 5, 2012. The new fee structure will likely be implemented in February 2013. While the USPTO has touted the proposed fee changes as representing a 22% decrease in the routine fees to obtain a patent,<sup>1</sup> the below table illustrates that many of the proposed fees represent a significant increase in government fees from the October 5, 2012 fees.

### Large Entity Patent Fees\*

		Fees Effective Sept. 26, 2011	Fees Effective Oct. 5, 2012	Fees Effective Feb. ??, 2013	% Change
Filing	Utility (filing, search, exam)	\$1,250	\$1,260	\$1,600	27%
	Ind claims - excess of 3	\$250	\$250	\$420	68%
	Claims - excess of 20	\$60	\$62	\$80	29%
	Prioritized Examination	\$4,800	\$4,800	\$4,000	-17%
	Design (filing, search, exam)	\$530	\$530	\$760	43%
	Provisional Filing	\$250	\$250	\$260	4%
Issue	Utility Issue	\$1,740	\$1,770	\$960	-46%
	Design Issue	\$990	\$1,010	\$560	-45%
Post Issuance	Certificate of Correction	\$100	\$100	\$100	0%
	Maintenance -3.5 yr	\$1,130	\$1,150	\$1,600	39%
	Maintenance - 7.5 yr	\$2,850	\$2,900	\$3,600	24%
	Maintenance - 11.5 yr	\$4,730	\$4,810	\$7,400	54%
Miscellaneous	RCE	\$930	\$930	\$1,200	29%
	RCE (2nd and subsequent)	\$930	\$930	\$1,700	83%
	Notice of Appeal	\$620	\$630	\$1,000	59%
	Appeal Brief	\$620	\$630	\$0	-100%
	IDS	\$180	\$180	\$180	0%
	1-Month Extension Fee	\$150	\$150	\$200	33%
	2-Month Extension Fee	\$560	\$270	\$600	122%
	3-Month Extension Fee	\$1,270	\$1,290	\$1,400	9%
	4-Month Extension Fee	\$1,980	\$2,010	\$2,200	9%
	5-Month Extension Fee	\$2,690	\$2,730	\$3,000	10%
Ex Parte Reexamination	\$17,750	\$17,750	\$15,000	-15%	

\* Many Large Fees are reduced by 50% for patent applicants who qualify for small entity status. The proposed 2013 fee schedule also includes a 75% savings for micro-entities for select fees.

For a full listing of the October 5, 2012 Fee Schedule visit: <http://www.uspto.gov/web/offices/ac/qs/ope/fee100512.htm>

The Federal Register Publication of the Proposed Fee Adjustment is available at: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-06/pdf/2012-21698.pdf>

<sup>1</sup>Setting and Adjusting Patent Fees, 77 Fed. Reg. 55,028 (Sept. 6, 2012).