

U.S. Patent and Trademark Office, Commerce

§ 1.17

TABLE 14 TO PARAGRAPH (n)—Continued

By other than a small or micro entity ..	700.00
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(o) Examination fee for each application filed under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

TABLE 15 TO PARAGRAPH (o)

By a micro entity (§ 1.29)	\$160.00
By a small entity (§ 1.27(a))	320.00
By other than a small or micro entity ..	800.00

(p) Examination fee for each application under 35 U.S.C. 111 for an original design patent:

TABLE 16 TO PARAGRAPH (p)

By a micro entity (§ 1.29)	\$128.00
By a small entity (§ 1.27(a))	256.00
By other than a small or micro entity ..	640.00

(q) Examination fee for each application for an original plant patent:

TABLE 17 TO PARAGRAPH (q)

By a micro entity (§ 1.29)	\$132.00
By a small entity (§ 1.27(a))	264.00
By other than a small or micro entity ..	660.00

(r) Examination fee for each application for the reissue of a patent:

TABLE 18 TO PARAGRAPH (r)

By a micro entity (§ 1.29)	\$464.00
By a small entity (§ 1.27(a))	928.00
By other than a small or micro entity ..	2,320.00

(s) Application size fee for any application filed under 35 U.S.C.111 for the specification and drawings which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

TABLE 19 TO PARAGRAPH (s)

By a micro entity (§ 1.29)	\$84.00
By a small entity (§ 1.27(a))	168.00
By other than a small or micro entity ..	420.00

(t) Non-electronic filing fee for any application under 35 U.S.C. 111(a) that is filed on or after November 15, 2011, other than by the USPTO patent electronic filing system, except for a re-issue, design, or plant application:

TABLE 20 TO PARAGRAPH (t)

By a small entity (§ 1.27(a))	\$200.00
By other than a small entity	\$400.00

NOTE TO §1.16: See §§1.445, 1.482 and 1.492 for international application filing and processing fees.

[70 FR 3887, Jan. 27, 2005, as amended at 70 FR 30365, May 26, 2005; 72 FR 46901, Aug. 22, 2007; 73 FR 47540, Aug. 14, 2008; 76 FR 70653, Nov. 15, 2011; 77 FR 48812, Aug. 14, 2012; 77 FR 54365, Sept. 5, 2012; 78 FR 4284, Jan. 18, 2013; 78 FR 62395, Oct. 21, 2013; 80 FR 17954, Apr. 2, 2015; 82 FR 52813, Nov. 14, 2017; 85 FR 46985, Aug. 3, 2020; 88 FR 17153, Mar. 22, 2023]

EFFECTIVE DATE NOTE: At 85 FR 46985, Aug. 3, 2020, §1.16 was amended by adding paragraph (u), effective Jan. 1, 2022. This effective date was delayed until Jan. 1, 2023 at 86 FR 66193, Nov. 22, 2021 and delayed to Apr. 3, 2023 at 87 FR 80073, Dec. 29, 2022. At 88 FR 18053, Mar. 27, 2023, the effective date was further delayed to June 30, 2023. At 88 FR 36957, June 6, 2023, the effective date was delayed to January 17, 2024. For the convenience of the user, the added text is set forth as follows:

§ 1.16 National application filing, search, and examination fees.

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(u) Additional fee for any application filed on or after January 1, 2022 under 35 U.S.C.111 for an original patent, except design, plant, or provisional applications, where the specification, claims, and/or abstract does not conform to the USPTO requirements for submission in DOCX format:

TABLE 21 TO PARAGRAPH (u)

By a micro entity (§ 1.29)	\$100.00
By a small entity (§ 1.27(a))	200.00
By a small entity (§ 1.27(a)) if the application is submitted in compliance with the Office electronic filing system (§ 1.27(b)(2))	200.00
By other than a small or micro entity ..	400.00

§ 1.17 Patent application and reexamination processing fees.

(a) Extension fees pursuant to § 1.136(a):

(1) For reply within first month:

TABLE 1 TO PARAGRAPH (a)(1)

By a micro entity (§ 1.29)	\$44.00
By a small entity (§ 1.27(a))	88.00
By other than a small or micro entity ..	220.00

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(2) For reply within second month:

TABLE 2 TO PARAGRAPH (a)(2)

By a micro entity (§ 1.29)	\$128.00
By a small entity (§ 1.27(a))	256.00
By other than a small or micro entity ..	640.00

(3) For reply within third month:

TABLE 3 TO PARAGRAPH (a)(3)

By a micro entity (§ 1.29)	\$296.00
By a small entity (§ 1.27(a))	592.00
By other than a small or micro entity ..	1,480.00

(4) For reply within fourth month:

TABLE 4 TO PARAGRAPH (a)(4)

By a micro entity (§ 1.29)	\$464.00
By a small entity (§ 1.27(a))	928.00
By other than a small or micro entity ..	2,320.00

(5) For reply within fifth month:

TABLE 5 TO PARAGRAPH (a)(5)

By a micro entity (§ 1.29)	\$632.00
By a small entity (§ 1.27(a))	1,264.00
By other than a small or micro entity ..	3,160.00

(b) For fees in proceedings before the Patent Trial and Appeal Board, *see* § 41.20 and § 42.15 of this title.

(c) For filing a request for prioritized examination under § 1.102(e):

TABLE 6 TO PARAGRAPH (c)

By a micro entity (§ 1.29)	\$840.00
By a small entity (§ 1.27(a))	1,680.00
By other than a small or micro entity ..	4,200.00

(d) For correction of inventorship in an application after the first action on the merits:

TABLE 7 TO PARAGRAPH (d)

By a micro entity (§ 1.29)	\$128.00
By a small entity (§ 1.27(a))	256.00
By other than a small or micro entity ..	640.00

(e) To request continued examination pursuant to § 1.114:

(1) For filing a first request for continued examination pursuant to § 1.114 in an application:

TABLE 8 TO PARAGRAPH (e)(1)

By a micro entity (§ 1.29)	\$272.00
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TABLE 8 TO PARAGRAPH (e)(1)—Continued

By a small entity (§ 1.27(a))	544.00
By other than a small or micro entity ..	1,360.00

(2) For filing a second or subsequent request for continued examination pursuant to § 1.114 in an application:

TABLE 9 TO PARAGRAPH (e)(2)

By a micro entity (§ 1.29)	\$400.00
By a small entity (§ 1.27(a))	800.00
By other than a small or micro entity ..	2,000.00

(f) For filing a petition under one of the following sections that refers to this paragraph (f):

TABLE 10 TO PARAGRAPH (f)

By a micro entity (§ 1.29)	\$84.00
By a small entity (§ 1.27(a))	168.00
By other than a small or micro entity ..	420.00

§ 1.36(a)—for revocation of a power of attorney by fewer than all of the applicants.

§ 1.53(e)—to accord a filing date.

§ 1.182—for a decision on a question not specifically provided for in an application for a patent.

§ 1.183—to suspend the rules in an application for a patent.

§ 1.741(b)—to accord a filing date to an application under § 1.740 for an extension of a patent term.

§ 1.1023—to review the filing date of an international design application.

(g) For filing a petition under one of the following sections that refers to this paragraph (g):

TABLE 11 TO PARAGRAPH (g)

By a micro entity (§ 1.29)	\$44.00
By a small entity (§ 1.27(a))	88.00
By other than a small or micro entity ..	220.00

§ 1.12—for access to an assignment record.

§ 1.14—for access to an application.

§ 1.46—for filing an application on behalf of an inventor by a person who otherwise shows sufficient proprietary interest in the matter.

§ 1.55(f)—for filing a belated certified copy of a foreign application.

§ 1.55(g)—for filing a belated certified copy of a foreign application.

§ 1.57(a)—for filing a belated certified copy of a foreign application.

§ 1.59—for expungement of information.

§ 1.103(a)—to suspend action in an application.

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§ 1.136(b)—for review of a request for an extension of time when the provisions of § 1.136(a) are not available.
 § 1.377—for review of a decision refusing to accept and record payment of a maintenance fee filed prior to the expiration of a patent.
 § 1.550(c)—for patent owner requests for an extension of time in ex parte reexamination proceedings.
 § 1.956—for patent owner requests for an extension of time in inter partes reexamination proceedings.
 § 5.12 of this chapter—for expedited handling of a foreign filing license.
 § 5.15 of this chapter—for changing the scope of a license.
 § 5.25 of this chapter—for a retroactive license.

(h) For filing a petition under one of the following sections that refers to this paragraph (h):

TABLE 12 TO PARAGRAPH (h)

By a micro entity (§ 1.29)	\$28.00
By a small entity (§ 1.27(a))	56.00
By other than a small or micro entity ..	140.00

§ 1.84—for accepting color drawings or photographs.
 § 1.91—for entry of a model or exhibit.
 § 1.102(d)—to make an application special.
 § 1.138(c)—to expressly abandon an application to avoid publication.
 § 1.313—to withdraw an application from issue.
 § 1.314—to defer issuance of a patent.

(i) *Processing fees.* (1) For taking action under one of the following sections that refers to this paragraph (i)(1):

TABLE 13 TO PARAGRAPH (i)(1)

By a micro entity (§ 1.29)	\$28.00
By a small entity (§ 1.27(a))	56.00
By other than a small or micro entity ..	140.00

§ 1.28(c)(3)—for processing a non-itemized fee deficiency based on an error in small entity status.
 § 1.29(k)(3)—for processing a non-itemized fee deficiency based on an error in micro entity status.
 § 1.41(b)—for supplying the name or names of the inventor or joint inventors in an application without either an application data sheet or the inventor's oath or declaration, except in provisional applications.
 § 1.48—for correcting inventorship, except in provisional applications.
 § 1.52(d)—for processing a nonprovisional application filed with a specification in a language other than English.

§ 1.53(c)(3)—to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
 § 1.71(g)(2)—for processing a belated amendment under § 1.71(g).
 § 1.102(e)—for requesting prioritized examination of an application.
 § 1.103(b)—for requesting limited suspension of action, continued prosecution application for a design patent (§ 1.53(d)).
 § 1.103(c)—for requesting limited suspension of action, request for continued examination (§ 1.114).
 § 1.103(d)—for requesting deferred examination of an application.
 § 1.291(c)(5)—for processing a second or subsequent protest by the same real party in interest.
 § 3.81—for a patent to issue to assignee, assignment submitted after payment of the issue fee.

(2) For taking action under one of the following sections that refers to this paragraph (i)(2):

TABLE 14 TO PARAGRAPH (i)(2)

By a micro entity (§ 1.29)	\$140.00
By a small entity (§ 1.27(a))	140.00
By other than a small or micro entity ..	140.00

§ 1.217—for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
 § 1.221—for requesting voluntary publication or republication of an application.

(j) [Reserved]

(k) For filing a request for expedited examination under § 1.155(a):

TABLE 15 TO PARAGRAPH (k)

By a micro entity (§ 1.29)	\$320.00
By a small entity (§ 1.27(a))	640.00
By other than a small or micro entity ..	1,600.00

(l) [Reserved]

(m) For filing a petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, for the extension of the 12-month (six-month for designs) period for filing a subsequent application (§§ 1.55(c) and (e); 1.78(b), (c), and (e);

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1.137; 1.378; and 1.452), or for filing a petition to excuse an applicant's failure to act within prescribed time limits in an international design application (§1.1051):

TABLE 16 TO PARAGRAPH (m)

By a micro entity (§ 1.29)	\$420.00
By a small entity (§ 1.27(a))	840.00
By other than a small or micro entity ..	2,100.00

(n) [Reserved]

(o) For every ten items or fraction thereof in a third-party submission under § 1.290:

TABLE 17 TO PARAGRAPH (o)

By a small entity (§ 1.27(a)) or micro entity (§ 1.29)	\$72.00
By other than a small or micro entity	180.00

(p) For an information disclosure statement under § 1.97(c) or (d):

TABLE 18 TO PARAGRAPH (p)

By a micro entity (§ 1.29)	\$52.00
By a small entity (§ 1.27(a))	104.00
By other than a small or micro entity ..	260.00

(q) Processing fee for taking action under one of the following sections that refers to this paragraph (q): \$50.00

§ 1.41—to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by § 1.51(c)(1) in a provisional application.

§ 1.48—for correction of inventorship in a provisional application.

§ 1.53(c)(2)—to convert a nonprovisional application filed under § 1.53(b) to a provisional application under § 1.53(c).

(r) For entry of a submission after final rejection under § 1.129(a):

TABLE 19 TO PARAGRAPH (r)

By a micro entity (§ 1.29)	\$176.00
By a small entity (§ 1.27(a))	352.00
By other than a small or micro entity ..	880.00

(s) For each additional invention requested to be examined under § 1.129(b):

TABLE 20 TO PARAGRAPH (s)

By a micro entity (§ 1.29)	\$176.00
By a small entity (§ 1.27(a))	352.00
By other than a small or micro entity ..	880.00

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(t) For filing a petition to convert an international design application to a design application under 35 U.S.C. chapter 16 (§ 1.1052):

TABLE 21 TO PARAGRAPH (t)

By a micro entity (§ 1.29)	\$36.00
By a small entity (§ 1.27(a))	72.00
By other than a small or micro entity ..	180.00

[78 FR 17105, Mar. 20, 2013, as amended at 78 FR 62395, Oct. 21, 2013; 78 FR 75252, Dec. 11, 2013; 80 FR 17954, Apr. 2, 2015; 82 FR 52814, Nov. 14, 2017; 85 FR 46986, Aug. 3, 2020; 85 FR 58283, Sept. 18, 2020; 88 FR 17154, Mar. 22, 2023]

§ 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original patent, except a design or plant patent, or for issuing each reissue patent:

TABLE 1 TO PARAGRAPH (a)

By a micro entity (§ 1.29)	\$240.00
By a small entity (§ 1.27(a))	480.00
By other than a small or micro entity ..	1,200.00

(b)(1) Issue fee for issuing an original design patent:

TABLE 2 TO PARAGRAPH (b)(1)

By a micro entity (§ 1.29)	\$148.00
By a small entity (§ 1.27(a))	296.00
By other than a small or micro entity ..	740.00

(2) [Reserved]

(3) Issue fee for issuing an international design application designating the United States, where the issue fee is paid through the International Bureau (Hague Agreement Rule 12(3)(c)) as an alternative to paying the issue fee under paragraph (b)(1) of this section: The amount established in Swiss currency pursuant to Hague Agreement Rule 28 as of the date of mailing of the notice of allowance (§ 1.311).

(c) Issue fee for issuing an original plant patent:

TABLE 3 TO PARAGRAPH (c)

By a micro entity (§ 1.29)	\$168.00
By a small entity (§ 1.27(a))	336.00
By other than a small or micro entity ..	840.00

(d)(1) Publication fee on or after January 1, 2014 \$0.00