

U.S. Patent and Trademark Office, Commerce

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which the additional fees are due, they must be paid or the claims must be canceled by amendment, prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency.

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

[56 FR 65151, Dec. 13, 1991, as amended at 57 FR 38194, Aug. 21, 1992; 60 FR 20221, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39587, July 30, 1996; 61 FR 43400, Aug. 22, 1996; 62 FR 40452, July 29, 1997; 62 FR 53182, Oct. 10, 1997; 63 FR 67579, Dec. 8, 1998; 64 FR 67777, Dec. 3, 1999; 65 FR 49195, Aug. 11, 2000; 65 FR 78959, Dec. 18, 2000; 66 FR 39449, July 31, 2001; 67 FR 70849, Nov. 27, 2002]

§ 1.17 Patent application and reexamination processing fees.

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

(1) For reply within first month:
 By a small entity (§ 1.27(a)) \$55.00
 By other than a small entity \$110.00

(2) For reply within second month:
 By a small entity (§ 1.27(a))—\$205.00
 By other than a small entity—\$410.00

(3) For reply within third month:
 By a small entity (§ 1.27(a))—\$465.00

By other than a small entity—\$930.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a))—\$725.00
 By other than a small entity—\$1,450.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a))—\$985.00
 By other than a small entity—\$1,970.00

(b) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:

By a small entity (§ 1.27(a))—\$160.00
 By other than a small entity—\$320.00

(c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a))—\$160.00
 By other than a small entity—\$320.00

(d) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a))—\$140.00
 By other than a small entity—\$280.00

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

By a small entity (§ 1.27(a))—\$375.00
 By other than a small entity—\$750.00

(f)-(g) [Reserved]

(h) For filing a petition to the Director under one of the following sections which refers to this paragraph \$130.00

- § 1.12—for access to an assignment record
- § 1.14—for access to an application
- § 1.47—for filing by other than all the inventors or a person not the inventor
- § 1.53(e)—to accord a filing date
- § 1.59—for expungement and return of information
- § 1.84—for accepting color drawings or photographs
- § 1.91—for entry of a model or exhibit
- § 1.102—to make an application special
- § 1.103(a)—to suspend action in an application
- § 1.138(c)—to expressly abandon an application to avoid publication
- § 1.182—for decision on a question not specifically provided for
- § 1.183—to suspend the rules
- § 1.295—for review of refusal to publish a statutory invention registration
- § 1.313—to withdraw an application from issue
- § 1.314—to defer issuance of a patent
- § 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent
- § 1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent
- § 1.644(e)—for petition in an interference

- § 1.644(f)—for request for reconsideration of a decision on petition in an interference
- § 1.666(b)—for access to an interference settlement agreement
- § 1.666(c)—for late filing of an interference settlement agreement
- § 1.741(b)—to accord a filing date to an application under § 1.740 for extension of a patent term
- § 5.12—for expedited handling of a foreign filing license
- § 5.15—for changing the scope of a license
- § 5.25—for a retroactive license
- § 104.3—for waiver of a rule in Part 104 of this title

(i) Processing fee for taking action under one of the following sections which refers to this paragraph: \$130.00.

- § 1.28(c)(3)—for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41—for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, 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(b)(3)—to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55—for entry of late priority papers.
- § 1.99(e)—for processing a belated submission under § 1.99.
- § 1.103(b)—for requesting limited suspension of action, continued prosecution application (§ 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.
- § 1.217—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.
- § 1.497(d)—for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81—for a patent to issue to assignee, assignment submitted after payment of the issue fee.

(j) For filing a petition to institute a public use proceeding under § 1.292—\$1,510.00.

(k) For filing a request for expedited examination under § 1.155(a)—\$900.00.

(l) For filing a petition for the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371, for the unavoidably delayed payment of the issue fee under 35 U.S.C. 151, or for the revival of an unavoidably terminated reexamination proceeding under 35 U.S.C. 133 (§ 1.137(a)):

- By a small entity (§ 1.27(a)): \$55.00.
- By other than a small entity: \$110.00.

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

- By a small entity (§ 1.27(a))—\$650.00
- By other than a small entity—\$1,300.00

(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—\$920.00 reduced by the amount of the application basic filing fee paid.

(o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—\$1,840.00 reduced by the amount of the application basic filing fee paid.

(p) For an information disclosure statement under § 1.97(c) or (d) or a submission under § 1.99: \$180.00.

(q) Processing fee for taking action under one of the following sections which refers to this paragraph—\$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.

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§ 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):

By a small entity (§ 1.27(a))—\$375.00
By other than a small entity—\$750.00

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

By a small entity (§ 1.27(a))—\$375.00
By other than a small entity—\$750.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c) (§§ 1.55 and 1.78)—\$1,300.00

[56 FR 65152, Dec. 13, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.17, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 68 FR 38626, June 30, 2003, § 1.17 was amended by revising paragraph (h), effective July 30, 2003. For the convenience of the user, the revised text is set forth as follows:

§ 1.17 Patent application and reexamination processing fees.

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(h) For filing a petition under one of the following sections which refers to this paragraph: \$130.00.

- § 1.12—for access to an assignment record.
- § 1.14—for access to an application.
- § 1.47—for filing by other than all the inventors or a person not the inventor.
- § 1.53(e)—to accord a filing date.
- § 1.59—for expungement of information.
- § 1.84—for accepting color drawings or photographs.
- § 1.91—for entry of a model or exhibit.
- § 1.102—to make an application special.
- § 1.103(a)—to suspend action in an application.
- § 1.138(c)—to expressly abandon an application to avoid publication.
- § 1.182—for decision on a question not specifically provided for.
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- § 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.644(e)—for petition in an interference.
§ 1.644(f)—for request for reconsideration of a decision on petition in an interference.

§ 1.666(b)—for access to an interference settlement agreement.

§ 1.666(c)—for late filing of interference settlement agreement.

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

§ 5.12—for expedited handling of a foreign filing license.

§ 5.15—for changing the scope of a license.

§ 5.25—for retroactive license.

§ 104.3—for waiver of a rule in Part 104 of this title.

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§ 1.18 Patent post allowance (including issue) fees.

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

By a small entity (§ 1.27(a))—\$650.00
By other than a small entity—\$1,300.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.27(a))—\$235.00
By other than a small entity—\$470.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.27(a))—\$315.00
By other than a small entity—\$630.00

(d)
Publication fee \$300.00.

(e) For filing an application for patent term adjustment under § 1.705: \$200.00.

(f) For filing a request for reinstatement of all or part of the term reduced pursuant to § 1.704(b) in an application for patent term adjustment under § 1.705: \$400.00.

[65 FR 49195, Aug. 11, 2000, as amended at 65 FR 56391, Sept. 18, 2000; 65 FR 57053, Sept. 20, 2000; 65 FR 78960, Dec. 18, 2000; 66 FR 49449, July 31, 2001; 67 FR 70849, Nov. 27, 2002]

§ 1.19 Document supply fees.

The United States Patent and Trademark Office will supply copies of the following documents upon payment of the fees indicated. The copies will be in