



Greenblum & Bernstein, P.L.C.  
**CLIENT ADVISORY**  
 Recent Changes in Rules and Procedures

**September 5, 2012**

**U.S. Patent and Trademark Office**  
**Revision of Patent Fees**  
 Effective September 16, 2012

Dear Clients:

Please be advised that the U.S. Patent and Trademark Office is increasing a number of the fees associated with the filing, issuance, and maintenance of patents/patent applications, by approximately 1.7%. Although the increase has not been finalized at this time, we expect that the proposed increase will become effective October 1, 2012. Moreover, a number of revised or new fees associated with certain provisions of the American Invent Act Final Rule will become effective on September 16, 2012.

Among the most notable increased fees, effective October 1, 2012:

	OLD GOVERNMENT FEES		NEW GOVERNMENT FEES	
	Small Entity	Large entity	Small entity	Large Entity
<b>PATENTS</b>				
Filing utility patent applications	190.00	380.00	195.00	390.00
Filing US National Phase applications	190.00	380.00	195.00	390.00
Reissue Examination Fee	375.00	750.00	380.00	760.00
Application Size Fee (each Additional 50 sheets that exceeds 100 sheets)	155.00	310.00	160.00	320.00
1-month extension of time	75.00	150.00	75.00	150.00
2-month extension of time	280.00	560.00	285.00	570.00
3-month extension of time	635.00	1,270.00	645.00	1,290.00
4-month extension of time	990.00	1,980.00	1005.00	2,010.00
5-month extension of time	1345.00	2,690.00	1,365.00	2,730.00
Paying Issue Fee for utility application	870.00	1,740.00	885.00	1,770.00
Paying Issue Fee for design application	495.00	990.00	505.00	1,010.00
Filing Notice of Appeal	310.00	620.00	315.00	630.00
Filing Appeal Brief	310.00	620.00	315.00	630.00
Filing Request for Oral Hearing	620.00	1,240.00	630.00	1,260.00
1 <sup>st</sup> Maintenance Fee (3.5 years)	565.00	1,130.00	575.00	1,150.00
2 <sup>nd</sup> Maintenance Fee (7.5 years)	1,425.00	2,850.00	1,450.00	2,900.00
3 <sup>rd</sup> Maintenance Fee (11.5 years)	2,365.00	4,730.00	2,405.00	4,810.00

New Fees effective September 16, 2012:

- Miscellaneous Patent Fees: 1818 – Document fee for third-party submissions (see 37 CFR 1.290(f)) – new fee of \$180
- Patent Petition Fees: 1824 – Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) – new fee of \$1,930
- Post Issuance Fees:
  - 1812 – Request for ex parte reexamination – fee increase from \$2,520 to \$17,750
  - 1826 – Request for supplemental examination – new fee of \$5,140
  - 1827 – Reexamination ordered as a result of supplemental examination – new fee of \$16,120
  - 1828 – Supplemental Examination Document Size Fee – for nonpatent document having between 21 and 50 sheets – new fee of \$170
  - 1829 – Supplemental Examination Document Size Fee – for each additional 50 sheets or a fraction thereof in a nonpatent document – new fee of \$280
- Patent Trial and Appeal Fees:
  - 1406 – Petition to institute an *inter partes* review – new fee of \$27,200
  - 1407 – Challenged claims in excess of 20 for an *inter partes* review – new fee of \$600
  - 1408 – Petition to institute a post-grant or a covered business method review – new fee of \$35,800
  - 1409 – Challenged claims in excess of 20 for a post-grant or covered business method review – new fee of \$800
  - 1411 – Request to make a settlement agreement and other requests filed in a patent trial proceeding – new fee of \$400

The noted fee changes can be viewed in an excerpt of the Federal Register, and on the USPTO website, via the following hyperlinks:

<http://www.gpo.gov/fdsys/pkg/FR-2012-09-05/pdf/2012-21974.pdf>  
<http://www.uspto.gov/web/offices/ac/qs/ope/fee092611.ht>

Should you wish to pay any upcoming fees (except for maintenance fees, which we do not normally handle for our clients), such as issue fees, or file any new applications, continuation applications or Requests for Continued Examination (RCE), before the new government fees go into effect, please give us your instructions as soon as possible. **Please note that we will not pay any fees or file any applications early unless we receive specific instructions from you to do so.**

We will send you a copy of our revised schedule of charges, incorporating all of the changes, in the near future.

Best regards,

GREENBLUM & BERNSTEIN, P.L.C.

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