

§ 1.15

be provided prior to the international publication of the application pursuant to PCT Article 21(2).

(5) Access to international application files under paragraphs (a)(1)(i) through (a)(1)(vi) and (h)(3) of this section will not be permitted with respect to the Examination Copy in accordance with PCT Article 38.

(h) *Access or copies in other circumstances.* The Office, either *sua sponte* or on petition, may also provide access or copies of all or part of an application if necessary to carry out an Act of Congress or if warranted by other special circumstances. Any petition by a member of the public seeking access to, or copies of, all or part of any pending or abandoned application preserved in confidence pursuant to paragraph (a) of this section, or any related papers, must include:

(1) The fee set forth in §1.17(h); and

(2) A showing that access to the application is necessary to carry out an Act of Congress or that special circumstances exist which warrant petitioner being granted access to all or part of the application.

§ 1.15 [Reserved]

FEES AND PAYMENT OF MONEY

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design, or plant applications:

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

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§1.27(a))—\$42.00
By other than a small entity—\$84.00

(c) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 (Note that §1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes.):

By a small entity (§1.27(a)) \$9.00
By other than a small entity .. \$18.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§1.27(a))—\$140.00

By other than a small entity—\$280.00

(e) Surcharge for filing the basic filing fee or oath or declaration on a date later than the filing date of the application, except provisional applications:

By a small entity (§1.27(a)) \$65.00
By other than a small entity .. \$130.00

(f) Basic fee for filing each design application:

By a small entity (§1.27(a))—\$165.00
By other than a small entity—\$330.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§1.27(a))—\$260.00
By other than a small entity—\$520.00

(h) Basic fee for filing each reissue application:

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

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:

By a small entity (§1.27(a))—\$42.00
By other than a small entity—\$84.00

(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent (Note that §1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§1.27(a)) \$9.00
By other than a small entity .. \$18.00

(k) Basic fee for filing each provisional application:

By a small entity (§1.27(a))—\$80.00
By other than a small entity—\$160.00

(l) Surcharge for filing the basic filing fee or cover sheet (§1.51(c)(1)) on a date later than the filing date of the provisional application:

By a small entity (§1.27(a)) \$25.00
By other than a small entity .. \$50.00

(m) If the additional fees required by paragraphs (b), (c), (d), (i) and (j) of this section are not paid on filing or on later presentation of the claims for

U.S. Patent and Trademark Office, Commerce

§ 1.17

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