

publication of the application in accordance with PCT Article 21(2) has occurred and that the U.S. was designated, and upon payment of the appropriate fee (§ 1.19(b)(4)).

(3) Access to international application files for international applications which designate the U.S. and which have been published in accordance with PCT Article 21(2), or copies of a document in such application files, will be permitted in accordance with PCT Articles 30 and 38 and PCT Rules 44*ter*.1, 94.2 and 94.3, upon written request including a showing that the publication of the application has occurred and that the U.S. was designated.

(4) In accordance with PCT Article 30, copies of an international application-as-filed under paragraph (a) of this section will not 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 (g)(3) of this section will not be permitted with respect to the Examination Copy in accordance with PCT Article 38.

(h) *Access by a Foreign Intellectual Property Office.* (1) Access to the application-as-filed may be provided to any foreign intellectual property office participating with the Office in a bilateral or multilateral priority document exchange agreement (participating foreign intellectual property office), if the application contains written authority granting such access. Written authority under this paragraph should be submitted prior to filing a subsequent foreign application with a participating intellectual property office in which priority is claimed to the patent application.

(2) Written authority provided under paragraph (h)(1) of this section must include the title of the invention (§ 1.71(a)), comply with the requirements of paragraph (c) of this section, and be submitted on a separate document (§ 1.4(c)).

(3) Written authority provided under paragraph (h)(1) of this section will be treated as authorizing the Office to provide to all participating foreign intellectual property offices indicated in the written authority in accordance

with their respective agreements with the Office:

(i) A copy of the application-as-filed; and

(ii) A copy of the application-as-filed with respect to any application the filing date of which is claimed by the application in which written authority under paragraph (h)(1) of this section is filed.

(i) *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(g); 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.

[68 FR 38624, June 30, 2003, as amended at 68 FR 59886, Oct. 20, 2003; 68 FR 67805, Dec. 4, 2003; 68 FR 71006, Dec. 22, 2003; 69 FR 49997, Aug. 12, 2004; 69 FR 56536, Sept. 21, 2004; 72 FR 1667, Jan. 16, 2007]

### § 1.15 [Reserved]

#### FEEES AND PAYMENT OF MONEY

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

(a) Basic fee for filing each application under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:

(1) For an application filed on or after December 8, 2004:

By a small entity (§ 1.27(a)) if the application is submitted in compliance with the Office electronic filing system (§ 1.27(b)(2))—\$75.00.

By a small entity (§ 1.27(a))—\$150.00.

By other than a small entity—\$300.00.

(2) For an application filed before December 8, 2004:

By a small entity (§ 1.27(a))—\$395.00.

By other than a small entity—\$790.00.

(b) Basic fee for filing each application for an original design patent:

## U.S. Patent and Trademark Office, Commerce

## § 1.16

- (1) For an application filed on or after December 8, 2004:  
By a small entity (§1.27(a))—\$100.00.  
By other than a small entity—\$200.00.
- (2) For an application filed before December 8, 2004:  
By a small entity (§1.27(a))—\$175.00.  
By other than a small entity—\$350.00.
- (c) Basic fee for filing each application for an original plant patent:  
(1) For an application filed on or after December 8, 2004:  
By a small entity (§1.27(a))—\$100.00.  
By other than a small entity—\$200.00.
- (2) For an application filed before December 8, 2004:  
By a small entity (§1.27(a))—\$275.00.  
By other than a small entity—\$550.00.
- (d) Basic fee for filing each provisional application:  
By a small entity (§1.27(a))—\$100.00.  
By other than a small entity—\$200.00.
- (e) Basic fee for filing each application for the reissue of a patent:  
(1) For an application filed on or after December 8, 2004:  
By a small entity (§1.27(a))—\$150.00.  
By other than a small entity—\$300.00.
- (2) For an application filed before December 8, 2004:  
By a small entity (§1.27(a))—\$395.00.  
By other than a small entity—\$790.00.
- (f) Surcharge for filing any of the basic filing fee, the search fee, the examination fee, or the 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
- (g) 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.
- (h) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim in independent form in excess of 3:  
By a small entity (§1.27(a))—\$100.00.  
By other than a small entity—\$200.00.
- (i) In addition to the basic filing fee in an application, other than a provisional application, for filing or later presentation at any other time of each claim (whether dependent or independent) 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))—\$25.00.  
By other than a small entity—\$50.00.
- (j) In addition to the basic filing fee in an application, other than a provisional application, that contains, or is amended to contain, a multiple dependent claim, per application:  
By a small entity (§1.27(a))—\$180.00.  
By other than a small entity—\$360.00.
- (k) Search fee for each application filed under 35 U.S.C. 111 on or after December 8, 2004, for an original patent, except design, plant, or provisional applications:  
By a small entity (§1.27(a))—\$250.00.  
By other than a small entity—\$500.00.
- (l) Search fee for each application filed on or after December 8, 2004, for an original design patent:  
By a small entity (§1.27(a))—\$50.00.  
By other than a small entity—\$100.00.
- (m) Search fee for each application filed on or after December 8, 2004, for an original plant patent:  
By a small entity (§1.27(a))—\$150.00.  
By other than a small entity—\$300.00.
- (n) Search fee for each application filed on or after December 8, 2004, for the reissue of a patent:  
By a small entity (§1.27(a))—\$250.00.  
By other than a small entity—\$500.00.
- (o) Examination fee for each application filed under 35 U.S.C. 111 on or after December 8, 2004, for an original patent, except design, plant, or provisional applications:  
By a small entity (§1.27(a))—\$100.00.  
By other than a small entity—\$200.00.
- (p) Examination fee for each application filed on or after December 8, 2004, for an original design patent:  
By a small entity (§1.27(a))—\$65.00.  
By other than a small entity—\$130.00.
- (q) Examination fee for each application filed on or after December 8, 2004, for an original plant patent:  
By a small entity (§1.27(a))—\$80.00.  
By other than a small entity—\$160.00.
- (r) Examination fee for each application filed on or after December 8, 2004, for the reissue of a patent:  
By a small entity (§1.27(a))—\$300.00.  
By other than a small entity—\$600.00.
- (s) Application size fee for any application under 35 U.S.C. 111 filed on or

## § 1.17

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after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof (see § 1.52(f) for applications submitted in whole or in part on an electronic medium):

By a small entity (§ 1.27(a))—\$125.00

By other than a small entity—\$250.00

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]

### § 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))—\$60.00.

By other than a small entity—\$120.00.

(2) For reply within second month:

By a small entity (§ 1.27(a))—\$225.00.

By other than a small entity—\$450.00.

(3) For reply within third month:

By a small entity (§ 1.27(a))—\$510.00.

By other than a small entity—\$1,020.00.

(4) For reply within fourth month:

By a small entity (§ 1.27(a))—\$795.00.

By other than a small entity—\$1,590.00.

(5) For reply within fifth month:

By a small entity (§ 1.27(a))—\$1,080.00.

By other than a small entity—\$2,160.00.

(b) For fees in proceedings before the Board of Patent Appeals and Interferences, see § 41.20 of this title.

(c)–(d) [Reserved]

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

By a small entity (§ 1.27(a)) .. \$395.00

By other than a small entity \$790.00

(f) For filing a petition under one of the following sections which refers to this paragraph: \$400.00.

§ 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.

§ 1.57(a)—to accord a filing date.

§ 1.182—for decision on a question not specifically provided for.

§ 1.183—to suspend the rules.

§ 1.378(e)—for reconsideration of decision on petition refusing to accept de-

layed payment of maintenance fee in an expired patent.

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

(g) For filing a petition under one of the following sections which refers to this paragraph: \$200.00

§ 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.

§ 1.59—for expungement of information.

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

§ 1.136(b)—for review of a request for extension of time when the provisions of § 1.136(a) are not available.

§ 1.295—for review of refusal to publish a statutory invention registration.

§ 1.296—to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c)—for patent owner requests for extension of time in *ex parte* reexamination proceedings.

§ 1.956—for patent owner requests for extension of time in *inter partes* reexamination proceedings.

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

§ 5.15—for changing the scope of a license.

§ 5.25—for retroactive license.

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

§ 1.19(g)—to request documents in a form other than that provided in this part.

§ 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.