

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

**§ 1.16**

**§ 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)) .....	\$82.00
By a small entity (§1.27(a)) ...	\$165.00
By other than a small entity	\$330.00

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

By a small entity (§1.27(a)) ...	\$425.00
By other than a small entity	\$850.00

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

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

By a small entity (§1.27(a)) ...	\$110.00
By other than a small entity	\$220.00

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

By a small entity (§1.27(a)) ...	\$190.00
By other than a small entity	\$380.00

(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)) ...	\$110.00
By other than a small entity	\$220.00

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

By a small entity (§1.27(a)) ...	\$300.00
By other than a small entity	\$600.00

(d) Basic fee for filing each provisional application:

By a small entity (§1.27(a)) ...	\$110.00
By other than a small entity	\$220.00

(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)) ...	\$165.00
By other than a small entity	\$330.00

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

By a small entity (§1.27(a)) ...	\$425.00
By other than a small entity	\$850.00

(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)) ...	\$110.00
By other than a small entity	\$220.00

(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)) ...	\$26.00
By other than a small entity	\$52.00

(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)) ...	\$195.00
By other than a small entity	\$390.00

(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)) ...	\$270.00
By other than a small entity	\$540.00

(1) 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

**§ 1.17**

**37 CFR Ch. I (7–1–10 Edition)**

(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)) ... \$165.00  
 By other than a small entity \$330.00

(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)) ... \$270.00  
 By other than a small entity \$540.00

(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)) ... \$110.00  
 By other than a small entity \$220.00

(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)) ... \$70.00  
 By other than a small entity \$140.00

(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)) ... \$85.00  
 By other than a small entity \$170.00

(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)) ... \$325.00  
 By other than a small entity \$650.00

(s) Application size fee for any application under 35 U.S.C. 111 filed on or after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

By a small entity (§1.27(a)) ... \$135.00  
 By other than a small entity \$270.00

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]

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

(2) For reply within second month:

By a small entity (§1.27(a)) ... \$245.00  
 By other than a small entity \$490.00

(3) For reply within third month:

By a small entity (§1.27(a)) \$555.00  
 By other than a small entity ..... \$1,110.00

(4) For reply within fourth month:

By a small entity  
 (§1.27(a)) ..... \$865.00  
 By other than a small  
 entity ..... \$1,730.00

(5) For reply within fifth month:

By a small entity  
 (§1.27(a)) ..... \$1,175.00  
 By other than a small  
 entity ..... \$2,350.00

(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)) ... \$405.00  
 By other than a small entity \$810.00

(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 delayed 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.