

that the total fees associated with this collection, representing all fees collected across the full panoply of patent processing services provided by the Office, will be approximately \$2,727,479,150 per year. (This number is different than the total revenue cited elsewhere in this rule because PRA estimates have been calculated by taking an average over three years of estimated responses and because not every fee adjusted in this rulemaking constitutes a burden under the PRA (e.g., self-service copying fees).) The amount of these fees is a \$492,783,887 change from the fee amounts currently in the USPTO PRA inventory. Of this, \$409,263,158 directly results from this rulemaking and \$83,520,729 results from non-rulemaking factors. Additionally, the USPTO estimates that \$76 in postage costs will be associated with the items added in this collection. Because the postage costs for items in existing collections have not been altered by this rulemaking, they are not part of the burden of this rulemaking.

B. Estimates for Fees Not Specifically Delineated in an Existing Information Collection Request (a Subset of All Fees in Part A. Above)

Estimated Number of Respondents for Information Added in This Collection: 412 responses per year.

Estimated Time per Response for Information Added in This Collection: The USPTO estimates that it will take the public between 2 and 4 hours to gather the necessary information, prepare the appropriate form or other documents, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours for Information Added in This Collection: 1,148 hours per year.

Estimated Total Annual (Hour) Respondent Cost Burden for Information Added in This Collection: \$425,908 per year.

Estimated Annual (Non-Hour) Respondent Cost Burden for Information Added in This Collection: \$193,426 per year. Of this amount, \$128,550 directly results from this rulemaking, \$64,800 results from non-rulemaking factors, and \$76 results from postage.

3. Solicitation

The Office solicited comments to: (1) Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the Office, including whether the information will have practical utility; (2) evaluate the accuracy of the Office's estimate of the burden; (3) enhance the quality, utility, and clarity of the information to be collected; and (4)

minimize the burden of collecting the information on those who are to respond, including by using appropriate automated, electronic, or mechanical collection techniques or other forms of information technology.

The Office received one comment from members of the public regarding the Paperwork Reduction Act analysis for this rule. A summary of the comment received and the Office's response to that comment follows.

Comment 1: A commenter noted that the agency must comply with the Paperwork Reduction Act, 44 U.S.C. 3501, et seq. in setting section 10 fees.

Response: The Office agrees with this comment. As evidenced by this section, the equivalent Paperwork Reduction Act section of the Notice of Proposed Rulemaking, and the Supporting Statements submitted with both the Notice of Proposed Rulemaking and this Final Rule, the Office has complied with the requirements of the Act.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects

37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

37 CFR Part 41

Administrative practice and procedure, Inventions and patents, Lawyers.

37 CFR Part 42

Trial practice before the Patent Trial and Appeal Board.

For the reasons set forth in the preamble, 37 CFR parts 1, 41, and 42 are amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The general authority citation for 37 CFR part 1 continues to read as follows and the specific authority citation immediately after the undesignated center heading "Fees and Payment of Money" is revised to read as follows:

Authority: 35 U.S.C. 2(b)(2).

* * * * *

Authority: Sections 1.16 through 1.22 also issued under 35 U.S.C. 41, 111, 119, 120,

132(b), 156, 157, 255, 302, and 311, Public Laws 103-465, 106-113, and 112-29.

2. Section 1.16 is amended by revising paragraphs (a) through (s) to read as follows:

§ 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:

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$70.00, By a small entity (\$ 1.27(a)) 140.00, By a small entity (\$ 1.27(a)) if the application is submitted in compliance with the Office electronic filing system (\$ 1.27(b)(2)) 70.00, By other than a small or micro entity 280.00

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

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$45.00, By a small entity (\$ 1.27(a)) 90.00, By other than a small or micro entity 180.00

(c) Basic fee for filing each application for an original plant patent:

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$45.00, By a small entity (\$ 1.27(a)) 90.00, By other than a small or micro entity 180.00

(d) Basic fee for filing each provisional application:

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$65.00, By a small entity (\$ 1.27(a)) 130.00, By other than a small or micro entity 260.00

(e) Basic fee for filing each application for the reissue of a patent:

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$70.00, By a small entity (\$ 1.27(a)) 140.00, By other than a small or micro entity 280.00

(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:

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$35.00, By a small entity (\$ 1.27(a)) 70.00, By other than a small or micro entity 140.00

(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:

Table with 2 columns: Fee description and Amount. Rows include: By a micro entity (\$ 1.29) \$15.00, By a small entity (\$ 1.27(a)) 30.00, By other than a small or micro entity 60.00

(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 other than a small or micro entity	460.00	(d) For correction of inventorship in an application after the first action on the merits:	
By a micro entity (§ 1.29)	\$105.00	(q) Examination fee for each application for an original plant patent:		By a micro entity (§ 1.29)	\$150.00
By a small entity (§ 1.27(a))	210.00	By a micro entity (§ 1.29)	\$145.00	By a small entity (§ 1.27(a))	300.00
By other than a small or micro entity	420.00	By a small entity (§ 1.27(a))	290.00	By other than a small or micro entity	600.00
(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 other than a small or micro entity	580.00	(e) To request continued examination pursuant to § 1.114:	
By a micro entity (§ 1.29)	\$20.00	(r) Examination fee for each application for the reissue of a patent:		(1) For filing a first request for continued examination pursuant to § 1.114 in an application:	
By a small entity (§ 1.27(a))	40.00	By a micro entity (§ 1.29)	\$540.00	By a micro entity (§ 1.29)	\$300.00
By other than a small or micro entity	80.00	By a small entity (§ 1.27(a))	1,080.00	By a small entity (§ 1.27(a))	600.00
(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 other than a small or micro entity	2,160.00	By other than a small or micro entity	1,200.00
By a micro entity (§ 1.29)	\$195.00	(s) Application size fee for any application filed under 35 U.S.C. 111 for the specification and drawings which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:		(2) For filing a second or subsequent request for continued examination pursuant to § 1.114 in an application:	
By a small entity (§ 1.27(a))	390.00	By a micro entity (§ 1.29)	\$100.00	By a micro entity (§ 1.29)	\$425.00
By other than a small or micro entity	780.00	By a small entity (§ 1.27(a))	200.00	By a small entity (§ 1.27(a))	850.00
(k) Search fee for each application filed under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:		By other than a small or micro entity	400.00	By other than a small or micro entity	1,700.00
By a micro entity (§ 1.29)	\$150.00	* * * * *		(f) For filing a petition under one of the following sections which refers to this paragraph:	
By a small entity (§ 1.27(a))	300.00	■ 4. Section 1.17 is amended by revising paragraphs (a) through (i), (k) through (m), and (p) through (t) to read as follows:		By a micro entity (§ 1.29)	\$100.00
By other than a small or micro entity	600.00	§ 1.17 Patent application and reexamination processing fees.		By a small entity (§ 1.27(a))	200.00
(l) Search fee for each application for an original design patent:		(a) Extension fees pursuant to § 1.136(a):		By other than a small or micro entity	400.00
By a micro entity (§ 1.29)	\$30.00	(1) For reply within first month:		§ 1.36(a)—for revocation of a power of attorney by fewer than all of the applicants.	
By a small entity (§ 1.27(a))	60.00	By a micro entity (§ 1.29)	\$50.00	§ 1.53(e)—to accord a filing date.	
By other than a small or micro entity	120.00	By a small entity (§ 1.27(a))	100.00	§ 1.57(a)—to accord a filing date.	
(m) Search fee for each application for an original plant patent:		By other than a small or micro entity	200.00	§ 1.182—for decision on a question not specifically provided for.	
By a micro entity (§ 1.29)	\$95.00	(2) For reply within second month:		§ 1.183—to suspend the rules.	
By a small entity (§ 1.27(a))	190.00	By a micro entity (§ 1.29)	\$150.00	§ 1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.	
By other than a small or micro entity	380.00	By a small entity (§ 1.27(a))	300.00	§ 1.741(b)—to accord a filing date to an application under § 1.740 for extension of a patent term.	
(n) Search fee for each application for the reissue of a patent:		By other than a small or micro entity	600.00	(g) For filing a petition under one of the following sections which refers to this paragraph:	
By a micro entity (§ 1.29)	\$150.00	(3) For reply within third month:		By a micro entity (§ 1.29)	\$50.00
By a small entity (§ 1.27(a))	300.00	By a micro entity (§ 1.29)	\$350.00	By a small entity (§ 1.27(a))	100.00
By other than a small or micro entity	600.00	By a small entity (§ 1.27(a))	700.00	By other than a small or micro entity	200.00
(o) Examination fee for each application filed under 35 U.S.C. 111 for an original patent, except design, plant, or provisional applications:		By other than a small or micro entity	1,400.00	§ 1.12—for access to an assignment record.	
By a micro entity (§ 1.29)	\$180.00	(4) For reply within fourth month:		§ 1.14—for access to an application.	
By a small entity (§ 1.27(a))	360.00	By a micro entity (§ 1.29)	\$550.00	§ 1.47—for filing by other than all the inventors or a person not the inventor.	
By other than a small or micro entity	720.00	By a small entity (§ 1.27(a))	1,100.00	§ 1.59—for expungement of information.	
(p) Examination fee for each application for an original design patent:		By other than a small or micro entity	2,200.00	§ 1.103(a)—to suspend action in an application.	
By a micro entity (§ 1.29)	\$115.00	(5) For reply within fifth month:		§ 1.136(b)—for review of a request for extension of time when the provisions of § 1.136 (a) are not available.	
By a small entity (§ 1.27(a))	230.00	By a micro entity (§ 1.29)	\$750.00	§ 1.295—for review of refusal to publish a statutory invention registration.	
		By a small entity (§ 1.27(a))	1,500.00		
		By other than a small or micro entity	3,000.00		
		(b) For fees in proceedings before the Patent Trial and Appeal Board, <i>see</i> § 41.20 of this title.			
		(c) For filing a request for prioritized examination under § 1.102(e):			
		By a micro entity (§ 1.29)	\$1,000.00		
		By a small entity (§ 1.27(a))	2,000.00		
		By other than a small or micro entity	4,000.00		

§ 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:

By a micro entity (§ 1.29)	\$35.00
By a small entity (§ 1.27(a))	70.00
By other than a small or micro entity	140.00

§ 1.19(g)—to request documents in a form other than 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.

(i) Processing fees:

(1) for taking action under one of the following sections which refers to this paragraph:

By a micro entity (§ 1.29)	\$35.00
By a small entity (§ 1.27(a))	70.00
By other than a small or micro entity	140.00

§ 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.

§ 1.71(g)(2)—for processing a belated amendment under § 1.71(g).

§ 1.99(e)—for processing a belated submission under § 1.99.

§ 1.102(e)—for requesting prioritized examination of an application.

§ 1.103(b)—for requesting limited suspension of action, continued prosecution application for a design patent (§ 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.

§ 1.291(c)(5)—for processing a second or subsequent protest by the same real party in interest.

§ 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.

(2) For taking action under one of the following sections which refers to this paragraph:

By other than a small or micro entity	\$130.00
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§ 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.

* * * * *
(k) For filing a request for expedited examination under § 1.155(a):

By a micro entity (§ 1.29)	\$225.00
By a small entity (§ 1.27(a))	450.00
By other than a small or micro entity	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 micro entity (§ 1.29)	\$160.00
By a small entity (§ 1.27(a))	320.00
By other than a small or micro entity	640.00

(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 micro entity (§ 1.29)	\$475.00
By a small entity (§ 1.27(a))	950.00
By other than a small or micro entity	1,900.00

* * * * *
(p) For an information disclosure statement under § 1.97(c) or (d) or for the document fee for a submission under § 1.290:

By a micro entity (§ 1.29)	\$45.00
By a small entity (§ 1.27(a))	90.00
By other than a small or micro entity	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.

§ 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 micro entity (§ 1.29)	\$210.00
By a small entity (§ 1.27(a))	420.00
By other than a small or micro entity	840.00

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

By a micro entity (§ 1.29)	\$210.00
By a small entity (§ 1.27(a))	420.00
By other than a small or micro entity	840.00

(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) or for filing a request for the restoration of the right of priority under § 1.452:

By a micro entity (§ 1.29)	\$355.00
By a small entity (§ 1.27(a))	710.00
By other than a small or micro entity	1,420.00

■ 5. Section 1.18 is revised to read as follows:

§ 1.18 Patent post allowance (including issue) fees.

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

(1) For an issue fee paid on or after January 1, 2014:

By a micro entity (§ 1.29)	\$240.00
By a small entity (§ 1.27(a))	480.00
By other than a small or micro entity	960.00

(2) For an issue fee paid before January 1, 2014:

By a micro entity (§ 1.29)	\$445.00
By a small entity (§ 1.27(a))	890.00
By other than a small or micro entity	1,780.00

(b) Issue fee for issuing an original design patent:

(1) For an issue fee paid on or after January 1, 2014:

By a micro entity (§ 1.29)	\$140.00
By a small entity (§ 1.27(a))	280.00
By other than a small or micro entity	560.00

(2) For an issue fee paid before January 1, 2014:

By a micro entity (§ 1.29)	\$255.00
By a small entity (§ 1.27(a))	510.00
By other than a small or micro entity	1,020.00

(c) Issue fee for issuing an original plant patent:

(1) For an issue fee paid on or after January 1, 2014:

By a micro entity (§ 1.29)	\$190.00
By a small entity (§ 1.27(a))	380.00
By other than a small or micro entity	760.00

(2) For an issue fee paid before January 1, 2014:

By a micro entity (§ 1.29)	\$350.00
By a small entity (§ 1.27(a))	700.00
By other than a small or micro entity	1,400.00

(d)

(1) Publication fee on or after January 1, 2014	\$0.00
(2) Publication fee before January 1, 2014	300.00
(3) Republication fee (§ 1.221(a))	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.

■ 6. Section 1.19 is revised to read as follows:

§ 1.19 Document supply fees.

The United States Patent and Trademark Office will supply copies of the following patent-related documents upon payment of the fees indicated. Paper copies will be in black and white unless the original document is in color, a color copy is requested and the fee for a color copy is paid.

(a) Uncertified copies of patent application publications and patents:

(1) Printed copy of the paper portion of a patent application publication or patent including a design patent, statutory invention registration, or defensive publication document. Service includes preparation of copies by the Office within two to three business days and delivery by United States Postal Service; and preparation of copies by the Office within one business day of receipt and delivery to an Office Box or by electronic means (e.g., facsimile, electronic mail): \$3.00.

(2) Printed copy of a plant patent in color: \$15.00.
 (3) Color copy of a patent (other than a plant patent) or statutory invention registration containing a color drawing: \$25.00.

(b) Copies of Office documents to be provided in paper, or in electronic form, as determined by the Director (for other patent-related materials see § 1.21(k)):

(1) Copy of a patent application as filed, or a patent-related file wrapper and contents, stored in paper in a paper file wrapper, in an image format in an image file wrapper, or if color documents, stored in paper in an Artifact Folder:

(i) If provided on paper:
 (A) Application as filed: \$20.00.
 (B) File wrapper and contents of 400 or fewer pages: \$200.00.
 (C) Additional fee for each additional 100 pages or portion thereof of file wrapper and contents: \$40.00.
 (D) Individual application documents, other than application as filed, per document: \$25.00.

(ii) If provided on compact disc or other physical electronic medium in single order:
 (A) Application as filed: \$20.00.
 (B) File wrapper and contents, first physical electronic medium: \$55.00.
 (C) Additional fee for each continuing physical electronic medium in the single order of paragraph (b)(1)(ii)(B) of this section: \$15.00.

(iii) If provided electronically (e.g., by electronic transmission) other than on a physical electronic medium as specified in paragraph (b)(1)(ii) of this section:
 (A) Application as filed: \$20.00.
 (B) File wrapper and contents: \$55.00.
 (iv) If provided to a foreign intellectual property office pursuant to a priority document exchange agreement (see § 1.14 (h)(1)): \$0.00.

(2) Copy of patent-related file wrapper contents that were submitted and are stored on compact disc or other electronic form (e.g., compact discs stored in an Artifact Folder), other than as available in paragraph (b)(1) of this section:

(i) If provided on compact disc or other physical electronic medium in a single order:
 (A) First physical electronic medium in a single order: \$55.00.
 (B) Additional fee for each continuing physical electronic medium in the single order of this paragraph (b)(2)(i): \$15.00.

(ii) If provided electronically other than on a physical electronic medium per order: \$55.00.

(3) Copy of Office records, except copies available under paragraph (b)(1) or (2) of this section: \$25.00.

(4) For assignment records, abstract of title and certification, per patent: \$25.00.

(c) Library service (35 U.S.C. 13): For providing to libraries copies of all patents issued annually, per annum: \$50.00.

(d) For list of all United States patents and statutory invention registrations in a subclass: \$3.00.

(e) Uncertified statement as to status of the payment of maintenance fees due on a patent or expiration of a patent: \$10.00.

(f) Uncertified copy of a non-United States patent document, per document: \$25.00.

(g) Petitions for documents in a form other than that provided by this part, or in a form other than that generally provided by the Director, will be decided in accordance with the merits of each situation. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h) and, if the petition is granted, the documents will be provided at cost.

■ 7. Section 1.20 is revised to read as follows:

§ 1.20 Post issuance fees.

(a) For providing a certificate of correction for applicant's mistake (§ 1.323): \$100.00.

(b) Processing fee for correcting inventorship in a patent (§ 1.324): \$130.00.

(c) In reexamination proceedings:

(1) For filing a request for *ex parte* reexamination (§ 1.510(a)):

By a micro entity (§ 1.29)	\$3,000.00
By a small entity (§ 1.27(a))	6,000.00
By other than a small or micro entity	12,000.00

(2) [Reserved]
 (3) For filing with a request for reexamination or later presentation at any other time of each claim in independent form in excess of 3 and also in excess of the number of claims in independent form in the patent under reexamination:

By a micro entity (§ 1.29)	\$105.00
By a small entity (§ 1.27(a))	210.00
By other than a small or micro entity	420.00

(4) For filing with a request for reexamination or later presentation at any other time of each claim (whether dependent or independent) in excess of 20 and also in excess of the number of claims in the patent under reexamination (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes):

By a micro entity (§ 1.29)	\$20.00
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By a small entity (§ 1.27(a))	40.00
By other than a small or micro entity	80.00

(5) If the excess claims fees required by paragraphs (c)(3) and (4) of this section are not paid with the request for reexamination or on later presentation of the claims for which the excess claims fees are due, the fees required by paragraphs (c)(3) and (4) must be paid or the claims canceled by amendment prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency in order to avoid abandonment.

(6) For filing a petition in a reexamination proceeding, except for those specifically enumerated in §§ 1.550(i) and 1.937(d):

By a micro entity (§ 1.29)	\$485.00
By a small entity (§ 1.27(a))	970.00
By other than a small or micro entity	1,940.00

(7) For a refused request for *ex parte* reexamination under § 1.510 (included in the request for *ex parte* reexamination fee at § 1.20(c)(1)):

By a micro entity (§ 1.29)	\$900.00
By a small entity (§ 1.27(a))	1,800.00
By other than a small or micro entity	3,600.00

(d) For filing each statutory disclaimer (§ 1.321):

By other than a small or micro entity	\$160.00
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(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years, the fee being due by three years and six months after the original grant:

By a micro entity (§ 1.29)	\$400.00
By a small entity (§ 1.27(a))	800.00
By other than a small or micro entity	1,600.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years, the fee being due by seven years and six months after the original grant:

By a micro entity (§ 1.29)	\$900.00
By a small entity (§ 1.27(a))	1,800.00
By other than a small or micro entity	3,600.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years, the fee being due by eleven years and six months after the original grant:

By a micro entity (§ 1.29)	\$1,850.00
By a small entity (§ 1.27(a))	3,700.00
By other than a small or micro entity	7,400.00

(h) Surcharge for paying a maintenance fee during the six-month grace period following the expiration of three years and six months, seven years and six months, and eleven years and six months after the date of the original grant of a patent based on an application filed on or after December 12, 1980:

(1) By a micro entity (§ 1.29) ..	\$40.00
(2) By a small entity (§ 1.27(a))	80.00
(3) By other than a small or micro entity	160.00

(i) Surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee where the delay in payment is shown to the satisfaction of the Director to have been—

(1) Unavoidable:

By a micro entity (§ 1.29)	\$175.00
By a small entity (§ 1.27(a))	350.00
By other than a small or micro entity	700.00

(2) Unintentional:

By a micro entity (§ 1.29)	\$410.00
By a small entity (§ 1.27(a))	820.00
By other than a small or micro entity	1,640.00

(j) For filing an application for extension of the term of a patent

(1) Application for extension under § 1.740: \$1,120.00.

(2) Initial application for interim extension under § 1.790: \$420.00.

(3) Subsequent application for interim extension under § 1.790: \$220.00.

(k) In supplemental examination proceedings:

(1) For processing and treating a request for supplemental examination:

By a micro entity (§ 1.29)	\$1,100.00
By a small entity (§ 1.27(a))	2,200.00
By other than a small or micro entity	4,400.00

(2) For *ex parte* reexamination ordered as a result of a supplemental examination proceeding:

By a micro entity (§ 1.29)	\$3,025.00
By a small entity (§ 1.27(a))	6,050.00
By other than a small or micro entity	12,100.00

(3) For processing and treating, in a supplemental examination proceeding, a non-patent document over 20 sheets in length, per document:

(i) Between 21 and 50 sheets:

By a micro entity (§ 1.29)	\$45.00
By a small entity (§ 1.27(a))	90.00
By other than a small or micro entity	180.00

(ii) For each additional 50 sheets or a fraction thereof:

By a micro entity (§ 1.29)	\$70.00
By a small entity (§ 1.27(a))	140.00
By other than a small or micro entity	280.00

■ 8. Section 1.21 is amended by:

- a. Revising paragraph (a);
- b. Removing and reserving paragraph (d);
- c. Revising paragraph (e);
- d. Revising paragraphs (g) through (k); and
- e. Revising paragraph (n).
The revisions read as follows:

§ 1.21 Miscellaneous fees and charges.

* * * * *

(a) Registration of attorneys and agents:

(1) For admission to examination for registration to practice:

(i) Application Fee (non-refundable): \$40.00.

(ii) Registration examination fee.

(A) For test administration by commercial entity: \$200.00.

(B) For test administration by the USPTO: \$450.00.

(2) On registration to practice or grant of limited recognition under § 11.9(b) or (c): \$100.00.

(3) [Reserved]

(4) For certificate of good standing as an attorney or agent: \$10.00.

(i) Suitable for framing: \$20.00.

(ii) [Reserved]

(5) For review of decision:

(i) By the Director of Enrollment and Discipline under § 11.2(c): \$130.00.

(ii) Of the Director of Enrollment and Discipline under § 11.2(d): \$130.00.

(6) [Reserved]

(7) Annual practitioner maintenance fee for registered attorney or agent.

(i) Active Status: \$120.00.

(ii) Voluntary Inactive Status: \$25.00.

(iii) Fee for requesting restoration to active status from voluntary inactive status: \$50.00.

(iv) Balance due upon restoration to active status from voluntary inactive status: \$100.00.

(8) Annual practitioner maintenance fee for individual granted limited recognition: \$120.00.

(9)(i) Delinquency fee: \$50.00.

(ii) Administrative reinstatement fee: \$100.00.

(10) On application by a person for recognition or registration after disbarment or suspension on ethical grounds, or resignation pending disciplinary proceedings in any other jurisdiction; on application by a person for recognition or registration who is asserting rehabilitation from prior conduct that resulted in an adverse decision in the Office regarding the person's moral character; and on application by a person for recognition or registration after being convicted of a felony or crime involving moral turpitude or breach of fiduciary duty; on petition for reinstatement by a person excluded or suspended on ethical

grounds, or excluded on consent from practice before the Office: \$1,600.00.

* * * * *

(e) International type search reports: For preparing an international type search report of an international type search made at the time of the first action on the merits in a national patent application: \$40.00.

(g) Self-service copy charge, per page: \$0.25.

(h) For recording each assignment, agreement, or other paper relating to the property in a patent or application, per property:

(1) If submitted electronically, on or after January 1, 2014: \$0.00.

(2) If not submitted electronically: \$40.00.

(i) Publication in Official Gazette: For publication in the Official Gazette of a notice of the availability of an application or a patent for licensing or sale: Each application or patent: \$25.00.

(j) Labor charges for services, per hour or fraction thereof: \$40.00.

(k) For items and services that the Director finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Director with respect to each such item or service: Actual cost.

* * * * *

(n) For handling an application in which proceedings are terminated pursuant to § 1.53(e): \$130.00.

■ 9. Section 1.27 is amended by revising paragraph (c)(3) introductory text to read as follows:

§ 1.27 Definition of small entities and establishing status as a small entity to permit payment of small entity fees; when a determination of entitlement to small entity status and notification of loss of entitlement to small entity status are required; fraud on the Office.

* * * * *

(c) * * *

(3) Assertion by payment of the small entity basic filing, basic transmittal, basic national fee, or international search fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), 1.16(b), 1.16(c), 1.16(d), 1.16(e), the small entity transmittal fee set forth in § 1.445(a)(1), the small entity international search fee set forth in § 1.445(a)(2) to a Receiving Office other than the United States Receiving Office in the exact amount established for that Receiving Office pursuant to PCT Rule 16, or the small entity basic national fee set forth in § 1.492(a), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing, basic transmittal, or basic

national fee is inadvertently selected in error.

* * * * *

■ 10. Section 1.48 is amended by adding paragraph (c) to read as follows:

§ 1.48 Correction of inventorship pursuant to 35 U.S.C. 116 or correction of the name or order of names in a patent application, other than a reissue application.

* * * * *

(c) Any request to correct or change the inventorship under paragraph (a) of this section filed after the Office action on the merits has been given or mailed in the application must also be accompanied by the fee set forth in § 1.17(d), unless the request is accompanied by a statement that the request to correct or change the inventorship is due solely to the cancelation of claims in the application.

* * * * *

■ 11. Section 1.445 is amended by revising paragraph (a) introductory text and paragraphs (a)(1)(i), (a)(2) through (4), and (b) to read as follows:

§ 1.445 International application filing, processing and search fees.

(a) The following fees and charges for international applications are established by law or by the Director under the authority of 35 U.S.C. 376:

(1) * * *	
(i) A basic portion:	
(A) For a transmittal fee paid on or after January 1, 2014:	
By a micro entity (§ 1.29)	\$60.00
By a small entity (§ 1.27(a))	120.00
By other than a small or micro entity	240.00

(B) For a transmittal fee paid before January 1, 2014: \$240.00.

* * * * *

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16):

(i) For a search fee paid on or after January 1, 2014:	
By a micro entity (§ 1.29)	\$520.00
By a small entity (§ 1.27(a))	1,040.00
By other than a small or micro entity	2,080.00

(ii) For a search fee paid before January 1, 2014: \$2,080.00.

(3) A supplemental search fee when required, per additional invention:

(i) For a supplemental search fee paid on or after January 1, 2014:	
By a micro entity (§ 1.29)	\$520.00
By a small entity (§ 1.27(a))	1,040.00
By other than a small or micro entity	2,080.00

(ii) For a supplemental search fee paid before January 1, 2014: \$2,080.00.

(4) A fee equivalent to the transmittal fee in paragraph (a)(1) of this section that would apply if the USPTO was the

Receiving Office for transmittal of an international application to the International Bureau for processing in its capacity as a Receiving Office (PCT Rule 19.4):

(i) For a fee equivalent to the transmittal fee in paragraph (a)(1) of this section filed on or after January 1, 2014:

By a micro entity (§ 1.29)	\$60.00
By a small entity (§ 1.27(a))	120.00
By other than a small or micro entity	240.00

(ii) For a fee equivalent to the transmittal fee in paragraph (a)(1) of this section filed before January 1, 2014

(b) The international filing fee shall be as prescribed in PCT Rule 15.

■ 12. Section 1.482 is revised to read as follows:

§ 1.482 International preliminary examination fees.

(a) The following fees and charges for international preliminary examination are established by the Director under the authority of 35 U.S.C. 376:

(1) The following preliminary examination fee is due on filing the Demand:

(i) If an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

(A) For an international search fee filed on or after January 1, 2014:	
By a micro entity (§ 1.29)	\$150.00
By a small entity (§ 1.27(a))	300.00
By other than a small or micro entity	600.00

(B) For an international search fee filed before January 1, 2014: \$600.00.

(ii) If the International Searching Authority for the international application was an authority other than the United States Patent and Trademark Office:

(A) For an international search fee filed on or after January 1, 2014:	
By a micro entity (§ 1.29)	\$190.00
By a small entity (§ 1.27(a))	380.00
By other than a small or micro entity	760.00

(B) For an international search fee filed before January 1, 2014: \$750.00.

(2) An additional preliminary examination fee when required, per additional invention:

(i) For an additional preliminary examination fee filed on or after January 1, 2014:	
By a micro entity (§ 1.29)	\$150.00
By a small entity (§ 1.27(a))	300.00
By other than a small or micro entity	600.00

(ii) For an additional preliminary examination fee filed before January 1, 2014: \$600.00.

(b) The handling fee is due on filing the Demand and shall be prescribed in PCT Rule 57.

■ 13. Section 1.492 is revised to read as follows:

§ 1.492 National stage fees.

The following fees and charges are established for international applications entering the national stage under 35 U.S.C. 371:

(a) The basic national fee for an international application entering the national stage under 35 U.S.C. 371:

By a micro entity (§ 1.29)	\$70.00
By a small entity (§ 1.27(a))	140.00
By other than a small or micro entity	280.00

(b) Search fee for an international application entering the national stage under 35 U.S.C. 371:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority or a written opinion on the international application prepared by the United States International Searching Authority states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all of the claims presented in the application entering the national stage:

By a micro entity (§ 1.29)	\$0.00
By a small entity (§ 1.27(a))	0.00
By other than a small or micro entity	0.00

(2) If the search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a micro entity (§ 1.29)	\$30.00
By a small entity (§ 1.27(a))	60.00
By other than a small or micro entity	120.00

(3) If an international search report on the international application has been prepared by an International Searching Authority other than the United States International Searching Authority and is provided, or has been previously communicated by the International Bureau, to the Office:

By a micro entity (§ 1.29)	\$120.00
By a small entity (§ 1.27(a))	240.00
By other than a small or micro entity	480.00

(4) In all situations not provided for in paragraphs (b)(1), (2), or (3) of this section:

By a micro entity (§ 1.29)	\$150.00
By a small entity (§ 1.27(a))	300.00

By other than a small or micro entity 600.00

(c) The examination fee for an international application entering the national stage under 35 U.S.C. 371:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority or a written opinion on the international application prepared by the United States International Searching Authority states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4) have been satisfied for all of the claims presented in the application entering the national stage:

By a micro entity (§ 1.29)	\$0.00
By a small entity (§ 1.27(a))	0.00
By other than a small or micro entity	0.00

(2) In all situations not provided for in paragraph (c)(1) of this section:

By a micro entity (§ 1.29) \$180.00.

By a small entity (§ 1.27(a))	\$360.00
By other than a small or micro entity	720.00

(d) In addition to the basic national fee, for filing or on later presentation at any other time of each claim in independent form in excess of 3:

By a micro entity (§ 1.29)	\$105.00
By a small entity (§ 1.27(a))	210.00
By other than a small or micro entity	420.00

(e) In addition to the basic national fee, for filing or on 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 micro entity (§ 1.29)	\$20.00
By a small entity (§ 1.27(a))	40.00
By other than a small or micro entity	80.00

(f) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim, per application:

By a micro entity (§ 1.29)	\$195.00
By a small entity (§ 1.27(a))	390.00
By other than a small or micro entity	780.00

(g) If the excess claims fees required by paragraphs (d) and (e) of this section and multiple dependent claim fee required by paragraph (f) of this section are not paid with the basic national fee or on later presentation of the claims for which excess claims or multiple dependent claim fees are due, the fees required by paragraphs (d), (e), and (f) of this section must be paid or the claims canceled by amendment prior to

the expiration of the time period set for reply by the Office in any notice of fee deficiency in order to avoid abandonment.

(h) Surcharge for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage (§ 1.491(a)) pursuant to § 1.495(c):

By a micro entity (§ 1.29)	\$35.00
By a small entity (§ 1.27(a))	70.00
By other than a small or micro entity	140.00

(i) For filing an English translation of an international application or any annexes to an international preliminary examination report later than thirty months after the priority date (§ 1.495(c) and (e)):

By a micro entity (§ 1.29)	\$35.00
By a small entity (§ 1.27(a))	70.00
By other than a small or micro entity	140.00

(j) Application size fee for any international application, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof:

By a micro entity (§ 1.29)	\$100.00
By a small entity (§ 1.27(a))	200.00
By other than a small or micro entity	400.00

PART 41—PRACTICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

■ 14. The authority citation for part 41 is revised to read as follows:

Authority: 35 U.S.C. 2(b)(2), 3(a)(2)(A), 21, 23, 32, 41, 134, 135, and Public Law 112–29.

■ 15. Section 41.20 is revised to read as follows:

§ 41.20 Fees.

(a) *Petition fee.* The fee for filing a petition under this part is: \$400.00.

(b) *Appeal fees.* (1) For filing a notice of appeal from the examiner to the Patent Trial and Appeal Board:

By a micro entity (§ 1.29)	\$200.00
By a small entity (§ 1.27(a))	400.00
By other than a small or micro entity	800.00

(2)(i) For filing a brief in support of an appeal in an application or *ex parte* reexamination proceeding: \$0.00.

(ii) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal in an *inter partes* reexamination proceeding:

By a micro entity (§ 1.29)	\$500.00
By a small entity (§ 1.27(a))	1,000.00
By other than a small or micro entity	2,000.00

(3) For filing a request for an oral hearing before the Board in an appeal under 35 U.S.C. 134:

By a micro entity (§ 1.29)	\$325.00
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By a small entity (§ 1.27(a))	650.00
By other than a small or micro entity	1,300.00
(4) In addition to the fee for filing a notice of appeal, for forwarding an appeal in an application or <i>ex parte</i> reexamination proceeding to the Board:	
By a micro entity (§ 1.29)	\$500.00
By a small entity (§ 1.27(a))	1,000.00
By other than a small or micro entity	2,000.00

■ 16. Section 41.37 is amended by revising paragraphs (a) and (b) to read as follows:

§ 41.37 Appeal brief.

(a) *Timing.* Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31. The appeal brief fee in an application or *ex parte* reexamination proceeding is \$0.00, but if the appeal results in an examiner's answer, the appeal forwarding fee set forth in § 41.20(b)(4) must be paid within the time period specified in § 41.48 to avoid dismissal of an appeal.

(b) *Failure to file a brief.* On failure to file the brief within the period specified in paragraph (a) of this section, the appeal will stand dismissed.

* * * * *

■ 17. Section 41.45 is added to read as follows:

§ 41.45 Appeal forwarding fee.

(a) *Timing.* Appellant in an application or *ex parte* reexamination proceeding must pay the fee set forth in § 41.20(b)(4) within the later of two months from the date of either the

examiner's answer, or a decision refusing to grant a petition under § 1.181 of this chapter to designate a new ground of rejection in an examiner's answer.

(b) *Failure to pay appeal forwarding fee.* On failure to fee set forth in § 41.20(b)(4) within the period specified in paragraph (a) of this section, the appeal will stand dismissed.

(c) *Extensions of time.* Extensions of time under § 1.136(a) of this title for patent applications are not applicable to the time period set forth in this section. See § 1.136(b) of this title for extensions of time to reply for patent applications and § 1.550(c) of this title for extensions of time to reply for *ex parte* reexamination proceedings.

PART 42—TRIAL PRACTICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

■ 18. The authority citation for part 42 is revised to read as follows:

Authority: 35 U.S.C. 2(b)(2), 6, 21, 23, 41, 135, 311, 312, 316, 321–326 and Public Law 112–29.

■ 19. Section 42.15 is revised to read as follows:

§ 42.15 Fees.

(a) On filing a petition for *inter partes* review of a patent, payment of the following fees are due:

(1) *Inter Partes* Review request fee: \$9,000.00.

(2) *Inter Partes* Review Post-Institution fee: \$14,000.00.

(3) In addition to the *Inter Partes* Review request fee, for requesting

review of each claim in excess of 20: \$200.00.

(4) In addition to the *Inter Partes* Post-Institution request fee, for requesting review of each claim in excess of 15: \$400.00.

(b) On filing a petition for post-grant review or covered business method patent review of a patent, payment of the following fees are due:

(1) Post-Grant or Covered Business Method Patent Review request fee: \$12,000.00.

(2) Post-Grant or Covered Business Method Patent Review Post-Institution fee: \$18,000.00.

(3) In addition to the Post-Grant or Covered Business Method Patent Review request fee, for requesting review of each claim in excess of 20: \$250.00.

(4) In addition to the Post-Grant or Covered Business Method Patent Review request fee Post-Institution request fee, for requesting review of each claim in excess of 15: \$550.00.

(c) On the filing of a petition for a derivation proceeding, payment of the following fees is due:

(1) Derivation petition fee: \$400.00.

(d) Any request requiring payment of a fee under this part, including a written request to make a settlement agreement available: \$400.00.

Dated: January 11, 2013.

David J. Kappos,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2013–00819 Filed 1–17–13; 8:45 am]

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