

NEWS ALERT**INTELLECTUAL PROPERTY****USPTO Announces Summary of Fee Changes Effective October 2, 2020**

By Elizabeth A. Galletta and Sergio E. Marin | September 8, 2020

On August 3, 2020, the United States Patent and Trademark Office (USPTO) announced a final rule regarding fee changes that will be effective on October 2, 2020. A summary from the USPTO website can be found [here](#).

In general, the USPTO is implementing approximately a 5% increase across-the-board for all patent fees. According to the USPTO, the increase will be used to provide the USPTO with financial resources to facilitate effective administration, invest in IT infrastructure, and improve quality and timeliness.

General highlights of the announcement include:

- As mentioned above, an approximate 5% increase to most patent fees. This reflects an approximate 2% annual increase to help the USPTO keep up with inflation in order to achieve strategic goals. Where fee increases are imposed, it is applied at an even percentage to all entity sizes, i.e., the utility search fee for large entity, small entity, and micro entity are all increased by 6%.
- Greater adjustments to other specific fees to encourage the effective administration of the IP system and permit cost recovery for the specific service.
- A new \$400 fee for non-DOCX filings to begin in January 2020.
- Discontinuation of four fees. Three are related to patent service fees and the fourth is related to an Office of Enrollment and Discipline USPTO-assisted recovery of ID/password reset fee.
- Application publication fees and fees for recording assignments remain at \$0.

Other notable fee increases:

- Request for expedited examination of design patent application will increase from \$900 to \$1,600.
- Issue fee for large entities will increase from \$1,000 to \$1,200.
- First Maintenance Fee (3.5) for large entities will increase from \$1,600 to \$2,000.
- Late Maintenance Fee Surcharge will increase from \$160 to \$500 for large entities.
- The inter partes review (IPR) request fee will increase from \$15,500 to \$19,000 and the post-institution fee will increase from \$15,000 to \$22,500 (up to 20 claims).
- The post-grant review (PGR) and covered business method request fee will increase from \$16,000 to \$20,000, and the post-institution fee will increase from \$22,000 to \$27,500 (up to 20 claims).

The USPTO's Table of Patent Fee Adjustments can be found [here](#) and the Federal Register Notice [here](#). If you have any questions regarding the USPTO announcement, please contact: Elizabeth A. Galletta, Partner, at 860-240-6025 or egalletta@murthalaw.com

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