

Filing, Search, and Examination Fees

Patent applications are subject to the payment of a basic fee and additional fees that include search fees, examination fees, and issue fees. These fees are due at the time of filing the application. Consult the USPTO Web site at <http://www.uspto.gov/main/howtofees.htm> for the current fees. Additional filing fees are due if there are more than 3 independent claims, more than 20 total claims, or if the total number of sheets of paper in the specification and claims is over 100. If the application contains multiple dependent claims, additional fees are required.

If the owner of the invention is a small entity, (an independent inventor, a small business concern or a non-profit organization), most fees are reduced by half if small entity status is claimed. If small entity status is desired and appropriate, applicants should file a written assertion of small entity status in addition to paying the small entity filing fee. The written assertion may be a simple statement on a transmittal letter such as “Applicant claims small entity status.” Applicants claiming small entity status should make an investigation as to whether small entity status is appropriate before claiming such status.

In calculating fees, a claim is singularly dependent if it incorporates by reference a single preceding claim that may be an independent or dependent claim. A multiple dependent claim or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made.

The law also provides for the payment of additional fees on presentation of additional claims after the application is filed. When an amendment is filed which presents additional claims over the total number already paid for, or additional independent claims over the number of independent claims already accounted for, it must be accompanied by any additional fees due. Most of the fees are subject to change in October of each year.