

INTELLECTUAL PROPERTY INFORMATION MEMO

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Fee Changes for Patent Matters

The United States Patent and Trademark Office (USPTO) has announced changes to patent fees ¹, which will take effect on Jan 19, 2025. Most current fees are subject to a 7.5% across-the-board increase while other fees are subject to a larger increase. These adjustments reflect the USPTO's efforts to align its fees with rising operational costs and to encourage accurate and efficient filings. Below we highlight some key changes for electronic filings with the USPTO and provide some recommendations for handling your patent portfolio. Note, the fees discussed below are for undiscounted entities; small and micro entities will usually be entitled to fees at 40% and 20%, respectively, of the undiscounted fees.

Front-End Fees – The USPTO is increasing front-end fees, which include basic filing, search and examination fees, by approximately 10% which is 2.5% more than the 7.5% across-the-board increase. The increased front-end fees are still below the actual costs of performing these services to achieve low barriers to entry into the innovation ecosystem. The front-end fees are subsidized by other fee collections, primarily maintenance fees. Below is a chart showing the new front-end fees for an undiscounted entity:

Description of Front-End Fees	Fee (USD)
Basic Nonprovisional Utility Filing Fee	\$350
Utility Nonprovisional Search Fee	\$770
Utility Nonprovisional Examination Fee	\$880

Continuing Application Fees – The USPTO is implementing a new fee of \$2,700 for continuing applications, including continuation, divisional and continuation-in-part applications, filed more than six years (but less than nine years) after the earliest benefit date, and an even higher fee of \$4,000 for continuing applications filed more than nine years after the earliest benefit date. The earliest benefit date (EBD) is the earliest filing date for which benefit is claimed under 35 USC §§ 120, 121, 365(c), or 386(c) and 1.78(d). Thus, the EBD includes the filing date for the earliest US nonprovisional application, PCT application designating the US, or international design application. However, the EBD cannot be the filing date of a foreign application or the filing date of a provisional application to which benefit is claimed under 35 USC § 119(e).

Excess Claim Fees – Each independent claim in excess of three as well as each claim in excess of 20 will carry increased fees that are raised at higher rates than the 7-10% increases elsewhere. Each excess independent claim will cost \$600 and each claim in excess of 20 will cost \$200 (for an undiscounted entity).

Extension of Time (EOT) Fees – The EOT fees for patent applications (other than provisional applications) will be increased in accordance with the 7.5% across-the-board fee increase. EOT fees for provisional applications are being reduced.

Information Disclosure Statement (IDS) Size Fee – Applicants will now be required to keep track of

¹ Setting and Adjusting Patent Fees During Fiscal Year 2025, A Rule by the Patent and Trademark Office on Nov. 20, 2024, available [here](#).

the cumulative number of items disclosed to the USPTO in a patent application and pay fees when the cumulative number of items exceeds 50, 100, and 200. The cumulative count is determined for each application; thus, the count does not carry over for related applications. The new fees are shown below:

Description of IDS Size Fee	Fee (USD)
Cumulative number of items exceeds 50 but not 100	\$200
Cumulative number of items exceeds 100 but not 200	\$500 ²
Cumulative number of items exceeds 200	\$800 ³

Note, small and micro entities are not entitled to a fee reduction for IDS size fees. The size fees are due at the time of filing and the IDS form must include a clear written assertion that the IDS is accompanied by the appropriate size fee or that no IDS size fee is required.

Patent Term Adjustment (PTA) and Patent Term Extension (PTE) Fees – PTA fees will be increased in accordance with the 7.5% across-the-board fee increase. On the other hand, PTE fees are being increased above the across-the-board fee increase and a new fee will apply when a terminal disclaimer is filed after receiving the notice of final determination.

Request for Continued Examination (RCE) – The fee for a first RCE is increasing to \$1,360 for an undiscounted entity. The fee for a subsequent RCE is increasing to \$2,860 for an undiscounted entity.

America Invents Act (AIA) Trial Fees and Request for Review of a PTAB Decision Fee – The existing fees for AIA trial proceedings are increasing by 25%. Parties that request Director Review in AIA trial proceedings will now have to pay a new fee of \$452. Note, small and micro entities are not entitled to a fee reduction for the fee for Requesting Review of a PTAB Decision.

Takeaways – Applicants might want to reassess or update their filing strategies in view of the increasing fees. With the elimination of the After Final Consideration Pilot Program 2.0 at the end of 2024 and the significant increase in the fee for subsequent Requests for Continued Examination (RCEs), amendments and arguments set forth in a first RCE may need to be more extensive. Additionally, Applicants may need to rely more heavily on Examiner Interviews even in their after final approaches.

We are here to help navigate these changes and ensure your patent filings are handled efficiently. For further assistance or to discuss your strategic options, please contact any attorney in Bond’s [intellectual property practice](#).

2 Less any amount previously paid for an IDS size fee
3 Less any amount previously paid for an IDS size fee

