

## Proposed Amended Rule 20: Post-issuance fees

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### § 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)) . . . . . ~~\$2,520.00~~ \$17,750.00
  - (2) For filing a request for *inter partes* reexamination (§ 1.915(a)) . . . . . \$8,800.00
  - (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 small entity (§ 1.27(a)) . . . \$110.00
    - By other than a small entity . . . \$220.00
  - (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 small entity (§ 1.27 (a)) . . . \$26.00
    - By other than a small entity . . . \$52.00
  - (5) If the excess claims fees required by paragraphs (c)(3) and (c)(4) 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 (c)(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) . . . . . \$1,930.00
  - (7) For a refused request for *ex parte* reexamination under § 1.510 (included in the request for *ex parte* reexamination fee) . . . . . \$4,320.00
- (d) For filing each statutory disclaimer (§ 1.321):
  - By a small entity (§ 1.27(a)) . . . . \$70.00
  - By other than a small entity . . . . \$140.00
- (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 small entity (§ 1.27(a)) . . . \$490.00
  - By other than a small entity . . . \$980.00
- (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 small entity (§ 1.27(a)) . . \$1,240.00
  - By other than a small entity . . \$2,480.00
- (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 small entity (§ 1.27(a)) . . . \$2,055.00  
By other than a small entity. . . \$4,110.00

(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:

By a small entity (§ 1.27(a)) . . . . \$65.00  
By other than a small entity. . . . \$130.00

(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 . . . . . \$700.00  
(2) Unintentional . . . . . \$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 . . . . . \$5,180.00

(2) For *ex parte* reexamination ordered as a result of a supplemental examination proceeding . . . . . \$16,120.00

(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 . . . . . \$170.00

(ii) For each additional 50 sheets or a fraction there of . . . . . \$280.00