



ARE Patent Law Alert: U.S. Patent and Trademark Office Updated Fee Schedule effective October 2, 2020

Author(s): Albert Boardman, Benjamin M. Halpern,

The United States Patent and Trademark Office (USPTO) is setting or adjusting patent fees for Fiscal Year 2020, which is the first increase to such fees in almost three years. The new fees go into effect on October 2, 2020, except for the surcharge for non-DOCX filings, which is effective on January 1, 2022.

In updating the patent fee schedule, a process which began when the USPTO undertook its biennial review of fees, costs, and revenues in 2017, the USPTO has further considered the present state of the U.S. economy, the operational needs of the agency, and comments and advice solicited from the public.

As summarized by the USPTO, the fee changes include:

- an across-the-board increase of approximately 5 percent to most patent fees,
- a greater adjustment to specific fees “to encourage the effective administration of the IP system and to permit cost recovery for certain services,”
- a new fee for non-DOCX filings, and
- a discontinuance of four fees (three service fees and a practitioner-related fee).

According to the USPTO’s [Table of Patent Fee Adjustments](#), several fees have increased by more than 5 percent. For example:

- Basic Utility and Provisional Application Filing fees increased by 7% to \$320 and \$300, respectively
- Utility Search fee increased by 6% to \$700
- Utility Issue fee increased by 20% to \$1,200
- 3.5-year maintenance fee increased by 25% to \$2,000'
- Inter Partes Review Request fee (up to 20 claims) increased 23% to \$19,000

Although the above rates are for large entities, small and micro entity fees have been increased by the same percentages. The USPTO’s full updated fee schedule can be viewed [here](#).



We will continue to monitor and report on developments in this area. In the meantime, feel free to contact us to learn more.

About the Author(s)

[Benjamin Halpern](#) is a partner and [Albert J. Boardman](#) is an associate at Amster, Rothstein & Ebenstein LLP. Their practices focus on patent prosecution and other intellectual property matters.