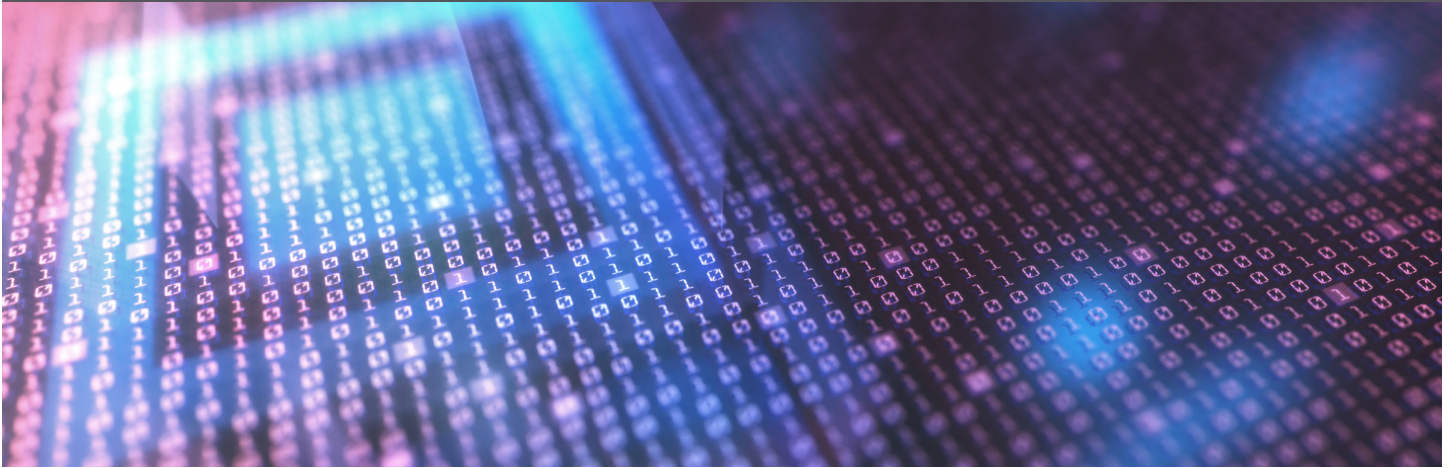


Intellectual Property



JANUARY 15, 2025

New FY2025 USPTO Price Increases to Go into Effect Beginning on January 18, 2025

The United States Patent and Trademark Office (“USPTO”) has published Final Rules¹ setting new patent and trademark fees, which target an overall 7.5 percent increase in the case of patent fees—with certain fees seeing even higher percentage increases. The Final Rules also include certain new fees that may alter patent and trademark applicants’ typical practices, so it is important for applicants to become familiar with the upcoming fee changes. The patent fee changes will officially take effect on **January 19, 2025**, and a set of trademark fee changes will take effect on **January 18, 2025**.

PATENT FILING FEE INCREASES

The Final Rule for Patent fees implements a roughly 10 percent fee increase for filing, search, and examination fees. As an example, the new total filing fees for an undiscounted entity (*e.g.*, a “Large entity” filer) will increase from \$1,820 to **\$2,000**.

NEW PATENT CONTINUATION FEES

The Final Rule for Patent fees outlines new fees owed on continuation applications that claim priority to a patent application having a filing date *more than six years earlier* (but no more than nine years). (Note: This new fee *does* include consideration of claims of priority to provisional applications in determining whether the six-year limit is met.) For continuation applications filed more than six years after its earliest priority, an undiscounted entity will pay **\$2,700**, in addition to normal filing fees.

Where a continuation application is filed *more than nine years* after its earliest priority date to a non-provisional application, an undiscounted entity will pay **\$4,000**, in addition to filing fees. (Note: An applicant will not be charged more than one fee if more than one benefit claim is presented that qualifies the application for both new continuation fees. Instead, they will just pay the greatest fee that applies in their situation.)

REQUEST FOR CONTINUED EXAMINATION (“RCE”) FEES (PATENT)

Filing costs for first RCE requests will increase by 10 percent, that is, moving from \$1,360 to **\$1,500** for an undiscounted entity. The filing cost of any second (or subsequent, *i.e.*, third, fourth, etc.) RCE request will increase by a much more substantial amount of 43 percent, moving from \$2,000 to **\$2,860** for an undiscounted entity.

The new fees may make it more financially beneficial in some situations for an applicant to file a new continuation application rather than a second or subsequent RCE after a Final Office Action. However, as always, each situation is fact-specific, and the best strategic decisions should be made in conjunction with advice from counsel.

EXCESS PATENT CLAIMS FEES

Excess Claims fees will also see a sizeable “targeted” fee increase. The fees for each independent claim in an application in excess of three independent claims will go from \$480 to **\$600** for undiscounted entities, and from \$192 to **\$240** for discounted entities (*i.e.*, a 25 percent increase). The fees for each claim in an application in excess of 20 total claims will go from \$100 to **\$200** for undiscounted entities, and from \$40 to **\$80** for discounted entities (*i.e.*, a 100 percent increase).

NEW PATENT INFORMATION DISCLOSURE STATEMENT (“IDS”) FEES FOR EXCESSIVE CITATIONS

There are new IDS fees based on the number of applicant-provided items as follows:

- Filing an IDS that causes cumulative number of applicant-provided items of information to exceed 50 references but not 100 references: **\$200**
- Filing an IDS that causes cumulative number of applicant-provided items of information to exceed 100 references but not 200 references: **\$500** (less any excess IDS reference amount previously paid)
- Filing an IDS that causes cumulative number of applicant-provided items of information to exceed 200 references: **\$800** (less any excess IDS reference amount previously paid)

Each IDS must also now “contain a clear written assertion” that the IDS is accompanied by the appropriate IDS excessive citation fee or that no IDS excessive citation fee is required. (A blanket “authorization to charge fees to a deposit account” is not considered a compliant written assertion under the new requirements, unless it specifically refers to the particular IDS fee that should be charged.)

PATENT TRIAL AND APPEAL BOARD (“PTAB”) FEE ADJUSTMENTS

All fees associated with filing and/or initiating an America Invents Act (“AIA”) trial (*e.g.*, an Inter Partes Review (“IPR”) or a Post-Grant Review (“PGR”)) will increase by 25 percent.

DESIGN PATENT FEES

Nearly all design patent-related fees will go up by a larger percentage than utility patent fees. For example, for direct US filings, the design filing fees will increase 36 percent (from \$220 to **\$300**), search fees will increase by 88 percent (from \$160 to **\$300**), examination fees will increase by 9 percent (from \$640 to **\$700**), and issue fees will increase by 76 percent (from \$740 to **\$1,300**).

Thus, for an undiscounted entity, filing and issuance fees for a typical design patent currently costs \$1,760. This amount will increase by 48 percent (to **\$2,600**) when the new fees take effect.

TRADEMARK FEE ADJUSTMENTS

The Final Rule for Trademark fees sets or adjusts the fees starting January 18, 2025, as highlighted in the Fee Changes table available at uspto.gov/trademarks/fees-payment-information/summary-2025-trade-mark-fee-changes, and includes two general types of trademark fee adjustments: targeted fee adjustments and new base application fees.

Note: The USPTO is discontinuing the current Trademark Electronic Application System (“TEAS”) Standard and Plus application filing options and fees.

Sample Trademark fee increases for FY2025 are shown on the next page.

Application Fee Description	Current fee	New fee
TEAS Standard application	\$350	n/a
TEAS Plus application	\$250	n/a
Base application (Sections 1 and 44), per class	n/a	\$350
Application fee filed with WIPO (Section 66(a)), per class	\$500	\$600
Subsequent designation fee filed with WIPO (Section 66(a)), per class	\$500	\$600

In the course of prosecution, an additional fee of \$100 for insufficient information (e.g., missing color claim, translation, transliteration, living individual consent).

Post-Registration Maintenance Fee Description	Current fee	New fee
Section 9 registration renewal application, per class	\$300	\$325
Section 8 declaration, per class	\$225	\$325
Section 15 declaration, per class	\$200	\$250
Section 71 declaration, per class	\$225	\$325
Renewal fee filed at WIPO	\$300	\$325

For more information or assistance on patent matters, please contact **Daniel R. Peterson**, **Jay P. Lessler**, or a member of Blank Rome's **Intellectual Property** team.

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1. See [federalregister.gov/documents/2024/11/20/2024-26821/setting-and-adjusting-patent-fees-during-fiscal-year-2025](https://www.federalregister.gov/documents/2024/11/20/2024-26821/setting-and-adjusting-patent-fees-during-fiscal-year-2025) for the Rule setting and adjusting Patent Fees and [federalregister.gov/documents/2024/11/18/2024-26644/setting-and-adjusting-trademark-fees-during-fiscal-year-2025](https://www.federalregister.gov/documents/2024/11/18/2024-26644/setting-and-adjusting-trademark-fees-during-fiscal-year-2025) for the Rule setting and adjusting Trademark Fees. A spreadsheet detailing all the patent fee changes is available at: uspto.gov/sites/default/files/documents/Patent-Fees-Current-Final-Unit-Cost-FR-2025.xlsx.