

§ 1.16

37 CFR Ch. I (7-1-99 Edition)

be those established in parts 15 and 15a of title 15, Code of Federal Regulations. [53 FR 47686, Nov. 25, 1988]

FEES AND PAYMENT OF MONEY

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design or plant applications:

By a small entity (§ 1.9(f))—\$380.00
By other than a small entity—\$760.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f))—\$39.00
By other than a small entity—\$78.00

(c) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each claim in excess of 20 (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.9(f))—\$9.00
By other than a small entity—\$18.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.9(f))—\$130.00
By other than a small entity—\$260.00

(e) Surcharge for filing the basic filing fee or oath or declaration on a date later than the filing date of the application, except provisional applications:

By a small entity (§ 1.9(f)).....\$65.00
By other than a small entity.....\$130.00

(f) Basic fee for filing each design application:

By a small entity (§ 1.9(f))—\$155.00
By other than a small entity—\$310.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.9(f))—\$240.00
By other than a small entity—\$480.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.9(f))—\$380.00
By other than a small entity—\$760.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent

claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.9(f))—\$39.00
By other than a small entity—\$78.00

(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.9(f))—\$9.00
By other than a small entity—\$18.00

(k) Basic fee for filing each provisional application:

By a small entity (§ 1.9(f)).....\$75.00
By other than a small entity.....\$150.00

(l) Surcharge for filing the basic filing fee or cover sheet (§ 1.51(c)(1)) on a date later than the filing date of the provisional application:

By a small entity (§ 1.9(f))—\$25.00
By other than a small entity—\$50.00

(m) If the additional fees required by paragraphs (b), (c), (d), (i) and (j) of this section are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims must be canceled by amendment, prior to the expiration of the time period set for reply by the Office in any notice of fee deficiency.

NOTE: See §§ 1.445, 1.482 and 1.492 for international application filing and processing fees.

[56 FR 65151, Dec. 13, 1991, as amended at 57 FR 38194, Aug. 21, 1992; 60 FR 20221, Apr. 25, 1995; 60 FR 41022, Aug. 11, 1995; 61 FR 39587, July 30, 1996; 61 FR 43400, Aug. 22, 1996; 62 FR 40452, July 29, 1997; 62 FR 53182, Oct. 10, 1997; 63 FR 67579, Dec. 8, 1998]

§ 1.17 Patent application processing fees.

(a) Extension fees pursuant to § 1.136(a):

(1) For reply within first month:

By a small entity (§ 1.9(f))—\$55.00
By other than a small entity—\$110.00

(2) For reply within second month:

By a small entity (§ 1.9(f))—\$190.00
By other than a small entity—\$380.00

(3) For reply within third month:

By a small entity (§ 1.9(f))—\$435.00
By other than a small entity—\$870.00