

Final Rule on USPTO Fee Changes

January 3, 2025

The US Patent and Trademark Office (USPTO) issued a final rule increasing fees effective 19 January 2025.

The new fee rules include across-the-board increases of about 7.5% and other targeted increases intended to secure funds for future USPTO operation costs and address present shortcomings.

These new fee rules involve new fees that were not previously applied and will require special consideration should events trigger the application of these fees, particularly those discussed in more detail below.

Please note:

- All Official fees are in USD for Large Entity or the Undiscounted Fee.
- Small Entity: 60% discount on Large Entity
- Micro Entity: 80% discount on Large Entity

Information Disclosure Statement (IDS) Size Fees

Applicants will pay a fee ranging from \$200 to \$800 for citing more than 50 references in an application, which fees are in addition to other fees associated with the timing of filing an IDS. The fee structure is based on the total number of references cited, as follows:

Description	Large Entity / Undiscounted Fee
Up to 50 total cited references	None
51 to 100 total cited references	200
101 to 200 total cited references	500 (minus any amount previously paid)
201 or more total cited references	800 (minus any amount previously paid)

Since reference thresholds are cumulative, applicants may exceed these limits through one or multiple IDSs submitted during the prosecution process.

The final rule mandates that IDSs submitted on or after 19 January 2025 include a clear written assertion that they are accompanied by the appropriate fee and identification of the applicable large-IDS fee, or explicitly state that no fee is required. IDSs submitted without this written assertion or the necessary large IDS fee will not be substantively considered.

Continuing Application Fees

Beginning 19 January 2025, entities that do not qualify for discounted fees will be required to pay a one-time fee of at least 2,700 for continuing applications (i.e., continuation, divisional, continuation-in-part) submitted six or more years after their earliest benefit dates (EBDs). This fee will be in addition to the

standard filing and examination fees, which will also increase. Furthermore, the surcharge will rise to 4,000 for continuing applications submitted nine or more years after their EBDs.

Description	Large Entity/Undiscounted Fee
Continuing application at or more than 6 years of EBD	2,700
Continuing application at or more than 9 years of EBD	4,000

Additional Observations

- After Final Consideration Pilot Program 2.0 (AFCP 2.0)

The program expired on 14 December 2024 and will no longer be available for Applicants.

- Excess Claims

A nonprovisional application can contain a maximum of 20 claims, with no more than three independent claims, without incurring additional fees. Excess claim fees will apply if it is desired to include more claims beyond the three independent/20 total limits. The excess claim fees also extend to reissue and reexamination applications.

Description	Large Entity/Undiscounted Fee
Each additional independent claim over 3	600
Each claim over 20	200

- Request for Continued Examination (RCE)

An RCE, or Request for Continued Examination, is a procedure used in specific situations, such as:

- To reverse the finality of a rejection so that an amendment can be submitted.
- To consider newly cited prior art during certain phases of the examination process.
- To withdraw an application from appeal.
- To reinstate examination after an application has been allowed.

The fee for filing a first RCE is increased by 10%, while the fee for filing a subsequent RCE rises by 43%.

Description	Large Entity/Undiscounted Fee
RCE - 1 st request	1,500
RCE - 2 nd request and subsequent request	2,860

- Design Applications

The USPTO will increase fees for design patent applications, with variations based on the fees associated

with the examination of design applications.

Description	Large Entity/Undiscounted Fee
Basic filing fee – Design	300
Design search fee	300
Design examination fee	700
Design issue fee	1,300

- Unintentional Delay Petitions

These petitions cover various circumstances, including the revival of unintentionally abandoned applications due to failure to respond to an action, delayed payment of maintenance fees, and acceptance of a delayed priority claim. These fees are in addition to any previous petition fees.

Description	Large Entity/Undiscounted Fee
Petitions associated with Unintentional Delay within two years or less from the failed action	2,260
Petitions associated with Unintentional Delay within two years or more from the failed action	3,000

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