

UPDATED: USPTO ANNOUNCES NEW FEES AND FEE INCREASES FOR PATENTS AND TRADEMARKS

As of **Jan. 19, 2025**, the United States Patent and Trademark Office (USPTO) will implement sweeping changes to its patent and trademark fee schedules, including the fees for filing new and continuing patent applications and/or new trademark applications. Whether you are contemplating new patent and/or trademark applications or need to audit and update your existing patent and/or trademark portfolio, now is the time to act before the new fees take effect.

TRADEMARK FEE CHANGES

The USPTO is adjusting several trademark fees and discontinuing filing options. A few of the more notable new and increased fees are directed to new applications and post-registration maintenance filings. The USPTO will implement new and increased fees for these categories as follows:

- **New Application fees** – the USPTO will discontinue the TEAS Standard and TEAS Plus application filing options and implement a new single base application filing option with a corresponding fee and additional application surcharge fees. Applicants will be charged a surcharge fee if the following actions occur (i) submission of incomplete application; (ii) use of free-form text instead of preapproved identification of goods/services; (iii) goods/services descriptions over 1,000 characters:
 - Filing Fee: \$350 per class (subject to surcharges)
 - Filing Fee for Insufficient Information: \$100 per class
 - Filing Fee for using free-text form for identification of goods/services: \$200 per class
 - Filing Fee for each additional group of 1,000 characters: \$200 per class
- **Increased fees** for Statements of Use/Amendments to Allegation Use:
 - Filing Fee: \$150 (increasing from \$100)
- **Increased fees** for Post-Registration Maintenance Filings:

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SERVICES AND INDUSTRIES

Intellectual Property
Patent
Trademark



- Section 8 Declaration: \$325 per class (increased from \$225)
- Section 9 Declaration: \$325 per class (increased from \$300)
- Section 15 Declaration: \$250 per class (increased from \$200)
- **Increased fees** for the following Petitions:
 - Petition to the Director: \$400 (increased from \$250)
 - Petition to Revive Application: \$250 (increased from \$150)
 - Letter of Protest: \$150 (increased from \$50)
- **Increased Fees** for Madrid Protocol Applications, Renewals and Declarations of Use/Non-Use:
 - New Application: \$600 per class (increasing from \$500)
 - Subsequent designations: \$600 per class (increasing from \$500)
 - Renewal: \$325 (increasing from \$300)
 - Section 71 Declarations: \$325 (increasing from \$225)

PATENT FEE CHANGES

The USPTO is setting or adjusting hundreds of patent fees. A few of the more notable new and increased fees are directed to new applications, continuing applications, requests for continued examination (RCEs), and large-size information disclosure statements (IDSs). The USPTO will implement new and increased fees for these categories as follows (all fees listed below are for undiscounted entities):

- **New fees** for continuing applications filed more than six or nine years after the earliest benefit claim:
 - Six years: \$2,700
 - Nine years: \$4,000
- **New fees** for IDSs exceeding 50/100/200 items of information:
 - Exceed 50 but not exceed 100: \$200
 - Exceed 100 but not exceed 200: \$500*
 - Exceed 200: \$800*

*less any amount previously paid

- **Increased fees** for RCEs:
 - First RCE fee: \$1,500 (increasing from \$1,360)
 - Second/subsequent RCE fee: \$2,860 (increasing from \$2,000)
- **Nominal increased fees** for:



- Filing, search, examination and issue fees for both utility and design patent applications:
 - Combined total for standard utility application: \$3,290 (increasing from \$3,020)
 - Combined total for standard design application: \$2,600 (increasing from \$1,760)
- Excess claims:
 - Each independent claim in excess of 3: \$600 (increasing from \$480)
 - Each claim in excess of 20: \$200 (increasing from \$100)

A few other notable fee changes include (i) a 25% increase in several Patent Trial and Appeal Board (PTAB) trial fees, and (ii) a standalone extension of time fee structure for provisional applications in which fees will be decreased from current amounts, to the benefit of micro entity applicants that may need time extensions to accommodate attempts to meet formality requirements.

Additional information, including a full listing of all patent fee changes, is available on the [USPTO's website](#) and in the [Federal Register](#).

KEY TAKEAWAY

There is no better time than now to evaluate and discuss your existing trademark and/or patent portfolios and goals, and consider filing new or continuing patent applications, and/or new trademark applications, large-size IDSs, and RCEs before these fee increases take effect.

If you have any questions regarding these USPTO fee changes, please contact your Armstrong Teasdale attorney and/or the listed authors and contacts.