

Publications

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USPTO Finalizes Fee Hikes and New Fees for 2025: Key Tips for Patent Applicants

The USPTO announced a set of finalized fee increases and new fees to take effect on **January 19, 2025**.

The changes to the USPTO's fees in 2025 add significant **new fees** for filing continuing applications (including continuation applications, divisional applications, and continuation-in-part applications) 6+ years after the priority date (\$2,700 for undiscounted entities) or 9+ years after the priority date (\$4,000 for undiscounted entities). Patent applicants wishing to avoid these significant new fees should expedite filing any continuing applications that have priority dates 6+ years ago **before** these new fees are implemented on **January 19, 2025**.

The USPTO is also adding **new fees** for information disclosure statements (IDSes) based on how many applicant-provided items are cited in IDSes files for a given patent application, including a \$200 fee for 51-99 total references, a \$500 fee for 101-199 total references, and an \$800 fee for 201+ total references. Patent applicants wishing to avoid these new fees should file IDSes **before January 19, 2025** where possible; and **after January 19, 2025**, carefully review whether an item is material to patentability or not material to patentability (e.g., irrelevant or cumulative) before citing the item in an IDS.

Other new fees include a \$452 fee for Director review of PTAB decision and a \$1440 fee for a request to re-determine of patent term extension after a notice of final determination in view of a terminal disclaimer.

The USPTO notably did **not** implement other new fees that it had initially proposed in April 2024, such as a new proposed fee for After Final Consideration Pilot (AFCP) 2.0 responses (due to discontinuation of the AFCP 2.0 program after December 14, 2024), new proposed terminal disclaimer fees that would have varied based on the stage of examination, and new proposed fees for third and subsequent requests for continued examination (RCE).

Numerous other USPTO fees are scheduled to increase starting **January 19, 2025**. Some of the most significant increases are to fees for patent term extensions (119% increase), fees for excess claims over 20 (100% increase), fees for second and subsequent RCE

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(43% increase), fees for patent term adjustments (43% increase), fees for petitions for revival (43% increase), and fees for unintentional delays of over 2 years (43% increase). A more detailed description of the USPTO's coming fee changes is available in the USPTO's "Setting and Adjusting Patent Fees During Fiscal Year 2025" publication in the Federal Register.

Given the significant number of fee increases and new fees the USPTO is implementing starting in 2025, it is important for patent applicants to carefully plan their patent filing and prosecution strategies to expedite important filings before the **January 19, 2025** date.