

# MARQUEZ IP LAW OFFICE, PLLC

THE PROFESSIONAL INTELLECTUAL PROPERTY ADVISORS

PATENTS • TRADEMARKS • COPYRIGHTS

December 19, 2024

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**VIA E-MAIL**

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## **Re: Upcoming Increases in USPTO Patent Fee Schedule And Other News**

Dear Client:

The U.S. Patent and Trademark Office (USPTO) has announced updated patent fees in a final rule that will become effective **January 19, 2025**. According to the USPTO announcements, the updated patent fees are intended to compensate for the discounts enacted under the Unleashing American Innovators Act for small businesses, independent inventors, and others who qualify as "small entities" or "micro entities", and to provide the necessary funding to support current USPTO operations and goals. Attached please find a table summarizing what we believe are the most relevant patent fee increases and adjustments.

Among the increases to the current government fees, some revised fees worth noting in the summary table include:

- (1) Adjustments to the existing fee for second and subsequent Requests for Continued Examination (RCE)
- (2) New fees for filing continuing applications beyond specific time limits to adjust timing thresholds; and
- (3) New fees for filing Information Disclosure Statements (IDS) that increase the number of submitted items of information above specific thresholds.

RCE Fee Adjustment: The substantial increases in the fees for filing second and subsequent Requests for Continued Examination (RCE), as compared to the relatively

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modest increase in the fee for filing the first RCE suggests that the USPTO may be trying to discourage the filing of more than one RCE during the course of prosecution, and compelling applicants to seek narrower, allowable claims after the first or second final office action.

New Continuation Fees: The new fees to be imposed for filing continuing applications more than six years or more than nine years after the earliest benefit date of the parent or priority application suggests that the USPTO is trying to discourage or compensate for the filing of new applications that will expire before the second and third maintenance fees can come due, which would prevent the USPTO from collecting such fees.

New IDS Fees: The new fees to be imposed for filing Information Disclosure Statements (IDS) that increase the total number of submitted items of information to exceed 50 items, 100 items and 200 items suggests that the USPTO is trying to discourage or compensate for the filing of large numbers of references that would require substantial amounts of examiner hours to review and consider for the record.

Expiration of AFP 2.0 Program: In conjunction with the upcoming fee adjustments and the changes to patent practice resulting from the new and adjusted fees, the USPTO has also announced that the After Final Consideration Program 2.0 (AFCP 2.0) system will expire and will no longer be available as of December 14, 2024. As a result, with the adjustments to the RCE fees being implemented this coming January, the options available for getting substantive consideration of claim amendments and arguments after one or more final rejections will be more limited and substantially more costly.

All in all, the adjustments and increases to the USPTO fees are aimed at making up for shortfalls in USPTO operations funding and at changing certain industry practices that are proving to be a burden on USPTO operations.

**You should consider adjusting your filing strategies and schedules for any new applications, continuing applications, RCEs and responses to final office actions in order to avoid the upcoming higher fees that will be effective as of January 19, 2025.**

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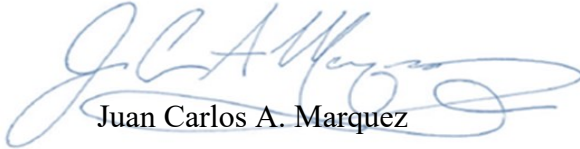
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Should you have any questions, please feel free to contact us at your convenience.  
We look forward to being of service to you.

Very truly yours,

**MARQUEZ IP LAW OFFICE**



Juan Carlos A. Marquez

JCM:  
Enclosure