

CERTIFICATION ANALYSIS UNDER THE REGULATORY FLEXIBILITY ACT

**Changes to Practice for Continued Examination Filings,
Patent Applications Containing Patentably Indistinct Claims, and
Examination of Claims in Patent Applications**

**Prepared for:
United States Patent and Trademark Office**

**Prepared by:
ICF International**



June 29, 2007

Appendix A: Input Cost Estimates

Cost elements	Estimate	Description/Source
Patentability search - Simple	\$1,000	AIPLA Report 2005, Table Q39o, 25th percentile, All Individuals
Patentability search - Complex	\$2,500	AIPLA Report 2005, Table Q39o, 75th percentile, All Individuals
Applicant's time, prepare and attend client interview - Simple	\$450	3 hours @ \$150 (range from 3-21 hours)
Applicant's time, prepare and attend client interview - Complex	\$2,400	16 hours @ \$150 (range from 3-21 hours)
Attorney's fee for patent application - Simple	\$7,000	AIPLA Report 2005, Table Q39e, 25th percentile, All Individuals
Attorney's fee for patent application - Complex	\$15,000	AIPLA Report 2005, Table Q39c, 75th percentile, All Individuals
Application Filing Fee (Initial/Cont/CIP) (USPTO)	\$500	USPTO FY2006 Fees
Excess independent claims fee (USPTO)**	\$1,300	USPTO FY2006 Fees
Excess total claims fee (USPTO)**	\$1,400	USPTO FY2006 Fees
Response to First Office Action - Simple	\$1,000	AIPLA Report 2005, Table Q39f, 25th percentile, All Individuals
Response to First Office Action - Complex	\$4,500	AIPLA Report 2005, Table Q39g, 75th percentile, All Individuals
Prepare CIP application, lawyer's fees	\$3,500	USPTO staff estimate, September 12, 2006
Response to Final Office Action - Simple	\$1,000	AIPLA Report 2005, Table Q39f, 25th percentile, All Individuals
Response to Final Office Action - Complex	\$4,500	AIPLA Report 2005, Table Q39g, 75th percentile, All Individuals
Issue Fee (USPTO)	\$700	USPTO FY2006 Fees
Lawyer fee to pay an Issue Fee - Simple	\$350	AIPLA Report 2005, Table Q39l, 25th percentile, All Individuals
Lawyer fee to pay an issue Fee - Complex	\$1,000	AIPLA Report 2005, Table Q39l, 75th percentile, All Individuals
First Maintenance Fee (USPTO)	\$450	USPTO FY2006 Fees
Second Maintenance Fee (USPTO)	\$1,150	USPTO FY2006 Fees
Third Maintenance Fee (USPTO)	\$1,900	USPTO FY2006 Fees
Lawyer fee to pay Maintenance Fees - Simple	\$150	AIPLA Report 2005, Table Q39n, 25th percentile, All Individuals
Lawyer fee to pay Maintenance Fees - Complex	\$300	AIPLA Report 2005, Table Q39n, 75th percentile, All Individuals
RCE Fee (USPTO)	\$395	USPTO FY2006 Fees
Petition Fee	\$400	USPTO FY2006 Fees
Petition Preparation	\$1,000	USPTO staff estimate, September 11, 2006

**Estimates of incremental costs are calculated based on the number of claims contained in each application. Estimated baseline costs, however, conservatively assume the application has 76 total claims and 16 independent claims, and therefore may understate the baseline costs.

