

Fee Setting Authority and Philosophy

1. Has the USPTO been good stewards of the fee setting authority granted in the AIA?
2. Do you support the continuation of the Office's fee setting authority?
3. Does the proposed structure of patent fees, which continues the practice of setting front end fees below the cost to USPTO to provide those services, promote entry into the patent system?
4. Do you agree that filing, search, and examination expenses should be partially subsidized by income from issue and maintenance fees?
5. Should the Office continue building and maintaining a viable operating reserve level that fulfills the need to mitigate operational risk caused by financial resource volatility?
6. Has the Office considered the entire range of possible existing and new fees, such as a fee for assignments and maintenance fees for design patents?
7. For IPR, PGR, and CBM post-grant filings, the AIA requires that the prescribed fee cover the costs of a proceeding? Is that requirement on an average basis across all of the filings? Does the proposed fee actually cover the costs of such a proceeding?
8. The independent inventor community is an important element of the innovation community. How do the proposed fee increases impact the independent inventor community as compared to large entities? Should the fee increase burden fall greater on a large entity?
9. Do you think the new continuing education requirements will increase the quality of services provided to the public by the patent bar?
10. Given the recent problems with IT systems at the Office, what assurance is there that IT investments represent money well spent by USPTO?
11. Will applicant confidential information in DOCX filings be protected? In other words can metadata be stripped out of DOCX filings such that such information in those filings it is not a public record?
12. Individual and corporate stakeholders alike have a unified interest in knowing that their applications for patents covering their valuable inventions will be protected from malicious cyber intrusions, attacks, or espionage. From this perspective, will a certain portion of the fee increase

budget will be specifically earmarked for bolstering the USPTO's cybersecurity infrastructure and systems?

Proposals

1. Is a 5% Across the Board increase is reasonable?
2. Do you support of Office's push to encourage DOCX filings?
3. Is it appropriate to restructure utility issue and maintenance fees so that USPTO recovers initial search and examination costs earlier in the life of a patent?
4. Do you support the institution of an annual active patent practitioner fee, so that the cost of Office of Enrollment and Discipline (OED) services may be recovered directly from patent practitioners?
5. There was a proposal from the Office years ago to require an annual patent practitioner's fee, which was ultimately scrapped. Has the Office studied why that earlier proposal failed before introducing the new proposal?
6. Has the U.S. Supreme Court's *SAS Institute Inc. v. Iancu* decision impacted your behavior in regards to the Patent Trial and Appeal Board? Will increases to AIA trial fees reduce your likelihood of pursuing AIA trials?