

§ 1.28(c)(3)—for processing a non-itemized fee deficiency based on an error in small entity status.

§ 1.41—for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.

§ 1.48—for correcting inventorship, except in provisional applications.

§ 1.52(d)—for processing a nonprovisional application filed with a specification in a language other than English.

§ 1.53(b)(3)—to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).

§ 1.55—for entry of late priority papers.

§ 1.99(e)—for processing a belated submission under § 1.99.

§ 1.103(b)—for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).

§ 1.103(c)—for requesting limited suspension of action, request for continued examination (§ 1.114).

§ 1.103(d)—for requesting deferred examination of an application.

§ 1.215(a)—for processing of replacement drawings to include the drawings in any patent application publication.

§ 1.217—for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.

§ 1.221—for requesting voluntary publication or republication of an application.

§ 1.291(b)(3)—for processing a substitute statement under § 1.291(b)(3).

§ 1.497(d)—for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.

§ 3.81—for a patent to issue to assignee, assignment submitted after payment of the issue fee.

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(l) For filing a petition for the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371 for the unavoidably delayed payment of the issue fee under 35 U.S.C. 151 or for the revival of an unavoidably concluded or limited reexamination prosecution under 35 U.S.C. 133 (§ 1.137(a)):

By a small entity (§ 1.27(a))—\$55.00

By other than a small entity—\$110.00

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing

a patent, or for the revival of an unintentionally concluded or limited reexamination prosecution under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a))—\$665.00

By other than a small entity—
\$1,330.00

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8. Section 1.19 is amended by revising paragraphs (b), (g), and (h) to read as follows:

§ 1.19 Document supply fees.

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(b) Certified and uncertified copies of Office documents:

(1) Certified or uncertified copy of the paper portion or the electronic image equivalent to a paper portion of a patent application as filed—\$20.00

(2) Certified or uncertified copy on paper of the paper portion or the electronic image equivalent of a patent-related file wrapper and contents:

(i) Paper file wrapper with paper file wrapper contents of 400 or fewer pages, or the entire electronic image contents portion, of a patent application—\$200.00

(ii) Additional fee for each additional 100 pages or portion thereof of the paper contents of a paper file wrapper—\$40.00

(iii) Additional fee for certification—\$25.00

(3) Certified or uncertified copy on compact disc of patent-related file wrapper contents:

(i) First compact disc in a single order—\$55.00

(ii) Each additional compact disc in the single order of paragraph (b)(3)(i) of this section—\$15.00

(4) Certified or uncertified copy of Office records, per document except as otherwise provided in this section—\$25.00

(5) For assignment records, abstract of title and certification, per patent—\$25.00

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(g) Copies of unscanned documents and documents on media not permitted by § 1.52(a) or (e) will be provided at cost.

(h) Requests for documents in a form other than that provided by this part must be in writing in the form of a petition with the fee set forth in § 1.17(h) and will be provided at cost.

9. Section 1.27 is amended by revising paragraph (a) to read as follows:

§ 1.27 Definition of small entities and establishing status as a small entity to permit payment of small entity fees; when a determination of entitlement to small entity status and notification of loss of entitlement to small entity status are required; fraud on the Office.

(a) *Definition of small entities.* A small entity as used in this chapter means any party (person, small business concern, or nonprofit organization) under paragraphs (a)(1) through (a)(3) of this section.

(1) *Person.* A person, as used in paragraph (c) of this section, means any inventor or other individual (*e.g.*, an individual to whom an inventor has transferred some rights in the invention), who has not assigned, granted, conveyed, or licensed, and is under no currently enforceable obligation under contract or law to assign, grant, convey, or license, any rights in the invention. An inventor or other individual who has transferred some rights, or is under a currently enforceable obligation to transfer some rights in the invention to one or more parties, can also qualify for small entity status if all the parties who have had rights in the invention transferred to them also qualify for small entity status either as a person, small business concern, or nonprofit organization under this section.

(2) *Small business concern.* A small business concern, as used in paragraph (c) of this section, means any business concern that:

(i) Has not assigned, granted, conveyed, or licensed, and is under no currently enforceable obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person, concern, or organization which would not qualify for small entity status as a person, small business concern, or nonprofit organization; and

(ii) Meets the size standards set forth in 13 CFR 121.801 through 121.805 to be eligible for reduced patent fees. Questions related to standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW., Washington, DC 20416.

(3) *Nonprofit Organization.* A nonprofit organization, as used in paragraph (c) of this section, means any nonprofit organization that:

(i) Has not assigned, granted, conveyed, or licensed, and is under no currently enforceable obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person, concern, or organization which would not qualify as a person, small business concern, or a nonprofit organization; and