Setting and Adjusting Patent Fees During FY 2025—Aggregate Revenue Estimating Methodology

This document provides an explanation of the figures and calculations underlying the fee estimates found in the aggregate revenue tables developed in support of the Setting and Adjusting Patent Fees During FY 2025 Final Rule. The complete set of tables, one for each of the four alternatives considered, is available on the [fee setting section of the United States Patent and Trademark Office (USPTO) website](https://www.uspto.gov/FeeSettingAndAdjusting). This document contains five sections:

1. **Background**
2. **Final Rule Alternative**
3. **Unit Cost Recovery Alternative**
4. **Across-the-Board Adjustment Alternative**
5. **Baseline (Current Fee Schedule) Alternative**

Section I provides background information and additional detail on the revenue estimating methodology used by the USPTO to develop aggregate fee estimates for the four alternatives. Sections II–V explain the approach for calculating the aggregate revenue estimates for each alternative. Questions related to the aggregate revenue estimating methodologies discussed in the narrative are welcome. For further information, contact Brendan Hourigan, Director, Office of Planning and Budget, at 571–272–8966, or Brendan.Hourigan@uspto.gov; or C. Brett Lockard, Director, Forecasting and Analysis Division, at 571–272–0928, or Christopher.Lockard@uspto.gov.

**SECTION I: BACKGROUND**

The aggregate revenue tables provide current and new fee rates, estimated workloads (requests for services) including any elasticity estimates, and projected fee collections at the individual fee code level for each fiscal year (FY) 2024 through FY 2029 for the four alternatives. For a description of how the USPTO determined individual fee rates for each alternative, see Part VIII.B: Final Regulatory Flexibility Analysis (FRFA), in the final rule. For a description of estimating workloads (requests for services), see Part III, Estimating Aggregate Costs and Revenue, in the final rule.

**SECTION II: FINAL RULE ALTERNATIVE**

The aggregate revenue table for the final rule alternative presents aggregate fee estimates based on the fee rates established in the final rule. Columns G through M depict fee rates from FY 2024 to FY 2029 based on the final rule. Columns G and H show current fee rates. Column I indicates fee rates assumed to be implemented on January 8, 2025 (for consistency with information presented in the NPRM, the agency continues to use assumptions found in the FY 2025 Congressional Justification, including an (outdated) assumed implementation date of January 8, 2025 for fee rate changes). These fees remain the same through FY 2029 (column M).

Columns N through U represent workloads projected from FY 2024 to FY 2029. Each column shows the workloads for each fiscal year, unless a specific time period is indicated. For example, column O displays workloads from October 1, 2024, to January 7, 2025, to illustrate workloads prior to the assumed fee adjustment date. Likewise, column P exhibits the forecasted workloads after the assumed fee adjustment date on January 8, 2025. These two columns, O and P, are then added to calculate the aggregate workloads for FY 2025 in column Q. In the case of fees that have a variable fee rate (for example, the fee to collect payment for the costs of certified copies of application files, reflected in fee code 9024), values in columns N through U reflect the anticipated revenue associated with that service in aggregate dollars rather than the number of individual service requests, as these columns are used for fees with fixed fee rates.

Columns V through AC depict projected revenues from FY 2024 to FY 2029. Each column denotes the aggregate fee collections for each fiscal year, except for columns W and X, which present partial year collection estimates for FY 2025. Fee collections are calculated by multiplying the fee rate column and workload column for each period noted. For instance, column W, which indicates fees collected between October 1, 2024, and January 7, 2025, is calculated by multiplying columns H and O. Similarly, column X, which shows fees collected after the fee adjustments on January 8, 2025, is calculated by multiplying columns I and P. Columns W and X are then added to get the aggregate fee collections for FY 2025, as shown in column Y. Columns V, Z, AA, AB, and AC are calculated by multiplying columns G and N, J and R, K and S, L and T, and M and U, respectively.

**SECTION III: UNIT COST RECOVERY ALTERNATIVE**

This alternative sets most individual large entity fees at the historical costs of performing the activities related to the particular service in FY 2022. This alternative is fully described in the FRFA. The table calculation methodology for the unit cost recovery table is identical to that described in section II for the final rule alternative.

**SECTION IV: ACROSS-THE-BOARD ADJUSTMENT ALTERNATIVE**

This alternative uses the USPTO's fee setting authority under section 10(a) of the America Invents Act, as amended by the Study of Underrepresented Classes Chasing Engineering and Science Success Act of 2018, to apply an inflationary adjustment of 12.5% to the baseline. This alternative is fully described in the FRFA. The table calculation methodology for the across-the-board adjustment table is identical to that described in section II for the final rule alternative.

**SECTION V: BASELINE (CURRENT FEE SCHEDULE)**

This alternative uses fee rates in the current patent fee schedule as of April 3, 2024. The baseline is fully described in the FRFA. Columns G through L show the current fee rates from FY 2024 to FY 2029. These fees remain the same through FY 2029 (column L).

Columns M through R show projected workloads from FY 2024 to FY 2029. Each column represents the workloads for each fiscal year. In the case of fees that have a variable fee rate (for example, the fee to collect payment for the costs of certified copies of application files, reflected in fee code 9024), values in columns M through R reflect the anticipated revenue associated with that service in aggregate dollars rather than the number of individual requests for service, as these columns are used for fees with fixed fee rates.

Columns S through X represent projected revenues from FY 2024 to FY 2029. Each column denotes aggregate fee collections for each fiscal year, calculated by multiplying the fee rate column and workload column for each period. For example, column S, which indicates fees collected in FY 2024, is calculated by multiplying columns G and M. Columns T, U, V, W, and X are calculated by multiplying columns H and N, I and O, J and P, K and Q, and L and R, respectively.