

section 7701(l) of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8611) contain an error which may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correcting Amendment to Regulations

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *.

§ 1.881-3 [Corrected]

Par. 2. In § 1.881-3, paragraph (a)(2)(ii)(B)(3) is redesignated as paragraph (a)(3).

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 98-0713170-8289-03]

RIN 0651-AA96

Revision of Patent Fees for Fiscal Year 1999

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending the rules of practice in patent cases to reduce patent "statutory" fee amounts to conform to the fee amounts set by law in the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Pub. L. 105-358). The PTO is reducing, by a corresponding amount, a few fees that track the statutory fees. The PTO is also reducing a non-statutory fee to reflect current business practice. This final rule supersedes the final rule that was published on July 24, 1998, and corrected on September 3, 1998.

EFFECTIVE DATE: The effective date for the amendments to the fee amounts in

37 CFR 1.16, 1.17(a) through (d), (l), and (m), 1.18, 1.20, and 1.492 is the date of enactment of Pub. L. 105-358 (November 10, 1998). The effective date for the amendments to the fee amounts in 37 CFR 1.17(r) and (s), and 1.21(a)(6)(ii) is December 8, 1998.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: This final rule adjusts PTO fees in accordance with the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Pub. L. 105-358).

Background

Patent fees are authorized by 35 U.S.C. 41 and 35 U.S.C. 376. The fees established under 35 U.S.C. 41(a) and (b) are referred to as the "statutory" fees. Subsection 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on an annual basis to reflect fluctuations in the Consumer Price Index (CPI). Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (amended by section 8001 of Pub. L. 103-66) provided that there would be a surcharge on all fees established under 35 U.S.C. 41(a) and (b). This surcharge provision was scheduled to expire on October 1, 1998.

Against this background, the PTO published a final rule in the **Federal Register** of July 24, 1998, that revised patent fees for fiscal year 1999 (63 FR 39731). See also 63 FR 46891 (September 3, 1998) (correcting one of the fee amounts specified in the July 24, 1998 final rule). The final rule had an effective date of October 1, 1998. The notice provided that if superseding legislation were passed, the PTO would publish a document in the **Federal Register** to ensure that the fees established under the final rule would not take effect.

Superseding legislation was passed. First, a series of continuing resolution appropriations bills were enacted that maintained PTO fee amounts at fiscal year 1998 rates from October 1, 1998, through October 21, 1998. See H.J. Res. 128, Pub. L. 105-240; H.J. Res. 133, Pub. L. 105-249; H.J. Res. 134, Pub. L. 105-254; H.J. Res. 135, Pub. L. 105-257; H.J. Res. 136, Pub. L. 105-260; and H.J. Res. 137, Pub. L. 105-273. In response, the PTO published a final rule in the **Federal Register** of October 1, 1998, which delayed the effective date of the July 24, 1998 final rule (63 FR 46891).

Second, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Pub. L. 105-

277) was signed by the President on October 21, 1998. It maintained patent fees at their September 30, 1998 (fiscal year 1998) rates through either enactment of a reauthorization statute, or if no such statute, then June 15, 1999. Thus, it also superseded the PTO's July 24, 1998 final rule.

Finally, the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999 (Pub. L. 105-358) was signed by the President on November 10, 1998. Pub. L. 105-358 amends 35 U.S.C. 41(a) and (b) and, thus, statutorily resets 35 U.S.C. 41(a) and (b) fees. That is, the fees established under 35 U.S.C. 41(a) and (b)—which in previous years had been determined using a base amount, a surcharge amount, and cumulative CPI adjustments—are for the balance of fiscal year 1999 set at the amounts specified in Pub. L. 105-358. (In future years, these fees may be adjusted to reflect fluctuations in the CPI.)

This final rule conforms the patent fees set forth in 37 CFR 1.16, 1.17(a) through (d), (l), and (m), 1.18, 1.20, and 1.492 to the fee amounts specified in Pub. L. 105-358. Specifically, it amends the following sections to correspond to the patent fees specified in amended 35 U.S.C. 41(a):

1.16 (paragraphs (a) through (d), and (f) through (j)),

1.17 (paragraphs (a) through (d), (l) and (m)),

1.18 (paragraphs (a) through (c)), and 1.492 (paragraphs (a) through (d)).

Section 1.20 (paragraphs (d) through (g)) is amended to indicate the patent fees specified in amended 35 U.S.C. 41(b).

This final rule also adjusts two fees that track statutory fees, and one non-statutory fee. Section 1.17, paragraphs (r) and (s), is reduced to correspond to the fee provided in 35 U.S.C. 41(a)(1)(A), as amended by Pub. L. 105-358. Section 1.21(a)(6)(ii) is being reduced to reflect current business practice. The adjustment to section 1.21(a)(6)(ii) was announced in the July 24, 1998 final rule.

Pub. L. 105-358 supersedes Pub. L. 105-277. The present notice therefore supersedes any and all prior notices or corrections revising patent fees for fiscal year 1999.

A comparison of the September 30, 1998 fee amounts (i.e., the fiscal year 1998 fee amounts) and the new fee amounts for fiscal year 1999 is included as an Appendix to this final rule.

Procedures for Determining the Fee Owed During the Transition to the New Fee Schedule

With two exceptions, any fee amount that is paid on or after the effective date

of the final fee adjustment would be subject to the new fees then in effect. As will be further explained below, the two exceptions are the filing fee required for a patent application filed under 35 U.S.C. 111 and the national fee for an application entering the national stage under 35 U.S.C. 371.

If a Certificate of Mailing or Transmission was used, and was proper under § 1.8(a)(1), the fee required is the lower of:

(1) The fee in effect on the date the PTO receives the fee; or

(2) The fee in effect on the date of mailing indicated on a proper Certificate of Mailing or Transmission under § 1.8(a)(1).

Items for which a Certificate of Mailing or Transmission under § 1.8(a)(1) is not proper to include, for example, Continued Prosecution Applications (CPAs) under § 1.53(d) and other national and international applications for patents. See 37 CFR 1.8(a)(2).

Under § 1.10(a), any correspondence delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) is considered filed or received in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation.

a. The Filing Fee for Applications Filed Under 35 U.S.C. 111 and 37 CFR 1.53

35 U.S.C. 111 provides for the filing of a patent application with the PTO. If the filing fee for an application filed under 35 U.S.C. 111 is received when the application is filed, the filing fee required is the filing fee in effect on the filing date assigned the application. If the PTO receives the filing fee on a date later than the filing date assigned the application, the filing fee required is the higher of:

(1) The filing fee in effect on the filing date assigned the application; or

(2) The filing fee in effect on the date the PTO receives the filing fee.

The filing fee includes the basic fee, excess claims fees (if any), and the multiple dependent claim fee (if any), for claims present on filing (unless the excess or multiple dependent claims are canceled before the filing fee is paid). Of course, if the basic filing fee is received on a date later than the filing date assigned the application filed under 35 U.S.C. 111, a surcharge as set forth in § 1.16(e) is also required.

b. The Fees for International Applications Entering the National Stage Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495

35 U.S.C. 371 provides for the national stage filing of a patent application under the Patent Cooperation Treaty. The basic national fee for an international application entering the national stage is due not later than the expiration of 20 months from the priority date in the international application (or 30 months from the priority date if the United States was elected prior to the expiration of 19 months from the priority date). The amount of the basic national fee that is required to be paid is the basic national fee in effect on the date the full fee is received.

The excess claim fees or the multiple dependent claim fee is the higher of:

(1) The excess claims fees and the multiple dependent claim fee in effect on the date the PTO receives the basic national fee; or

(2) The excess claims fees and the multiple dependent claim fee in effect on the date the PTO receives (any of) these fees.

In this respect, the practice for determining the fees due for excess claims and any multiple dependent claim when entering into the national stage is analogous to the practice for applications filed under 35 U.S.C. 111.

Fees for claims which are added after entry into the national stage are determined by the fees in effect (for excess claims and multiple dependent claim) on the date the PTO receives the fee(s).

Other Considerations

This final rule contains no information collection within the meaning of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* This final rule has been determined to be significant for purposes of Executive Order 12866.

This final rule conforms the patent fees indicated in Part 1 of title 37, Code of Federal Regulations, to the patent fee amounts set by law. Therefore, prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), and 30-day prior publication in the **Federal Register** and the Official Gazette of the Patent and Trademark Office is not required pursuant to 35 U.S.C. 41(f). As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 continues to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.16 is amended by revising paragraphs (a) through (d), and (f) through (j), to read as follows:

§ 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design or plant applications:

By a small entity (§ 1.9(f))—\$380.00
By other than a small entity—\$760.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f))—\$39.00
By other than a small entity—\$78.00

(c) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each claim in excess of 20 (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.9(f))—\$9.00
By other than a small entity—\$18.00

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.9(f))—\$130.00
By other than a small entity—\$260.00

* * * * *

(f) Basic fee for filing each design application:

By a small entity (§ 1.9(f))—\$155.00
By other than a small entity—\$310.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.9(f))—\$240.00
By other than a small entity—\$480.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.9(f))—\$380.00
By other than a small entity—\$760.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number

of independent claims in the original patent:

By a small entity (§ 1.9(f))—\$39.00

By other than a small entity—\$78.00

(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes.):

By a small entity (§ 1.9(f))—\$9.00

By other than a small entity—\$18.00

* * * * *

3. Section 1.17 is amended by revising paragraphs (a)(1) through (5), (b) through (d), (l), (m), (r), and (s), to read as follows:

§ 1.17 Patent application processing fees.

(a) * * *

(1) For reply within first month:

By a small entity (§ 1.9(f))—\$55.00

By other than a small entity—\$110.00

(2) For reply within second month:

By a small entity (§ 1.9(f))—\$190.00

By other than a small entity—\$380.00

(3) For reply within third month:

By a small entity (§ 1.9(f))—\$435.00

By other than a small entity—\$870.00

(4) For reply within fourth month:

By a small entity (§ 1.9(f))—\$680.00

By other than a small entity—\$1,360.00

(5) For reply within fifth month:

By a small entity (§ 1.9(f))—\$925.00

By other than a small entity—\$1,850.00

(b) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:

By a small entity (§ 1.9(f))—\$150.00

By other than a small entity—\$300.00

(c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.9(f))—\$150.00

By other than a small entity—\$300.00

(d) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.9(f))—\$130.00

By other than a small entity—\$260.00

* * * * *

(l) For filing a petition:

(1) For the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371, or

(2) For delayed payment of the issue fee under 35 U.S.C. 151 (§ 1.137(a)):

By a small entity (§ 1.9(f))—\$55.00

By other than a small entity—\$110.00

(m) For filing a petition:

(1) For revival of an unintentionally abandoned application, or

(2) For the unintentionally delayed payment of the fee for issuing a patent (§ 1.137(b)):

By a small entity (§ 1.9(f))—\$605.00

By other than a small entity—\$1,210.00

* * * * *

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.9(f))—\$380.00

By other than a small entity—\$760.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.9(f))—\$380.00

By other than a small entity—\$760.00

4. Section 1.18 is revised to read as follows:

§ 1.18 Patent issue fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.9(f))—\$605.00

By other than a small entity—\$1,210.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.9(f))—\$215.00

By other than a small entity—\$430.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.9(f))—\$290.00

By other than a small entity—\$580.00

5. Section 1.20 is amended by revising paragraphs (d) through (g) to read as follows:

§ 1.20 Post issuance fees.

* * * * *

(d) For filing each statutory disclaimer (§ 1.321):

By a small entity (§ 1.9(f))—\$55.00

By other than a small entity—\$110.00

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:

By a small entity (§ 1.9(f))—\$470.00

By other than a small entity—\$940.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§ 1.9(f))—\$950.00

By other than a small entity—\$1,900.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by

eleven years and six months after the original grant:

By a small entity (§ 1.9(f))—\$1,455.00

By other than a small entity—\$2,910.00

* * * * *

6. Section 1.21 is amended by revising paragraph (a)(6)(ii) to read as follows:

§ 1.21 Miscellaneous fees and charges.

* * * * *

(a) * * *

(6) * * *

(ii) Regrading of afternoon section (Claim Drafting)—\$230.00

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7. Section 1.492 is amended by revising paragraphs (a) through (d), to read as follows:

§ 1.492 National stage fees.

* * * * *

(a) The basic national fee:

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.9(f))—\$335.00

By other than a small entity—\$670.00

(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.9(f))—\$380.00

By other than a small entity—\$760.00

(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.9(f))—\$485.00

By other than a small entity—\$970.00

(4) Where an international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4) have been satisfied for all the claims presented in the application entering the national stage (see § 1.496(b)):

By a small entity (§ 1.9(f))—\$48.00

By other than a small entity—\$96.00

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office:

By a small entity (§ 1.9(f))—\$420.00
By other than a small entity—\$840.00

(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.9(f))—\$39.00
By other than a small entity—\$78.00

(c) In addition to the basic national fee, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 (Note that

§ 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes.):

By a small entity (§ 1.9(f))—\$9.00
By other than a small entity—\$18.00

(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.9(f))—\$130.00

By other than a small entity—\$260.00

* * * * *
Dated: December 2, 1998.

Q. Todd Dickinson,

*Deputy Assistant Secretary of Commerce and
Deputy Commissioner of Patents and
Trademarks.*

Note: The following appendix is provided as a courtesy to the public, but is not a substitute for the rules. It will not appear in the Code of Federal Regulations.

APPENDIX A.—COMPARISON OF PRIOR AND NEW REDUCED FEE AMOUNTS

37 CFR Sec.	Description	Indicates fees remain at FY 1998 amount	
		FY 1998	FY 1999
1.16(a)	Basic Filing Fee	\$790	\$760
1.16(a)	Basic Filing Fee (Small Entity)	395	380
1.16(b)	Independent Claims	82	78
1.16(b)	Independent Claims (Small Entity)	41	39
1.16(c)	Claims in Excess of 20	22	18
1.16(c)	Claims in Excess of 20 (Small Entity)	11	9
1.16(d)	Multiple Dependent Claims	270	260
1.16(d)	Multiple Dependent Claims (Small Entity)	135	130
1.16(e)	Surcharge—Late Filing Fee	130	
1.16(e)	Surcharge—Late Filing Fee (Small Entity)	65	
1.16(f)	Design Filing Fee	330	310
1.16(f)	Design Filing Fee (Small Entity)	165	155
1.16(g)	Plant Filing Fee	540	480
1.16(g)	Plant Filing Fee (Small Entity)	270	240
1.16(h)	Reissue Filing Fee	790	760
1.16(h)	Reissue Filing Fee (Small Entity)	395	380
1.16(i)	Reissue Independent Claims	82	78
1.16(i)	Reissue Independent Claims (Small Entity)	41	39
1.16(j)	Reissue Claims in Excess of 20	22	18
1.16(j)	Reissue Claims in Excess of 20 (Small Entity)	11	9
1.16(k)	Provisional Application Filing Fee	150	
1.16(k)	Provisional Application Filing Fee (Small Entity)	75	
1.16(l)	Surcharge—Incomplete Provisional App. Filed	50	
1.16(l)	Surcharge—Incomplete Provisional App. Filed (Small Entity)	25	
1.17(a)(1)	Extension—First Month	110	
1.17(a)(1)	Extension—First Month (Small Entity)	55	
1.17(a)(2)	Extension—Second Month	400	380
1.17(a)(2)	Extension—Second Month (Small Entity)	200	190
1.17(a)(3)	Extension—Third Month	950	870
1.17(a)(3)	Extension—Third Month (Small Entity)	475	435
1.17(a)(4)	Extension—Fourth Month	1,510	1,360
1.17(a)(4)	Extension—Fourth Month (Small Entity)	755	680
1.17(a)(5)	Extension—Fifth Month	2,060	1,850
1.17(a)(5)	Extension—Fifth Month (Small Entity)	1,030	925
1.17(b)	Notice of Appeal	310	300
1.17(b)	Notice of Appeal (Small Entity)	155	150
1.17(c)	Filing a Brief	310	300
1.17(c)	Filing a Brief (Small Entity)	155	150
1.17(d)	Request for Oral Hearing	270	260
1.17(d)	Request for Oral Hearing (Small Entity)	135	130
1.17(h)	Petition—Not All Inventors	130	
1.17(h)	Petition—Correction of Inventorship	130	
1.17(h)	Petition—Decision on Questions	130	
1.17(h)	Petition—Suspend Rules	130	
1.17(h)	Petition—Expedited License	130	
1.17(h)	Petition—Scope of License	130	
1.17(h)	Petition—Retroactive License	130	
1.17(h)	Petition—Refusing Maintenance Fee	130	
1.17(h)	Petition—Refusing Maintenance Fee—Expired Patent	130	
1.17(h)	Petition—Interference	130	
1.17(h)	Petition—Reconsider Interference	130	
1.17(h)	Petition—Late Filing of Interference	130	
1.20(b)	Petition—Correction of Inventorship	130	
1.17(h)	Petition—Refusal to Publish SIR	130	
1.17(i)	Petition—For Assignment	130	
1.17(i)	Petition—For Application	130	

APPENDIX A.—COMPARISON OF PRIOR AND NEW REDUCED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Indicates fees remain at FY 1998 amount	
		FY 1998	FY 1999
1.17(i)	Petition—Late Priority Papers	130	
1.17(i)	Petition—Suspend Action	130	
1.17(i)	Petition—Divisional Reissues to Issue Separately	130	
1.17(i)	Petition—For Interference Agreement	130	
1.17(i)	Petition—Amendment After Issue	130	
1.17(i)	Petition—Withdrawal After Issue	130	
1.17(i)	Petition—Defer Issue	130	
1.17(i)	Petition—Issue to Assignee	130	
1.17(i)	Petition—Accord a Filing Date Under § 1.53	130	
1.17(i)	Petition—Accord a Filing Date Under § 1.62	130	
1.17(i)	Petition—Make Application Special	130	
1.17(j)	Petition—Public Use Proceeding	1,510	
1.17(k)	Non-English Specification	130	
1.17(l)	Petition—Revive Abandoned Appl	110	
1.17(l)	Petition—Revive Abandoned Appl. (Small Entity)	55	
1.17(m)	Petition—Revive Unintentionally Abandoned Appl	1,320	1,210
1.17(m)	Petition—Revive Unintent Abandoned Appl. (Small Entity)	660	605
1.17(n)	SIR—Prior to Examiner's Action	920	
1.17(o)	SIR—After Examiner's Action	1,840	
1.17(p)	Submission of an Information Disclosure Statement (§ 1.97)	240	
1.17(q)	Petition—Correction of Inventorship (Prov. App.)	50	
1.17(q)	Petition—Accord a filing date (Prov. App.)	50	
1.17(q)	Petition—Entry of submission after final rejection (Prov. App.)	50	
1.17(r)	Filing a submission after final rejection (1.129(a))	790	760
1.17(r)	Filing a submission after final rejection (1.129(a)) (Small Entity)	395	380
1.17(s)	Per add'l invention to be examined (1.129(b))	790	760
1.17(s)	Per add'l invention to be examined (1.129(b)) (Small Entity)	395	380
1.18(a)	Issue Fee	1,320	1,210
1.18(a)	Issue Fee (Small Entity)	660	605
1.18(b)	Design Issue Fee	450	430
1.18(b)	Design Issue Fee (Small Entity)	225	215
1.18(c)	Plant Issue Fee	670	580
1.18(c)	Plant Issue Fee (Small Entity)	335	290
1.19(a)(1)(i)	Copy of Patent	3	
1.19(a)(1)(ii)	Patent Copy—Overnight delivery to PTO Box or overnight fax	6	
1.19(a)(1)(iii)	Patent Copy Ordered by Expedited Mail or Fax—Exp. service	25	
1.19(a)(2)	Plant Patent Copy	15	
1.19(a)(3)(i)	Copy of Utility Patent or SIR in Color	25	
1.19(b)(1)(i)	Certified Copy of Patent Application as Filed	15	
1.19(b)(1)(ii)	Certified Copy of Patent Application as Filed, Expedited	30	
1.19(b)(2)	Cert or Uncert Copy of Patent-Related File Wrapper/Contents	150	
1.19(b)(3)	Cert. or Uncert. Copies of Office Records, per Document	25	
1.19(b)(4)	For Assignment Records, Abstract of Title and Certification	25	
1.19(c)	Library Service	50	
1.19(d)	List of Patents in Subclass	3	
1.19(e)	Uncertified Statement-Status of Maintenance Fee Payment	10	
1.19(f)	Copy of Non-U.S. Patent Document	25	
1.19(g)	Comparing and Certifying Copies, Per Document, Per Copy	25	
1.19(h)	Duplicate or Corrected Filing Receipt	25	
1.20(a)	Certificate of Correction	100	
1.20(c)	Reexamination	2,520	
1.20(d)	Statutory Disclaimer	110	
1.20(d)	Statutory Disclaimer (Small Entity)	55	
1.20(e)	Maintenance Fee—3.5 Years	1,050	940
1.20(e)	Maintenance Fee—3.5 Years (Small Entity)	525	470
1.20(f)	Maintenance Fee—7.5 Years	2,100	1,900
1.20(f)	Maintenance Fee—7.5 Years (Small Entity)	1,050	950
1.20(g)	Maintenance Fee—11.5 Years	3,160	2,910
1.20(g)	Maintenance Fee—11.5 Years (Small Entity)	1,580	1,455
1.20(h)	Surcharge—Maintenance Fee—6 Months	130	
1.20(h)	Surcharge—Maintenance Fee—6 Months (Small Entity)	65	
1.20(i)(1)	Surcharge—Maintenance After Expiration—Unavoidable	700	
1.20(i)(2)	Surcharge—Maintenance After Expiration—Unintentional	1,640	
1.20(j)(1)	Extension of Term of Patent Under 1.740	1,120	
1.20(j)(2)	Initial Application for Interim Extension Under 1.790	420	
1.20(j)(3)	Subsequent Application for Interim Extension Under 1.790	220	
1.21(a)(1)(i)	Application Fee (non-refundable)	40	
1.21(a)(1)(ii)	Registration examination fee	310	
1.21(a)(2)	Registration to Practice	100	

APPENDIX A.—COMPARISON OF PRIOR AND NEW REDUCED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Indicates fees remain at FY 1998 amount	
		FY 1998	FY 1999
1.21(a)(3)	Reinstatement to Practice	40	
1.21(a)(4)	Certificate of Good Standing	10	
1.21(a)(4)	Certificate of Good Standing, Suitable Framing	20	
1.21(a)(5)	Review of Decision of Director, OED	130	
1.21(a)(6)(i)	Regrading of A.M. section (PTO Practice and Procedure	230	
1.21(a)(6)(ii)	Regrading of P.M. section (Claim Drafting)	540	230
1.21(b)(1)	Establish Deposit Account	10	
1.21(b)(2)	Service Charge Below Minimum Balance	\$25	
1.21(b)(3)	Service Charge Below Minimum Balance	25	
1.21(c)	Filing a Disclosure Document	10	
1.21(d)	Box Rental	50	
1.21(e)	International Type Search Report	40	
1.21(g)	Self-Service Copy Charge	25	
1.21(h)	Recording Patent Property	40	
1.21(i)	Publication in the OG	25	
1.21(j)	Labor Charges for Services	40	
1.21(k)	Unspecified Other Services	(¹)	
1.21(k)	Terminal Use APS—CSIR (per hour)	50	
1.21(l)	Retaining abandoned application	130	
1.21(m)	Processing Returned Checks	50	
1.21(n)	Handling Fee—Incomplete Application	130	
1.21(o)	Terminal Use APS—TEXT	40	
1.24	Coupons for Patent and Trademark Copies	3	
1.296	Handling Fee—Withdrawal SIR	130	
1.445(a)(1)	Transmittal Fee	240	
1.445(a)(2)(i)	PCT Search Fee—Prior U.S. Application	450	
1.445(a)(2)(ii)	PCT Search Fee—No U.S. Application	700	
1.445(a)(3)	Supplemental Search	210	
1.482(a)(1)(i)	Preliminary Exam Fee	490	
1.482(a)(1)(ii)	Preliminary Exam Fee	750	
1.482(a)(2)(i)	Additional Invention	140	
1.482(a)(2)(ii)	Additional Invention	270	
1.492(a)(1)	Preliminary Examining Authority	720	670
1.492(a)(1)	Preliminary Examining Authority (Small Entity)	360	335
1.492(a)(2)	Searching Authority	790	760
1.492(a)(2)	Searching Authority (Small Entity)	395	380
1.492(a)(3)	PTO Not ISA nor IPEA	1,070	970
1.492(a)(3)	PTO Not ISA nor IPEA (Small Entity)	535	485
1.492(a)(4)	Claims—IPEA	98	96
1.492(a)(4)	Claims—IPEA (Small Entity)	49	48
1.492(a)(5)	Filing with EPO/JPO Search Report	930	840
1.492(a)(5)	Filing with EPO/JPO Search Report (Small Entity)	465	420
1.492(b)	Claims—Extra Individual (Over 3)	82	78
1.492(b)	Claims—Extra Individual (Over 3) (Small Entity)	41	39
1.492(c)	Claims—Extra Total (Over 20)	22	18
1.492(c)	Claims—Extra Total (Over 20) (Small Entity)	11	9
1.492(d)	Claims—Multiple Dependents	270	260
1.492(d)	Claims—Multiple Dependents (Small Entity)	135	130
1.492(e)	Surcharge	130	
1.492(e)	Surcharge (Small Entity)	65	
1.492(f)	English Translation—After 20 Months	130	
2.6(a)(1)	Application for Registration, Per Class	245	
2.6(a)(2)	Amendment to Allege Use, Per Class	100	
2.6(a)(3)	Statement of Use, Per Class	100	
2.6(a)(4)	Extension for Filing Statement of Use, Per Class	100	
2.6(a)(5)	Application for Renewal, Per Class	300	
2.6(a)(6)	Surcharge for Late Renewal, Per Class	100	
2.6(a)(7)	Publication of Mark Under § 12(c), Per Class	100	
2.6(a)(8)	Issuing New Certificate of Registration	100	
2.6(a)(9)	Certificate of Correction of Registrant's Error	100	
2.6(a)(10)	Filing Disclaimer to Registration	100	
2.6(a)(11)	Filing Amendment to Registration	100	
2.6(a)(12)	Filing Affidavit Under Section 8, Per Class	100	
2.6(a)(13)	Filing Affidavit Under Section 15, Per Class	100	
2.6(a)(14)	Filing Affidavit Under Sections 8 & 15, Per Class	200	
2.6(a)(15)	Petitions to the Commissioner	100	
2.6(a)(16)	Petition to Cancel, Per Class	200	
2.6(a)(17)	Notice of Opposition, Per Class	200	
2.6(a)(18)	Ex Parte Appeal to the TTAB, Per Class	100	

APPENDIX A.—COMPARISON OF PRIOR AND NEW REDUCED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Indicates fees remain at FY 1998 amount	
		FY 1998	FY 1999
2.6(a)(19)	Dividing an Application, Per New Application Created	100	.....
2.6(b)(1)(i)	Copy of Registered Mark	3	.....
2.6(b)(1)(ii)	Copy of Registered Mark, overnight delivery to PTO box or fax	6	.....
2.6(b)(1)(ii)	Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc.	25	.....
2.6(b)(2)(i)	Certified Copy of TM Application as Filed	15	.....
2.6(b)(2)(ii)	Certified Copy of TM Application as Filed, Expedited	30	.....
2.6(b)(3)	Cert. or Uncert. Copy of TM-Related File Wrapper/Contents	50	.....
2.6(b)(4)(i)	Cert. Copy of Registered Mark, Title or Status	15	.....
2.6(b)(4)(ii)	Cert. Copy of Registered Mark, Title or Status—Expedited	30	.....
2.6(b)(5)	Certified or Uncertified Copy of TM Records	25	.....
2.6(b)(6)	Recording Trademark Property, Per Mark, Per Document	40	.....
2.6(b)(6)	For Second and Subsequent Marks in Same Document	25	.....
2.6(b)(7)	For Assignment Records, Abstracts of Title and Cert.	25	.....
2.6(b)(8)	Terminal Use X—SEARCH	40	.....
2.6(b)(9)	Self-Service Copy Charge	0.25	.....
2.6(b)(10)	Labor Charges for Services	40	.....
2.6(b)(11)	Unspecified Other Services	(¹)

¹ Actual cost.

[FR Doc. 98–32518 Filed 12–7–98; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[SC–21–1; SC–23–1–9832a; FRL–6197–6]

**Approval and Promulgation of
Implementation Plans; South Carolina:
Approval of Revisions to the South
Carolina SIP Regarding Volatile
Organic Compounds (VOC) Definition
Adoptions****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: EPA is approving revisions to the South Carolina State Implementation Plan (SIP) which were submitted to EPA by South Carolina, through the South Carolina Department of Health and Environmental Control (SCDHEC), on June 6, 1989, and September 27, 1990. The EPA is approving the revisions and adoptions of general definitions to the South Carolina regulation 62.1 Definitions, Permit Requirements, and Emission Inventory.

DATES: This final rule is effective February 8, 1999 unless adverse or critical comments are received by January 7, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Randy B.

Terry at the Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference South Carolina files 21–1, and 23–1. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control 2600 Bull Street, Columbia, South Carolina 29201–1708.

FOR FURTHER INFORMATION CONTACT: Randy B. Terry at (404) 562–9032.

SUPPLEMENTARY INFORMATION: On June 6, 1989 and September 27, 1990, the State of South Carolina submitted revisions to the South Carolina SIP. The revisions include modifications to existing definitions and additions of new definitions. EPA is approving the revisions described herein as listed in regulation 62.1 Definitions, Permit Requirements and Emission Inventory.

South Carolina adopted these revisions into the South Carolina State Implementation Plan to adequately

define words that are used throughout the SIP. EPA is approving the following new definitions because they are consistent with EPA requirements:

- Afterburner.
- Air curtain incinerator.
- Boiler.
- Chemotherapeutic waste.
- “Continuous program of physical on-site construction.”
- Crematory incinerator.
- Hazardous waste.
- Hazardous waste fuel.
- Hazardous waste incinerator.
- Industrial boiler.
- Industrial furnace.
- Industrial incinerator.
- “In existence.”
- Infectious waste.
- Medical waste.
- Medical waste incinerator.
- Medical waste incinerator facility.
- Multiple-chamber incinerator.
- Municipal incinerator.
- Municipal waste.
- Non-industrial boiler.
- Non-industrial furnace.
- Non-spec oil.
- Retail business type incinerator.
- Sludge incinerator.
- Substantial loss.
- Used oil.
- Utility boiler.
- Virgin fuel.
- Waste.
- Waste fuel.

South Carolina amended their state definition for incinerator to be more consistent with the EPA requirements.

Final Action

The EPA is approving the aforementioned revisions contained in the State’s June 6, 1989 and September