

ACPC 2024 WINTER MEETING

January 21-24 | New Orleans

ACPC

The Chief Patent Counsel Network



Patent Preparation & Prosecution Fees

2023 Member Survey

Summary of Results

Our members approach fees in a variety of ways

Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates



Summary of Results

Our members approach fees in a variety of ways

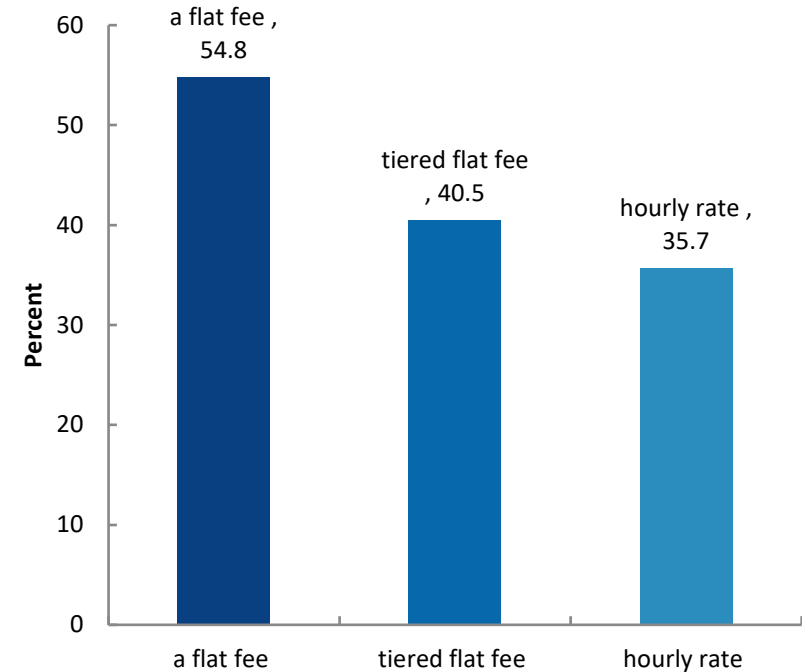
Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates

2. PATENT APPLICATION DRAFTING - For application drafting, do you use (check all that apply):



Summary of Results

Our members approach fees in a variety of ways

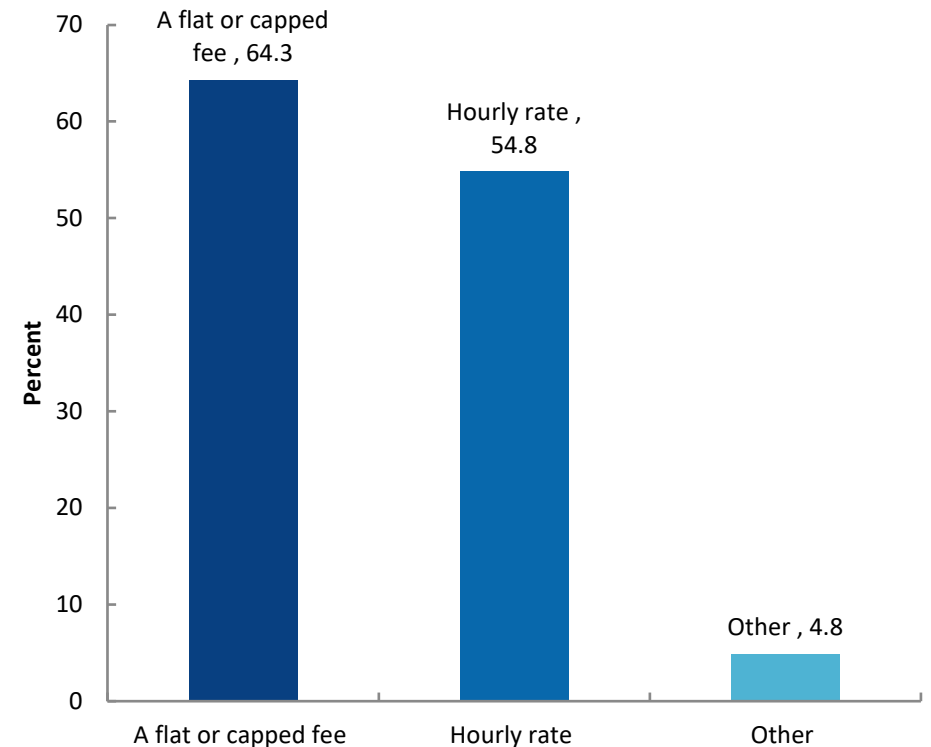
Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates

8. **PATENT PROSECUTION** - For prosecution, do you use (check all that apply):



Summary of Results

Utility Application Flat Fee
Mean: \$9,550
Median: \$9,000

Our members approach fees in a variety of ways

Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates

5. What do you expect to pay for preparation of an average **UTILITY** application?



Summary of Results

Design Application Flat Fee

Mean: \$3,281

Median: \$2,750

Our members approach fees in a variety of ways

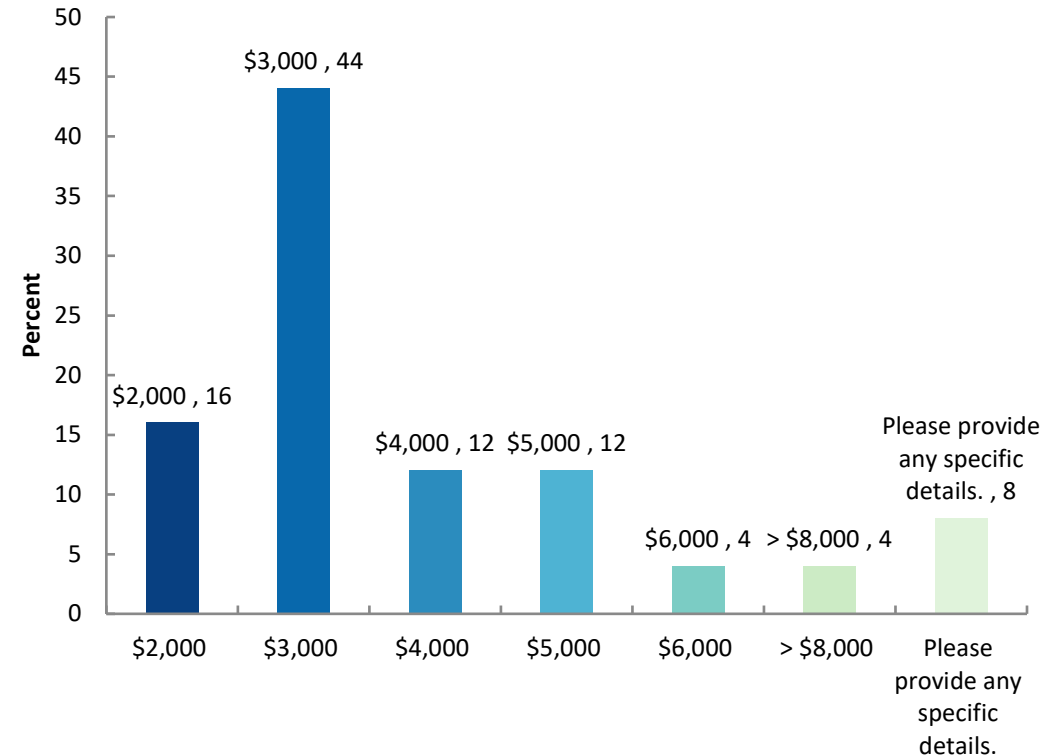
Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates

5. What do you expect to pay for preparation of an average **DESIGN** application?



Summary of Results

Office Action Response Flat Fee

Mean: \$3,159

Median: \$2,800

Our members approach fees in a variety of ways

Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates

11. What do you expect to pay for an average response to a substantive office action in the U.S.?



12. PROSECUTION - Do you have a mechanism to ensure **quality** for services provided?

Summary of Results

Our members approach fees in a variety of ways

Fixed Fee mean, median, and distribution for flat fee application prep (Utility & Design)

Fixed Fee mean & median, and distribution for OA response prep

Wide range of approaches to quality control

Estimated acceptable hourly rates

Primarily rely on inventor feedback, success of patent office, timeliness of responses (i.e., to avoid paying surcharges/extensions of time), and where practicable attorney review

Each attorney is free to pick from multiple pre-approved law firms. Low-quality work product means attorneys will stop picking a firm.

Yes

Have used success fees in the past. Have also used lower payments for 3 action in a case. Won't pay for responses due to errors made by firm.

Surveys/feedback from (at times) in house counsel and inventors



Yes, annual audits are completed and each legal vendor receives an annual grade for their performance

No

Yes, we require all outside counsel to run draft patent applications through Lexis Patent Advisor. In house lawyers are expected to identify low quality providers and we then phase these firms out of the supply chain.

Yes, we are currently implementing a third-party auditing platform

The ACPC Benchmarking Committee

Thank you!

The ACPC Benchmarking Committee

Side job of Treasurer

Paul Fair will take the role back for the coming year

In the past, we did very large surveys every year

Decided, at least for now, to focus on smaller surveys that don't require research

Last year, salary survey

This year, outside counsel fees and live polling on DEI topics

Please share your feedback. Next year's agenda is under construction

2023 Outside Counsel Fees Survey

Context of Survey

22 Questions, <10 minutes, no research required

Launched December 4

Closed December 20

Went out to our 100+ members, 42 responded

Anonymous