

**SF-83 SUPPORTING STATEMENT  
PAPERWORK REDUCTION ACT – OMB CONTROL NUMBER 0651-0032  
INITIAL PATENT APPLICATIONS**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

Article 1, Section 8, Clause 8 of the Constitution provides that Congress shall have the power...."[t]o promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." Congress has exercised this grant of power under the Constitution to enact the patent statute, Title 35, U.S.C., and to establish the United States Patent and Trademark Office (USPTO).

The USPTO is required by 35 U.S.C. § 131 to examine applications for patents. An applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the criteria set forth in the patent statute and regulations to be issued as a patent. The USPTO administers the statute through various rules in 37 CFR 1.16 through 1.84. The patent statute and regulations require that an application for patent (commonly referred to as an application package) include the following collections of information:

- (1) a specification containing a description of the invention and at least one claim defining the property right sought by the applicant;
- (2) a drawing(s) or photograph, where necessary, for an understanding of the invention;
- (3) an oath or declaration signed by the applicant; and
- (4) a filing fee.

Various types of patent applications are covered under this collection: new original utility, plant, design, and provisional applications; continuations/divisionals of international applications; continued prosecution applications (design); and continuation/divisional and continuation-in-part applications for the utility, plant, and design applications. In addition to these applications, this collection also contains petitions to accept unintentionally delayed priority claims, petitions to accept non-signing inventors or legal representatives/filing by other than all of the inventors or a person not the inventor, and petitions requesting that applications filed under 37 CFR 1.495(b) be accorded a national stage entry date.

Previously, applicants could only submit their new original utility and provisional applications to the USPTO electronically. Now new original design applications can be

filed electronically as well. The electronic options for the design applications are being submitted to OMB for review as part of this renewal.

In addition to the electronic design applications, this renewal submission also includes two new patent fees from the Consolidated Appropriations Act of 2005. One of the fees is a new filing fee of \$75 for small entities filing original utility applications electronically on or after December 8, 2004. The other fee is an application size fee that is paid for applications filed under 35 U.S.C. § 111 on or after December 8, 2004, in which the specification and the drawings exceed 100 sheets of paper.

The USPTO is taking this opportunity to add five other existing fees or surcharges and one petition that have been overlooked in previous renewals into the collection:

- Surcharges for the late filing of the fees, oaths, or declarations
- Surcharges for the late filing of the provisional application coversheets
- Fees for filing excess claims
- Fees for filing multiple dependent claims
- Fees for filing non-English specification
- Petition under 37 CFR 1.6(f) to accord an application under 37 CFR 1.495(b) a national stage entry date. As a result of reviewing the final rule notice, “Changes to Facilitate Electronic Filing of Patent Correspondence” (RIN 0651-AB92), the USPTO determined that this petition, an existing requirement that was mentioned in the rule, was overlooked in previous submissions and needed to be added into the collection as well.

In the previous submissions for this collection, the utility, design, and plant applications were grouped together, causing the response burden and fee tables to not line up with each other. Other difficulties arose once the USPTO started accepting electronically-filed applications for some but not all of the applications. In this renewal submission, the utility, design, and plant applications have been broken out separately, which allows the USPTO to show exactly how many of the different applications have been filed. The USPTO has also determined that the different types of utility, design, and plant applications have different estimated completion times. Previously, all of the applications had the same response time, so separating the applications results in a more accurate burden estimate. Separating the applications also makes it easier to account for the electronic filings since the utility, design, and provisional applications can be filed electronically, but not the plant applications. As a result of separating the applications, the response and fee burden tables can be more closely aligned.

Table 1 provides the specific statutes and regulations requiring the USPTO to collect the information for the patent applications and the petitions:

**Table 1: Information Requirements to Determine Patentability**

Requirement	Statute	Rule
Specification and claim	35 U.S.C. §§ 111 and 112	37 CFR 1.53 and 1.71 through 1.77

Drawing(s)	35 U.S.C. § 113	37 CFR 1.53 and 1.81 through 1.84
Declaration	35 U.S.C. §§ 25, 115, and 117	37 CFR 1.42, 1.43, 1.47, 1.53, and 1.63 through 1.69
Filing Fee	35 U.S.C. §§ 41 and 111	37 CFR 1.16 and 1.53
Continued Prosecution Application – Design (Request Transmittal and Receipt)	35 U.S.C. §§ 111,120, and 121	37 CFR 1.53(d)
Petition to Accept Unintentionally Delayed Priority Claim	35 U.S.C. §§ 119(b), 119(e), and 120	37 CFR 1.55 and 1.78
Petition to Accept Non-Signing Inventors or Legal Representatives/Filing by Other Than All the Inventors or a Person Not the Inventor	35 U.S.C. §§ 116 through 118	37 CFR 1.42, 1.43, and 1.47
Petition under 37 CFR 1.6(f) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date	35 U.S.C. § 371	37 CFR 1.6(f) and 1.495(b)

## 2. Needs and Uses

This information collection contains both paper and electronic forms. For the applications that are filed in paper, the USPTO provides various fee calculation and fee transmittal forms, application transmittal forms, and declaration forms. There are also forms to request the filing of a continuation or division of an international application and a request transmittal and receipt for transmitted facsimile for the continued prosecution applications. Some parts of the application, such as the specification and the drawings, do not have forms associated with them. The petitions covered in this information collection also do not have forms associated with them. There are 28 forms in this collection.

New original utility, provisional, and now design applications can be submitted electronically through the EFS-Web, which is an electronic filing system that is web-based and can be accessed from any web-enabled computer anywhere in the world. The documents that are submitted through EFS-Web are in the PDF (Portable Document Format) format. All of the key patent data is collected from the PDF documents, with a little data collected from the EFS-Web's standard web-based screens. Copies of the screens that the registered and unregistered users see when they file their applications through EFS-Web are attached (Attachment A). Since the majority of the information for the different applications is provided in the PDF attachments, copies of the specific electronically-filed applications are not attached to this submission. The information collected from the EFS-Web forms is processed automatically. In order to automatically process the data, the USPTO has started creating PDF web-based fillable forms, such as PTO/SB/14 The Application Data Sheet.

The Information Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for Fiscal Year 2001, apply to this information collection and comply with all applicable information quality guidelines, *i.e.*, the OMB and specific operating unit guidelines.

This proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and USPTO Information Quality Guidelines. (See Attachment B, the *USPTO Information Quality Guidelines*.)

Table 2 outlines how these collections of information are used by the public and by the USPTO:

**Table 2: Needs and Uses of Information Collected to Determine Patentability**

Form and Function	Form #	Needs and Uses
Specification (includes at least one claim) and Drawing(s)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the applicant to provide a description of the invention and of the property right sought by the applicant (the claim(s)).</li> <li>Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.</li> </ul>
Patent Application Fee Determination Record (Substitute for Form PTO-875) (Attachment C)	PTO/SB/06	<u>Forms PTO/SB/06 and 07:</u> <ul style="list-style-type: none"> <li>Used by the USPTO to determine the appropriate fees for small and non-small entities and for applications containing multiple dependent claims. NOTE: These forms are seldom used by applicants, but in the event that an applicant obtained these forms, their use would reduce fee calculation errors, especially in those applications containing multiple dependent claims.</li> </ul>
Multiple Dependent Claim Fee Calculation Sheet (Substitute for Form PTO-1360; For Use with Form PTO/SB/06) (Attachment D)	PTO/SB/07	
Fee Transmittal Form (Attachment E)	PTO/SB/17	<ul style="list-style-type: none"> <li>Used by applicants to determine fees.</li> <li>Used by the USPTO to verify applicant fee determination and to process the fee.</li> </ul>
Utility Patent Application Transmittal (Attachment F)	PTO/SB/05	<u>Forms PTO/SB/05, 18, and 19:</u> <ul style="list-style-type: none"> <li>Used by the applicant as a checklist to highlight information which may otherwise have been overlooked at the time of filing.</li> <li>Used by the applicant to provide identifying information about the submitted papers and himself/herself.</li> <li>Used by the USPTO to determine whether the submitted papers constitute an application for patent, whether it is a utility, plant, or design application.</li> </ul>
Design Patent Application Transmittal (Attachment G)	PTO/SB/18	
Plant Patent Application Transmittal (Attachment H)	PTO/SB/19	
Declaration for Utility or Design Patent Application (37 CFR 1.63) (Attachment I)	PTO/SB/01	<u>Forms PTO/SB/01, 02A, 02B, 02LR, 03, and 04:</u> <ul style="list-style-type: none"> <li>Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language.</li> <li>Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. § 119 or 365.</li> <li>Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor.</li> <li>Assures that an applicant will provide necessary information (most often overlooked).</li> <li>Used by the USPTO to determine whether the required information has been set forth in the declaration.</li> </ul>
Declaration – Additional Inventors – Supplemental Sheet (Attachment J)	PTO/SB/02A	
Declaration – Supplemental Priority Data Sheet (Attachment J)	PTO/SB/02B	
Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. §117) on Behalf of a Deceased or Incapacitated Inventor (Attachment K)	PTO/SB/02LR	
Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.63) (Attachment L)	PTO/SB/03	
Supplemental Declaration for Utility or Design Patent Application (37 CFR 1.67) (Attachment M)	PTO/SB/04	

Declaration and Power of Attorney for Patent Application (in various foreign languages) (Attachment N)	PTO/SB/101 through 110	<ul style="list-style-type: none"> <li>• Perform the same functions as SB/01, 03, and 04.</li> <li>• Provide the applicant with a native (to the applicant) language version with English translation of the required declaration. Chinese, Dutch, German, Italian, French, Japanese, Russian, Swedish, Spanish, and Korean language declarations are available.</li> </ul>
Application Data Sheet Form (Attachment O)	PTO/SB/14 and EFS-Web	<ul style="list-style-type: none"> <li>• Provides applicant with a convenient manner to provide bibliographic information concerning the applicant and application that the applicant is either required, or desires, to provide to the USPTO.</li> <li>• Used by the USPTO to autoload data directly into USPTO databases, which reduces information capture errors caused by hand keying.</li> <li>• Used by the USPTO to provide a quick acknowledgment of the application and the information in USPTO records concerning the applicant and application.</li> </ul>
Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) (Attachment P)  Declaration (37 CFR 1.63) for Plant Application Using an Application Data Sheet (37 CFR 1.76) (Attachment Q)	PTO/SB/01A  PTO/SB/03A	<ul style="list-style-type: none"> <li>• Provides applicant with a convenient manner to provide a declaration containing the minimal information that must be in the oath or declaration if the application also contains an application data sheet.</li> <li>• Used by the USPTO to process the declaration.</li> </ul>
Request for Filing a Continuation or Division of an International Application (Attachment R)	PTO/SB/13/PCT	<ul style="list-style-type: none"> <li>• Used by applicant to file a continuation or divisional of an international application.</li> <li>• Used by the USPTO to process a continuation or divisional of an international application.</li> </ul>
For Design Applications Only: Continued Prosecution Application (CPA) Request Transmittal (Attachment S)  For Design Applications Only: Receipt for Facsimile Transmitted CPA (Attachment T)	PTO/SB/29  PTO/SB/29A	<ul style="list-style-type: none"> <li>• Used by the applicant to request additional examination of a previously submitted design application.</li> <li>• Used by the USPTO to process and initiate an additional examination of a previously submitted design application.</li> </ul>
Provisional Application for Patent Cover Sheet – Paper and Electronic Filing (Attachment U)	PTO/SB/16 and EFS-Web	<ul style="list-style-type: none"> <li>• Used by the applicant to file a provisional application with the USPTO.</li> <li>• Used by the applicant to include filing fees.</li> <li>• Used by the USPTO to identify provisional applications in order to promptly and properly process them.</li> <li>• Used by the USPTO to prepare the filing receipt.</li> <li>• Used by the USPTO to identify provisional applications that may require foreign filing licenses.</li> </ul>
Petition to Accept Unintentionally Delayed Priority Claim	No Form Associated	<ul style="list-style-type: none"> <li>• Used by the applicant to submit an unintentionally delayed priority claim to the USPTO.</li> <li>• Used by the USPTO to determine whether the applicant has included the documentation and fees necessary for the USPTO to accept unintentionally delayed priority claim under 35 U.S.C. §§§ 119, 120, or 365.</li> </ul>
Petition to Accept Non-Signing Inventors or Legal Representatives/Filing by Other Than All the Inventors or a Person Not the Inventor	No Form Associated	<ul style="list-style-type: none"> <li>• Enables inventors or assignees who cannot locate or obtain signatures from an inventor or a legal representative of a deceased inventor to submit a patent application.</li> <li>• Used by the USPTO to ensure that the necessary information has been provided in support of the oath or declaration.</li> </ul>

Petition under 37 CFR 1.6(f) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date	No Form Associated	<ul style="list-style-type: none"> <li>Used by applicants to request a national stage entry date for applications filed under 37 CFR 1.495(b)</li> <li>Used by the USPTO to assign applications filed under 37 CFR 1.495(b) a national stage entry date.</li> </ul>
Electronic New Utility Patent Application	EFS-Web	<ul style="list-style-type: none"> <li>Used by filers to electronically file a new original utility application with the USPTO and to include the necessary filing fees.</li> <li>Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.</li> </ul>
Electronic New Design Application	EFS-Web	<ul style="list-style-type: none"> <li>Used by filers to electronically file a new original design application with the USPTO and to include the necessary filing fees.</li> <li>Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.</li> </ul>

### 3. Use of Information Technology

Currently, the USPTO does not generally use automated, mechanical, or other technological collection techniques to collect this information. The USPTO does, however, collect some of the patent application information electronically. In October 2000, the USPTO released the production version of the Electronic Filing System (EFS), which used two client-side components to create the patent applications: EFS-ABX for patent application specification authoring and ePAVE for form generation, validation, and submission to the USPTO. Because the percentage of electronic filings fell short of expectations, the USPTO requested feedback from the Intellectual Property (IP) community on how EFS could be improved. The agency found that the IP community wanted to file applications using the Adobe PDF (Portable Document Format) format that they use every day in their practice and that they did not want to download and install software on their computers in order to electronically file their applications.

Based on the response from the patent community, the USPTO developed EFS-Web, a web-based patent application filing system. EFS-Web was deployed in March 2006. The USPTO also incorporated the functionality of EFS-ABX and ePAVE into EFS-Web and integrated Private PAIR with the USPTO Portal and consequently stopped supporting EFS-ABX, ePAVE, and Entrust Direct software late in 2006.

EFS-Web is a web-based patent application and document submission system that allows applicants to file patent applications and documents without downloading special software or changing their documentation preparation tools or workflow processes. Applicants create their patent applications and associated documents using the tools and processes that they already use and then convert those documents into standard PDF files that are submitted through EFS-Web to the USPTO. EFS-Web uses standard web-based screens and prompts. Files are typically submitted through EFS-Web within minutes, depending on the speed of the Internet connection and the size of the PDF files. The USPTO has found that the time required for these submissions is significantly less than that typically required for submissions through the original EFS. In addition, EFS-Web automatically validates whether the PDF files and data can be accepted before they are actually submitted and alerts users if the application does not meet

USPTO standards so that the problems can be corrected before final submission to the USPTO.

Registered and unregistered users can file documents securely through EFS-Web, which is hosted on secure servers. The applications of registered users are protected using a Public Key Infrastructure (PKI) system and digital certificates which provide authentication and encryption security. For filers who are not registered, the applications are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol. Since EFS-Web has these security features in place, documents that are submitted through EFS-Web cannot be password protected or encrypted.

Registered users can file new utility, provisional, design, international applications for filing in the U.S. receiving office, and national stage applications under 35 U.S.C. § 371. They can also file follow-on documents for previously filed applications, pay the fees for existing patent applications, or file petitions to accept unintentionally delayed payment of maintenance fee in an expired patent (37 CFR 1.378(c) or pre-grant publication requests under 37 CFR 1.211 to 1.221 under the “Existing Application/Patent” option in EFS-Web. In addition, registered users can save their applications before submission so that they do not lose any information. They can view their saved submission packages under “My Workplace” as well as view their last 20 eFiling Acknowledgment Receipts.

Unregistered users cannot use all of the EFS-Web features. Unregistered users can file the same application types as the registered filers. They can file petitions to accept unintentionally delayed payment of maintenance fees in an expired patent (37 CFR 1.378(c)) , but they cannot file follow-on documents for previously filed applications, pay the fees for existing patent applications, or file the pre-grant publication requests under 37 CFR 1.211 to 1.221 options in “Existing Application/Patent.” Unregistered users must provide their contact information in order to proceed through the application process. They cannot access “My Workplace.”

After the application has been successfully submitted through EFS-Web, applicants will receive an acknowledgement receipt that lists the time and date stamp stating when the application was submitted to the USPTO, an application number, a confirmation number, and other critical information, such as the EFS ID, a listing of the files/documents associated with the submission, and page counts of the files/documents. This receipt is the legal equivalent of the post card receipt practice used for the patent application documents that are filed in paper and it is recommended that applicants print the electronic acknowledgement receipt to keep with their records.

EFS-Web uses the standard PDF file format (versions 1.1 to 1.6), which is readily available from commercial and free PDF converters. The form-fillable PDF forms do not need PDF creation software, only the latest free version of the Acrobat Reader (currently Adobe Reader 7.0.8 and above). The USPTO form-fillable PDF documents have version numbers; only version 2.0 and higher can be submitted through EFS-Web.

In addition to documents in the PDF format, EFS-Web also accepts PCT EASY .ZIP compressed files used to submit International PCT applications, and ASCII text files (.TXT) used to submit bio-sequence listings, computer program listings, large tables, etc. The .ZIP file must be created as part of the PCT-SAFE software package and can only be submitted as part of a new PCT application. The bio-sequence listing, computer program listing, and mega tables are the only attachments that can be submitted as text files.

The maximum size for EFS-Web submissions is 25 megabytes. Only 60 electronic files can be filed in any one submission. In cases where the application contains more than 60 files, the USPTO recommends that applicants break up the submission so that 60 or fewer files are submitted in the initial EFS-Web filing. The initial submission will be assigned an application number and any remaining electronic files can be filed as follow-on documents to the initial submission later that same day so that all of the files that actually make up the application will receive the same filing date.

The form-fillable PDF forms can be printed with data entered by the user; they can also be saved electronically with the data embedded and can be re-opened in order to modify the existing data. The form-fillable PDF forms enable the system to import and export data in XML format to and from document management systems and other databases. The information collected from the EFS-Web forms is processed automatically so the use of these forms accelerates the USPTO's processing of the patent applications and documents and increases the accuracy and timeliness of the data. This reduces the number of times that EFS-Web users have to redo their documents and reduces the need to file additional papers, such as the "Correction of Filing" forms. Use of these forms also enables the USPTO to process the requests in real time.

In order to be able to automatically process the data, the USPTO has started creating PDF web-based fillable forms, which are interactive forms with various field types and formatting-options that auto-load field information directly into the USPTO's systems. The USPTO plans to convert as many of the existing fillable forms into PDF web-based fillable forms for the EFS-Web as possible. Some EFS-Web forms will not auto-load data into the USPTO's systems and must be reviewed manually, but the majority of the forms will automatically load the data. The USPTO also has older PDF forms available through its website. Data entered into these forms will not be saved. If these older forms are submitted through EFS-Web, the data will not be automatically loaded into the USPTO's processing system. If an applicant creates their own form-fillable PDF document or modifies one of the USPTO's existing forms, the data from the individual fields will be accepted, however the data will not be auto loaded into the USPTO's processing systems.

There are many benefits to filing through EFS-Web that were not available previously. Users can access EFS-Web from any computer that can access the Web, regardless of their location. Since EFS-Web is hosted on the USPTO's secure servers and not on the individual's personal computer, USPTO staff can update EFS-Web without requiring any



action from the user. Applicants can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration. Legal assistants or paralegals can submit applications through EFS-Web that have been previously reviewed by a registered practitioner without the responsible attorney or agent being present.

The PDF files that are submitted through EFS-Web should include either a handwritten signature in compliance with 37 CFR 1.4(d)(1) inserted before scanning the document or converting it to an image-based PDF form or an S-signature in compliance with 37 CFR 1.4(d)(2). When filing a new application through EFS-Web, a signed transmittal form or a signed Application Data Sheet is recommended for identification purposes; however, a signature is not required to obtain a filing date for new patent applications.

The PDF files that are submitted as part of the Patent Application Specification in EFS-Web are used to create the legal record of the application. The Official Record for applications filed through EFS-Web is a TIFF image of the original documents that are stored in the Image File Wrapper system. Applications and other documents submitted through EFS-Web are stored exactly as filed, for reference, in an independent location. The USPTO has created guidelines for the PDF documents to ensure that the application documents will be processed properly. Documents that do not conform to these guidelines may not be able to be processed by the USPTO.

EFS-Web integrates with Private Patent Application Information Retrieval (PAIR), the USPTO's online database that provides trusted filers with controlled access to non-published patent application information. Private PAIR also contains all of the information that the public can access in Public PAIR, such as bibliographic data, status, file history, PDF file images, continuity, foreign priority, patent term adjustments and extensions, text and TIFF images of published applications and patents, maintenance fees, and online ordering of copies. The form-fillable PDF forms submitted through EFS-Web allow the USPTO to extract the form data directly into Patent Application Locating and Monitoring (PALM), which is the main database used to process these forms. The data in PALM feeds directly into PAIR. Most new applications that are submitted electronically through EFS-Web can be viewed in Private PAIR within an hour after they are filed. Registered users can view and check on the status of their pending applications in Private PAIR, but unregistered users can only check on the status and the documents for patent and published applications as shown in PAIR.

#### **4. Efforts to Identify Duplication**

This information is collected only when an applicant (or representative) submits an application. The USPTO also collects information for petitions to accept unintentionally delayed priority claims, petitions to accept non-signing inventors or legal representatives/filing by other than all the inventors or a person not the inventor, and petitions to request that applications filed under 37 CFR 1.495(b) be assigned a national

stage entry date. This information is not collected elsewhere. Therefore, this collection does not create a duplication of effort or collection of data.

## **5. Minimizing the Burden to Small Entities**

No significant impact is placed on small entities, as the rule (37 CFR 1.27) simply requires a small entity to identify itself as such to obtain the benefits of small entity status.

Pursuant to 35 U.S.C. § 41 (h)(1), the USPTO provides a fifty percent (50%) reduction in the fees charged under 35 U.S.C. § 41(a) and (b) for small entity applicants. The USPTO's regulations concerning the payment of reduced patent fees by small entities are at 37 CFR 1.27 and 1.28, and reduced patent fees for small entity applicants are shown in 37 CFR 1.16, 1.17, 1.18, and 1.20. In addition, the provisions of the Consolidated Appropriations Act of 2005 establish a filing fee of \$75 for small entities filing original utility applications electronically on or after December 8, 2004.

## **6. Consequences of Less Frequent Collection**

This information is collected only when an applicant (or representative) submits an application. The USPTO also collects information for petitions to accept unintentionally delayed priority claims, petitions to accept non-signing inventors or legal representatives/filing by other than all the inventors or a person not the inventor, and petitions to request that applications filed under 37 CFR 1.495(b) be assigned a national stage entry date. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently and the USPTO could not examine an application or issue a patent as required by the patent statute (35 U.S.C. § 131) if this information was not collected.

## **7. Special Circumstances in the Conduct of Information Collection**

There are no special circumstances associated with this collection of information.

## **8. Consultation Outside the Agency**

The 60-Day Federal Register Notice was published on September 12, 2006 (Vol. 71, No. 176) (Attachment V). The public comment period ended on November 13, 2006. No comments were received from the public.

In addition, the USPTO consults with the Public Advisory Committees, which were created by statute in the American Inventors Protection Act of 1999 to advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on the management of the patent and trademark operations. The Advisory Committees consist of United States citizens chosen to represent the interests of the diverse users of the USPTO. The Advisory Committees review the policies, goals, performance,

budget, and user fees of the patent and trademark operations, respectively, and advise the Director on these matters.

The USPTO has long-standing relationships with patent bar associations, inventor groups, and users of our public facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. The USPTO also meets regularly with groups from whom patent application data is collected, such as the American Intellectual Property Law Association.

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary to obtain a patent.

## **10. Assurance of Confidentiality**

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.14). Upon publication of an application or issuance of an application as a patent, the entire file contents of the application is available to the public (subject to the provisions for providing only a redacted copy of the filed contents). The disclosure of the invention in the application is the quid pro quo for the property right conferred by the patent grant, and the very means by which the patent statute achieves its constitutional object of “promot[ing] the progress of science and useful arts.” The prosecution history contained in the application file is critical to determining the scope of the property right conferred by a patent grant.

To further define the boundaries of the confidentiality of patent applications in light of the eighteen-month publication of patent applications introduced under the American Inventors Protection Act of 1999, the USPTO amended 37 CFR 1.14 to maintain the confidentiality of applications that have not been published as a U.S. patent application. In the amended 37 CFR 1.14, the public can obtain status information about the application, such as whether the application is pending, abandoned, or patented, whether the application has been published under 35 U.S.C. § 122(b), and the application “numerical identifier.” This information can be supplied to the public under certain conditions. The public can also receive copies of an application-as-filed and the file wrapper, as long as it meets certain criteria.

Applications filed through EFS are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or a patent is issued. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through EFS-Web is maintained using PKI technology and digital certificates for registered users. Applications electronically-filed by non-registered users are protected using TLS or SSL protocols. Currently, the USPTO is posting issued patents and application publications on its Internet Website. This information will not be released to the public unless it is part of an issued patent or application publication.

Patent applicants and/or their designated representatives can view the current status of their patent application through the Patent Application Information Retrieval (PAIR) system. Access to patent applications that are maintained in confidence under 35 U.S.C. § 122(a) is restricted to the patent applicant and/or their designated representatives by the use of digital certificates, which maintain the confidentiality and integrity of the information transmitted over the Internet. The public can view the status and history information for published applications and granted patents via PAIR.

## **11. Justification for Sensitive Questions**

None of the required information is considered to be of a sensitive nature.

## **12. Estimate of Hour and Cost Burden to Respondents**

Table 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

Based on budgetary calculations, the USPTO projects that it will receive 543,591 responses per year (using FY 2007 projections as its baseline). The USPTO estimates that 37% of these responses will be submitted electronically. Table 3, column (b) shows the number of responses for the items in this collection.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes an average of 24 minutes to 30 hours to complete the applications and petitions in this information collection. At this time, new original utility, design, and provisional applications can be submitted electronically through EFS-Web. Since EFS-Web is still relatively new, the USPTO does not yet have a good indication of how much time is saved by filing applications or documents electronically via EFS-Web. Accordingly, the USPTO has estimated the same time to complete the electronically-filed applications as it does to complete those submitted in paper form. As experience with EFS-Web grows, the USPTO will reevaluate the time required for electronically-filed versus paper-filed applications and documents. Table 3, column (a) shows the time estimates for the items in this collection.

- **Cost Burden Calculation Factors**

The USPTO believes that associate attorneys will complete the items in this collection. The professional hourly rate of \$304 used to calculate the respondent cost burden is the median rate for associate attorneys in private firms as published in the 2005 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This report summarized the results of a survey with data on hourly billing rates. This is a fully-loaded hourly rate.

**Table 3: Burden Hour/Burden Cost to Respondents**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Original New Utility Applications – No Application Data Sheet	30.0	116,000	3,480,000	\$304.00	\$1,057,920,000.00
Electronic Original New Utility Applications – No Application Data Sheet	30.0	116,000	3,480,000	\$304.00	\$1,057,920,000.00
Original New Plant Applications – No Application Data Sheet	7.0	1,115	7,805	\$304.00	\$2,372,720.00
Original New Design Applications – No Application Data Sheet	5.0	10,677	53,385	\$304.00	\$16,229,040.00
Electronic Original Design Applications – No Application Data Sheet	5.0	10,678	53,390	\$304.00	\$16,230,560.00
Original New Utility Applications – Application Data Sheet	29.8	29,000	864,200	\$304.00	\$262,716,800.00
Electronic Original New Utility Applications – Application Data Sheet	29.8	29,000	864,200	\$304.00	\$262,716,800.00
Original New Plant Applications – Application Data Sheet	6.8	285	1,938	\$304.00	\$589,152.00
Original New Design Applications – Application Data Sheet	4.8	2,672	12,826	\$304.00	\$3,899,104.00
Electronic New Design Applications – Application Data Sheet	4.8	2,673	12,830	\$304.00	\$3,900,320.00
Continuation/Divisional of an International Application – No Application Data Sheet	3.0	7,560	22,680	\$304.00	\$6,894,720.00
Utility Continuation/Divisional Applications	3.0	56,930	170,790	\$304.00	\$51,920,160.00
Plant Continuation/Divisional Applications	2.0	230	460	\$304.00	\$139,840.00
Design Continuation/Divisional Applications	1.0	750	750	\$304.00	\$228,000.00
Continued Prosecution Applications – Design (Request Transmittal and Receipt)	0.4	260	104	\$304.00	\$31,616.00
Utility Continuation-in-Part Applications	15.0	17,720	265,800	\$304.00	\$80,803,200.00
Plant Continuation-in-Part Applications	3.5	70	245	\$304.00	\$74,480.00
Design Continuation-in-Part Applications	2.5	480	1,200	\$304.00	\$364,800.00
Provisional Application for Patent Cover Sheet	10.0	96,680	966,800	\$304.00	\$293,907,200.00
Electronic Provisional Application for Patent Cover Sheet	10.0	41,490	414,900	\$304.00	\$126,129,600.00
Petition to Accept Unintentionally Delayed Priority Claim	1.0	920	920	\$304.00	\$279,680.00
Petition To Accept Non-Signing Inventors or Legal Representatives/Filing by Other Than All the Inventors or a Person not the Inventor	1.0	2,400	2,400	\$304.00	\$729,600.00

Petition under 37 CFR 1.6(f) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date	0.5	1	1	\$304.00	\$304.00
<b>Total</b>	- - - -	<b>543,591</b>	<b>10,677,624</b>	- - - -	<b>\$3,245,997,696.00</b>

### 13. Total Annualized Cost Burden

There are capital start-up, postage, recordkeeping, and drawing costs associated with this information collection. This collection also has filing, search, examination, application size, excess and multiple dependent claims, and non-English specification fees and surcharges for the late filing of provisional applications, the filing, search, and examination fees, or the oath or declaration.

#### Capital Start-up Costs

Applicants who are submitting patent applications containing large computer program listings or mega tables can choose to submit them on Compact Disk-Read Only Memory (CD-ROM) or a Compact Disk-Recordable (CD-R), particularly if they choose not to or cannot submit their patent application through EFS-Web. Therefore, the costs for purchasing blank CD-R media (CDs), cases and labels for the CDs, and a padded mailing envelope for shipping the CD, are included in the annual (non-hour) costs for this collection. Blank CD-R media with plastic jewel cases can be purchased for approximately \$10 for 10 blank CDs, or about \$1 per disc. The average cost of software for labeling CDs, including blank labels and case inserts, is approximately \$20. Padded 8.5 x 11-inch mailing envelopes for shipping the CDs cost approximately \$12 for a package of 12, or about \$1 per envelope. In sum, the USPTO estimates that the total costs for the blank CD-R media, the software for labeling, the CDs, and the mailing envelope are approximately \$42 per year. The USPTO estimates that 3 patent applications will need to be submitted on CD per year, which when multiplied by \$42 results in \$126 in total costs. **Therefore, the USPTO estimates that the total capital start-up costs for this collection will be \$126 per year.**

#### Postage Costs

The applications, the petitions, and the oversized program listing/tables CD submissions may be submitted by mail through the United States Postal Service. The USPTO recommends that applicants file initial patent applications (which also include the continued prosecution, continuation and divisional, continuation-in-part, and provisional applications) by Express Mail to establish the filing date (otherwise the filing date of the application will be the date that it is received at the USPTO). The USPTO estimates that the average cost for sending an initial application by Express Mail will be \$18.80, and that customers filing documents associated with these initial applications may choose this option to mail their submissions to the USPTO. Therefore, the USPTO estimates that up to 340,429 submissions per year may be mailed to the USPTO at an average rate of \$18.80, for a postage cost of \$6,400,065 for the original new utility, plant, and design applications, the continuation/divisional of an international application,

utility, plant, and design continuation/divisional applications, the continued prosecution applications – design (request transmittal and receipt), utility, plant, and design continuation-in-part applications, and the provisional applications.

The petitions can be sent by first-class mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 63 cents, and that customers filing the petitions may choose to mail their submissions to the USPTO. Therefore, the USPTO estimates that up to 3,321 submissions per year may be mailed to the USPTO at an average first-class postage cost of 63 cents, for a total postage cost of \$2,092 per year for the petitions.

In the case of the oversized program listing/table CD submissions, the USPTO estimates that the average postage cost for these submissions will be 95 cents, to cover the costs of mailing the CD, the application transmittal form, and the cover letter. The USPTO estimates that 3 oversized program listing/table CD submissions will be received per year, for a postage cost of \$3 per year, for the oversized program listing/mega table CD submissions.

**The total postage cost for this collection is \$6,402,160 per year.**

#### Recordkeeping Costs

There are record keeping costs associated with the oversized program listing/mega table CD submissions and the electronic filing of new utility, design, and provisional applications. The USPTO advises applicants who submit applications with oversized computer program listings or tables on CD to retain a back-up copy of the CD and a printed copy of the application transmittal form for their records. The USPTO estimates that it will take an additional 5 minutes for the applicant to produce this back-up CD copy and 2 minutes to print the copy of the application transmittal form, for a total of 7 minutes (0.12 hours) for each oversized submission. The USPTO estimates that approximately 3 applications per year will be submitted with oversized computer program listings or tables, for a total of 0.36 hours per year for retaining the back-up CD and printed application transmittal form. The USPTO believes that these back-up copies will be prepared by paraprofessionals with an estimated hourly rate of \$90 per hour, for a recordkeeping cost for these back-up copies of \$32 per year.

In addition, the USPTO also strongly advises applicants who file their new utility, design, and provisional applications electronically to retain a copy of the file submitted to the USPTO as evidence of authenticity, in addition to keeping the acknowledgment receipt as clear evidence that the file was received by the USPTO on the date noted. The USPTO estimates that it will take 5 seconds (0.001 hours) to print and retain a copy of the acknowledgment receipt and that approximately 199,841 new submissions per year (145,000 utility, 13,351 design, and 41,490 provisional applications) will use this option, for a total of 200 hours per year. Using the paraprofessional rate of \$90 per hour, the USPTO estimates that the recordkeeping cost for retaining the acknowledgment receipt will be \$18,000 per year.

**The total recordkeeping cost for this collection is \$18,032 per year.**

### Drawing Costs

Patent applicants can submit drawings with the utility, design, plant, and provisional applications. The actual cost of drawing production is variable, because some applicants produce their own drawings, while others contract the work out to various patent illustration firms. Applicants who produce their own drawings will need a graphics software package, in particular graphic software that can produce both 3D and 2D drawings. Commercial software packages such as TurboCAD 8.0 by ValuSoft can produce both 2D and 3D drawings. This particular software package costs \$79. Because the USPTO does not collect information to track how many applicants produce their own drawings, this software cost is provided only as an example and is not included in the burden estimate for this collection.

Inventors, attorneys, and practitioners can also hire various patent illustration services firms to create the utility, design, plant, and provisional drawings. For the purpose of estimating burden for this collection, the USPTO will consider all applicants to have their drawings prepared by these firms. Estimates for these drawings can vary greatly, depending on the number of figures that need to be produced, the total number of pages for the drawings, and the complexity of the drawings. Some firms use “per sheet” estimates to calculate the total costs, while others use hourly rates.

The utility, plant, and design continuation and divisional applications use the same drawings as the initial filings, so they are not included in these estimates. The continuation-in-part applications may use some of the same drawings as the initial applications and some new drawings may be submitted, so those numbers are included in these estimates. The drawings for the continued prosecution applications are also included in the estimates. There are no continuation, divisional, or continuation-in-part provisional applications.

The USPTO estimates that utility drawings can cost from \$40 to \$75 per sheet to produce. Using an average of this cost range, the USPTO estimates that it can cost \$58 per sheet to produce utility drawings and that on average, 11 sheets of drawings are submitted, for an average cost of \$638 to produce the utility drawings. Out of 307,720 utility applications submitted per year, the USPTO estimates that 91% or 280,025 applications will be submitted with drawings. The USPTO estimates that at least \$178,655,950 will be added to the total non-hour cost burden.

The USPTO estimates that design drawings can cost from \$50 to \$85 per sheet to produce. Using an average of this cost range, the USPTO estimates that it can cost \$68 per sheet to produce design drawings and that on average 4.8 sheets of drawings are submitted, for an average cost of \$326 to produce design drawings. Out of 27,440 design applications submitted per year, the USPTO estimates that 100% will be submitted with drawings. The USPTO estimates that at least \$8,945,440 will be added to the total non-hour cost burden.



Plant drawings are less complex to produce than utility and design drawings. The USPTO could not find costs from the various patent illustration firms that the agency researched for plant drawings. Based on this, the USPTO believes that the industry does not have a range of costs for these drawings and that the firms may charge clients their lowest rate for plant drawings. The lowest such rate that the USPTO found through research was \$35 per sheet. On average, 2 sheets of drawings are submitted per application, for an average cost of \$70 to produce plant drawings. Out of 1,470 plant applications submitted per year, the USPTO estimates that 100% will be submitted with drawings. The USPTO estimates that at least \$102,900 will be added to the total non-hour cost burden.

Provisional applications are also submitted with drawings. The USPTO could not find costs for the provisional drawings from the various patent illustration firms that the agency researched. Provisional applications permit the applicant to establish a patent filing date for his or her invention and to assess the marketability of that invention for one year. This allows the applicant to determine whether it will be economically feasible to market the invention without the higher cost of filing a non-provisional application. Applicants must submit a non-provisional application within 12 months after the filing date of the provisional application or else the provisional application will expire.

Based on these characteristics, the USPTO believes that patent illustration firms could charge between \$40 to \$75 per sheet to produce provisional drawings. Using an average of this cost range, the USPTO estimates that it can cost \$58 per sheet to produce these drawings. On average, 7.5 sheets of drawings are submitted per application, for an average cost of \$435 to produce provisional drawings. Out of 138,170 provisional applications submitted per year, the USPTO estimates that 78% or 107,773 applications will be submitted with drawings. The USPTO estimates that at least \$46,881,255 will be added to the total non-hour cost burden.

**Based on these estimates for patent illustration firms producing drawings for utility, design, plant, and provisional applications, the USPTO estimates that at least \$234,585,545 will be added to the total non-hour cost burden.**

There is also annual nonhour cost burden in the way of filing fees associated with this collection. The filing, search, and examination fees for the utility, plant, design, and provisional applications (including the continuation and divisional, continued prosecution, and continuation-in-part applications) are determined by which filing status (other entity or small entity) the applicant has selected. The filing fees for the electronically-filed new utility applications for small entities are \$75, but for the rest of the applications the fees are the same as those for the paper applications. The small entity status does not apply to the petition to accept delayed priority claims or to the petition to accept non-signing inventors or legal representatives/filing by other than all the inventors or a person not the inventor. The petition under 37 CFR 1.6(f) to accord the application under 37 CFR 1.495(b) a national stage entry date does not have a filing fee.

The total estimated filing costs of \$450,141,995 for this collection are calculated in the following tables.

Table 4 shows the annual filing, search, and examination fee cost burden for applicants filing the various applications and petitions. The USPTO estimates the cost burden associated with the various fees to be \$344,532,770.

**Table 4: Filing, Search, and Examination Fees – Nonhour Cost Burden**

Item	Responses (yr) (a)	Filing Fee	Search Fee	Examination Fee	Total Fee (b)	Total Non-Hour Cost Burden (yr) (a) x (b)
Original New Utility Applications – No Application Data Sheet – Other Entity	81,200	\$300.00	\$500.00	\$200.00	\$1,000.00	\$81,200,000.00
Original New Utility Applications – No Application Data Sheet – Small Entity	34,800	\$150.00	\$250.00	\$100.00	\$500.00	\$17,400,000.00
Electronic Original New Utility Applications – No Application Data Sheet – Other Entity	81,200	\$300.00	\$500.00	\$200.00	\$1,000.00	\$81,200,000.00
Electronic Original New Utility Applications – No Application Data Sheet – Small Entity	34,800	\$75.00	\$250.00	\$100.00	\$425.00	\$14,790,000.00
Original New Plant Applications – No Application Data Sheet – Other Entity	780	\$200.00	\$300.00	\$160.00	\$660.00	\$514,800.00
Original New Plant Applications – No Application Data Sheet – Small Entity	335	\$100.00	\$150.00	\$80.00	\$330.00	\$110,550.00
Original New Design Applications – No Application Data Sheet – Other Entity	5,232	\$200.00	\$100.00	\$130.00	\$430.00	\$2,249,760.00
Original New Design Applications – No Application Data Sheet – Small Entity	5,445	\$100.00	\$50.00	\$65.00	\$215.00	\$1,170,675.00
Electronic Original New Design Applications – No Application Data Sheet – Other Entity	5,232	\$200.00	\$100.00	\$130.00	\$430.00	\$2,249,760.00
Electronic Original New Design Applications – No Application Data Sheet – Small Entity	5,446	\$100.00	\$50.00	\$65.00	\$215.00	\$1,170,890.00
Original New Utility Applications – Application Data Sheet – Other Entity	20,300	\$300.00	\$500.00	\$200.00	\$1,000.00	\$20,300,000.00
Original New Utility Applications – Application Data Sheet – Small Entity	8,700	\$150.00	\$250.00	\$100.00	\$500.00	\$4,350,000.00
Electronic Original New Utility Applications – Application Data Sheet – Other Entity	20,300	\$300.00	\$500.00	\$200.00	\$1,000.00	\$20,300,000.00

Electronic Original New Utility Applications – Application Data Sheet – Small Entity	8,700	\$75.00	\$250.00	\$100.00	\$425.00	\$3,697,500.00
Original New Plant Applications – Application Data Sheet – Other Entity	200	\$200.00	\$300.00	\$160.00	\$660.00	\$132,000.00
Original New Plant Applications – Application Data Sheet – Small Entity	85	\$100.00	\$150.00	\$80.00	\$330.00	\$28,050.00
Original New Design Applications – Application Data Sheet – Other Entity	1,309	\$200.00	\$100.00	\$130.00	\$430.00	\$562,870.00
Original New Design Applications – Application Data Sheet – Small Entity	1,363	\$100.00	\$50.00	\$65.00	\$215.00	\$293,045.00
Electronic New Design Applications – Application Data Sheet – Other Entity	1,310	\$200.00	\$100.00	\$130.00	\$430.00	\$563,300.00
Electronic New Design Applications – Application Data Sheet – Small Entity	1,363	\$100.00	\$50.00	\$65.00	\$215.00	\$293,045.00
Continuation/Divisional of an International Application – No Application Data Sheet – Other Entity	5,990	\$300.00	\$500.00	\$200.00	\$1,000.00	\$5,990,000.00
Continuation/Divisional of an International Application – No Application Data Sheet – Small Entity	1,570	\$150.00	\$250.00	\$100.00	\$500.00	\$785,000.00
Utility Continuation/Divisional Applications – Other Entity	40,420	\$300.00	\$500.00	\$200.00	\$1,000.00	\$40,420,000.00
Utility Continuation/Divisional Applications – Small Entity	16,510	\$150.00	\$250.00	\$100.00	\$500.00	\$8,255,000.00
Plant Continuation/Divisional Applications – Other Entity	160	\$200.00	\$300.00	\$160.00	\$660.00	\$105,600.00
Plant Continuation/Divisional Applications – Small Entity	70	\$100.00	\$150.00	\$80.00	\$330.00	\$23,100.00
Design Continuation/Divisional Applications – Other Entity	365	\$200.00	\$100.00	\$130.00	\$430.00	\$156,950.00
Design Continuation/Divisional Applications – Small Entity	385	\$100.00	\$50.00	\$65.00	\$215.00	\$82,775.00
Continued Prosecution Applications – Design (Request Transmittal and Receipt) – Other Entity	125	\$200.00	\$100.00	\$130.00	\$430.00	\$53,750.00
Continued Prosecution Applications – Design (Request Transmittal and Receipt) – Small Entity	135	\$100.00	\$50.00	\$65.00	\$215.00	\$29,025.00
Utility Continuation-in-Part Applications – Other Entity	12,580	\$300.00	\$500.00	\$200.00	\$1,000.00	\$12,580,000.00

Utility Continuation-in-Part Applications – Small Entity	5,140	\$150.00	\$250.00	\$100.00	\$500.00	\$2,570,000.00
Plant Continuation-in-Part Applications – Other Entity	50	\$200.00	\$300.00	\$160.00	\$660.00	\$33,000.00
Plant Continuation-in-Part Applications – Small Entity	20	\$100.00	\$150.00	\$80.00	\$330.00	\$6,600.00
Design Continuation-in-Part Applications – Other Entity	235	\$200.00	\$100.00	\$130.00	\$430.00	\$101,050.00
Design Continuation-in-Part Applications – Small Entity	245	\$100.00	\$50.00	\$65.00	\$215.00	\$52,675.00
Provisional Application for Patent Cover Sheets – Other Entity	36,500	\$200.00	N/A	N/A	\$200.00	\$7,300,000.00
Provisional Application for Patent Cover Sheets – Small Entity	60,180	\$100.00	N/A	N/A	\$100.00	\$6,018,000.00
Electronic Provisional Application for Patent Cover Sheets – Other Entity	15,690	\$200.00	N/A	N/A	\$200.00	\$3,138,000.00
Electronic Provisional Application for Patent Cover Sheets – Small Entity	25,800	\$100.00	N/A	N/A	\$100.00	\$2,580,000.00
Petition to Accept Unintentionally Delayed Priority Claim	920	\$1,300.00	N/A	N/A	\$1,300.00	\$1,196,000.00
Petition to Accept Non-Signing Inventors or Legal Representatives/Filing by Other Than all the Inventors or a Person not the Inventor	2,400	\$200.00	N/A	N/A	\$200.00	\$480,000.00
Petition under 37 CFR 1.6(f) to accord the Application under 37 CFR 1.495(b) a National Stage Entry Date	1	N/A	N/A	N/A	N/A	\$00.00
<b>Totals</b>	<b>543,591</b>	-----	-----	-----	-----	<b>\$344,532,770.00</b>

Table 5 calculates the additional fees incurred when an application is filed with additional sheets or excess claims. The USPTO estimates that these fees apply to 311,905 of the 543,591 total applications filed per year. This table is a subset of Table 4 and adds an additional \$89,020,075 to the annualized (non-hour) costs shown in Table 4. It does not, however, change the number of responses. These fees are also determined by the filing status.

**Table 5: Application Size and Excess Claims Fees – Nonhour Cost Burden**

Item	Responses (yr) (a)	Filing Fee for Additional Sheets and Claims	Average Fee (b)	Total Non-Hour Cost Burden (yr) (a) x (b)
Provisional Application Size Fee for Each Provisional Application for Patent Cover Sheet, filed for Each Additional 50 Sheets Exceeding 100 Sheets – Other Entity	2,400	\$200.00 per each 50 sheets over 100	\$500.00	\$1,200,000.00
Provisional Application Size Fee for Each Provisional Application for Patent Cover Sheet, filed for Each Additional 50 Sheets Exceeding 100 Sheets – Small Entity	2,300	\$100.00 per each 50 sheets over 100	\$260.00	\$598,000.00
Utility and Plant Applications, with independent claims in excess of 3 – Other Entity	95,000	\$200.00 for each claim over 3	\$400.00	\$38,000,000.00
Utility and Plant Applications, with independent claims in excess of 3 – Small Entity	36,000	\$100.00 for each claim over 3	\$200.00	\$7,200,000.00
Utility and Plant Applications, filed with Claims in Excess of 20 – Other Entity	115,000	\$50.00 for each claim over 20	\$200.00	\$23,000,000.00
Utility and Plant Applications, filed with Claims in Excess of 20 – Small Entity	50,000	\$25.00 for each claim over 20	\$300.00	\$15,000,000.00
Utility Application Size Fee for Each Original New Utility Application, filed with each additional 50 sheets exceeding 100 sheets – Other Entity	7,500	\$250.00 for each additional 50 sheets over 100	\$425.00	\$3,187,500.00
Utility Application Size Fee for Each Original New Utility Application, filed with each additional 50 sheets exceeding 100 Sheets – Small Entity	3,500	\$125.00 for each additional 50 sheets over 100	\$225.00	\$787,500.00
Plant Application Size Fee for Each Original New Plant Application, filed with Each Additional 50 Sheets Exceeding 100 Sheets – Other Entity	25	\$250.00 for each additional 50 sheets over 100	\$275.00	\$6,875.00
Plant Application Size Fee for Each Original New Plant Application, filed with Each Additional 50 Sheets Exceeding 100 Sheets – Small Entity	10	\$125.00 for each additional 50 sheets over 100	\$265.00	\$2,650.00
Design Application Size Fee for Each Original New Design Application, filed for each Additional 50 Sheets that Exceeds 100 Sheets – Other Entity	110	\$250.00 for each additional 50 sheets over 100	\$265.00	\$29,150.00
Design Application Size Fee for Each Original New Design Application, filed for each Additional 50 Sheets that Exceeds 100 Sheets – Small Entity	60	\$125.00 for each additional 50 sheets over 100	\$140.00	\$8,400.00
<b>Total</b>	<b>311,905</b>	-----	-----	<b>\$89,020,075.00</b>

Table 6 calculates the surcharges and fees incurred when an application, the search or examination fee, or the oath or declaration is filed late, when the application is filed with multiple dependent claims, or when the application is filed with a non-English specification. The USPTO estimates that these fees apply to 123,040 of the 543,591 total applications filed per year. This table is a subset of Table 4 and adds an additional \$16,589,150 to the annualized (non-hour) costs shown in Table 4. It does not, however, change the number of responses. With the exception of the fee for the non-English specification, the remaining fees are determined by the filing status.

**Table 6: Fees for Multiple Dependent Claims and Non-English Specifications and Surcharges for Late Filings**

Item	Responses (yr) (a)	Surcharge Fee for Late Filing, Multiple Dependent Claims, or Non-English Specification Fees	Total Non-Hour Cost Burden (yr) (a) x (b)
Surcharge for Late Filing of Provisional Application for Patent Cover Sheets – Other Entity	3,910	\$50.00	\$195,500.00
Surcharge for Late Filing of Provisional Application for Patent Cover Sheets – Small Entity	5,650	\$25.00	\$141,250.00
Utility and Plant Applications, filed with Multiple Dependent Claims – Other Entity	8,000	\$360.00	\$2,880,000.00
Utility and Plant Applications, filed with Multiple Dependent Claims – Small Entity	3,600	\$180.00	\$648,000.00
Utility, Plant, and Design Applications, filed with a Surcharge for Late Filing, Search or Examination Fee, or Oath/Declaration – Other Entity	90,000	\$130.00	\$11,700,000.00
Utility, Plant, and Design Applications, filed with a Surcharge for Late Filing, Search, or Examination Fee, or Oath/Declaration – Small Entity	8,000	\$65.00	\$520,000.00
Non-English Specification	3,880	\$130.00	\$504,400.00
<b>Totals</b>	<b>123,040</b>	-----	<b>\$16,589,150.00</b>

The USPTO estimates that the total non-hour respondent cost burden for this collection, in the form of capital start-up, postage, recordkeeping, and drawing costs, in addition to the fees and surcharges, is \$691,147,858 per year.

#### 14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-5, step 1 approximately one hour to process original new utility, plant, and design applications, the continuations and divisionals of international applications, the continuation and divisional applications, and the continuation-in-part applications. The USPTO estimates that it takes a GS-5, step 1 approximately 36 minutes (0.6 hours) to process a continued prosecution application, and approximately 30 minutes (0.5 hours) to process a provisional application. The USPTO estimates that it takes a GS-5, step 1, 18 minutes (0.3 hours) to process the petitions to accept unintentionally delayed priority claims and to accept non-signing inventors or legal representatives, while it takes 6 minutes (0.1 hours) to process the petitions under 37 CFR 1.6(f) to accord the application under 37 CFR 1.495(b) a national stage entry date.

The current hourly rate for a GS-5, step 1 is \$14.56. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-5, step 1 is \$14.56 + \$4.37, for a rate of \$18.93.

Table 7 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 7: Burden Hour/Burden Cost to the Federal Government**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Original New Utility Applications – No Application Data Sheet	1.0	116,000	116,000	\$18.93	\$2,195,880.00
Electronic Original New Utility Applications – No Application Data Sheet	1.0	116,000	116,000	\$18.93	\$2,195,880.00
Original New Plant Applications – No Application Data Sheet	1.0	1,115	1,115	\$18.93	\$21,107.00
Original New Design Applications – No Application Data Sheet	1.0	10,677	10,677	\$18.93	\$202,116.00
Electronic Original Design Applications – No Application Data Sheet	1.0	10,678	10,678	\$18.93	\$202,135.00
Original New Utility Applications – Application Data Sheet	1.0	29,000	29,000	\$18.93	\$548,970.00
Electronic Original New Utility Applications – Application Data Sheet	1.0	29,000	29,000	\$18.93	\$548,970.00
Original New Plant Applications – Application Data Sheet	1.0	285	285	\$18.93	\$5,395.00
Original New Design Applications – Application Data Sheet	1.0	2,672	2,672	\$18.93	\$50,581.00
Electronic New Design Applications – Application Data Sheet	1.0	2,673	2,673	\$18.93	\$50,600.00
Continuation/Divisional of an International Application – No Application Data Sheet	1.0	7,560	7,560	\$18.93	\$143,111.00
Utility Continuation/Divisional Applications	1.0	56,930	56,930	\$18.93	\$1,077,685.00
Plant Continuation/Divisional Applications	1.0	230	230	\$18.93	\$4,354.00
Design Continuation/Divisional Applications	1.0	750	750	\$18.93	\$14,198.00
Continued Prosecution Applications – Design (Request Transmittal and Receipt)	0.6	260	156	\$18.93	\$2,953.00
Utility Continuation-in-Part Applications	1.0	17,720	17,720	\$18.93	\$335,440.00
Plant Continuation-in-Part Applications	1.0	70	70	\$18.93	\$1,325.00
Design Continuation-in-Part Applications	1.0	480	480	\$18.93	\$9,086.00
Provisional Application for Patent Cover Sheet	0.5	96,680	48,340	\$18.93	\$915,076.00
Electronic Provisional Application for Patent Cover Sheet	0.5	41,490	20,745	\$18.93	\$392,703.00
Petition to Accept Unintentionally Delayed Priority Claim	0.3	920	276	\$18.93	\$5,225.00

Petition to Accept Non-Signing Inventors or Legal Representatives/Filing by Other Than All the Inventors or a Person Not the Inventor	0.3	2,400	720	\$18.93	\$13,630.00
Petition Under 37 CFR 1.6(f) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date	0.1	1	1	\$18.93	\$19.00
<b>Total</b>	- - - - -	<b>543,591</b>	<b>472,078</b>	- - - - -	<b>\$8,936,439.00</b>

**The USPTO’s total estimated cost for processing the information in this collection is estimated at \$8,936,439 per year.**

## **15. Reason for Change in Burden**

### Summary of Changes Since the Previous Renewal

The OMB approved the renewal for this information collection on July 14, 2003, with 454,287 responses, 4,171,568 burden hours, and \$258,115,506 in annualized (non-hour) costs. On December 22, 2003, OMB approved the information collection package supporting the proposed rulemaking, “Changes to Support the Implementation of the United States Patent and Trademark Office 21<sup>st</sup> Century Plan (RIN 0651-AB64). This proposed rule did not impact the responses and burden hours for this collection, but it did increase the annualized (non-hour) cost burden to \$493,593,081. The OMB approved another information collection package supporting a proposed rulemaking, “Changes to Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005” (RIN-AB79) on August 29, 2005. This also did not impact the responses and burden hours, but it did increase the annualized (non-hour) cost burden to \$575,550,456. On September 20, 2005, OMB approved a change worksheet adding the EFS-Web version of the Application Data Sheet into the collection, but it did not change the total burden or annualized (non-hour) costs for this collection.

With this renewal, the USPTO estimates that the total burden and annualized (non-hour) costs for this collection will be 543,591 responses, 10,677,624 burden hours, and \$691,147,858 in annualized costs. This is an increase of 89,304 responses, 6,506,056 burden hours, and \$115,597,402 in annualized costs over the currently approved burden for this collection. The increases in the responses, burden hours, and annualized (non-hour) costs are due to both program changes and administrative adjustments.

### Changes in Burden Estimates Since the 60-Day Federal Register Notice

In the 60-Day Federal Register Notice published on September 12, 2006 for this renewal, the USPTO reported that this collection would have an estimated 543,590 responses, 4,748,122 estimated burden hours, and \$1,443,429,088 in estimated respondent burden. The USPTO also estimated that there would be \$695,587,260 in capital start-up, postage, recordkeeping, and drawing costs and fees associated with this collection per year. After the publication of the 60-Day Notice, the USPTO determined that these reported estimates would need to be revised due to new



response and burden estimates and the addition of a previously overlooked requirement.

An existing requirement, "Petition under 37 CFR 1.6(f) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date," that was previously overlooked, was added into the collection. The USPTO estimates that 1 petition will be submitted per year, and that this will increase the estimated number of responses reported for this collection in the 60-Day Federal Register Notice to 543,591.

The estimated annual burden hours have also increased due to reestimates of the amount of time that it takes the public to complete these applications. Previously, when the utility, design, and plant applications were grouped together, the estimated completion times for all of the applications in a particular group ranged from 10 hours and 45 minutes to 10 hours and 36 minutes. In the 60-Day Notice, the original estimated completion times were kept for the applications that are now reported separately. Since then, the USPTO has revised the completion times to more accurately reflect the amount of time that it takes to complete each type of application. The estimated completion times were revised for all of the applications except for the continued prosecution applications. The USPTO estimates that the petition under 37 CFR 1.6(f) will take 30 minutes to complete and that it will add 1 hour to the total burden hours. The USPTO estimates that 5,929,502 additional burden hours will be added to the collection per year, bringing the total burden hours to 10,677,624.

While the hourly rate used to calculate the total cost burden remains the same, the addition of the petition and the revised completion estimates also changed the total cost burden now reported for this collection. The USPTO estimates that the total cost burden will increase by \$1,802,568,608.

The USPTO now believes that applicants will file more of their applications electronically than was originally estimated. This has changed the percentage of applications filed electronically as opposed to paper filings, which in turn has decreased the postage costs and the fees associated with the applications and increased the recordkeeping costs. The USPTO estimates that the postage costs reported in the 60-Day Notice will decrease by \$1,190,717 per year and that the fees will decrease by \$3,254,355 per year. The USPTO estimates that the recordkeeping costs associated with the electronically-filed applications will increase by \$5,670.

#### Changes in Respondent Cost Burden

The respondent cost burden has increased since the previous renewal due to increased submissions and an increase in the hourly rate. The USPTO believes that all of these applications and petitions will be completed by associate attorneys. Based on figures provided by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association, the estimated hourly billing rate for the associate attorneys has increased from \$252 to \$304.

The total respondent cost burden for the currently approved information collection is \$1,051,234,914. With this renewal, the USPTO estimates that the total respondent cost burden will increase by \$2,194,762,782, to \$3,245,997,696 per year.

### Changes in Responses and Burden Hours

The USPTO estimates that the number of responses submitted annually for this collection will increase by 89,304, from 454,287 to 543,591 responses. In addition, the USPTO estimates that the total burden hours for this collection will increase by 6,506,056 hours, from 4,171,568 hours to 10,677,624 burden hours per year. These changes are due to both program changes and administrative adjustments, as follows:

- The USPTO now accepts original design applications electronically through EFS-Web. The USPTO estimates that 13,351 design applications will be submitted electronically per year. As with the paper filings, the USPTO estimates that design applications without application data sheets that are filed electronically will take 5 hours to complete, while design applications with application data sheets that are filed electronically will take 4 hours and 48 minutes to complete. The USPTO estimates that the ability to file design applications electronically will add 66,220 burden hours to the collection per year. **Therefore, this collection takes a net burden increase of 66,220 hours as a program change.**
- While working on this renewal submission, the USPTO discovered a petition, Petition under 37 CFR 1.6(f) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date, that needed to be added into this collection. This petition is an existing requirement that was overlooked in previous submissions. The USPTO estimates that 1 petition will be submitted per year and that it will increase the burden hours for this collection by 1 hour per year. The USPTO estimates that it will take 30 minutes to complete the petition. **Therefore, this collection takes a net burden increase of 1 hour as an administrative adjustment.**
- The USPTO believes that the number of provisional applications for patent cover sheets filed in paper per year will increase by 6,891 responses, from 89,789 to 96,680 responses per year, which will also increase the burden by 248,488 hours, from 718,312 to 966,800 burden hours per year. This is due to increased number of applications submitted and a reestimate of the amount of time that it takes to complete the application. **Therefore, this collection takes a net burden increase of 248,488 hours as an administrative adjustment.**
- The USPTO believes that more applicants will choose to submit their provisional applications for patent cover sheets electronically through EFS-Web. The USPTO estimates that the number of applications submitted electronically will increase by 40,850 responses, from 640 to 41,490 responses per year. The burden will also increase by 409,780 hours, from 5,120 to 414,900 burden hours per year. This is due to the increased number of provisional applications filed electronically and a reestimate of the amount of time that it takes to complete the application.

**Therefore, this collection takes a net burden increase of 409,780 hours as an administrative adjustment.**

- The USPTO believes that the number of petitions to accept unintentionally delayed priority claims filed per year will increase by 815 responses, from 105 to 920 responses per year, which in turn will increase the burden by 815 hours, from 105 to 920 burden hours per year. **Therefore, this collection takes a net burden increase of 815 hours as an administrative adjustment.**
- The USPTO believes that the number of petitions to accept non-signing inventors or legal representatives/filing by other than all the inventors or a person not the inventor will increase by 600 responses, from 1,800 to 2,400 responses per year and that in turn will increase the burden by 600 hours, from 1,800 to 2,400 burden hours per year. **Therefore, this collection takes a net burden increase of 600 hours as an administrative adjustment.**
- In the original EFS, applicants could not submit applications that were larger than 10 megabytes. Applications larger than 10 megabytes were copied onto a CD, which would then be mailed or hand delivered to the USPTO. In EFS-Web, the maximum size for the applications is 25 megabytes. A maximum of 60 electronic files can be filed in any one submission. If the application contains more than 60 files, the submission can be broken up so that 60 or fewer files are submitted in the initial EFS-Web filing, with the remainder of the files submitted later. With these changes, applicants no longer have to use the CDs to submit their oversized electronic applications. Consequently, the requirement for the CD submissions of oversized new utility and provisional applications that cannot be submitted electronically via EFS has been deleted from this collection. This deletes 3 responses and 1 burden hour per year from the total burden for this collection. **Therefore, this collection takes a net burden decrease of 1 hour as a program change.**
- In the previous renewal, the various new utility, plant, and design applications were all grouped together. In this renewal submission, the utility, design, and plant applications have been broken out separately, which allows the USPTO to show exactly how many of the different applications have been filed and makes it easier to account for the electronic filings. In addition, the USPTO determined that the different types of utility, design, and plant applications have different estimated completion times. Since the different types of applications were grouped together, they all had the same completion times. Separating the applications allows the USPTO to update the completion times to more accurately represent how much time it takes to complete these different types of applications. By comparing the total responses for the various utility, plant, and design applications in this submission against the application groupings in the currently approved collection, the USPTO estimates that the number of applications filed will increase by 26,802, from 361,687 to 388,489 responses per year. This in turn will increase the burden by 5,780,154 hours, from 3,446,125 to 9,226,279 burden hours per year. **Therefore, this**

**collection takes a net burden increase of 5,780,154 hours as an administrative adjustment.**

- The USPTO believes that fewer applicants will file continued prosecution applications – design (request transmittal and receipt) over the next 3 years. The USPTO estimates that the response will decrease by 3, from 263 to 260 responses per year, while the burden will decrease by 1 hour, from 105 to 104 burden hours per year. **Therefore, this collection takes a net burden reduction of 1 hour as an administrative adjustment.**

The USPTO estimates that the net total burden for this collection will increase by 6,506,056 hours, from 4,171,568 to 10,677,624 burden hours per year. The USPTO estimates that 1 hour will be reduced and 66,220 hours added to this collection as a result of program changes, for a net total increase of 66,219 burden hours per year. The USPTO estimates that 1 hour will be reduced and 6,439,838 hours added to this collection as a result of administrative adjustments, for a net total burden increase of 6,439,837 burden hours per year. **In sum, this information collection has a net burden increase of 6,506,056 hours per year, due to increases of 66,219 and 6,439,837 hours resulting from program changes and administrative adjustments, respectively.**

#### Changes in Annual (Non-Hour) Costs

For this renewal, the USPTO estimates that the annual (non-hour) costs for this collection will increase by \$115,597,402, from \$575,550,456 to \$691,147,858 per year. This change is due to both program changes and administrative adjustments, as follows:

- The USPTO believes that fewer provisional applications for patent cover sheets will be filed in paper and electronically by other entities during the next 3 years. This will reduce the fees associated with the provisional applications filed by other entities by \$4,030,600, from \$14,468,600 to \$10,438,000 per year. Conversely, the USPTO expects that small entities will file more provisional applications for patent cover sheets in paper and electronically. This will increase the fees associated with the provisional applications filed by small entities by \$6,789,400, from \$1,808,600 to \$8,598,000 per year. **Therefore, this collection has a net total increase of \$2,758,800 in annual (non-hour) fees due to an administrative adjustment.**
- The USPTO believes that fewer utility applications (including those filed with and without an application data sheet, continuation/divisional of an international application without an application data sheet, continuation/divisional, and continuation-in-part applications) will be filed in paper and electronically by other entities during the next 3 years. This will reduce the fees associated with the utility applications filed by other entities by \$11,147,000, from \$273,137,000 to \$261,990,000 per year. Conversely, the USPTO expects that small entities will file more utility applications. This will increase the fees associated with utility

applications filed by small entities by \$17,705,000, from \$34,142,500 to \$51,847,500 per year. **Therefore, this collection has a net total increase of \$6,558,000 in annual (non-hour) fee costs due to an administrative adjustment.**

- The USPTO believes that both small and other entities will file more plant applications (including those filed with and without an application data sheet, continuation/divisional, and continuation-in-part applications) during the next 3 years. This will increase the fees associated with the plant applications by \$383,460, from \$570,240 to \$953,700 per year. **Therefore, this collection has a net total increase of \$383,460 in annual (non-hour) costs due to an administrative adjustment.**
- The USPTO believes that fewer design applications (including those filed with and without an application data sheet, continuation/divisional, continued prosecution applications – design (request transmittal and receipt), and continuation-in-part applications) will be filed in paper and electronically by other entities during the next 3 years. This will reduce the fees associated with design applications filed by other entities by \$793,780, from \$6,731,220 to \$5,937,440. Conversely, the USPTO expects that small entities will file more design applications. This will increase the fees associated with design applications filed by small entities by \$2,250,620, from \$841,510 to \$3,092,130. **Therefore, this collection has a net total increase of \$1,456,840 in annual (non-hour) fee costs due to an administrative adjustment.**
- The USPTO believes that more petitions to accept unintentionally delayed priority claims will be filed during the next 3 years. This will increase the fees associated with this petition by \$1,059,500, from \$136,500 to \$1,196,000 per year. **Therefore, this collection has a net total increase of \$1,059,500 in annual (non-hour) costs due to an administrative adjustment.**
- The USPTO believes that more petitions to accept non-signing inventors or legal representatives/filing by other than all the inventors or a person not the inventor will be filed during the next 3 years. This will increase the fees associated with this petition by \$120,000, from \$360,000 to \$480,000 per year. **Therefore, this collection has a net total increase of \$120,000 in annual (non-hour) fee costs due to an administrative adjustment.**
- The Consolidated Appropriations Act, 2005 introduced a new application size fee for provisional, utility, plant, and design applications filed under 35 U.S.C. § 111 on or after December 8, 2004 that have specifications and drawings that exceed 100 sheets of paper. The fees vary for the different applications and are based on the filing status of the applicant. The USPTO estimates that these fees will apply to 15,905 of the total 543,591 total applications filed per year. This will increase the total fees associated with this collection by \$5,820,075. **Therefore, this collection has a net total increase of \$5,820,075 in annual (non-hour) fee costs due to a program change.**

- In addition to the filing, examination, search, and application size fees, there are also fees for excess claims, multiple dependent claims, surcharges for late filings, and fees for non-English specifications. While working on the renewal, it was discovered that these existing fees were not covered in the previous submissions of this collection. The fees vary for the different applications and are based on the filing status of the applicant (with the exception of the non-English specification). The USPTO estimates that these fees will apply to 419,040 of the total 543,591 total applications filed per year. This will increase the total fees associated with this collection by \$99,789,150. **Therefore, this collection has a net total increase of \$99,789,150 in annual (non-hour) fee costs due to an administrative adjustment.**
- Previously, applications filed electronically through EFS that exceeded 10 megabytes could only be submitted to the USPTO on a CD. Since then, a new web-based version of EFS called EFS-Web was released. In EFS-Web, the maximum size for the electronically-filed applications is 25 megabytes, the submission can contain up to 60 files, and applications that exceed 60 files can be broken down into groups of 60 files or less and filed through EFS-Web. Since EFS-Web can handle larger submissions than in the past, the USPTO does not foresee a need for applicants to file EFS-Web submissions on CD, although applications containing large computer program listings or mega tables may need to be submitted on CD. The USPTO now estimates that only 3 applications per year will need to be filed on CD, for a reduction of 3 responses. The USPTO estimates that this will reduce the capital start-up costs for this collection by \$126, from \$252 to \$126. **Therefore, this collection has a reduction of \$126 in annual (non-hour) capital start-up costs due to a program change.**
- The USPTO believes that more applicants will choose to submit their patent applications electronically through EFS-Web instead of submitting them in paper. The USPTO believes that this switch will reduce \$1,601,037 from the postage costs associated with this collection. This reduction offsets an increase of \$1,159 due to the addition of an overlooked requirement to the collection and increases in the postage fees. **Therefore, this collection takes a net burden reduction of \$1,599,878 in annual (non-hour) postage costs as an administrative adjustment.**
- For patent applications that are filed electronically through EFS-Web, the USPTO strongly recommends that applicants print and file a copy of the acknowledgement receipt as proof of when the application was accepted by EFS-Web. Previously, the USPTO only collected original new utility and provisional applications electronically, but now applicants also have the ability to file their original new design applications through EFS-Web. The USPTO estimates that this will increase the recordkeeping costs associated with this collection by \$1,170 per year. Since the USPTO believes that more applicants will choose to submit their patent applications electronically through EFS-Web instead of submitting them in paper, the USPTO estimates that an additional \$16,710 will be added to the recordkeeping costs. In addition, the USPTO

estimates that \$21 will be added as a result of an increase in the paraprofessional rate from \$30 to \$90 for the back-up copies of applications that contain oversized computer program listings or mega tables on CD. The USPTO estimates a net total burden increase of \$17,901 associated with the recordkeeping costs for this collection. **Therefore, this collection has a net burden increase of \$17,901 in annual (non-hour) recordkeeping costs, with \$1,170 due to a program change and \$16,731 due to an administrative adjustment.**

- Some of the utility, design, plant, and provisional applications are filed with drawings, which many applicants contract out to patent illustration firms. The USPTO believes that fewer utility applications with drawings will be filed over the next 3 years, but that more design, plant, and provisional applications containing drawings will be filed. Based on the projected increased submissions of the design, plant, and provisional applications, the USPTO estimates that \$18,800,502 will be added to the drawing costs. The USPTO expects that this increase, however, will be offset by the reduction in the drawing costs for the utility applications. The USPTO estimates that \$19,566,822 will be reduced from the drawing costs. Overall, the USPTO estimates that the net total reduction in the drawing costs for this collection will be \$766,320. **Therefore, this collection has a net total burden reduction of \$766,320 in annual (non-hour) drawing costs due to an administrative adjustment.**

The USPTO estimates that this submission will increase the total net burden in annual (non-hour) costs for this collection by \$115,597,402. The USPTO estimates that \$5,821,245 will be added to and \$126 reduced from this collection as a result of program changes, for a total net burden increase of \$5,821,119 in annual (non-hour) costs. The USPTO estimates that \$112,142,481 will be added to and \$2,366,198 reduced from this collection as a result of administrative changes, for a total net burden increase of \$109,776,283 in annual (non-hour) costs. **In sum, this information collection has a total net burden increase of \$115,597,402 in annual (non-hour) costs, due to increases of \$5,821,119 in program changes and \$109,776,283 in administrative adjustments.**

## **16. Project Schedule**

There is no plan to publish this information for statistical use.

## **17. Display of Expiration Date of OMB Approval**

The forms in this information collection will display the OMB Control Number and the OMB expiration date.

## **18. Exception to the Certificate Statement**

This collection of information does not include any exceptions to the certificate statement.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.

### **LIST OF ATTACHMENTS**

- A. EFS-Web screenshots for registered/unregistered users
- B. The USPTO Information Quality Guidelines
- C. PTO/SB/06 Patent Application Fee Determination Record (Substitute for Form PTO-875)
- D. PTO/SB/07 Multiple Dependent Claim Fee Calculation Sheet (Substitute for Form PTO-1360; For Use with Form PTO/SB/06)
- E. PTO/SB/17 Fee Transmittal Form
- F. PTO/SB/05 Utility Patent Application Transmittal
- G. PTO/SB/18 Design Patent Application Transmittal
- H. PTO/SB/19 Plant Patent Application Transmittal
- I. PTO/SB/01 Declaration for Utility or Design Patent Application (37 CFR 1.63)
- J. PTO/SB/02A Declaration – Additional Inventors – Supplemental Sheet and PTO/SB/02B Declaration – Supplemental Priority Data Sheet
- K. PTO/SB/02LR Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. § 117) on Behalf of a Deceased or Incapacitated Inventor
- L. PTO/SB/03 Plant Patent Application (35 U.S.C. § 161) Declaration (37 CFR 1.63)
- M. PTO/SB/04 Supplemental Declaration for Utility or Design Patent Application (37 CFR 1.67)
- N. PTO/SB/101 through 110 Declaration and Power of Attorney for Patent Application (in various foreign languages)
- O. PTO/SB/14 Application Data Sheet Form
- P. PTO/SB/01A Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)
- Q. PTO/SB/03A Declaration (37 CFR 1.63) for Plant Application Using an Application Data Sheet (37 CFR 1.76)
- R. PTO/SB/13/PCT Request for Filing a Continuation or Division of an International Application
- S. PTO/SB/29 For Design Applications Only: Continued Prosecution Application (CPA) Request Transmittal
- T. PTO/SB/29A For Design Applications Only: Receipt for Facsimile Transmitted CPA
- U. PTO/SB/16 Provisional Application for Patent Cover Sheet
- V. 60-Day Federal Register Notice published on September 12, 2006 (Vol. 71, No. 176)