

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Cooperation Treaty
OMB CONTROL NUMBER 0651-0021
(February 2010)

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code (Chapters 35-37) and Subpart C of Title 37 of the Code of Federal Regulations (37 CFR 1.401-1.499). The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO) to fulfill its obligation to process, search, and examine the application as directed by the treaty. The filing, search, written opinion, and publication procedures are provided for in Chapter I of the PCT. Additional procedures for a preliminary examination of PCT international applications are provided for in optional PCT Chapter II. Under Chapter I, an applicant can file an international application in the national or home office (Receiving Office (RO)) or the IB. The USPTO acts as the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO also serves as an International Searching Authority (ISA) to perform searches and issue a written opinion on international applications as well as an International Preliminary Examining Authority (IPEA).

The RO reviews the application and, if it contains all of the necessary information, assigns a filing date to the application. The RO maintains the home copy of the international application and forwards the record copy of the application to the IB and the search copy to the ISA. The IB maintains the record copy of all international applications and publishes them 18 months after the earliest priority date, which is the earliest date for which a benefit is claimed. The ISA performs a search to determine whether there is any prior art relevant to the claims of the international application and will issue a written opinion as to whether each claim is "novel," involves an "inventive step," and is "industrially applicable." The ISA then creates a search report and forwards the search report along with copies of the cited prior art to the applicant and the IB. The IB will normally publish the application and search report 18 months after the priority date, unless early publication is requested by the applicant. Until international publication, no third person or national or regional office is

allowed access to the international patent application unless so requested or authorized by the applicant. If the applicant wishes to withdraw the application (and does so before international publication), international publication does not take place.

Under Chapter II of the Treaty, an applicant who has filed an international application in an RO can demand an international preliminary examination of the application by an IPEA, such as the USPTO. The Demand is made separately from the international application and contains prescribed particulars, language, and form. Under this type of examination, the IPEA presents the examiner's final position as to whether each claim is "novel," involves an "inventive step," and is "industrially applicable." A copy of the examination report is sent to the applicant and to the IB. The IB then forwards a copy of the examination report to each Office elected by the applicant.

The USPTO is updating this information collection to reflect the current practice and fee structure for PCT applications entering the national stage at the USPTO. A form is being added to this collection for the previously approved information requirement for the withdrawal of an international application. This form (PCT/IB/372) is developed and maintained by the WIPO.

Table 1 provides the specific sections of the PCT along with the associated U.S. statutes and USPTO rules requiring the USPTO to collect the information discussed above:

Table 1: Information Requirements for Patent Cooperation Treaty

Requirement	Statute	Rule
Request and Fee Calculation	PCT Articles 3 and 4, 35 U.S.C. 361 and 376	PCT Rules 3, 4, 14-16, 37 CFR 1.431-1.434, 1.445
Description/claims/drawings/abstracts	PCT Articles 3.2, 5-7	PCT Rules 5-12, 37 CFR 1.431(a), 1.435-1.438
Application Data Sheet	PCT Article 8	PCT Rule 26 ^{bis} , 37 CFR 1.76, 1.497(g)
Transmittal Letter to the RO/US	35 U.S.C. 184 and 361	37 CFR 1.10, 1.412
Transmittal Letter to the DO/EO/US	35 U.S.C. 363 and 371	37 CFR 1.414, 1.491-1.492
PCT/Model of Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
PCT/Model of General Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
Extensions of time	None	PCT Rules 16, 22.3 and 61.1
Priority documents	PCT Article 8(b), 35 U.S.C. 365	PCT Rule 17, 37 CFR 1.451
Indications Relating to a Deposited Microorganism	None	PCT Rule 13 ^{bis}
Response to invitation to correct defects	PCT Article 14	PCT Rules 26, 53 and 60
Response for rectification of obvious errors	None	PCT Rule 91

Demand and Fee Calculation	PCT Article 31, 35 U.S.C. 362 and 376	PCT Rules 53-61, 37 CFR 1.480-1.482
Amendments	PCT Articles 14, 19, 34(2)(b) and 41, 35 U.S.C. 371(c)(3)	PCT Rules 10, 11, 46 and 66, 37 CFR 1.471-1.472, 1.485, 1.495
Fee Authorization	35 U.S.C. 376	37 CFR 1.25
Requests to transmit copies of international application	None	PCT Rule 22
Withdrawal of international application	PCT Administrative Sections 326 and 414, PCT Article 37, 35 U.S.C. 366	PCT Rules 90 ^{bis} .1-4
Translations	PCT Articles 36 and 46, 35 U.S.C. 371(c)	PCT Rule 72, 37 CFR 1.484, 1.492(f), 1.495
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably	35 U.S.C. 371(c)-(d)	37 CFR 1.137(a), 37 CFR 1.17(l)
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally	35 U.S.C. 371(c)-(d)	37 CFR 1.137(b), 37 CFR 1.17(m)
Petitions to the Commissioner for international applications	35 U.S.C. 371	37 CFR 1.10, 37 CFR 1.181, 37 CFR 1.182
Petitions to the Commissioner in national stage examination	35 U.S.C. 111, 35 U.S.C. 116-118, 35 U.S.C. 371	37 CFR 1.42, 37 CFR 1.47, 37 CFR 1.181, 37 CFR 1.182
Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	35 U.S.C. 119(e) and 35 U.S.C. 120	37 CFR 1.78
Request for the restoration of the right of priority	PCT Article 8	PCT Rule 26 ^{bis} .3

2. Needs and Uses

The information requested in this collection is necessary for respondents to file an international patent application and for the USPTO to process, search, and examine international applications and related correspondence under the PCT. If this information were not collected, the USPTO would not be able to fulfill its obligations under the PCT as an RO, ISA, or IPEA. The IB also uses this information to administer international applications as required by the PCT.

Some of the information in this collection has associated forms as indicated in Table 2 below. Use of the forms is not mandatory, but the USPTO advises applicants to use these forms to ensure that all of the necessary information is provided and to assist the USPTO in processing the international applications quickly and efficiently. The Request and Demand forms include Annexes (Fee Calculation Sheets) and Notes with instructions on completing these forms. The WIPO also furnishes the "PCT Applicant's Guide" and other documents to give the public additional guidance on preparing the international application.

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. 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.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses of Information Collected for Patent Cooperation Treaty

Item	Form #	Needs and Uses
Request and Fee Calculation Sheet (Annex and Notes)	PCT/RO/101	<ul style="list-style-type: none"> • Used by the public to supply the information required for an international patent application. • The optional Fee Calculation Sheet may be used by the public to indicate the amount of money being submitted and how the money is to be applied. • The public uses the Fee Calculation Sheet or Annex as an attachment to the PCT Request. • Used by the USPTO to process the international application according to the PCT. • Used by the USPTO to verify the calculations and to identify any errors in them.
Description/claims/drawings/abstracts	No Form Associated	<ul style="list-style-type: none"> • Used by the public as part of the international application. In most instances, the description, claims, drawings, and abstract are identical to the corresponding elements in the previously filed U.S. application, and the papers submitted for the international application are a photocopy of the papers in the national application. • Used by the USPTO to process the international application according to the PCT.
Application Data Sheet	No Form Associated	<ul style="list-style-type: none"> • Used by the public as an optional way to submit bibliographic data with identifying information for an application, including information about each applicant, correspondence address, application contents, representatives, priority, and assignees. • Used by the USPTO to process applications and to correctly identify applications for which priority is claimed.
Transmittal Letter to the United States Receiving Office (RO/US)	PTO-1382	<ul style="list-style-type: none"> • Used by the public as a cover letter to supply a certification if the application was submitted via Express Mail and entitles an applicant to obtain a filing date as of the date of deposit with the postal authorities. • Used by the public for security clearance purposes to supply information concerning the similarity or differences between the subject matter disclosed in the international application and any national application filed earlier in the USPTO. • Used by the public as a transmittal letter for extensions of time, power of attorney, general power of attorney, substitute sheets, priority documents, fee payments, obvious error rectification, and other items. • Used by the USPTO to screen and certify the accompanying international application for the purpose of determining whether a license for foreign transmittal should and could be granted and for other purposes.

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371	PTO-1390	<ul style="list-style-type: none"> Used by the public to submit the required materials and fees for examination of an international application to the USPTO as the U.S. Designated Office or Elected Office. Used by the USPTO to fulfill its role as the U.S. Designated Office or Elected Office to process and examine international patent applications entering the national stage.
PCT/Model of Power of Attorney PCT/Model of General Power of Attorney	No Form Number	<ul style="list-style-type: none"> Used by the public to allow for the appointment of an agent to represent an applicant for a given international application or multiple international applications filed under the PCT. Used by the public to provide the information needed to permit attorneys or agents registered to practice before the USPTO to represent an applicant filing an international application with the US/RO and to prosecute an international application on behalf of the applicant. Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international application filed under the PCT.
Extensions of time	No Form Associated	<ul style="list-style-type: none"> Used by the public to allow an applicant to request an extension of time to respond to an outstanding invitation to make corrections/changes to the international application, the request, or the demand. Used by the USPTO to grant an applicant a requested extension of time to respond to an outstanding invitation to make corrections/changes to the international application, the request or the demand.
Priority documents	No Form Associated	<ul style="list-style-type: none"> Used by the public to certify a copy of the priority of an earlier application claimed in the international application. Used by the public to request that the US/RO prepare and transmit the certified copy to the IB or other RO if the earlier application is a U.S. application. Used by the USPTO to prepare and transmit a certified copy of the priority application to the IB or other RO if the earlier application is a U.S. application.
Indications Relating to a Deposited Microorganism	PCT/RO/134	<ul style="list-style-type: none"> Used by the public to provide a sample of the microorganism to a recognized depository institution and notify the US/RO of this action in writing. Used by the USPTO to confirm that a sample of the microorganism was provided to a recognized depository institution.
Response to invitation to correct defects	No Form Associated	<ul style="list-style-type: none"> Used by the public to correct defects noted by the RO. There is no required form for supplying the corrections. Used by the USPTO to determine if noted defects have been corrected.
Request for rectification of obvious errors	No Form Associated	<ul style="list-style-type: none"> Used by the public to request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed. Used by the USPTO to grant the request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed.

Demand and Fee Calculation Sheet (Annex and Notes)	PCT/IPEA/401	<ul style="list-style-type: none"> Used by the public to request examination of the international application under Chapter II of the PCT. The PCT Fee Calculation Sheet or Annex is used by the public to calculate the fees that are due and being submitted. Used by the USPTO to conduct an international preliminary examination of an international application under Chapter II of the PCT. The PCT Fee Calculation Sheet is used by the USPTO to properly credit the fees that are due and submitted.
Amendments	No Form Associated	<ul style="list-style-type: none"> Used by the public to modify the international application in response to the findings in the international search report or in the written report. Used by the USPTO to approve the modification of the international application in response to the findings in the international search report or in the written report.
Fee Authorization	No Form Associated	<ul style="list-style-type: none"> Used by the public to charge the applicant's deposit account along with instructions concerning how much to charge and for what purpose. Used by the USPTO Finance Branch to apply the charged fees to the applicant's deposit account.
Requests to transmit copies of international application	No Form Associated	<ul style="list-style-type: none"> Used by the public to pay for the cost of preparing and mailing copies of the international application where at 14 months the RO has failed to transmit the record copy to the IB. Used by the USPTO to ensure that the transmittal of the international application is identical to the application filed with the RO.
Withdrawal of international application	PCT/IB/372	<ul style="list-style-type: none"> Used by the public to request withdrawal of the international application, designations of the state, demands, elections, and priority claims by a notice addressed to the IB or the RO. Used by the USPTO to withdraw the international application, designations of the state, demands, elections, and priority claims by accepting a notice addressed to the RO.
Translations	No Form Associated	<ul style="list-style-type: none"> Used by the public in the event any Elected Office requires a translation of annexes to the international preliminary examination report. Used by the public to make written observations on any errors of translation in the international preliminary examination report and send such copies to the interested parties. Used by the USPTO to transmit a copy of the translation of the international preliminary examination report to the applicant at the same time it is transmitted to the interested Elected Office(s). Used by the USPTO to cancel the final international preliminary examination report and the annexes if they are not in English.
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)	PTO/SB/61/PCT	<ul style="list-style-type: none"> Used by the public to request revival of an application that was abandoned unavoidably. Used by the USPTO to consider requests for revival of an unavoidably abandoned application and ensure all the proper documentation and fees are included.

Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)	PTO/SB/64/PCT	<ul style="list-style-type: none"> Used by the public to request revival of an application that was abandoned unintentionally. Used by the USPTO to consider requests for revival of an unintentionally abandoned application and ensure all the proper documentation and fees are included.
Petitions to the Commissioner for international applications	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition or “appeal” for relief in exceptional circumstances. Used by the USPTO to grant relief in exceptional circumstances.
Petitions to the Commissioner in national stage examination	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition or “appeal” for relief in exceptional circumstances. Used by the USPTO to grant relief in exceptional circumstances.
Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	No Form Associated	<ul style="list-style-type: none"> Used by the public to claim benefit of the filing date of a prior filed application which has at least one common inventor if filed outside the time period. Used by the USPTO to grant relief if the conditions are met.
Request for the restoration of the right of priority	No Form Associated	<ul style="list-style-type: none"> Used by the public to allow a priority claim to an earlier application even if the international application is filed outside the priority period. Used by the USPTO to grant relief if the conditions are met.

3. Use of Information Technology

The PCT provides for electronic filing of international applications, as long as the confidentiality requirements are met. In 1999, the Trilateral Offices – the European Patent Office (EPO), the Japanese Patent Office (JPO), and the USPTO – began developing a draft standard for online electronic filing of international applications. This standard specifies the content, format, and protocol for submitting electronic patent applications over the Internet. WIPO became involved and adopted the project as a PCT effort for international applications that would also become a standard for national applications through the Patent Law Treaty. This standard resulted in the promulgation in December 2001 of a new Part 7 of the PCT Administrative Instructions (AIs) and an associated Annex F, “Standard for the Electronic Filing and Processing of International Applications.” These documents specify in detail the necessary electronic formats, signatures, signal protocols, electronic records management, packaging, and security to establish the admissibility of the electronic records submitted and processed under the PCT. Offices that are able to comply with these requirements submit a notice to the IB that they are prepared to receive (and optionally process) international applications in electronic form.

Customers may submit PCT materials to the USPTO electronically through EFS-Web, the USPTO’s online filing system for patent applications and related documents. EFS-Web is a web-based document submission system that allows customers to file applications and associated documents through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may 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. The fillable PDF forms that can be submitted through EFS-Web may be downloaded from the USPTO Web site and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web, which is hosted on secure servers. The documents 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 documents are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol.

EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage and other paper delivery costs. After the document has been successfully submitted through EFS-Web, customers will receive an acknowledgement receipt that lists the time and date stamp stating when the document 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 and documents associated with the submission, and page counts for the files and documents. This receipt is the legal equivalent of a postcard in the postcard receipt practice used for patent application documents that are filed in paper. The USPTO recommends that customers print the electronic acknowledgement receipt to keep with their records.

There are many additional benefits to filing through EFS-Web that were not available previously. Users can access EFS-Web from any computer with an Internet connection. 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. Customers can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration.

EFS-Web integrates with the Patent Application Information Retrieval (PAIR) system, the USPTO's online database that provides authorized individuals with immediate and secure access to non-published patent application information. PAIR uses digital certificates to permit only applicants and their designated representatives to access information about their pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. The USPTO does not intend to disseminate any confidential application information to the general public electronically through PAIR or any other means. However, the general public may use PAIR to access public information regarding granted patents, published applications, and reexamination proceedings. PAIR is available through the USPTO Web site.

The USPTO also automates the processing of PCT applications electronically through the PCT Operations Workflow and Electronic Review (POWER) system.

4. Efforts to Identify Duplication

This information is collected only when an applicant or representative submits an international application and is not collected elsewhere. Duplication of identifying information is required on subsequent correspondence to ensure that the correspondence can be associated with the correct application. In general, the PCT is designed to minimize the need for duplication by allowing an applicant to file a single application that has the effect of a national application filed in multiple countries.

5. Minimizing Burden to Small Entities

The information in this collection is necessary in order to process requests related to PCT applications. The same information is required from every applicant and is not available from any other source. Pursuant to 35 U.S.C. 41(h), the USPTO provides a 50% reduction in the fees charged under 35 U.S.C. 41(a)-(b) for small entity applicants, such as independent inventors, small businesses, and nonprofit organizations. 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. No significant burden is placed on small entities, in that small entities must only identify themselves as such in order to obtain these benefits. An assertion of small entity status only needs to be filed once in an application or patent.

6. Consequences of Less Frequent Collection

This information is collected only when an applicant or representative submits an international application. This collection of information is necessary to process an international application under the PCT and could not be conducted less frequently. If this information were not collected, the USPTO would not be able to process the application as required by 35 U.S.C. 364(a).

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 Notice was published in the *Federal Register* on October 26, 2009 (74 Fed. Reg. 54952). The comment period ended on December 28, 2009. No public comments were received.

The development of the Patent Cooperation Treaty involved over five years of intensive dialogue among 300 delegates from over 77 states or countries, 22 international organizations, 11 intergovernmental organizations, and 11 non-governmental organizations.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent 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. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program.

9. Payments or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent.

10. Assurance of Confidentiality

The confidentiality of international patent applications is governed by PCT Article 30, 35 U.S.C. 122, and 37 CFR 1.11 and 1.14. The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. Until international publication (18 months after the priority date), no third party or authority is allowed access to the international patent application unless such access is requested or authorized by the applicant. If the applicant withdraws the application before international publication, such publication does not take place. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents.

11. Justification for Sensitive Questions

None of the required information in this collection 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**

The USPTO estimates that it will receive 363,809 responses per year for this collection. The USPTO also estimates that approximately 85% (309,238) of the total responses for this collection will be submitted electronically through EFS-Web.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public from 15 minutes (0.25 hours) to 8 hours to gather the necessary information, prepare the appropriate form or documents, and submit the information to the USPTO.

- Cost Burden Calculation Factors**

In 2009 the Committee on Economics of Legal Practice of the American Intellectual Property Law Association published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$325 per hour used in this submission is the median rate for attorneys in private firms as published in that report. This is a fully-loaded hourly rate. The USPTO expects that the information in this collection will be prepared by attorneys.

Table 3: Burden Hour/Burden Cost to Respondents for Patent Cooperation Treaty

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b)	Rate (\$/yr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	1.0	53,527	53,527	\$325.00	\$17,396,275.00
Description/claims/drawings/abstracts	3.0	53,527	160,581	\$325.00	\$52,188,825.00
Application Data Sheet	0.38	39,592	15,045	\$325.00	\$4,889,625.00
Transmittal Letter to the RO/US (PTO-1382)	0.25	48,174	12,044	\$325.00	\$3,914,300.00
Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 U.S.C. 371 (PTO-1390)	0.25	58,794	14,699	\$325.00	\$4,777,175.00
PCT/Model of Power of Attorney	0.25	5,353	1,338	\$325.00	\$434,850.00
PCT/Model of General Power of Attorney	0.25	536	134	\$325.00	\$43,550.00
Extensions of time	0.25	21,000	5,250	\$325.00	\$1,706,250.00
Priority documents	0.25	20	5	\$325.00	\$1,625.00
Indications Relating to a Deposited Microorganism (PCT/RO/134)	0.25	20	5	\$325.00	\$1,625.00
Response to invitation to correct defects	2.0	18,524	37,048	\$325.00	\$12,040,600.00
Request for rectification of obvious errors	0.5	589	295	\$325.00	\$95,875.00
Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	1.0	3,365	3,365	\$325.00	\$1,093,625.00
Amendments	1.0	3,365	3,365	\$325.00	\$1,093,625.00
Fee Authorization	0.25	48,174	12,044	\$325.00	\$3,914,300.00
Requests to transmit copies of international application	0.25	501	125	\$325.00	\$40,625.00
Withdrawal of international application (PCT/IB/372)	0.25	1,306	327	\$325.00	\$106,275.00
Translations	2.0	1,655	3,310	\$325.00	\$1,075,750.00
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	8.0	55	440	\$325.00	\$143,000.00

Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	1.0	1,027	1,027	\$325.00	\$333,775.00
Petitions to the Commissioner for international applications	4.0	581	2,324	\$325.00	\$755,300.00
Petitions to the Commissioner in national stage examination	4.0	3,287	13,148	\$325.00	\$4,273,100.00
Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	2.0	117	234	\$325.00	\$76,050.00
Request for the restoration of the right of priority	3.0	720	2,160	\$325.00	\$702,000.00
Totals	. . .	363,809	341,840	. . .	\$111,098,000.00

13. Total Annualized Cost Burden

There are no capital start-up or maintenance costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of translations, drawings, fees, recordkeeping costs, and postage costs.

Under the terms of the PCT, the USPTO may require documents submitted for a PCT application to be translated into English when necessary. This requirement may carry additional costs for the applicant to contract for a translation of the documents in question. The cost of translating a document is dependent upon the length of the document, the complexity of the document, whether the document is technical, and the languages that the document has to be translated to and from. Due to these variables, the USPTO cannot precisely estimate the costs that parties may incur for these translations. The USPTO believes that the average length of the documents to be translated will be 10 pages and that it will cost \$150 per page for the translation, for an average translation cost of \$1,500 per document. **The USPTO estimates that it receives approximately 1,655 English translations annually, for a total cost of \$2,482,500 per year for English translations of non-English language documents for PCT applications.**

Applicants may also incur costs for drawings that are submitted as part of PCT applications. It is difficult to calculate the actual costs for drawings with certainty because some applicants may produce their own drawings, while others may contract out the work to various patent illustration firms. 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. The USPTO estimates that drawings may cost an average of \$58 per sheet to produce and that on average 11 sheets of drawings are submitted per application, for an average total cost of \$638 to produce a set of drawings for an application. **The USPTO expects that approximately 91% of the estimated 53,527 applications per year will**

have drawings filed with them, for a total of 48,710 sets of drawings at a total cost of \$31,076,980 per year.

The estimated filing fees for this collection are calculated in Table 4 below. The fees listed for Requests and Demands represent an estimate of the average fees for filing the appropriate items associated with those requirements for an international application. The basic national fee under 37 CFR 1.492(a) for an international application entering the national stage is fixed at \$330 (\$165 for small entities). The search and examination fees under 37 CFR 1.492(b)-(c) vary depending on the outcome of the written opinion prepared by the ISA/US, the international preliminary examination report prepared by the IPEA/US, and other related factors as noted in the accompanying table. The basic national fee, search fee, examination fee, and the fees for petitions to revive unavoidably or unintentionally abandoned international applications are discounted for small entities.

Table 4: Filing costs for Respondents for Patent Cooperation Treaty

Item	Estimated annual responses	Fee Amount	Estimated annual filing costs
Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	53,527	\$3,504.00	\$187,558,608.00
Description/claims/drawings/abstracts	53,527	\$0.00	\$0.00
Application Data Sheet	39,592	\$0.00	\$0.00
Transmittal Letter to the United States Receiving Office (RO/US) (PTO-1382)	48,174	\$0.00	\$0.00
Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) (PTO-1390) – US was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4); includes \$330 basic fee, \$0 search fee, and \$0 examination fee	808	\$330.00	\$266,640.00
Transmittal Letter to the DO/EO/US (PTO-1390) – US was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4); includes \$165 basic fee, \$0 search fee, and \$0 examination fee for small entity	202	\$165.00	\$33,330.00
Transmittal Letter to the DO/EO/US (PTO-1390) – US was the ISA; includes \$330 basic fee, \$100 search fee, and \$220 examination fee	1,935	\$650.00	\$1,257,750.00
Transmittal Letter to the DO/EO/US (PTO-1390) – US was the ISA; includes \$165 basic fee, \$50 search fee, and \$110 examination fee for small entity	2,604	\$325.00	\$846,300.00
Transmittal Letter to the DO/EO/US (PTO-1390) – International search report prepared by other than the US and provided to the USPTO or previously communicated to the US by the IB; includes \$330 basic fee, \$430 search fee, and \$220 examination fee	40,994	\$980.00	\$40,174,120.00
Transmittal Letter to the DO/EO/US (PTO-1390) – International search report prepared by other than the US and provided to the USPTO or previously communicated to the US by the IB; includes \$165 basic fee, \$215 search fee, and \$110 examination fee for small entity	9,667	\$490.00	\$4,736,830.00
Transmittal Letter to the DO/EO/US (PTO-1390) – All other situations; includes \$330 basic fee, \$540 search fee, and \$220 examination fee	1,669	\$1,090.00	\$1,819,210.00

Transmittal Letter to the DO/EO/US (PTO-1390) – All other situations; includes \$165 basic fee, \$270 search fee, and \$110 examination fee for small entity	915	\$545.00	\$498,675.00
PCT/Model of Power of Attorney	5,353	\$0.00	\$0.00
PCT/Model of General Power of Attorney	536	\$0.00	\$0.00
Extensions of time	21,000	\$0.00	\$0.00
Priority documents	20	\$0.00	\$0.00
Indications Relating to a Deposited Microorganism (PCT/RO/134)	20	\$0.00	\$0.00
Response to invitation to correct defects	18,524	\$0.00	\$0.00
Request for rectification of obvious errors	589	\$0.00	\$0.00
Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	3,365	\$771.00	\$2,594,415.00
Amendments	3,365	\$0.00	\$0.00
Fee Authorization	48,174	\$0.00	\$0.00
Requests to transmit copies of international application	501	\$0.00	\$0.00
Withdrawal of international application (PCT/IB/372)	1,306	\$0.00	\$0.00
Translations	1,655	\$0.00	\$0.00
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	25	\$540.00	\$13,500.00
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT) - small entity	30	\$270.00	\$8,100.00
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	565	\$1,620.00	\$915,300.00
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT) - small entity	462	\$810.00	\$374,220.00
Petitions to the Commissioner for international applications	581	\$130.00	\$75,530.00
Petitions to the Commissioner in national stage examination	3,287	\$200.00	\$657,400.00
Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	117	\$1,410.00	\$164,970.00
Request for the restoration of the right of priority	720	\$1,410.00	\$1,015,200.00
Totals	363,809	\$243,010,098.00

In addition to the filing fees listed in Table 4 above, applicants may also incur fees for late filings, multiple dependent claims, and lengthy applications. The fee for the late filing of search or examination fees under 37 CFR 1.492(h) is \$130 for large entities and \$65 for small entities. The USPTO estimates that it will receive approximately 20,053 of these late payment fees for large entities and 7,632 for small entities per year, for a total of

\$3,102,970. The fee for the late filing of an English translation of an international application under 37 CFR 1.492(i) is \$130. The USPTO estimates that it will receive approximately 116 of these late translation fees per year, for a total of \$15,080. The fee for applications containing a multiple dependent claim is \$390 for large entities and \$195 for small entities. The USPTO estimates that it will receive approximately 3,530 of these multiple dependent claim fees for large entities and 1,158 for small entities per year, for a total of \$1,602,510. Applications with specifications and drawings that exceed 100 pages may be subject to an application size fee of \$270 (\$135 for small entities) for each additional 50 pages or fraction thereof. The USPTO estimates that it will receive approximately 2,205 of the \$270 size fees from large entities and approximately 621 of the \$135 size fees from small entities per year, for a total of \$679,185. **The total estimated fees for this collection, including filing fees and other additional fees, will be approximately \$248,409,843 per year.**

There are recordkeeping costs associated with filing PCT submissions online using EFS-Web. The USPTO recommends that customers print and retain a copy of the acknowledgment receipt after a successful online submission. The USPTO estimates that it will take five seconds (0.001 hours) to print a copy of the acknowledgment receipt and that approximately 309,238 PCT-related items per year will be submitted via EFS-Web, for a total of approximately 309 hours per year for printing this receipt. **The USPTO expects that these receipts will be printed by paraprofessionals at an estimated rate of \$100 per hour, for an estimated recordkeeping cost of \$30,900 per year.**

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 44 cents and that up to 54,571 submissions will be mailed to the USPTO per year. **The total estimated postage cost for this collection is \$24,011 per year.**

The total annual (non-hour) respondent cost burden for this collection associated with translations (\$2,482,500), drawings (\$31,076,980), fees (\$248,409,843), recordkeeping (\$30,900), and postage (\$24,011) is estimated to be \$282,024,234 per year.

14. Annual Cost to the Federal Government

The USPTO estimates that most of the items in this collection will be processed by a GS-9, step 1 employee with an hourly rate of \$24.74. The estimated hourly rate for processing an acceptance of an unintentionally delayed claim for priority or a request for the restoration of the right of priority is based on the current hourly rate of a GS-12, step 1 employee, which is \$35.88. The estimated hourly rate for processing petitions for revival of an unavoidably or unintentionally abandoned international application is based on the current hourly rate of a GS-14, step 6 employee, which is \$58.81. The estimated hourly rate for processing the remaining items in this collection is based on the current hourly rate of a GS-15, step 1

employee, which is \$59.30. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), these hourly rates are as follows:

GS-9, step 1 employee: $\$24.74 + \$7.42 = \$32.16$
 GS-12, step 1 employee: $\$35.88 + \$10.76 = \$46.64$
 GS-14, step 6 employee: $\$58.81 + \$17.64 = \$76.45$
 GS-15, step 1 employee: $\$59.30 + \$17.79 = \$77.09$

Table 4 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 4: Burden Hour/Burden Cost to the Federal Government for Patent Cooperation Treaty

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	0.50	53,527	26,764	\$32.16	\$860,730.00
Description/claims/drawings/abstracts	0.50	53,527	26,764	\$32.16	\$860,730.00
Application Data Sheet	0.50	39,592	19,796	\$32.16	\$636,639.00
Transmittal Letter to the RO/US (PTO-1382)	0.15	48,174	7,226	\$32.16	\$232,388.00
Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 U.S.C. 371 (PTO-1390)	0.15	58,794	8,819	\$32.16	\$283,619.00
PCT/Model of Power of Attorney	0.15	5,353	803	\$32.16	\$25,824.00
PCT/Model of General Power of Attorney	0.15	536	80	\$32.16	\$2,573.00
Extensions of time	0.15	21,000	3,150	\$32.16	\$101,304.00
Priority documents	0.15	20	3	\$32.16	\$96.00
Indications Relating to a Deposited Microorganism (PCT/RO/134)	0.15	20	3	\$32.16	\$96.00
Response to invitation to correct defects	1.00	18,524	18,524	\$32.16	\$595,732.00
Request for rectification of obvious errors	1.50	589	884	\$32.16	\$28,429.00
Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	0.30	3,365	1,010	\$32.16	\$32,482.00
Amendments	0.75	3,365	2,524	\$32.16	\$81,172.00
Fee Authorization	0.15	48,174	7,226	\$32.16	\$232,388.00
Requests to transmit copies of international application	0.15	501	75	\$32.16	\$2,412.00
Withdrawal of international application (PCT/IB/372)	1.00	1,306	1,306	\$32.16	\$42,001.00
Translations	0.30	1,655	497	\$32.16	\$15,984.00

Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	6.50	55	358	\$76.45	\$27,369.00
Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	4.50	1,027	4,622	\$76.45	\$353,352.00
Petitions to the Commissioner for international applications	6.50	581	3,777	\$77.09	\$291,169.00
Petitions to the Commissioner in national stage examination	6.50	3,287	21,366	\$77.09	\$1,647,105.00
Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	2.50	117	293	\$46.64	\$13,666.00
Request for the restoration of the right of priority	2.50	720	1,800	\$46.64	\$83,952.00
Totals	363,809	157,670	\$6,451,212.00

The USPTO also has an automated information system that supports the processing of PCT applications, POWER. The cost to support POWER is approximately \$200,000 per year. **Therefore, the total annual cost to the federal government for processing this collection is \$6,651,212.**

15. Reason for Change in Burden

Summary of Changes Since the Previous Approval

This information collection was previously approved in February 2007 with a total of 355,658 responses and 347,891 burden hours per year.

For this renewal, the USPTO estimates that the total annual responses will be 363,809 and the total annual burden hours will be 341,840, which is an increase of 8,151 responses but a decrease of 6,051 burden hours from the currently approved burden for this collection. This decrease in burden hours is due to both program changes and administrative adjustments.

The total annual (non-hour) cost burden for this renewal of \$282,024,234 is an increase of \$110,158,233 from the currently approved total of \$171,866,001 in annual costs for this collection. This increase in annual costs is due to both program changes and administrative adjustments.

Changes from the 60-Day Notice

Since the 60-Day Notice was published, the USPTO has updated the estimated hourly rate for attorneys preparing the information in this collection from \$310 to \$325. As a result of this updated hourly rate for respondents, the total respondent cost burden for this collection

has increased from \$105,970,400 as reported in the 60-Day Notice to \$111,098,000 as set forth in this Supporting Statement.

Changes in Respondent Cost Burden

When this collection was previously approved in February 2007, the 347,891 total burden hours for the collection resulted in a total respondent cost burden of \$99,496,434. The estimated hourly rate for attorneys preparing the information in this collection was \$286, with one item (2 total burden hours) using an estimated hourly rate of \$90 for paraprofessionals.

For this renewal, the total burden hours have decreased to 341,840, but the estimated hourly rate for attorneys preparing the information in this collection has increased to \$325 (and all items are expected to be prepared by attorneys). The total respondent cost burden for this renewal is \$111,098,000, which is an increase of \$11,601,566 over the previous submission. Although the total burden hours have decreased from 347,891 to 341,840, this decrease in hours is offset by the increase in estimated hourly rate for attorneys from \$286 to \$325, resulting in an increase in total respondent cost burden.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses for this collection will increase by 8,151, from 355,658 to 363,809 responses per year. However, the USPTO estimates that the total annual burden hours for this collection will decrease by 6,051, from 347,891 to 341,840 hours per year. This decrease in burden hours is due to both program changes and administrative adjustments, as follows:

- The USPTO is adjusting the estimated annual responses for the Request and Fee Calculation Sheet (PCT/RO/101) to 53,527, which is an increase of 11,327 from the previous estimate of 42,200. **Therefore, this collection takes a burden increase of 11,327 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Descriptions, claims, drawings, and abstracts to 53,527, which is an increase of 11,327 from the previous estimate of 42,200. **Therefore, this collection takes a burden increase of 33,981 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Application Data Sheet to 39,592, which is an increase of 36,592 from the previous estimate of 3,000. **Therefore, this collection takes a burden increase of 13,905 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Transmittal Letter to the RO/US (PTO-1382) to 48,174, which is an increase of 18,674 from the

previous estimate of 29,500. **Therefore, this collection takes a burden increase of 4,669 hours due to an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for the Transmittal Letter to the DO/EO/US (PTO-1390) to 58,794, which is an increase of 36,409 from the previous estimate of 22,385. **Therefore, this collection takes a burden increase of 9,103 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Model of Power of Attorney to 5,353, which is a decrease of 19,647 from the previous estimate of 25,000. **Therefore, this collection takes a burden decrease of 4,912 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Model of General Power of Attorney to 536, which is a decrease of 1,864 from the previous estimate of 2,400. **Therefore, this collection takes a burden decrease of 466 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Extensions of time to 21,000, which is an increase of 2,000 from the previous estimate of 19,000. **Therefore, this collection takes a burden increase of 500 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Priority documents to 20, which is a decrease of 62,980 from the previous estimate of 63,000. The estimate for this requirement has been reduced due to a change in how the USPTO tracks and handles these requests. **Therefore, this collection takes a burden decrease of 15,745 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Indications Relating to a Deposited Microorganism (PCT/RO/134) to 20, which is a decrease of 380 from the previous estimate of 400. **Therefore, this collection takes a burden decrease of 95 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Response to invitation to correct defects to 18,524, which is a decrease of 5,476 from the previous estimate of 24,000. **Therefore, this collection takes a burden decrease of 10,952 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Request for rectification of obvious errors to 589, which is a decrease of 1,411 from the previous estimate of 2,000. **Therefore, this collection takes a burden decrease of 705 hours due to an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for Demands and Fee Calculation Sheets (PCT/IPEA/401) to 3,365, which is a decrease of 15,635 from the previous estimate of 19,000. **Therefore, this collection takes a burden decrease of 15,635 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Amendments to 3,365, which is a decrease of 15,635 from the previous estimate of 19,000. **Therefore, this collection takes a burden decrease of 15,635 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Fee Authorizations to 48,174, which is an increase of 33,174 over the previous estimate of 15,000. **Therefore, this collection takes a burden increase of 8,294 hours due to an administrative adjustment.**
- The USPTO previously estimated that it would receive 3,000 Petitions per year. For this renewal, the USPTO has divided these Petitions into two categories, Petitions to the Commissioner for international applications and Petitions to the Commissioner in national state examination. The USPTO estimates that it will receive a total of 3,868 of these Petitions per year (581 for international and 3,287 for national stage), which is an increase of 868 Petitions per year in these categories. **Therefore, this collection takes a burden increase of 3,472 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Requests to transmit copies of an international application to 501, which is a decrease of 1,799 from the previous estimate of 2,300. **Therefore, this collection takes a burden decrease of 450 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Withdrawals of international applications to 1,306, which is a decrease of 3,694 from the previous estimate of 5,000. **Therefore, this collection takes a burden decrease of 923 hours due to an administrative adjustment.**
- The Request/authorization to access an international application is being deleted from this collection. In general, this requirement is no longer necessary due to the availability of published application information through the WIPO and USPTO Web sites. Deleting this requirement removes 6,000 responses from this collection. **Therefore, this collection takes a burden decrease of 150 hours due to a program change.**
- The USPTO is adjusting the estimated annual responses for Translations to 1,655, which is a decrease of 14,345 from the previous estimate of 16,000. **Therefore, this collection takes a burden decrease of 28,690 hours due to an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for Petitions for Revival of an Unavoidably Abandoned International Application (PTO/SB/61/PCT) to 55, which is an increase of 36 from the previous estimate of 19. **Therefore, this collection takes a burden increase of 288 hours due to an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Petitions for Revival of an Unintentionally Abandoned International Application (PTO/SB/64/PCT) to 1,027, which is an increase of 376 from the previous estimate of 651. **Therefore, this collection takes a burden increase of 376 hours due to an administrative adjustment.**
- The Petition under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a National Stage Entry Date is being deleted from this collection. In general, this requirement is no longer necessary due to the development of EFS-Web for electronic PCT filings. Deleting this requirement removes 3 responses from this collection. **Therefore, this collection takes a burden decrease of 2 hours due to a program change.**
- The USPTO estimates that it will receive 117 responses per year for the Acceptance of an unintentionally delayed claim for priority, which is being added to this collection due to a change in the rules implementing the PCT. **Therefore, this collection takes a burden increase of 234 hours due to a program change.**
- The USPTO estimates that it will receive 720 responses per year for the Request for the restoration of the right of priority, which is being added to this collection due to a change in the rules implementing the PCT. **Therefore, this collection takes a burden increase of 2,160 hours due to a program change.**

In sum, the net decrease of 6,051 burden hours is due to both program changes from requirements being added and deleted from this collection and administrative adjustments due to revised estimates of the number of expected filings for this collection. Although there is a net increase in the number of responses for this renewal, there is a net decrease in the number of burden hours because the reduction in hours from the requirements that have a decrease in responses is greater than the increase in burden hours from the requirements that have an increase in responses for this renewal. **Therefore, this information collection has a total net burden decrease of 6,051 hours, with a net increase of 2,242 hours due to program changes offset by a net decrease of 8,293 hours due to administrative adjustments.**

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs for this collection will increase by \$110,158,233 from \$171,866,001 to \$282,024,234 per year. This increase in total annual (non-hour) costs is due to both program changes and administrative adjustments, as follows:

- This collection was previously approved with \$24,000,000 in costs associated with translating documents submitted for a PCT application. For this renewal, the USPTO estimates that translation costs will decrease to \$2,482,500, primarily due to the decrease in the estimated number of translations required. **Therefore, this collection has a decrease of \$21,517,500 in translation costs as an administrative adjustment.**
- This collection was previously approved with \$24,500,476 in costs associated with drawings that are submitted as part of a PCT application. For this renewal, the USPTO estimates that drawing costs will increase to \$31,076,980, primarily due to the increase in the estimated number of applications filed. **Therefore, this collection has an increase of \$6,576,504 in drawing costs as an administrative adjustment.**
- This collection was previously approved with \$123,006,585 in filing fees. For this renewal, the USPTO estimates that there will be \$243,010,098 in filing fees as outlined in Table 4 of this Supporting Statement. These changes in filing fees are as follows:

The total estimated filing fees for the Request and Fee Calculation Sheet (PCT/RO/101) have increased from \$85,497,200 to \$187,558,608. This increase is due to both an increase in estimated filings and an increase in the estimated average fees required per filing based on the current PCT fee structure. Therefore, the total filing fees for this requirement have increased by \$102,061,408, with an increase of \$79,112,906 due to program changes and \$22,948,502 due to administrative adjustments.

The total estimated filing fees for the Transmittal Letter to the DO/EO/US (PTO-1390) have increased from \$18,206,025 to \$49,632,855. This increase is due to both an increase in estimated filings and an increase in the estimated average fees required per filing based on the current PCT fee structure. Therefore, the total filing fees for this requirement have increased by \$31,426,830, with an increase of \$1,826,313 due to program changes and \$29,600,517 due to administrative adjustments.

This collection was previously approved with \$1,260,000 in filing fees for Priority Documents. This fee has been eliminated. Therefore, the total filing fees for this requirement have decreased by \$1,260,000 due to program changes.

The total estimated filing fees for the Demand and Fee Calculation Sheet (PCT/IPEA/401) have decreased from \$16,872,000 to \$2,594,415. This decrease is due to both a decrease in estimated filings and a decrease in the estimated average fees required per filing based on the current PCT fee structure. Therefore, the total filing fees for this requirement have decreased by \$14,277,585, with a decrease of \$393,705 due to program changes and \$13,883,880 due to administrative adjustments.

The total estimated filing fees for the Petition for Revival of an International Application Abandoned Unavoidably (PTO/SB/61/PCT) have increased from \$1,980 to \$21,600. This increase is due to both an increase in estimated filings and an increase in the fee amounts required per filing. Therefore, the total filing fees for this requirement have increased by \$19,620, with an increase of \$17,200 due to program changes and \$2,420 due to administrative adjustments.

The total estimated filing fees for the Petition for Revival of an International Application Abandoned Unintentionally (PTO/SB/64/PCT) have increased from \$779,380 to \$1,289,520. This increase is due to both an increase in estimated filings and an increase in the fee amounts required per filing. Therefore, the total filing fees for this requirement have increased by \$510,140, with an increase of \$230,840 due to program changes and \$279,300 due to administrative adjustments.

This collection was previously approved with \$390,000 in filing fees for other Petitions. For this renewal, other Petitions have been split into two types with two different fee amounts, Petitions for international applications and Petitions for national stage examination. The total estimated filing fees for both types in this renewal submission is \$732,930. This increase is due to both an increase in estimated filings and an increase in the fee amount for Petitions for national stage examination. Therefore, the total filing fees for these Petitions have increased by \$342,930, with an increase of \$230,090 due to program changes and \$112,840 due to administrative adjustments.

There are filing fees associated with two items being added to this collection, Acceptance of an unintentionally delayed claim for priority and Request for restoration of the right of priority. The total filing fees for these requirements result in an increase of \$1,180,170 due to program changes.

These changes in filing fees result in a net increase of \$120,003,513 in annual cost burden for this collection, with net increases of \$80,943,814 due to program changes and \$39,059,699 due to administrative adjustments.

- This collection was previously approved with \$227,359 in additional fees associated with late payment of examination fees and late transmission of English translations of PCT applications. For this renewal, the USPTO has updated the estimates for

these late fees and has added fees for applications with multiple dependent claims and for lengthy applications that exceed 100 pages, resulting in an estimate for total additional fees of \$5,399,745. These changes in additional fees are as follows:

This collection was previously approved with \$84,229 in additional fees associated with late payment of preliminary examination fees. The USPTO has updated this estimate to include late payments of search or examination fees, for a total of approximately \$3,102,970. Therefore, this collection takes an increase of \$3,018,741 as a program change.

This collection was previously approved with \$143,130 in additional fees associated with late transmission of translations. The USPTO has updated this estimate to \$15,080 primarily due to a reduction in the expected number of translations submitted. Therefore, this collection takes a decrease of \$128,050 as an administrative adjustment.

Fees for applications with multiple dependent claims and for lengthy applications that exceed 100 pages have been added to this collection. These fees are existing requirements that were not previously included in this collection. Therefore, this collection has an increase of \$2,281,695 as a program change.

These changes in additional fees result in a net increase of \$5,172,386 in annual cost burden for this collection, with an increase of \$5,300,436 due to program changes offset by a decrease of \$128,050 due to administrative adjustments.

- Customers may incur recordkeeping costs when submitting the information in this collection to the USPTO online via EFS-Web. The USPTO estimates that customers will incur \$30,900 in recordkeeping costs associated with printing and maintaining acknowledgment receipts for online submissions. These costs are being added to this collection due to the availability of online filing for PCT applications through EFS-Web. **Therefore, this collection has an increase of \$30,900 in recordkeeping costs as a program change.**
- This collection was previously approved with \$131,593 in postage costs associated with submitting the information in this collection to the USPTO by mail. For this renewal, the USPTO estimates that postage costs will decrease to \$24,011 due to several factors, including the availability of electronic filing through EFS-Web and the addition and deletion of information requirements. **Therefore, this collection has a decrease in postage costs of \$107,582 as a program change.**
- The most recent submission for this collection, approved by OMB in February 2007, listed total annual costs of \$171,866,013 in the Supporting Statement. However, the current inventory for this collection lists total annual (non-hour) costs as \$171,866,001 because they were calculated based on the total annual costs from a

previous submission, which were rounded to the nearest thousand dollars. **To compensate for this difference, this collection takes an increase of \$12 as an administrative adjustment.**

In sum, this collection has a net increase in annual (non-hour) cost burden of \$110,158,233 due to several factors, including changes in the estimated number of filings, changes in the fee structure, and the availability of electronic filing for PCT submissions. **Therefore, this collection has an increase in annual (non-hour) cost burden of \$110,158,233, with net increases of \$86,167,568 due to program changes and \$23,990,665 due to administrative adjustments.**

16. Project Schedule

The USPTO does not plan to publish this information for statistical use or to have any special publication for the items discussed in this supporting statement. However, plant and utility patents granted are published weekly in the *Official Gazette of the United States Patent and Trademark Office*, which is available electronically on the USPTO Web site.

17. Display of Expiration Date of OMB Approval

With the exception of forms PTO-1382, PTO-1390, PTO/SB/61/PCT, and PTO/SB/64/PCT, the forms in this collection are international in nature and cannot display specific country information such as the OMB control number and expiration date. WIPO administers the PCT and created the associated PCT forms. PCT Rules 4.1-4.18 and 53.1, and Administrative Instructions Sections 102 and 103, specify the forms to be used, and there are no provisions in the PCT for altering the forms from the WIPO printing. The USPTO forms listed above will display the OMB control number and the expiration date.

18. Exceptions 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.

REFERENCES

- A. The USPTO Information Quality Guidelines
- B. Form PCT/RO/101 Request and Fee Calculation Sheet (Annex and Notes)
- C. Form PTO-1382 Transmittal Letter to the United States Receiving Office (RO/US)
- D. Form PTO-1390 Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371
- E. Form PCT/Model of Power of Attorney
- F. Form PCT/Model of General Power of Attorney
- G. Form PCT/RO/134 Indications Relating to a Deposited Microorganism
- H. Form PCT/IPEA/401 Demand and Fee Calculation Sheet (Annex and Notes)
- I. Form PCT/IB/372 Notice of Withdrawal
- J. Form PTO/SB/61/PCT Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)
- K. Form PTO/SB/64/PCT Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)