

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Patent Processing (Updating)
OMB CONTROL NUMBER 0651-0031
(August 5, 2010)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0031 Patent Processing (Updating). The USPTO is making two changes to Form PTOL-413A, Applicant Initiated Interview Request Form. One change will add additional language regarding registered practitioners who are not of record signing the form to the NOTE section. An instruction sheet will also be added to the form.

The USPTO is required by 35 U.S.C. 131 et seq. to examine an application for patent and, when appropriate, issue a patent. Also, the USPTO is required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code ("eighteen-month publication"). Certain situations may arise that require additional information to be supplied in order for the USPTO to further process the patent or application. The USPTO administers the statutes through the various sections of the rules in practice in 37 CFR Part 1.

During the processing of an application for a patent, the applicant or applicant's representative may be required or desire to submit additional information to the USPTO concerning the examination of a specific application. The specific information required or that may be submitted includes: information disclosure statement and citation, examination support documents, requests for extension of time, the establishment of small entity status, abandonment and revival of abandoned applications, disclaimers, appeals, petitions, requests, expedited examination of design applications, transmittal forms, requests to inspect, copy and access patent applications, publication requests, certificates of mailing, transmittals, and submission of priority documents and amendments.

Form PTOL-413A, Applicant Initiated Interview Request Form is used by applicants to request an interview and to assist in the preparation of a written record of the interview. Examiners use the information to prepare in advance for the applicant interview, to focus on the issues in question, and to determine whether an agreement has been reached on the matters discussed during the interview.

Summary of Changes

The USPTO is proposing to make the following changes to Form PTOL-413A:

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE TO 0651-0031
(continued)**

- The USPTO plans to add the following language to the “NOTE”: “If this form is signed by a registered practitioner not of record, the Office will accept this as an indication that he or she is authorized to conduct an interview on behalf of the principal (37 CFR 1.32(a)(3)) pursuant to 37 CFR 1.34. This is not a power of attorney to any above-named practitioner. See the Instruction Sheet for this form, which is incorporated by reference. By signing this form, applicant or practitioner is certifying that he or she has read the Instruction Sheet.”
- The USPTO plans to add an instruction sheet (which as the above language says is being incorporated by reference into the form).
- The USPTO has increased the completion time for Form PTOL-413A from 21 minutes (0.35 hours) to 24 minutes (0.40 hours) to account for the new instruction sheet.

Changes in Burden

The changes to Form PTOL-413A will result in the following burden changes for this information collection:

| Burden Type | Currently approved | Proposed change | New estimates |
|-------------------------|---------------------------|------------------------|----------------------|
| Responses | 2,459,409 | 0 | 2,459,409 |
| Hours | 2,893,322 | 80 | 2,893,402 |
| Fees | \$146,546,770 | \$0 | \$146,546,770 |
| Recordkeeping costs | \$7,020 | \$0 | \$7,020 |
| Postage costs | \$1,039,017 | \$0 | \$1,039,017 |
| Annual (non-hour) costs | \$147,592,807 | \$0 | \$147,592,807 |

The USPTO estimates that 1,600 requests for an applicant initiated interview will be submitted and that it will take the public approximately 24 minutes (0.40 hours) to gather, prepare, and submit Form PTOL- 413A, for a total of 640 burden hours per year. **Therefore, this collection takes a net increase of 80 burden hours as a program change.**

Therefore, this collection would have the following revised total burden:

- 2,459,409 responses (no change)
- 2,893,402 burden hours
- \$147,592,807 in annual (non-hour) costs (no change)