

**SF-83 SUPPORTING STATEMENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Patent Processing (Updating)  
OMB Control Number 0651-0031**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (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 various sections of the rules of practice in 37 CFR Part 1.

During the processing for 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.

The new information being added into this collection since the previous renewal includes 3 proposed additions for notices of proposed rulemakings, 5 change worksheets, 7 new forms/requirements, and 8 electronic forms.

At the direction of OMB, this renewal is being resubmitted with all of the rule-related information removed from the collection pertaining to the notices of proposed rulemaking approved by OMB on 2/22/2006 entitled “Changes to Practice for the Examination of Claims in Patent Applications” (RIN 0651-AB94), and “Changes to Practice for Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims” (RIN 0651-AB93); along with a Change Worksheet approved by OMB on 3/30/2007 revising the estimates for same. The 7 items being removed are:

- Examination Support Document Transmittal
- Examination Support Document Listing of References

- Petition for a second continuation or continuation-in-part application showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the prior-filed application (proposed 37 CFR 1.78(d)(1)(iv))
- Petition for a second request for continued examination showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the application (proposed 37 CFR 1.114(f))
- Listing of Commonly Owned Applications and Patents 37 CFR 1.73(f)
- Listing of Commonly Owned Applications and Patents 37 CFR 1.73(f) EFS-Web
- Request for Streamlined Docketing Procedure

At the direction of OMB, this renewal is being resubmitted with all of the rule-related information removed from the collection pertaining to the notice of proposed rulemaking approved by OMB on 7/12/2006 entitled “Changes to Information Disclosure Statement Requirements and Other Related Matters” (RIN 0651-AB95).

Two information collections associated with Petitions under 37 CFR 1.17 (f) which were previously incorporated in 0651-0031 have been moved into a new ICR entitled Patent Petitions Charging the Fee under 37 CFR 1.17(f), with the burden calculations remaining the same as estimated previously in 0651-0031. See Federal Register Notice of May 30, 2006 (71 Fed Reg. 103).

Table 1 identifies the proposed statutory and regulatory provisions that require the USPTO to collect this information:

**Table 1: Information Requirements for Patent Processing (Updating)**

Requirement	Statute	Rule
Information Disclosure Statements and eIDS	35 U.S.C. § 2(b)(2)	37 CFR 1.56, 1.97 and 1.98
Transmittal Form	35 U.S.C. § 2(b)(2)	37 CFR 1.4; 1.5, 1.48, 1.111, 1.116, 1.121, 1.125, 1.133 and 1.291
Petitions for Extension of Time under 37 CFR 1.136(a) & (b)	35 U.S.C. §§ 2(b)(2), 41(a)(8), 131 and 132	37 CFR 1.136
Express Abandonment under 37 CFR 1.138	35 U.S.C. §§ 2(b)(2), 131 & 132	37 CFR 1.138
Petition for Express Abandonment to Avoid Publication under 1.138(c)	35 U.S.C. § 122(b)	37 CFR 1.38(c) and 1.211(a)(1)
Disclaimers	35 U.S.C. § 253	37 CFR 1.321
Request for Expedited Examination of a Design Application	35 U.S.C. § 2(b)(2)	37 CFR 1.155
Notice of Appeal	35 U.S.C. § 134	37 CFR 1.191
Information Disclosure Citation in a Patent	35 U.S.C. § 301	37 CFR 1.501
Petitions to Revive Unintentionally or Unavoidably Abandoned Applications	35 U.S.C. §§ 41(a)(7), 111, 133, 151 and 371(d)	37 CFR 1.137

Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	35 U.S.C. § 2(b)(2)	37 CFR 1.137 and 1.213
Requests to Access, Inspect and Copy	35 U.S.C. § 122	37 CFR 1.14
Deposit Account Order Form	35 U.S.C. § 2(b)(2)	37 CFR 1.25
Certificates of Mailing/Transmission	35 U.S.C. §§ 2(b)(2) and 21(a)	37 CFR 1.8
Statement under 37 CFR 3.73(b)	35 U.S.C. § 2(b)(2)	37 CFR 3.73(b)
Non-publication Request	35 U.S.C. § 122(b)(2)(B)(i)	37 CFR 1.213(a)
Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	35 U.S.C. §§ 122(b)(2)(B)(ii) and 122(b)(2)(B)(iii)	37 CFR 1.213(b)
Electronic Filing System (EFS) Copy of Application for Publication	35 U.S.C. §§ 122(b) and 122(b)(2)(B)(v)	37 CFR 1.215, 1.217, 1.219 and 1.221
Copy of File Content Showing Redactions	35 U.S.C. § 122(b)	37 CFR 1.217(d)
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	35 U.S.C. § 2(b)(2)	37 CFR 1.251
Request for Continued Examination (RCE) Transmittal	35 U.S.C. § 132(b)	37 CFR 1.114
Request for Continued Examination (RCE) Transmittal EFS-Web	35 U.S.C. § 132(b)	37 CFR 1.114
Written request for an oral appeal hearing before the Board, filed in a separate paper from the appeal itself	35 U.S.C. § 134	37 CFR 1.194(b)
Request for Deferral of Examination 37 CFR 1.103(d)	35 U.S.C. §§ 2(b)(2) and 131	37 CFR 1.103(d)
Request for Voluntary Publication or Republication	35 U.S.C. § 2(b)(2)	37 CFR 1.221
Applicant Initiated Interview Request Form	35 U.S.C. § 2(b)(2)	37 CFR 1.133
Petition for Request for Documents in a Form Other Than That Provided by 1.19	35 U.S.C. §§ 2(b)(2), 131 and 132	37 CFR 1.19(i) and (j)
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	35 U.S.C. §§ 131 and 132	37 CFR 1.12, 1.14, 1.17(g), 1.59 and 1.102
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	35 U.S.C. §§ 131 and 132	37 CFR 1.17(h), 1.84, 1.91, 1.103(d), 1.313 and 1.314
Request for Processing of Replacement Drawings to Include the Drawings in Any Patent Application Publication	35 U.S.C. §§ 2(b)(2), 131 and 132	37 CFR 1.215
Processing Fee under 37 CFR 1.17(i) Transmittal	35 U.S.C. § 2(b)(2)	37 CFR 1.17(i)
Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	35 U.S.C. § 2(b)(2)	37 CFR 1.155(d)
Authorization for Permit Access to Application by Participating Offices under 37 CFR 1.14(h)	35 U.S.C. § 2(b)(2)	37 CFR 1.14(h)

Petition for Express Abandonment to Obtain a Refund	35 U.S.C. § 4(d)(1)(D)	37 CFR 1.138(d)
Pre-Appeal Brief Request for Review	35 U.S.C. §§ 2(b)(2) and 134	37 CFR 41.32
Request for Corrected Filing Receipt	35 U.S.C. § 2(b)(2)	37 CFR 1.54, 1.76(a) and 1.48(a) and (c)
Request for Corrected Filing Receipt (electronic)	35 U.S.C. § 2(b)(2)	37 CFR 1.54, 1.76(a) and 1.48(a) and (c)
Petition to Make Special under Accelerated Examination Program	35 U.S.C. § 2(b)(2)	37 CFR 1.102
Request for First-Action Interview (Pilot Program)	35 U.S.C. § 2(b)	37 CFR 1.133
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	35 U.S.C. § 2(b)	37 CFR 1.102(c)(1)

## 2. Needs and Uses

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 information is used by the public and by the USPTO:

**Table 2: Needs and Uses for Patent Processing (Updating)**

Form and Function	Form #	Needs and Uses
Information Disclosure Statements (Ref. A)	PTO/SB/08a/08b and EFS-Web	<ul style="list-style-type: none"> <li>Used by the applicant to meet the applicant's duty of disclosure under 37 CFR 1.56.</li> <li>Used by the USPTO when printing the patent document.</li> </ul>
Transmittal Form (Ref. B)	PTO/SB/21	<ul style="list-style-type: none"> <li>Used by the applicant to indicate what type of correspondence is being submitted.</li> <li>Used by the USPTO to determine the specific contents of the communication.</li> <li>Used by the USPTO to facilitate the routing of papers to the most appropriate USPTO locations.</li> </ul>
Petitions for Extension of Time (Ref. C)	PTO/SB/22/23	<ul style="list-style-type: none"> <li>Used by the applicant to request an extension of time.</li> <li>Used by the USPTO to determine whether the reason for requesting an extension is sufficient for granting it.</li> <li>Used by the USPTO to decide the correct fee, based upon the number of months of extension requested, and whether or not the applicant is entitled to small entity status.</li> </ul>
Express Abandonment (Ref. D)	PTO/SB/24	<ul style="list-style-type: none"> <li>Used by the applicant to expressly abandon an application.</li> <li>Used by the USPTO to determine whether the application is expressly abandoned.</li> <li>Used by the USPTO to determine whether an application has been expressly abandoned in favor of a continuation or divisional application.</li> </ul>

Petition for express abandonment to avoid publication under 37 CFR 1.138(c) (Ref. E)	PTO/SB/24A	<ul style="list-style-type: none"> <li>Used by the applicant to expressly request abandonment of an application to avoid publication of the application.</li> <li>Used by the USPTO to expressly abandon the application prior to its publication.</li> </ul>
Disclaimers (Ref. F)	PTO/SB/25/26/43/62/63	<ul style="list-style-type: none"> <li>Used by the applicant or assignee to disclaim the entire term or part of a term of a patent or a patent to be granted.</li> <li>Used by the USPTO to determine whether all owners have provided the required terminal disclaimer and to determine the length of the patent term to which the patentee is entitled.</li> <li>Used by the Certificate of Corrections branch of the USPTO for determining whether regulatory compliance has been met, for recording the disclaimer, and for providing the disclaimer data for printing.</li> </ul>
Request for Expedited Examination of a Design Application (Ref. G)	PTO/SB/27	<ul style="list-style-type: none"> <li>Used by the applicant to request expedited examination of a design application.</li> <li>Used by the USPTO to ensure that all of the required information to expedite examination is provided and to process the request.</li> </ul>
Notice of Appeal (Ref. H)	PTO/SB/31	<ul style="list-style-type: none"> <li>Used by the applicant to file a Notice of Appeal.</li> <li>Used by the USPTO to ensure that applicants comply with regulations when filing a Notice of Appeal.</li> </ul>
Information Disclosure Citation (Ref. I)	PTO/SB/42	<ul style="list-style-type: none"> <li>Informs the patent owner and the public that the patents or printed publications cited are in existence.</li> <li>Used by the examiner in subsequent reissue or reexamination proceedings.</li> </ul>
Petitions to Revive Unintentionally or Unavoidably Abandoned Applications (Ref. J)	PTO/SB/61/64	<ul style="list-style-type: none"> <li>Used by the applicant to request that applications that were unintentionally or unavoidably abandoned be revived.</li> <li>Used by the USPTO to ensure that applicants have included all the proper documentation and fees necessary to revive an unintentionally or unavoidably abandoned application.</li> </ul>
Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (Ref. K)	PTO/SB/64a	<ul style="list-style-type: none"> <li>Used by the applicant to revive an application for patent abandoned for failure to timely notify the office of a foreign or international filing.</li> <li>Used by the USPTO to revive an application for patent abandoned for failure to timely notify the office of a foreign or international filing.</li> </ul>
Requests to Access, Inspect and Copy (Ref. L)	PTO/SB/67/68	<ul style="list-style-type: none"> <li>Used by the public to request permission to inspect and/or make copies in accordance with regulations.</li> <li>Ensures that applications are maintained in confidence in accordance with regulations.</li> <li>Used by the USPTO to determine that the persons requesting permission to inspect and/or make copies are authorized to do so.</li> <li>Used by the USPTO to verify that the application requested is abandoned and that it has been referred to in the referenced U.S. patent.</li> </ul>
Deposit Account Order Form (Ref. M)	PTO/SB/91	<ul style="list-style-type: none"> <li>Used by the public to order goods or services using an established deposit account.</li> <li>Used by the USPTO to process orders for articles or services, and to identify the deposit account to which an order should be charged.</li> </ul>
Certificate of Mailing/Transmission (Ref. N)	PTO/SB/92/97	<ul style="list-style-type: none"> <li>Used by the applicant as evidence of the date for replies to actions by the USPTO.</li> <li>Used by the USPTO to determine the timeliness of replies by an applicant to actions by the USPTO.</li> </ul>
Statement under 37 CFR 3.73(b) (Ref. O)	PTO/SB/96	<ul style="list-style-type: none"> <li>Used by the applicant to show that this person has their authority to take actions on their behalf.</li> <li>Used by the USPTO to determine that the person signing has authority to take action on behalf of an assignee.</li> </ul>

Non-publication Request (Ref. P)	PTO/SB/35	<ul style="list-style-type: none"> <li>Used by the applicant to request that the USPTO not publish the application under 37 U.S.C. § 122(b).</li> <li>Used by the USPTO to determine whether the application should be published under 35 U.S.C § 122(b).</li> </ul>
Notice of Rescission of Previous Non-publication Request (35 U.S.C. § 122 (b) (2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122 (b)(2)(B) (iii)) (Ref. Q)	PTO/SB/36	<ul style="list-style-type: none"> <li>Used by the applicant to rescind a previously filed request that the USPTO not publish the application under 35 U.S.C. § 122 (b) (2)(B)(ii).</li> <li>Used by the applicant to provide notice of a foreign or international filing required by 35 U.S.C. § 122 (b)(2)(B)(iii).</li> <li>Used by the USPTO to determine that the application is subject to eighteen-month publication.</li> </ul>
Electronic filing system (EFS) copy of application for publication (Ref. R)	Electronic form via EFS	<ul style="list-style-type: none"> <li>Used by the applicant to obtain publication of a version of the application different from the application as initially submitted to the USPTO.</li> <li>Used by the applicant to request publication of an application earlier than as provided for by eighteen-month publication or of an application that is not subject to eighteen-month publication.</li> <li>Used by the USPTO to create a publication document as part of the USPTO's publication of the application.</li> </ul>
Copy of file content showing redactions	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to show redactions to USPTO actions/notices and the applicant's replies.</li> <li>Used by the USPTO to confirm what redactions are made to the copy of application file content that is provided to the public.</li> </ul>
Copy of Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not) Notice Under 37 CFR 1.251 – Pending Application (Ref. S ) Notice Under 37 CFR 1.251 – Abandoned Application (Ref. T) Notice Under 37 CFR 1.251 – Patent (Ref. U)	PTO-2053-A/B  PTO-2054-A/B  PTO-2055-A/B	<ul style="list-style-type: none"> <li>Used by the applicant to assist the USPTO in reconstructing a current copy of a missing patent or application file.</li> <li>Used by the USPTO to notify the applicant that the application or patent file is unlocatable and to request a copy of the applicant's or patentee's record of the application or patent file (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not) in order to reconstruct the file of an unlocatable application or patent.</li> </ul>
Request for Continued Examination (RCE) (Ref. V)	PTO/SB/30	<ul style="list-style-type: none"> <li>Used by the applicant to request continued examination of a previously submitted application.</li> <li>Used by the USPTO to process and initiate continued examination of a previously submitted application.</li> </ul>
Request for Continued Examination (RCE) EFS-Web (Ref. W)	PTO/SB/30EFS	<ul style="list-style-type: none"> <li>Used by the applicant to request continued examination of a previously submitted application.</li> <li>Used by the USPTO to process and initiate continued examination of a previously submitted application.</li> </ul>
Request for Oral Hearing Before the Board of Patent Appeals and Interferences (Ref. X)	PTO/SB/32	<ul style="list-style-type: none"> <li>Used by the applicant to file a written request in a separate paper for an oral hearing before the Board.</li> <li>Used by the USPTO to process and consider the request for an oral appeal hearing.</li> </ul>
Request for Deferral of Examination 37 CFR 1.103(d) (Ref. Y)	PTO/SB/37	<ul style="list-style-type: none"> <li>Used by the applicant to request deferred examination of a patent application for up to three years from the earliest filing date for which a benefit is claimed.</li> <li>Used by the USPTO to process and consider this request for deferral of examination.</li> </ul>

Request for Voluntary Publication or Republication	EFS-Web Only	<ul style="list-style-type: none"> <li>• Voluntary Publication: Used by the applicant to request publication of an application filed prior to November 29, 2000.</li> <li>• Republication: Used by the applicant to correct prior application publications containing material errors caused by the USPTO, or to correct other data, such as claims that previously published as part of an application publication.</li> <li>• Used by the USPTO to publish an application filed prior to November 29, 2000, or to correct prior application publication errors.</li> </ul>
Applicant Initiated Interview Request Form (Ref. Z)	PTOL/413A	<ul style="list-style-type: none"> <li>• Used by the applicant to request an interview.</li> <li>• Used by the applicant to assist in the preparation of a written record of the interview.</li> <li>• Used by the USPTO to allow the examiner to prepare in advance for an applicant initiated interview.</li> <li>• Used by the USPTO to allow the examiner to focus on the issued to be discussed in the applicant initiated interview.</li> <li>• Used by the USPTO to identify whether agreement has been reached.</li> </ul>
Petition for Request for Documents in a Form Other Than That Provided by 1.19	No Form	<ul style="list-style-type: none"> <li>• Used by the applicant to obtain copies of documents that have been submitted in a form other than provided for by the rules of practice.</li> <li>• Used by the USPTO to provide copies of documents that have been submitted in a form other than provided for by the rules of practice.</li> </ul>
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	No Form	<ul style="list-style-type: none"> <li>• Used by the applicant to request access to an assignment record.</li> <li>• Used by the applicant to request access to an application.</li> <li>• Used by the applicant to request expungement and return of information.</li> <li>• Used by the applicant to request to suspend action in an application.</li> <li>• Used by the USPTO to grant access to an assignment record.</li> <li>• Used by the USPTO to grant access to an application.</li> <li>• Used by the USPTO to expunge and return information.</li> <li>• Used by the USPTO to suspend action on an application.</li> </ul>
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	No Form	<ul style="list-style-type: none"> <li>• Used by an applicant to submit color drawings or photographs.</li> <li>• Used by an applicant to submit a model or exhibit.</li> <li>• Used by an applicant to request withdrawal of an application from issue.</li> <li>• Used by an applicant to request permission to defer issuance of a patent.</li> <li>• Used by the USPTO to accept color drawings or photographs from an applicant.</li> <li>• Used by the USPTO to accept a model or exhibit.</li> <li>• Used by the USPTO to withdraw an application from issue.</li> <li>• Used by the USPTO to defer issuance of a patent.</li> </ul>
Request for Processing of Replacement Drawings to Include the Drawings in Any Patent Application Publication	No Form	<ul style="list-style-type: none"> <li>• Used by applicants to request replacement drawings to be included as the drawings in any patent application publication.</li> <li>• Used by the USPTO to process replacement drawings to be included as the drawings in any patent application publication.</li> </ul>
Processing Fee under 37 CFR 1.17(i) Transmittal (Ref. AA)	PTO/SB/17i	<ul style="list-style-type: none"> <li>• Used by the applicant to identify the proper fee, and thus reduce the potential for any additional work due to mistakes in payment.</li> <li>• Used by the USPTO to process the appropriate fees.</li> </ul>
Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d) (Ref. BB)	PTO/SB/38	<ul style="list-style-type: none"> <li>• Used by the applicant to request that the USPTO retrieve priority documents from the other participating intellectual property offices.</li> <li>• Used by the USPTO to retrieve priority documents from the other participating intellectual property offices.</li> </ul>

Authorization for Permit Access to Application by Participating Offices under 37 CFR 1.14(h) (Ref. CC)	PTO/SB/39	<ul style="list-style-type: none"> <li>Used by the applicant to authorize the USPTO to release confidential documents to other participating intellectual property offices that are important to the prosecution of the patent application.</li> <li>Used by the USPTO to properly release confidential documents to other participating intellectual property offices that are important to the prosecution of the patent application.</li> </ul>
Petition for Express Abandonment to Obtain a Refund (Ref. DD)	PTO/SB/24B	<ul style="list-style-type: none"> <li>Used by the applicant to expressly abandon the application for a refund of the search fee if recognized by an appropriate USPTO official prior to examination of the application.</li> <li>Used by the USPTO to expressly abandon the application and to refund the search fee to the applicant if recognized by an appropriate USPTO official prior to examination of the application.</li> </ul>
Pre-Appeal Brief Request for Review (Ref. EE)	PTO/SB/33	<ul style="list-style-type: none"> <li>Used by the applicant to request that a panel of examiners formally review the basis of the rejections in their application prior to filing an appeal brief.</li> <li>Used by the USPTO to determine whether an appeal should be maintained.</li> </ul>
Request for Corrected Filing Receipt	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to request a corrected filing receipt.</li> <li>Used by the USPTO to correct errors in application data.</li> </ul>
Request for Corrected Filing Receipt (electronic)	No Form (possibly capable through private PAIR)	<ul style="list-style-type: none"> <li>Used by the applicant to electronically request a corrected filing receipt.</li> <li>Used by the USPTO to correct errors in application data.</li> </ul>
Petition to Make Special under Accelerated Examination Program (Ref. FF)	PTO/SB/28 EFS-Web Only	<ul style="list-style-type: none"> <li>Used by the applicant to assist in meeting the requirements necessary to request accelerated examination.</li> <li>Used by the applicant to increase the likelihood of a filing of a grantable application.</li> <li>Used by the USPTO to assist in the expeditious processing of the petitions to make special.</li> </ul>
Request for First-Action Interview (Pilot Program) (Ref. GG)	PTOL-413C EFS-Web Only	<ul style="list-style-type: none"> <li>Used by the applicant to request a first-action interview prior to the first Office action on the merits to advance prosecution of the application.</li> <li>Used by the USPTO to grant advancement of examination for the first Office action on the merits.</li> </ul>
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) (Ref. HH)	PTO/SB/130 EFS-Web Only	<ul style="list-style-type: none"> <li>Used by the applicant to petition that an application be made special for advancement of examination by showing that the applicant is 65 year of age, or more.</li> <li>Used by the USPTO to assist in the expeditious processing of the petition to make special based on age.</li> </ul>

### 3. Use of Information Technology

Generally, the USPTO does not use automated, electronic, mechanical, or other technologies to collect information for this collection. The USPTO allows applicants to use an electronic signature, which is consistent with international standards for electronic signatures, for patent application and reexamination proceeding documents created with a word processor as well as the fillable forms that can be accessed through the USPTO website.

The USPTO's new web-based electronic filing system, EFS-Web, became available to the public on March 17, 2006. EFS-Web allows customers to file applications and



associated documents through their standard web browser and does not require any significant client-side components. EFS-Web permits most patent applications and other patent-related documents to be submitted in portable document file (PDF) format. Accordingly, EFS-Web enables users to streamline processing and filing of patent correspondence, and to better integrate electronic filing into their current computer systems. EFS-Web offers many potential benefits to filers, including form validation to ensure that all required information has been included, immediate notification that a submission has been received, automated processing of requests, and avoidance of postage or other paper delivery costs.

Correspondence officially submitted via EFS-Web is accorded a “receipt date,” which is the date the correspondence was received by the USPTO. After a successful submission, an acknowledgement receipt contains the receipt date, the time the correspondence was received at the USPTO, and a full listing of the correspondence submitted.

The USPTO provides restricted Internet access to patent application status for applicants and their designated representatives through the Patent Application Information Retrieval (PAIR) system, which is available at the USPTO website. PAIR provides USPTO customers with secure and immediate access to up-to-date application status and history information by the use of digital certificates, which maintain the confidentiality of the information transmitted electronically over the Internet. In addition to being sent to the customer, acknowledgement receipts for EFS-Web submissions will also be available in PAIR. 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 non-private information regarding published applications and granted patents.

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

This information is collected during the pendency of a patent application. It does not duplicate information or collection of data found elsewhere.

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

No significant impact is placed on small entities. Small entities simply need to identify themselves 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 entities. 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.

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

This information is collected only as required to process a patent application or enforceable patent, and is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not collected, the USPTO would not be able to comply with the patent statute 35 U.S.C. § 131.

## **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 May 30, 2006 (71 Fed Reg. 103). The comment period ended on July 31, 2006. No public comments were received.

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

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

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

## **10. Assurance of Confidentiality**

Confidentiality of patent applications is governed by 35 U.S.C. § 122 and 37 CFR 1.14. Upon publication of an application or issuance of an application as a patent, the entire file contents of the application are 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 objective 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 only of applications that have not been published as a U.S. patent application publication. 37 CFR 1.14 now provides that 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.

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. The ePAVE submission software encrypts the electronic patent application package. The authorized filer electronically signs the application and then it is “digitally” signed using the digital certificates. Because ePAVE is also cryptographic software, it is subject to export and import restrictions of the United States. The license agreement informs those installing and using this software that they cannot export or import this software, nor can they be located in, under the control of, or a national or resident of countries that are under export or import restrictions.

## **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 anticipated 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 2,459,409 responses to this information collection annually.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public an average of 1 minute, 48 seconds (0.03 hours) to 12 hours (12.0) to complete the collections of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, create the documents, and mail the completed request. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

- **Cost Burden Calculation Factors**

The USPTO believes that both attorneys and paralegals will supply the information requested for this information collection. The professional rate of \$304 per hour used in this submission 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. The paraprofessional rate is \$90 per hour. These are fully loaded hourly rates.

**Table 3: Burden Hour/Burden Cost to Respondents for Patent Processing (Updating)**

<b>Item</b>	<b>Hours (a)</b>	<b>Responses (yr) (b)</b>	<b>Burden (hrs/yr) (a) x (b) (c)</b>	<b>Rate (\$/hr) (d)</b>	<b>Total Cost (\$/hr) (c) x (d) (e)</b>
Information Disclosure Statements with no additional disclosure requirements	2.00	273,300	546,600	\$304.00	\$166,166,400.00
eIDS (Information Disclosure Statements) filed with no additional disclosure requirements	2.00	68,450	136,900	\$304.00	\$41,617,600.00
Transmittal Form	2.00	1,039,500	2,079,000	\$90.00	\$187,110,000.00
Petition for Extension of Time under 37 CFR 1.136(a)	0.10	189,000	18,900	\$90.00	\$1,701,000.00
Petition for Extension of Time under 37 CFR 1.136(b)	0.50	54	27	\$304.00	\$8,208.00
Express Abandonment under 37 CFR 1.138	0.20	13,825	2,765	\$90.00	\$248,850.00
Petition for Express Abandonment to Avoid Publication Under 1.138(c)	0.20	500	100	\$90.00	\$9,000.00
Disclaimers	0.20	15,000	3,000	\$304.00	\$912,000.00
Request for Expedited Examination of a Design Application	0.10	130	13	\$304.00	\$3,952.00
Notice of Appeal	0.20	16,500	3,300	\$304.00	\$1,003,200.00
Information Disclosure Citation in a Patent	2.00	1,830	3,660	\$304.00	\$1,112,640.00
Petition for Revival of an Application for Patent Abandoned Unavoidably	8.00	585	4,680	\$304.00	\$1,422,720.00
Petition for Revival of an Application for Patent Abandoned Unintentionally	1.00	6,950	6,950	\$304.00	\$2,112,800.00
Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	1.00	2,400	2,400	\$304.00	\$729,600.00

Requests to Access, Inspect and Copy	0.20	18,650	3,730	\$90.00	\$335,700.00
Deposit Account Order Form	0.20	1,160	232	\$90.00	\$20,880.00
Certificates of Mailing/Transmission	0.03	590,000	17,700	\$90.00	\$1,593,000.00
Statement Under 37 CFR 3.73(b)	0.20	19,450	3,890	\$304.00	\$1,182,560.00
Non-publication Request	0.10	31,500	3,150	\$304.00	\$957,600.00
Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.10	525	53	\$304.00	\$16,112.00
Electronic Filing System (EFS) Copy of Application for Publication	2.50	1,000	2,500	\$90.00	\$225,000.00
Copy of File Content Showing Redactions	4.00	12	48	\$304.00	\$14,592.00
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	1.00	235	235	\$90.00	\$21,150.00
Request for Continued Examination (RCE) Transmittal	0.20	54,300	10,860	\$304.00	\$3,301,440.00
Request for Continued Examination (RCE) Transmittal EFS-Web	0.20	1,700	340	\$304.00	\$103,360.00
Request for Oral Hearing Before the Board of Patent Appeals and Interferences	0.20	750	150	\$304.00	\$45,600.00
Request for Deferral of Examination 37 CFR 1.103(d)	0.20	53	11	\$304.00	\$3,344.00
Request for Voluntary Publication or Republication EFS-Web	0.20	1,400	280	\$90.00	\$25,200.00
Applicant Initiated Interview Request Form	0.35	1,600	560	\$304.00	\$170,240.00
Petition for Request for Documents in a Form Other Than That Provided by 1.19	1.00	50	50	\$90.00	\$4,500.00
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	2.00	3,600	7,200	\$304.00	\$2,188,800.00
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	1.00	10,400	10,400	\$304.00	\$3,161,600.00
Request for Processing of Replacement Drawings to Include the Drawings in Any Patent Application Publication	1.00	50	50	\$90.00	\$4,500.00
Processing Fee Under 37 CFR 1.17(i) Transmittal	0.08	500	40	\$304.00	\$12,160.00

Request to Retrieve Electronic Priority Application(s) Under 37 CFR 1.55(d)	0.13	36,800	4,784	\$304.00	\$1,454,336.00
Authorization to Permit Access to Application by Participating Offices Under 37 CFR 1.14(h)	0.10	21,000	2,100	\$304.00	\$638,400.00
Petition for Express Abandonment to Obtain a Refund	0.20	3,000	600	\$304.00	\$182,400.00
Pre-Appeal Brief Request for Review	0.50	3,200	1,600	\$304.00	\$486,400.00
Request for Corrected Filing Receipt	0.08	25,000	2,000	\$90.00	\$180,000.00
Request for Corrected Filing Receipt (electronic)	0.08	2,050	164	\$90.00	\$14,760.00
Petition to Make Special Under Accelerated Examination Program	12.0	500	6,000	\$304.00	\$1,824,000.00
Request for First-Action Interview (Pilot Program)	2.50	1,000	2,500	\$304.00	\$760,000.00
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) <b>EFS-Web only</b>	2.00	1,900	3,800	\$304.00	\$1,155,200.00
<b>Total</b>	- - - - -	<b>2,459,409</b>	<b>2,893,322</b>	- - - - -	<b>\$424,240,804.00</b>

### 13. Total Annualized Cost Burden

There are no maintenance or capital start-up costs associated with this submission. There are, however, non-hour costs due to record keeping requirements, filing fees and mailing costs that need to be added into the total annual non-hour cost burden.

A record keeping cost of \$7,020 is being added into this collection for the EFS-Web submissions. The applicant is strongly urged 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 of the date the file was received by the USPTO. The USPTO estimates that it will take 5 seconds (0.001 hours) to print and retain a copy of the EFS-Web submissions and that approximately 78,000 submissions per year will use this option, for a total of 78 hours per year for printing this receipt. Using the paraprofessional rate of \$90 per hour, the USPTO estimates that the record keeping cost associated with this collection will be \$7,020 per year.

The minimum total annual filing fee/non-hour cost burden to respondents is outlined in Table 4 below:

Table 4: Filing Fees – Non-hour cost burden for Patent Processing (Updating)

Item	Responses (a)	Filing Fees (b)	Total Cost (a) x (b) (c)
Submission of an Information Disclosure Statement (IDS) under 37 CFR 1.97(c) or (d)	341,750	None	\$0
Transmittal Forms	1,039,500	None	\$0

One-month extension of time under 37 CFR 1.136(a)	60,270	\$120.00	\$7,232,400.00
One-month extension of time under 37 CFR 1.136(a) (small entity)	23,503	\$60.00	\$1,410,180.00
Two-month extension of time under 37 CFR 1.136(a)	31,225	\$450.00	\$14,051,250.00
Two-month extension of time under 37 CFR 1.136(a) (small entity)	12,891	\$225.00	\$2,900,475.00
Three-month extension of time under 37 CFR 1.136(a)	32,724	\$1,020.00	\$33,378,480.00
Three-month extension of time under 37 CFR 1.136(a) (small entity)	16,413	\$510.00	\$8,370,630.00
Four-month extension of time under 37 CFR 1.136(a)	3,370	\$1,590.00	\$5,358,300.00
Four-month extension of time under 37 CFR 1.136(a) (small entity)	2,267	\$795.00	\$1,802,265.00
Five-month extension of time under 37 CFR 1.136(a)	2,163	\$2,160.00	\$4,672,080.00
Five-month extension of time under 37 CFR 1.136(a) (small entity)	4,174	\$1,080.00	\$4,507,920.00
Extension of time under 37 CFR 1.136(b)	54	None	\$0
Express abandonment under 37 CFR 1.138	13,825	None	\$0
Petition for express abandonment to avoid publication under 37 CFR 1.138(c)	500	\$130.00	\$65,000.00
Statutory Disclaimer	11,250	\$130.00	\$1,462,500.00
Statutory Disclaimer (small entity)	3,750	\$65.00	\$243,750.00
Request for expedited examination of a design application	130	\$900.00	\$117,000.00
Notice of Appeal	12,570	\$500.00	\$6,285,000.00
Notice of Appeal (small entity)	3,930	\$250.00	\$982,500.00
Information Disclosure Citations	1,830	None	\$0
Petition to Revive Unavoidably Abandoned Application	250	\$500.00	\$125,000.00
Petition to Revive Unavoidably Abandoned Application (small entity)	335	\$250.00	\$83,750.00
Petition to Revive Unintentionally Abandoned Application	3,700	\$1,500.00	\$5,550,000.00
Petition to Revive Unintentionally Abandoned Application (small entity)	3,250	\$750.00	\$2,437,500.00
Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing	1,440	\$1,300.00	\$1,872,000.00
Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing – small entity	960	\$650.00	\$624,000.00
Requests to Access, Inspect and Copy	18,650	None	\$0
Deposit Account Order Form	1,160	None	\$0
Certificates of Mailing/Transmission	590,000	None	\$0

Statement under 37 CFR 3.73(b)	19,450	None	\$0
Non-publication request	31,500	None	\$0
Rescission of Non-publication request	525	None	\$0
Electronic Filing System (EFS) Copy of Application for Publication	1,000	None	\$0
Copy of File Content Showing Redactions	12	None	\$0
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statement verifying whether the record is complete or not)	235	None	\$0
Request for Continued Examination (RCE) Transmittal	43,500	\$790.00	\$34,365,000.00
Request for Continued Examination (RCE) Transmittal (small entity)	10,800	\$395.00	\$4,266,000.00
Request for Continued Examination (RCE) Transmittal EFS-Web	1,300	\$790.00	\$1,027,000.00
Request for Continued Examination (RCE) Transmittal (small entity) EFS-Web	400	\$395.00	\$158,000.00
Request for an Oral Hearing	600	\$1,000.00	\$600,000.00
Request for an Oral Hearing (small entity)	150	\$500.00	\$75,000.00
Processing Fee for Deferral of Examination	53	\$430.00	\$22,790.00
Request for Voluntary Publication or Republication	1,400	\$130.00	\$182,000.00
Applicant Initiated Interview Request Form	1,600	None	\$0
Petition for request for documents in a form other than that provided by 1.19	50	\$130.00	\$6,500.00
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	3,600	\$200.00	\$720,000.00
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	10,400	\$130.00	\$1,352,000.00
Request for processing of replacement drawings to include the drawings in any patent application publication	50	\$130.00	\$6,500.00
Processing Fee under 37 CFR 1.17(i) Transmittal	500	\$130.00	\$65,000.00
Request to retrieve electronic priority application(s) under 37 CFR 1.55(d)	36,800	None	\$0
Authorization to permit access to application by participating offices under 37 CFR 1.17(h)	21,000	None	\$0
Petition for express abandonment to obtain a refund	3,000	None	\$0
Pre-Appeal Brief Request for Review (filed with the Notice of Appeal)	2,400	None	\$0
Pre-Appeal Brief Request for Review (filed later than the Notice of	800	\$130.00	\$104,000.00



Appeal)			
Correction Request Form	25,000	None	\$0
Correction Request Form (electronic)	2,050	None	\$0
Petition to Make Special Under Accelerated Examination Program	500	\$130.00	\$65,000.00
Request for First-Action Interview (Pilot Program)	1,000	None	\$0
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	1,900	None	\$0
<b>Totals</b>	<b>2,459,409</b>	<b>- - - - -</b>	<b>\$146,546,770.00</b>

There are mailing costs in the way of postage fees that also need to be added into the total annual non-hour cost burden for this collection. The public may submit the paper forms and petitions in this collection to the USPTO by mail through the United States Postal Service. All correspondence may include a certificate of mailing for each piece of correspondence enclosed, stating the date of deposit or transmission to the USPTO in order to receive credit for timely filing. The USPTO estimates that the average first-class postage for a mailed submission may amount to 58 cents. Postage for the certificates of mailing themselves are not calculated into this estimate as they are included with the individual pieces of correspondence that are being deposited with the United States Postal Service. The USPTO estimates that it will receive 1,791,409 responses per year subject to mailing costs, for a cost of \$1,039,017 annually in postage fees.

Therefore, the USPTO estimates that that the total annualized cost burden for this collection from record keeping costs (\$7,020), filing fees (\$146,546,770), and mailing costs (\$1,039,017) amounts to \$147,592,807.

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

The USPTO estimates that it takes a GS-5, step 1, between 1 minute 48 seconds (0.03 hours) and 4 hours to process the items in this collection. The hourly rate for a GS-5, step 1, is currently \$14.56 according to the U.S. Office of Personnel Management's (OPM's) wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-5, step 1, is \$18.43 (\$14.56 + \$4.37).

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 6: Burden Hour/Burden Cost to the Federal Government for Patent Processing (Updating)**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
Information Disclosure Statements and eIDS	0.30	341,750	102,525	\$18.43	\$1,889,536.00
Transmittal Form	0.10	1,039,500	103,950	\$18.43	\$1,915,799.00

Petition for Extension of Time under 37 CFR 1.136(a)	0.10	189,000	18,900	\$18.43	\$348,327.00
Petition for Extension of Time under 37 CFR 1.136(b)	0.20	54	11	\$18.43	\$203.00
Express Abandonment under 37 CFR 1.138	0.10	13,825	1,383	\$18.43	\$25,489.00
Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)	0.10	500	50	\$18.43	\$922.00
Disclaimers	0.20	15,000	3,000	\$18.43	\$55,290.00
Request for Expedited Examination of a Design Application	0.10	130	13	\$18.43	\$240.00
Notice of Appeal	0.10	16,500	1,650	\$18.43	\$30,410.00
Information Disclosure Citation in a Patent	0.10	1,830	183	\$18.43	\$3,373.00
Petition for Revival of an Application for Patent Abandoned Unavoidably or Unintentionally	0.30	7,535	2,261	\$18.43	\$41,670.00
Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	0.30	2,400	720	\$18.43	\$13,270.00
Requests to Access, Inspect and Copy	0.10	18,650	1,865	\$18.43	\$34,372.00
Deposit Account Order Form	0.20	1,160	232	\$18.43	\$4,276.00
Certificates of Mailing/Transmission	0.10	590,000	59,000	\$18.43	\$1,087,370.00
Statement under 37 CFR 3.37(b)	0.10	19,450	1,945	\$18.43	\$35,846.00
Non-publication Request	0.50	31,500	15,750	\$18.43	\$290,273.00
Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.50	525	263	\$18.43	\$4,847.00
Electronic Filing System (EFS) Copy of Application for Publication	0.25	1,000	250	\$18.43	\$4,608.00
Copy of File Content Showing Redactions	4.00	12	48	\$18.43	\$885.00
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not	1.00	235	235	\$18.43	\$4,331.00
Request for Continued Examination (RCE) Transmittal	0.60	54,300	32,580	\$18.43	\$600,449.00
Request for Continued Examination (RCE) Transmittal (small entity)	0.60	1,700	1,020	\$18.43	\$18,799.00
Request for Oral Hearing Before the Board of Patent Appeals and Interferences	0.10	750	75	\$18.43	\$1,382.00
Request for Deferral of Examination 37 CFR 1.103(d)	0.30	53	16	\$18.43	\$295.00
Request for Voluntary Publication or Republication	0.03	1,400	42	\$18.43	\$774.00

Applicant Initiated Interview Request Form	0.10	1,600	160	\$18.43	\$2,949.00
Petition for Request for Documents in a Form Other Than That Provided by 1.19	0.10	50	5	\$18.43	\$92.00
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	0.20	3,600	720	\$18.43	\$13,270.00
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	0.10	10,400	1,040	\$18.43	\$19,167.00
Request for Processing of Replacement Drawings to Include the Drawings in Any Patent Application Publication	0.10	50	5	\$18.43	\$92.00
Processing Fee under 37 CFR 1.17(i) Transmittal	0.08	500	40	\$18.43	\$737.00
Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	0.05	36,800	1,840	\$18.43	\$33,911.00
Authorization for Permit Access to Application by Participating Offices under 37 CFR 1.14(h)	0.05	21,000	1,050	\$18.43	\$19,352.00
Petition for Express Abandonment to Obtain a Refund	0.10	3,000	300	\$18.43	\$5,529.00
Pre-Appeal Brief Request for Review	0.10	3,200	320	\$18.43	\$5,898.00
Request for Corrected Filing Receipt	0.08	25,000	2,000	\$18.43	\$36,860.00
Request for Corrected Filing Receipt (electronic)	0.08	2,050	164	\$18.43	\$3,023.00
Petition to Make Special under Accelerated Examination Program	0.50	500	250	\$18.43	\$4,608.00
Request for First-Action Interview (Pilot Program)	0.30	1,000	300	\$18.43	\$5,529.00
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	0.10	1,900	190	\$18.43	\$3,502.00
<b>Total</b>	- - - - -	<b>2,459,409</b>	<b>292,301</b>	- - - - -	<b>\$5,387,113.00</b>

## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

In the 2003 renewal of this collection the USPTO reported a total of 2,208,339 responses and 830,629 burden hours. Since that time, there have been numerous proposed additions due to rulemakings and change worksheets approved by OMB, along with an adjustment in responses and response times and the addition of new requirements into the collection, drastically affecting the response and burden hour totals.

The following changes have taken place since the previous renewal of this collection:

- July 2003 - Renewal approved by OMB with a total of 2,208,339 responses and 830,629 burden hours per year.
- December 2003 – OMB approved a proposed addition to the collection in conjunction with a proposed rulemaking, “Changes to Support Implementation of the United States Patent and Trademark Office 21<sup>st</sup> Century Strategic Plan” (RIN 0651-AB64), that increased the responses by 7,450 and the burden hours by 22,600 annually.
- January 2004 – OMB approved a change worksheet that increased the time needed to complete the Transmittal Form, which in turn increased the burden by 1,871,100 hours.
- June 2004 – OMB approved a change worksheet adding 2 new fee transmittal forms into the collection, increasing the responses by 7,850 and the burden by 628 hours.
- October 2004 – OMB approved a proposed addition in conjunction with a proposed rulemaking, “Changes to Implement Priority Document Exchange between Intellectual Property Offices” (RIN 0651-AB75), that introduced two new forms into the collection, increasing the responses by 57,800 and the burden hours by 6,884 annually.
- August 2005 - OMB approved a proposed addition in conjunction with a proposed rulemaking, “Changes to Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005” (RIN 0651-AB79), that introduced one new form into the collection, increasing the responses by 3,000 and the burden hours by 600 per year.
- September 2005 - OMB approved a change worksheet that approved the USPTO altering the IDS form to allow users to file initial applications and follow-on submissions using PDF filed through EFS-Web. No change to responses or burden hours.
- February 2006 – OMB approved a change worksheet adding one new electronic form, Petition to Make Special Under Accelerated Examination Program, for an existing requirement, and increased the time from 1 hour to 12 hours. No change in the number of responses.
- March 2006 – OMB approved a change worksheet that changed the form numbers for the two priority document forms. No change in responses or burden hours.

With this renewal, the USPTO estimates the annual responses to be 2,459,409, with the annual burden hours at 2,893,322, a decrease of 48,730 responses and a decrease of 831,469 burden hours over the currently approved inventory.

The total annualized (non-hour) cost burden for this renewal of \$147,592,807 is an increase of \$32,869,551 from the currently approved total of \$114,723,256. The increase in costs is due to the various rulemakings and change worksheets in the past four years, along with an adjustment in responses and response times and the addition of new EFS-Web submissions, increasing the recordkeeping costs, filing fees and postage costs.

#### Changes from the 60-Day Notice

The 60-Day Federal Register Notice, published in May 2006, reported that the USPTO estimated it would receive 2,604,029 responses resulting in 3,157,840 burden hours per year. Since that publication, there have been additional rulemakings and change worksheets submitted to OMB, along with adjustments in responses and response times and additions of new requirements into the collection, decreasing the responses by 144,620 and the burden hours by 264,518, resulting in the present 2,459,409 responses and 2,893,322 burden hours being reported for this submission.

The current annual (non-hour) cost proposed for this renewal of \$147,592,409 is a decrease of \$9,341,068 from the \$156,933,477 reported in the 60-Day Notice due to the adjustments mentioned above.

#### Change in Respondent Cost Burden

In 2003, the estimated hourly rate for attorneys was \$252. Using that rate, the reported burden hours yielded a respondent cost burden of \$153,236,424. For this renewal, the USPTO is using the current professional hourly rate of \$304. At this rate, the reported burden hours yield a respondent cost burden of \$424,240,804, which is an increase of \$271,004,380, due to the various rulemakings and change worksheets in the past four years, along with adjustments in responses and response times, and the addition of new requirements into the collection.

#### Changes in Response and Burden Hours

With this renewal, the number of responses decreased by 48,730, from 2,508,139 to 2,459,409, and the burden hours decreased by 831,469, from 3,724,791 to the present 2,893,322 per year. The decrease in burden hours is due to a combination of the revised number of submissions, a re-estimation of the time it takes to complete some of the responses, and new requirements being added into this collection. This decrease is due to both program changes and administrative adjustments, as follows:

- The USPTO believes that the number of Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) submitted per year will increase by 150

responses, from 350 to 500. **Therefore, this submission takes a burden increase of 30 hours as an administrative adjustment.**

- The USPTO believes that the time it takes to complete the Requests for Expedited Examination of a Design Application submitted per year will decrease by 6 minutes, from 12 to 6 minutes. **Therefore, this submission takes a burden decrease of 13 hours as an administrative adjustment.**
- The USPTO believes that the number of Petitions to Revive Unavoidably Abandoned Applications submitted per year will increase by 180 responses, from 405 to 585. **Therefore, this submission takes a burden increase of 1,440 hours as an administrative adjustment.**
- The USPTO believes that the number of Petitions to Revive Unintentionally Abandoned Applications submitted per year will increase by 2,415 responses, from 4535 to 6950. **Therefore, this submission takes a burden increase of 2,415 hours as an administrative adjustment.**
- The USPTO believes that the number of Certificates of Mailing/Transmission submitted per year will increase by 47,000 responses, from 543,000 to 590,000. **Therefore, this submission takes a burden increase of 1,410 hours as an administrative adjustment.**
- The USPTO believes that the number of Notices of Rescission of Previous Non-publication Request (35 U.S.C. § 122 (b)(2)(B)(ii)) and, if applicable, Notices of Foreign Filing (35 U.S.C. § 122 (b)(2)(B)(iii)) submitted per year will decrease by 1,575 responses, from 2,100 to 525. **Therefore, this submission takes a burden decrease of 157 hours as an administrative adjustment.**
- The USPTO believes that the number of Requests for Continued Examination (RCE) Transmittal submitted per year will increase by 28,300 responses, from 26,000 to 54,300. **Therefore, this submission takes a burden increase of 5,660 hours as an administrative adjustment.**
- For the last renewal, the Request for Voluntary Publication or Republication was noted as an annualized cost only. Since that time, it has come to the attention of the USPTO that this is an actual information requirement. There is no form associated with it but it can be selected via a radio-button on EFS-Web, and is coming into the collection as an expanded valid information requirement. The USPTO estimates that it will take 12 minutes to complete this form and that it will receive 1,400 responses per year. **Therefore, this submission takes a burden increase of 280 hours as a program change.**
- The USPTO believes that the number of Petitions under 37 CFR 1.17(f) submitted per year will decrease by 1,500 responses, from 4,800 to 3,300.

**Therefore, this submission takes a burden decrease of 6,000 hours as an administrative adjustment.**

- The USPTO believes that the number of Petitions under 37 CFR 1.17(g) submitted per year will increase by 2850 responses, from 750 to 3,600. **Therefore, this submission takes a burden increase of 5,700 hours as an administrative adjustment.**
- The USPTO believes that the number of Petitions under 37 CFR 1.17(h) submitted per year will increase by 8,600 responses, from 1,800 to 10,400. **Therefore, this submission takes a burden increase of 8,600 hours as an administrative adjustment.**
- The USPTO believes that the number of Petition Fee under 37 CFR 1.17(f), (g) and (h) Transmittals submitted per year will increase by 9,950 responses, from 7,350 to 17,300. **Therefore, this submission takes a burden increase of 796 hours as an administrative adjustment.**
- A new electronic (EFS-Web) form is being added into the collection for the Requests for Continued Examination (RCE) Transmittal. The USPTO estimates that it will take 12 minutes to complete this form and it will receive 1,700 responses per year. **Therefore, this submission takes a burden increase of 340 hours as a program change.**
- A new form is being added in the collection entitled “Pre-Appeal Brief Request for Review.” The USPTO estimates that it will take 30 minutes to complete this form and that it will receive 3,200 responses per year. **Therefore, this submission takes a burden increase of 1,600 hours as a program change.**
- A new requirement is being added in the collection entitled “Request for Corrected Filing Receipt.” The USPTO estimates that it will take 5 minutes to complete this requirement and that it will receive 25,000 responses per year. **Therefore, this submission takes a burden increase of 2,000 hours as a program change.**
- A new requirement is being added in the collection entitled “Request for Corrected Filing Receipt (electronic).” The USPTO estimates that it will take 5 minutes to complete this requirement and that it will receive 2,050 responses per year. **Therefore, this submission takes a burden increase of 164 hours as a program change.**
- The USPTO believes that the number of Petitions to Make Special Under Accelerated Examination Program submitted per year will remain the same but the processing time will change, increasing the burden hours. **Therefore, this submission takes a burden increase of 500 hours as an administrative adjustment.**

- A new form is being added in the collection entitled “Request for First Action Interview (Pilot Program).” The USPTO estimates that it will take 2 hours and 30 minutes to complete this form and that it will receive 1,000 responses per year. **Therefore, this submission takes a burden increase of 2,500 hours as a program change.**
- A new form is being added in the collection entitled “Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1).” The USPTO estimates that it will take 2 hours to complete this form and that it will receive 1,900 responses per year. **Therefore, this submission takes a burden increase of 3,800 hours as a program change.**

**A total of 20,381 burden hours have been added to this collection as a result of administrative adjustments, along with an increase of 10,684 burden hours due to program changes. This results in a total net burden hour increase of 31,065 hours for this collection.**

#### Changes in Annual (non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$32,869,551, from \$114,723,256 currently on the OMB inventory to the present \$147,592,807. The increase in costs is due to adjustments in responses and response times, the addition of new requirements into the collection and new EFS-Web submissions, and an adjustment for the current postage fees, increasing the recordkeeping costs, filing fees and postage costs. **Therefore, the cost burden increase of \$33,557,498 due to administrative adjustments and a net decrease of \$687,947 due to program changes yield a total increase in annual (non-hour) cost burden of \$32,869,551 for the collection.**

#### **16. Project Schedule**

There is no plan to publish this information for statistical use. No special publication of the items discussed in this justification statement is planned. However, plant and utility patents granted are published weekly in the *Official Gazette of the United States Patent and Trademark Office*.

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

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

### References

- A. PTO/SB/08a/08b and EFS-Web Information Disclosure Statement by Applicant
- B. PTO/SB/21 Transmittal Form
- C. PTO/SB/22/23 Petitions for Extension of Time
- D. PTO/SB/24 Express Abandonment
- E. PTO/SB/24A Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)
- F. PTO/SB/25/26/43/62/63 Disclaimers
- G. PTO/SB/27 Request for Expedited Examination of a Design Application
- H. PTO/SB/31 Notice of Appeal
- I. PTO/SB/42 Information Disclosure Citation
- J. PTO/SB/61/64 Petitions to Revive Unintentionally or Unavoidably Abandoned Applications
- K. PTO/SB/64a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing
- L. PTO/SB/67/68 Requests to Access, Inspect and Copy
- M. PTO/SB/91 Deposit Account Order Form
- N. PTO/SB/92/97 Certificates of Mailing/Transmission
- O. PTO/SB/96 Statement under 37 CFR 3.73(b)
- P. PTO/SB/35 Non-publication Request
- Q. PTO/SB/36 Notice of Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))
- R. Electronic form via EFS-Web Electronic filing system (EFS) copy of application for publication
- S. PTO-2053-A/B Notice Under 37 CFR 1.251-Pending Application
- T. PTO-2054-A/B Notice Under 37 CFR 1.251 – Abandoned Application
- U. PTO-2055-A/B Notice under 37 CFR 1.152 – Patent
- V. PTO/SB/30 Request for Continued Examination (RCE)
- W. PTO/SB/30EFS Request for Continued Examination (RCE) EFS-Web
- X. PTO/SB/32 Request for Oral Hearing Before the Board of Patent Appeals and Interferences
- Y. PTO/SB/37 Request for Deferral of Examination 37 CFR 1.103(d)
- Z. PTOL/413A Applicant Initiated Interview Request Form
- AA. PTO/SB/17i Processing Fee under 37 CFR 1.17i) Transmittal
- BB. PTO/SB/38 Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)
- CC. PTO/SB/39 Authorization for Permit Access to Application by Participating Offices under 37 CFR 1.14(h)
- DD. PTO/SB/24B Petition for Express Abandonment to Obtain a Refund
- EE. PTO/SB/33 Pre-Appeal Brief Request for Review

- FF. PTO/SB/28 EFS-Web Petition to Make Special under Accelerated Examination Program
- GG. PTOL-413C EFS-Web Only Request for First-Action Interview (Pilot Program)
- HH. PTO/SB/130 EFS-Web Only Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)