

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Certain Patent Petitions Requiring a Fee**  
**(formerly Patent Petitions Corresponding to the Fee Under 37 CFR 1.17(f))**  
**OMB CONTROL NO. 0651-0059**  
**(May 2011)**

**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. The USPTO is also 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”).

Many actions taken by the USPTO during its examination of an application for patent or for reissue of a patent, or during its reexamination of a patent, are subject to review by an appeal to the Board of Patent Appeals and Interferences. For other USPTO actions, review is in the form of administrative review obtained via submission of a petition to the USPTO. The USPTO petitions practice also provides an opportunity for a patent applicant or owner to supply additional information that may be required in order for the USPTO to further process an application or patent.

Currently, this collection covers certain petitions that, when submitted to the USPTO by a patent applicant or owner, are required to be accompanied by the fee set forth in 37 CFR 1.17(f). The USPTO has determined that it would be beneficial to group other petitions which require a fee under 37 CFR 1.17 together with the petitions currently in this collection. Specifically, the USPTO proposes to transfer out of 0651-0031 and into this collection petitions which are required to be accompanied by the fee set forth in either 37 CFR 1.17(g) or (h), including, for example, the following petitions:

- Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19;
- Petitions to Make Special Under the Accelerated Examination Program;
- Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c);
- Petitions to withdraw an application from issue after payment of the issue fee under 37 CFR 1.313 (c); and

- Petitions for Extension of Time Under 37 CFR 1.136(b)

This collection currently has one form – PTO/SB/17p (transmittals for petition fees under 37 CFR 1.17(f), (g), & (h)). As a result of grouping the 37 CFR 1.17 petitions together, the USPTO proposes to move forms PTO/SB/23 (petitions for extension of time under 37 CFR 1.36(b)), PTO/SB/28 (petitions to make special under the accelerated examination program), PTO/SB/24A (petitions for express abandonment to avoid publication under 37 CFR 1.138(c)), and PTO/SB/140 (petitions to withdraw an application from issue after payment of the issue fee under 37 CFR 1.313(c) into this collection, for a total of five forms in the collection. The remaining items in this collection do not have forms associated with them.

The USPTO is taking this opportunity to separately account for electronic and paper submissions of the items in this collection.

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

**Table 1: Information Requirements for Certain Patent Petitions Requiring a Fee**

Requirement	Statute	Rule
Petitions (requiring the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>• Petition to Accord a Filing Date Under 1.57(a)</li> <li>• Petition to Accord a Filing Date Under 1.53(e)</li> <li>• Petition for Decision on a Question Not Specifically Provided For</li> <li>• Petition to Suspend the Rules</li> </ul>	35 U.S.C. §§ 131 and 132	37 CFR 1.17(f), 1.53(e), 1.57(a), 1.182, and 1.183
Petitions (requiring the fee) under 37 CFR 1.17(g): <ul style="list-style-type: none"> <li>• Petition to Access an Assignment Record</li> <li>• Petition for Access to an Application</li> <li>• Petition for Expungement and Return of Information</li> <li>• Petition to Suspend Action in an Application</li> </ul>	35 U.S.C. §§ 131 and 132	37 CFR 1.12, 1.14, 1.17(g), 1.59, and 1.102
Petitions (requiring the fee) under 37 CFR 1.17(h): <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	35 U.S.C. §§ 131 and 132	37 CFR 1.17(h), 1.84, 1.91, 1.103(d), 1.313, and 1.314
Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	35 U.S.C. §§ 2(b)(2), 131, and 132	37 CFR 1.19(i) and (j)
Petitions to Make Special Under Accelerated Examination Program	35 U.S.C. § 2(b)(2)	37 CFR 1.102
Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	35 U.S.C. § 122(b)	37 CFR 1.38(c) and 1.211(a)(1)
Petitions for Extension of Time Under 37 CFR 1.136(b)	35 U.S.C. §§ 2(b)(2), 41(a)(8), 131, and 132	37 CFR 1.136
Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	35 U.S.C. § 2(b)(2)	37 CFR 1.17(f), (g), and (h)

## 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 this information collection and its supporting statement comply with all applicable information quality guidelines, *i.e.*, the OMB and specific operating unit guidelines.

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

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

**Table 2: Needs and Uses for Certain Patent Petitions Requiring a Fee**

Form and Function	Form #	Needs and Uses
Petitions (requiring the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>• Petition to Accord a Filing Date Under 1.57(a)</li> <li>• Petition to Accord a Filing Date Under 1.53(e)</li> <li>• Petition for Decision on a Question Not Specifically Provided For</li> <li>• Petition to Suspend the Rules</li> </ul>	No Form Associated	<ul style="list-style-type: none"> <li>• Used by the applicant to request agreement to a filing date.</li> <li>• Used by the public to request a decision on a question not specifically provided for.</li> <li>• Used by the applicant to ask for suspension of the rules.</li> <li>• Used by the USPTO to agree to a filing date.</li> <li>• Used by the USPTO to grant a decision on a question not specifically provided for.</li> <li>• Used by the USPTO to agree to a suspension of the rules.</li> </ul>
EFS-Web Petitions (requiring the fee) Under 37 CFR 1.17(f)	No Form Associated	<ul style="list-style-type: none"> <li>• Used by the applicant to request agreement to a filing date.</li> <li>• Used by the public to request a decision on a question not specifically provided for.</li> <li>• Used by the applicant to ask for suspension of the rules.</li> <li>• Used by the USPTO to agree to a filing date.</li> <li>• Used by the USPTO to grant a decision on a question not specifically provided for.</li> <li>• Used by the USPTO to agree to a suspension of the rules.</li> </ul>
Petitions (requiring the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> <li>• Petition to Access an Assignment Record</li> <li>• Petition for Access to an Application</li> <li>• Petition for Expungement and Return of Information</li> <li>• Petition to Suspend Action in an Application</li> </ul>	No Form Associated	<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>

Form and Function	Form #	Needs and Uses
EFS-Web Petitions (requiring the fee) Under 37 CFR 1.17(g)	No Form Associated	<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>
Petitions (requiring the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	No Form Associated	<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 before paying the issue fee.</li> <li>• Used by an applicant to request withdrawal of an application from issue after paying the issue fee.</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 ensure that all of the necessary information has been supplied to withdraw an application from issue before the issue fee has been paid by the applicant.</li> <li>• Used by the USPTO to ensure that all of the necessary information has been supplied to withdraw an application from issue after the issue fee has been paid by the applicant.</li> <li>• Used by the USPTO to defer issuance of a patent.</li> </ul>
EFS-Web Petitions (requiring the fee) Under 37 CFR 1.17(h) (Ref B) <ul style="list-style-type: none"> <li>• Petition to Withdraw an Application from Issue (<b>PTO/SB/140</b>)</li> </ul>	No Form Associated, except for PTO/SB/140 for petitions to withdraw an application from issue	<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 before paying the issue fee.</li> <li>• Used by an applicant to request withdrawal of an application from issue after paying the issue fee.</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 ensure that all of the necessary information has been supplied to withdraw an application from issue before the issue has been paid by the applicant.</li> <li>• Used by the USPTO to ensure that all of the necessary information has been supplied to withdraw an application from issue after the issue fee has been paid by the applicant.</li> <li>• Used by the USPTO to defer issuance of a patent.</li> </ul>
Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	No Form Associated	<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>
EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	No Form Associated	<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>

Form and Function	Form #	Needs and Uses
Petitions to Make Special Under Accelerated Examination Program (Ref C)	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>
Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) (Ref D)	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>
EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	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>
Petition for Extension of Time Under 37 CFR 1.136(b) (Ref E)	PTO/SB/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>
EFS-Web Petition for Extension of Time Under 37 CFR 1.136(b)	PTO/SB/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>
Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal (Ref F)	PTO/SB/17P	<ul style="list-style-type: none"> <li>Used by the applicant to identify the proper fees, 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>
EFS-Web Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	PTO/SB/17P	<ul style="list-style-type: none"> <li>Used by the applicant to identify the proper fees, 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>

### 3. Use of Information Technology

In general, the items in this collection can be submitted to the USPTO on paper by mail, facsimile, hand delivery, or electronically through EFS-Web, the USPTO's web-based electronic filing system. However, petitions to make special under the accelerated examination program can only be filed through EFS-Web. Also, although petitions to withdraw an application from issue after payment of the issue fee under 37 CFR 1.313(c) may be submitted on paper or electronically, applicants choosing to use form PTO/SB/140 to file a petition to withdraw must do so electronically because PTO/SB/140 is strictly an EFS-Web electronic form.

The Legal Framework for EFS-Web, which is available at [http://www.uspto.gov/patents/process/file/efs/guidance/New\\_legal\\_framework.jsp](http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp), outlines which types of patent applications and associated documents can and cannot be submitted electronically. As for facsimile submission, it is governed by 37 CFR

1.6(d). The USPTO does not use any other automated, mechanical, or other technological collection techniques to collect the information in this collection.

EFS-Web is a web-based document submission system that allows customers to file documents covered under this information collection through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their 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. However, a PDF form is not required for form PTO/SB/140; the information for form PTO/SB/140 is entered directly into EFS-Web screens.

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 acknowledgment 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. 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 trusted filers with controlled access to non-published patent application information. PAIR uses digital certificates to permit only authorized individuals to access information about unpublished patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Information for published patent applications, issued patents, certificates of

correction, and reissue applications is made available to the general public. PAIR is available through the USPTO web site.

In May 2010, the USPTO introduced EFS-Web Contingency Option, which permits users to file their patent documents even when the primary portal to EFS-Web is unavailable. EFS-Web Contingency Option has the same functionality as EFS-Web for unregistered users and provides an electronic acknowledgment receipt, performs file validation, and encrypts the applications using TLS. Of the documents covered under this information collection, EFS-Web Contingency Option can be used only to file petitions to make special under the accelerated examination program (must be filed with a nonprovisional utility patent application under 35 U.S.C. § 111(a)).

#### **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 *Federal Register* Notice was published on March 2, 2011 (76 Fed. Reg. 11430). The public comment period ended on May 2, 2011. No comments were received from the public.

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.

Applications filed through EFS-Web are maintained in confidence as required by 35 U.S.C. § 122(a) until the application is published or a patent is issued. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through EFS-Web is maintained using PKI technology and digital certificates for registered users. Applications electronically-filed by non-registered users are protected using TLS or SSL protocols. The USPTO posts issued patent and application publications on its Web site. The information covered under this collection will not be released to the public unless it is part of an issued patent or application publication. Patent applicants and/or their designated representatives can view the current status of their patent application through the Patent Application Information Retrieval (PAIR) system. Access to patent applications that are maintained



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

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

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

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

Table 3 calculates the 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 39,015 responses to this information collection per year, with approximately 35,154 submitted electronically through EFS-Web. The USPTO estimates that 25% or 9,754 petitions will be submitted by small entities.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately 5 minutes (0.08 hours) to complete the petition fee transmittals and 12 minutes (0.20 hours) to 12 hours to complete the petitions in this collection, depending on the nature of the information. This includes the time to gather the necessary information, prepare the petitions and petition fee transmittal, and submit them to the USPTO. The USPTO estimates that it will take the same amount of time (and possibly less time) to gather the necessary information, prepare the submission, and submit it electronically as it does to submit the information in paper form.

- **Cost Burden Calculation Factors**

The USPTO expects that attorneys will supply the majority of information requested for the petitions in this collection, with the exception of two that are prepared by paraprofessionals/paralegals. The professional hourly rate for attorneys in private firms is \$325, while the hourly rate for paraprofessionals/paralegals in private firms is \$122. The professional rate used in this submission is the median rate for attorneys in private firms published in the 2009 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA), which summarizes the results of a survey with data on hourly billing rates. The paraprofessional/paralegal rate used in this submission is the "ACP Credential" rate for paralegals/legal assistants as shown in the 2010 National Utilization and Compensation Survey Report published by the National Association of Legal Assistants (NALA) in October 2010. These are fully loaded hourly rates.

**Table 3: Burden Hour/Burden Cost to Respondents for Certain Patent Petitions Requiring a Fee**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>• Petition to Accord a Filing Date Under 1.57(a)</li> <li>• Petition to Accord a Filing Date Under 1.53(e)</li> <li>• Petition for Decision on a Question Not Specifically Provided For</li> <li>• Petition to Suspend the Rules</li> </ul>	4.00	400	1,600	\$325.00	\$520,000.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(f)	4.00	3,200	12,800	\$325.00	\$4,160,000.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> <li>• Petition to Access an Assignment Record</li> <li>• Petition for Access to an Application</li> <li>• Petition for Expungement and Return of Information</li> <li>• Petition to Suspend Action in an Application</li> </ul>	2.00	400	800	\$325.00	\$260,000.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(g)	2.00	3,500	7,000	\$325.00	\$2,275,000.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	1.00	1,100	1,100	\$325.00	\$357,500.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(h)	1.00	10,300	10,300	\$325.00	\$3,347,500.00
Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	1.00	5	5	\$122.00	\$610.00
EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	1.00	50	50	\$122.00	\$6,100.00
Petitions to Make Special Under Accelerated Examination Program (EFS-Web only)	12.00	550	6,600	\$325.00	\$2,145,000.00
Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	0.20	50	10	\$122.00	\$1,220.00
EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	0.20	500	100	\$122.00	\$12,200.00
Petition for Extension of Time Under 37 CFR 1.136(b)	0.50	6	3	\$325.00	\$975.00
EFS-Web Petition to Extension of Time Under 37 CFR 1.136(b)	0.50	54	27	\$325.00	\$8,775.00
Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	0.08	1,900	152	\$325.00	\$49,400.00
EFS-Web Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	0.08	17,000	1,360	\$325.00	\$442,000.00
<b>Total</b>	- - - -	<b>39,015</b>	<b>41,907</b>	- - - -	<b>\$13,586,280.00</b>

### 13. Total Annualized Cost Burden

There are no operation or maintenance costs associated with this information collection. There are, however, postage costs and filing fees associated with this collection.

#### Postage Costs

The public may submit the 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 has estimated that the vast majority of these submissions will weigh no more than 13 oz. Therefore, the USPTO is conservatively estimating that these submissions will be mailed in large mailing envelopes by first-class postage at a rate of \$2.92. 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 1,961 petitions and 1,900 fee transmittal forms will be mailed to the USPTO per year, for a total postage cost of \$11,275. The estimated postage costs are outlined in Table 4 below:

**Table 4: Postage Costs – Non-Hour Cost Burden for Certain Patent Petitions Requiring a Fee**

Item	Responses (a)	Postage Costs (b)	Total Cost (a) x (b)
Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>• Petition to Accord a Filing Date Under 1.57(a)</li> <li>• Petition to Accord a Filing Date Under 1.53(e)</li> <li>• Petition for Decision on a Question Not Specifically Provided For</li> <li>• Petition to Suspend the Rules</li> </ul>	400	\$2.92	\$1,168.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> <li>• Petition to Access an Assignment Record</li> <li>• Petition for Access to an Application</li> <li>• Petition for Expungement and Return of Information</li> <li>• Petition to Suspend Action in an Application</li> </ul>	400	\$2.92	\$1,168.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue (PTO/SB/140)</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	1,100	\$2.92	\$3,212.00
Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	5	\$2.92	\$15.00
Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	50	\$2.92	\$146.00
Petition for Extension of Time Under 37 CFR 1.136(b)	6	\$2.92	\$18.00
Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	1,900	\$2.92	\$5,548.00
<b>Total</b>	<b>3,861</b>	<b>-----</b>	<b>\$11,275.00</b>

## Filing Fees

There is also annual non-hour cost burden in filing fees associated with this collection. The minimum total annual filing fee/non-hour cost burden to respondents is outlined in Table 5 below:

**Table 5: Filing Fees – Non-hour Cost Burden of Information Collected for Certain Patent Petitions Requiring a Fee**

Item	Responses (yr) (a)	Filing Fees (b)	Total Non-Hour Cost Burden (yr) (a) x (b)
Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>• Petition to Accord a Filing Date Under 1.57(a)</li> <li>• Petition to Accord a Filing Date Under 1.53(e)</li> <li>• Petition for a Decision on a Question Not Specifically Provided for</li> <li>• Petition to Suspend the Rules</li> </ul>	400	\$400.00	\$160,000.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(f)	3,200	\$400.00	\$1,280,000.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> <li>• Petition to Access an Assignment Record</li> <li>• Petition for Access to an Application</li> <li>• Petition for Expungement and Return of Information</li> <li>• Petition to Suspend Action in an Application</li> </ul>	400	\$200.00	\$80,000.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(g)	3,500	\$200.00	\$700,000.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue (PTO/SB/140)</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	1,100	\$130.00	\$143,000.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(h)	10,300	\$130.00	\$1,339,000.00
Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	5	\$130.00	\$650.00
EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	50	\$130.00	\$6,500.00
Petitions to Make Special Under Accelerated Examination Program (EFS-Web only) (PTO/SB/28)	550	\$130.00	\$71,500.00
Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) (PTO/SB/24a)	50	\$130.00	\$6,500.00
EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	500	\$130.00	\$65,000.00
Petition for Extension of Time Under 37 CFR 1.136(b) (PTO/SB/23)	6	\$200.00	\$1,200.00
EFS-Web Petition for Extension of Time Under 37 CFR 1.136(b)	54	\$200.00	\$10,800.00

Item	Responses (yr) (a)	Filing Fees (b)	Total Non-Hour Cost Burden (yr) (a) x (b)
Petition Fee under 37 CFR 1.17(f), (g), and (h) Transmittal (PTO/SB/17)	1,900	None	\$0.00
EFS-Web Petition Fee under 37 CFR 1.17(f), (g), and (h) Transmittal	17,000	None	\$0.00
<b>Totals</b>	<b>39,015</b>	-----	<b>\$3,864,150.00</b>

The USPTO estimates that the total non-hour respondent cost burden for this collection, in the form of postage costs and filing fees, is \$3,875,425 per year.

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

The USPTO estimates that it takes a GS-5, step 1, between 5 to 30 minutes (0.08 to 0.50 hours) to process the petitions in this collection. The hourly rate for a GS-5, step 1, is currently \$16.33 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 \$21.23 (\$16.33 + \$4.90).

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 Certain Patent Petitions Requiring a Fee**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>Petition to Accord a Filing Date Under 1.57(a)</li> <li>Petition to Accord a Filing Date Under 1.53(e)</li> <li>Petition for a Decision on a Question Not Specifically Provided For</li> <li>Petition to Suspend the Rules</li> </ul>	0.30	400	120	\$21.23	\$2,548.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(f)	0.30	3,200	960	\$21.23	\$20,381.00
Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> <li>Petition to Access an Assignment Record</li> <li>Petition for Access to an Application</li> <li>Petition for Expungement and Return of Information</li> <li>Petition to Suspend Action in an Application</li> </ul>	0.20	400	80	\$21.23	\$1,698.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(g)	0.20	3,500	700	\$21.23	\$14,861.00

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue (PTO/SB/140)</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	0.10	1,100	110	\$21.23	\$2,335.00
EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(h)	0.10	10,300	1,030	\$21.23	\$21,867.00
Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	0.10	5	1	\$21.23	\$21.00
EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	0.10	50	5	\$21.23	\$106.00
Petitions to Make Special Under Accelerated Examination Program (PTO/SB/28) (EFS-Web only)	0.50	550	275	\$21.23	\$5,838.00
Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	0.10	50	5	\$21.23	\$106.00
EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	0.10	500	50	\$21.23	\$1,062.00
Petition for Extension of Time Under 37 CFR 1.136(b)	0.20	6	1	\$21.23	\$21.00
EFS-Web Petition for Extension of Time Under 37 CFR 1.136(b)	0.20	54	11	\$21.23	\$234.00
Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal (PTO/SB/17P)	0.08	1,900	152	\$21.23	\$3,227.00
EFS-Web Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	0.08	17,000	1,360	\$21.23	\$28,873.00
<b>Total</b>	- - - - -	<b>39,015</b>	<b>4,860</b>	- - - - -	<b>\$103,178.00</b>

**The USPTO's total estimated cost for processing the information in this collection is at \$103,178 per year.**

## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

This information collection was approved by OMB as a new collection on May 16, 2008, with 20,600 responses, 14,584 burden hours, and \$1,331,948 in annualized (non-hour) costs. The collection also had \$4,433,536 in respondent cost burden.

With this renewal, the USPTO estimates that the total burden and annualized (non-hour) costs for this collection will be 39,015 responses, 41,907 burden hours, and

\$3,875,425 in annualized costs. This is an increase of 18,415 responses, 27,323 burden hours, and \$2,543,477 in annualized costs over the currently approved burden for this collection. The increases in the responses and burden hours are due to program changes, while the increases in the annualized (non-hour) costs are due to program changes and administrative adjustments. The USPTO also estimates that the respondent cost burden for this collection will be \$13,586,280.

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

In the 60-Day *Federal Register* Notice published on March 2, 2011, the USPTO estimated that the total annual respondent cost burden for this collection would be \$13,616,730. The USPTO expected that attorneys would complete all of the items in the collection, with the exception of the petitions for requests for documents in a form other than that provided by 37 CFR 1.19 and petitions for express abandonment to avoid publication under 37 CFR 1.138(c), which the USPTO expected to be completed by paraprofessionals at an estimated hourly rate of \$122. However, when the calculations were done, the estimated hourly rate for attorneys (\$325) was mistakenly used for the EFS-Web versions of these forms instead of the paraprofessional hourly rate. In the 60-Day Notice, the annual respondent cost burden for the EFS-Web versions of the petitions for documents in a form other than that provided by 37 CFR 1.19 and the petitions for express abandonment to avoid publication under 37 CFR 1.138(c) were \$16,250 and \$32,500, respectively. The correct annual respondent cost burden totals for these items are \$6,100 and \$12,200, respectively.

Taking the revised respondent cost burdens into account, the actual respondent cost burden for this renewal is \$13,586,280. This is a decrease of \$30,450 from the total respondent cost burden of \$13,616,730 originally reported in the 60-Day Notice.

#### Changes in Respondent Cost Burden

The respondent cost burden for this collection has increased since the previous submission due to the transfer of several petitions from 0651-0031 Patent Processing (Updating) into this collection and an increase in the hourly rate used to calculate the respondent cost burden for the two existing items in this collection. For the existing items in the collection, petitions (corresponding to the fee) under 37 CFR 1.17(f) and the petition fee under 37 CFR 1.17(f), (g), and (h) transmittal, the USPTO expects that they will be completed by attorneys. Based on figures provided by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association, the estimated hourly billing rate for attorneys has increased from \$304 to \$325 since the previous submission.

For the petitions that are being moved out of 0651-0031 into this collection, the USPTO estimates that they will also be completed by attorneys, with the exception of the petitions for requests for documents in a form other than that provided by 37 CFR 1.19 and the petitions for express abandonment to avoid publication under 37 CFR 1.138(c). The USPTO expects that these petitions will be completed by

paraprofessionals/paralegals. Based on figures provided by the National Association of Legal Assistants, the USPTO estimates an hourly rate of \$122 for the paraprofessionals/paralegals.

The total respondent cost burden for the currently approved collection is \$4,433,536 per year. With this renewal, the USPTO estimates that the total respondent cost burden will increase by \$9,152,744, to \$13,586,280 per year.

### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses for this collection will increase by 18,415 responses, from 20,600 to 39,015 responses per year. In turn, the USPTO estimates that the burden hours will increase by 27,323 hours, from 14,584 to 41,907 hours per year. This increase is due to the transfer of six petitions out of 0651-0031 Patent Processing (Updating) into this collection. These changes are due to program changes, as follows:

- The USPTO expects that fewer petitions (corresponding to the fee) under 37 CFR 1.17(f) (paper) will be filed for this renewal since these petitions can be filed electronically as well. The USPTO estimates that the total number of petitions filed in paper will decrease by 2,900 responses, from 3,300 to 400 responses per year. The USPTO estimates that the reduced submissions will in turn decrease the burden hours by 11,600 hours, from 13,200 to 1,600 hours per year. **Therefore, this collection has a burden reduction of 11,600 hours due to a program change.**
- The petitions (corresponding to the fee) under 37 CFR 1.17(f) can now be filed electronically through EFS-Web in addition to the paper submissions. The USPTO is therefore taking this opportunity to account for the electronic submission. The USPTO estimates that it takes the same amount of time (four hours) to complete these petitions electronically as it does to complete the paper submissions. The USPTO estimates that 3,200 petitions will be submitted through EFS-Web and that the burden will be 12,800 hours per year. **Therefore, this collection has a burden increase of 12,800 hours due to a program change.**
- The USPTO is transferring the petitions (corresponding to the fee) under 37 CFR 1.17(g) out of 0651-0031 into this collection. These petitions can now be filed electronically through EFS-Web as well. The USPTO estimates that it takes two hours to complete these petitions, whether they are submitted in paper or electronically through EFS-Web. The USPTO estimates that 3,900 petitions will be submitted per year (400 paper and 3,500 electronically) and that the burden will be 7,800 hours per year (800 hours paper and 7,000 hours electronically). **Therefore, this collection has a burden increase of 7,800 hours due to a program change.**
- The USPTO is transferring the petitions (corresponding to the fee) under 37 CFR 1.17(h) out of 0651-0031 into this collection. These petitions can now be filed electronically through EFS-Web as well. The USPTO estimates that it takes one



hour to complete these petitions, whether they are submitted in paper or electronically through EFS-Web. The USPTO estimates that 11,400 petitions will be submitted per year (1,100 paper and 10,300 EFS-Web) and that the burden will be 11,400 hours per year (1,100 paper and 10,300 EFS-Web). **Therefore, this collection has a burden increase of 11,400 hours due to a program change.**

- The USPTO is transferring the petitions for requests for documents in a form other than that provided by 37 CFR 1.19 out of 0651-0031 into this collection. These petitions can now be filed electronically through EFS-Web as well. The USPTO estimates that it takes one hour to complete these petitions, whether they are submitted in paper or electronically through EFS-Web. The USPTO estimates that 55 petitions will be submitted per year (5 paper and 50 EFS-Web) and that the burden will be 55 hours per year (5 paper and 50 EFS-Web). **Therefore, this collection has a burden increase of 55 hours due to a program change.**
- The USPTO is transferring the petitions to make special under the accelerated examination program out of 0651-0031 into this collection. The USPTO estimates that it takes 12 hours to complete these petitions, which can only be submitted electronically through EFS-Web. The USPTO estimates that 550 petitions will be submitted per year and that the burden will be 6,600 hours per year. **Therefore, this collection has a burden increase of 6,600 hours due to a program change.**
- The USPTO is transferring the petitions for express abandonment to avoid publication under 37 CFR 1.138(c) out of 0651-0031 into this collection. These petitions can now be filed electronically through EFS-Web as well. The USPTO estimates that it takes 12 minutes to complete these petitions, whether they are submitted in paper or electronically through EFS-Web. The USPTO estimates that 550 petitions will be submitted per year (50 paper and 500 EFS-Web) and that the burden will be 110 hours per year (10 paper and 100 EFS-Web). **Therefore, this collection has a burden increase of 110 hours due to a program change.**
- The USPTO is transferring the petitions for extension of time under 37 CFR 1.136(b) out of 0651-0031 into this collection. These petitions can now be filed electronically through EFS-Web as well. The USPTO estimates that it takes 30 minutes to complete these petitions, whether they are submitted in paper or electronically through EFS-Web. The USPTO estimates that 60 petitions will be submitted per year (6 paper and 54 EFS-Web) and that the burden will be 30 hours per year (3 paper and 27 EFS-Web). **Therefore, this collection has a burden increase of 30 hours due to a program change.**
- The USPTO expects that fewer petition fee under 37 CFR 1.17(f), (g), and (h) transmittals will be filed for this renewal since these transmittal forms can be filed electronically through EFS-Web in addition to the paper submissions. The USPTO estimates that the total number of transmittals filed in paper will decrease by 15,400 responses, from 17,300 to 1,900 responses per year. The USPTO estimates that the reduced submissions will in turn decrease the burden hours by 1,232 hours, from

1,384 to 152 hours per year. **Therefore, this collection has a burden reduction of 1,232 hours due to a program change.**

- The petition fee under 37 CFR 1.17(f), (g), and (h) transmittal can now be filed electronically through EFS-Web in addition to the paper submissions. The USPTO is therefore taking this opportunity to account for the electronic submission. The USPTO estimates that it takes the same amount of time (five minutes) to complete these transmittals electronically as it does to complete the paper submissions. The USPTO estimates that 17,000 transmittals will be submitted through EFS-Web and that the burden will be 1,360 hours per year. **Therefore, this collection has a burden increase of 1,360 hours due to a program change.**

The USPTO estimates that the total net burden for this collection will increase by 27,323 hours, from 14,584 to 41,907 hours per year. The USPTO estimates that 12,832 hours per year will be reduced from the collection as a result of program changes. This reduction, however, is offset by an estimated increase of 40,155 hours due to program changes, for a total estimated burden increase of 27,323 hours. **Therefore, this information collection has a burden increase of 27,323 hours due to program changes.**

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

For this renewal, the USPTO estimates that the annual (non-hour) costs for this collection will increase by \$2,543,477, from \$1,331,948 to \$3,875,425 per year. This increase is due to program changes and administrative adjustments, as follows:

- The USPTO estimates that the costs for mailing the petitions (corresponding to the fee) under 37 CFR 1.17(f) via first-class mail will decrease for this renewal, despite an increase in the postage cost. The USPTO now estimates that the vast majority of these submissions will weigh no more than 13 oz. and that they will be mailed in large mailing envelopes. Using these parameters, the USPTO estimates that the first-class postage cost will now be \$2.92 as opposed to 58 cents in the previous submission. However, the USPTO expects that this increase will be offset by expected reductions in the number of submissions mailed since these petitions can now be filed electronically. The USPTO estimates that the mailing costs for these petitions will decrease by \$746, from \$1,914 to \$1,168 per year, with an increase of \$936 due to increased postage costs offset by a decrease of \$1,682 due to reduced mailings. **Therefore, this collection has a reduction of \$746 in postage costs, with a reduction of \$1,682 due to a program change and an increase of \$936 due to an administrative adjustment.**
- The USPTO is transferring the petitions (corresponding to the fee) under 37 CFR 1.17(g), the petitions (corresponding to the fee) under 37 CFR 1.17(h), petitions for requests for documents in a form other than that provided by 37 CFR 1.19, petitions for express abandonment to avoid publication under 37 CFR 1.138(c), and petitions for extension of time under 37 CFR 1.136(b) out of 0651-0031 into this collection. The USPTO estimates that a total of 1,561 petitions will be mailed to the USPTO in

large mailing envelopes, at a first-class postage rate of \$2.92, for a total postage cost of \$4,559. **Therefore, this collection has an increase of \$4,559 in first-class postage costs due to a program change.**

- The USPTO estimates that the costs for mailing the petition fee under 37 CFR 1.17(f), (g), and (h) transmittals via first-class mail will decrease for this renewal, despite an increase in the postage cost. The USPTO estimates that the first-class postage cost will now be \$2.92 as opposed to 58 cents in the previous submission. However, the USPTO expects that this increase will be offset by expected reductions in the number of submissions mailed since these transmittals can now be filed electronically. The USPTO estimates that the mailing costs for these transmittals will decrease by \$4,486, from \$10,034 to \$5,548 per year, with an increase of \$4,446 due to increased postage costs offset by a decrease of \$8,932 due to reduced mailings. **Therefore, this collection has a reduction of \$4,486 in postage costs, with a reduction of \$8,932 due to a program change and an increase of \$4,446 due to an administrative adjustment.**
- The USPTO expects that the filing fees for the petitions (corresponding to the fee) under 37 CFR 1.17(f) (paper) will decrease since these petitions can now be filed electronically as well. The USPTO estimates that the total number of petitions filed in paper will decrease by 2,900 responses, from 3,300 to 400 responses per year. The filing fee for these petitions is \$400. The USPTO estimates that the decrease filings will decrease the filing fees by \$1,160,000, from \$1,320,000 to \$160,000 per year. **Therefore, this collection has a decrease of \$1,160,000 in filing fee costs due to a program change.**
- The petitions (corresponding to the fee) under 37 CFR 1.17(f) can now be filed electronically through EFS-Web in addition to the paper submissions. The USPTO is therefore taking this opportunity to account for the electronic submission. The filing fee for these petitions is \$400. The USPTO estimates that 3,200 of these petitions will be submitted through EFS-Web, for a total filing fee cost of \$1,280,000. **Therefore, this collection has an increase of \$1,280,000 in filing fee costs due to a program change.**
- The USPTO is transferring the petitions (corresponding to the fee) under 37 CFR 1.17(g) out of 0651-0031 into this collection. These petitions can now be filed electronically as well. The filing fee for these petitions is \$200. The USPTO estimates that 400 petitions will be submitted in paper and 3,500 will be submitted through EFS-Web, for a total filing fee cost of \$780,000. **Therefore, this collection has an increase of \$780,000 in filing fee costs due to a program change.**
- The USPTO is transferring the petitions (corresponding to the fee) under 37 CFR 1.17(h) out of 0651-0031 into this collection. These petitions can now be filed electronically as well. The filing fee for these petitions is \$130. The USPTO estimates that 1,100 petitions will be submitted in paper and 10,300 will be submitted through EFS-Web, for a total filing fee cost of \$1,482,000. **Therefore,**

**this collection has an increase of \$1,482,000 in filing fee costs due to a program change.**

- The USPTO is transferring the petitions for requests for documents in a form other than that provided by 37 CFR 1.19 out of 0651-0031 into this collection. These petitions can now be filed electronically as well. The filing fee for these petitions is \$130. The USPTO estimates that 5 petitions will be submitted in paper and 50 will be submitted through EFS-Web, for a total filing fee cost of \$7,150. **Therefore, this collection has an increase of \$7,150 in filing fee costs due to a program change.**
- The USPTO is transferring the petitions to make special under accelerated examination program (which can only be filed through EFS-Web) out of 0651-0031 into this collection. The filing fee for these petitions is \$130. The USPTO estimates that 550 petitions will be submitted through EFS-Web, for a total filing fee cost of \$71,500. **Therefore, this collection has an increase of \$71,500 in filing fee costs due to a program change.**
- The USPTO is transferring the petitions for express abandonment to avoid publication under 37 CFR 1.138(c) out of 0651-0031 into this collection. These petitions can now be filed electronically as well. The filing fee for these petitions is \$130. The USPTO estimates that 50 petitions will be submitted in paper and 500 will be submitted through EFS-Web, for a total filing fee cost of \$71,500. **Therefore, this collection has an increase of \$71,500 in filing fee costs due to a program change.**
- The USPTO is transferring the petitions for extension of time under 37 CFR 1.136(b) out of 0651-0031 into this collection. These petitions can now be filed electronically as well. The filing fee for these petitions is \$200. The USPTO estimates that 6 petitions will be submitted in paper and 54 will be submitted through EFS-Web, for a total filing fee cost of \$12,000. **Therefore, this collection has an increase of \$12,000 in filing fee costs due to a program change.**

The USPTO estimates that the total annual (non-hour) costs for this renewal will increase by \$2,543,477, from \$1,331,948 to \$3,875,425 per year. The USPTO estimates that \$1,170,614 will be reduced from the burden as a result of program changes. This reduction, however, will be offset by an estimated increase of \$3,708,709, for a total estimated increase of \$2,538,095 due to program changes. The USPTO estimates that \$5,382 will be added to the collection as a result of administrative adjustments. **Therefore, this collection has a total net burden increase of \$2,543,477 in annual (non-hour) costs, with an increase of \$2,495,273 due to program changes and an increase of \$5,382 due to administrative adjustments.**

## **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 the OMB expiration date.

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

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

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

This collection of information does not employ statistical methods.

### **References**

- A. USPTO Information Quality Guidelines
- B. PTO/SB/140 Petition to Withdraw an Application from Issue After Payment of the Issue Fee Under 37 CFR 1.313(c)
- C. PTO/SB/28 Petition to Make Special Under Accelerated Examination Program (EFS-Web only)
- D. PTO/SB/24a Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)
- E. PTO/SB/23 Petition for Extension of Time Under 37 CFR 1.136(b)
- F. PTO/SB/17P Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal