

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**United States Patent and Trademark Office**  
**Patent Processing (Updating)**  
**OMB CONTROL NUMBER 0651-0031**  
**(November 2011)**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0031 Patent Processing (Updating). The USPTO is proposing to delete six items that have previously been moved into another OMB-approved collection, 0651-0059 Certain Patent Petitions Requiring a Fee.

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

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. These petitions, along with other related petitions, became part of another OMB-approved collection, 0651-0059 Certain Patent Petitions Requiring a Fee.

Summary of Changes

The USPTO is proposing to make the following changes to this collection, 0651-0031, because the items are already part of another collection, 0651-0059:

The USPTO is deleting six items from this collection along with all associated burden:

- Petitions for Extension of Time under 37 CFR 1.136(b) (PTO/SB/23)
- Petition for Express Abandonment to Avoid Publication under 1.138(c) (PTO/SB/24a)
- Petition for Request for Documents in a Form Other Than That Provided by 1.19
- Petitions under 37 CFR 1.17(g) include:
  - 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
- Petitions under 37 CFR 1.17(h) include:
  - 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
- Petition to Make Special under Accelerated Examination Program (PTO/SB/28)

The USPTO is removing the petition fees from this collection because they are already accounted for in 0651-0059.

The USPTO is removing the postage costs from this collection because they are already accounted for in 0651-0059.

Changes in Burden

The deletion of the six petitions outlined above, the removal of the petition fees, and the removal of the postage costs will result in the following burden changes for this information collection:

- Net decrease of 15,104 responses as a program change
- Net decrease of 23,777 burden hours as a program change
- Net decrease of \$2,217,060 in annual (non-hour) costs as a program change

<b>Burden type</b>	<b>Currently approved</b>	<b>Proposed change</b>	<b>New estimates</b>
Responses	2,459,409	(15,104)	2,444,305
Hours	2,893,402	(23,777)	2,869,625
Annual (non-hour) costs	\$147,592,807	(\$2,217,060)	\$145,375,747

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

- 2,444,305 responses
- 2,869,625 hours
- \$145,375,747 in annual (non-hour) costs