

SUPPORTING STATEMENT
United States Patent and Trademark Office
Post Allowance and Refiling
OMB CONTROL NUMBER 0651-0033
(July 2010)

A. Justification

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee (including the publication fee, if applicable) within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. If the fees are not paid within the designated time period, the application is abandoned and the applicant may petition the Director to accept a delayed payment with a satisfactory showing that the delay was unavoidable or unintentional. The Petition for Revival of an Application for Patent Abandoned Unavoidably (Form PTO/SB/61) and the Petition for Revival of an Application for Patent Abandoned Unintentionally (Form PTO/SB/64) are approved under information collection 0651-0031. The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18 and 1.311-1.317.

Chapter 25 of Title 35 U.S.C. provides for several actions that an applicant may take after issuance of a patent, including requesting a certificate of correction to correct an error or errors in the patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction. For an original patent that is believed to be wholly or partly inoperative, the patent owner(s) or inventor(s) may apply for reissue of the patent, which entails several formal requirements including an oath or declaration stating that the errors in the patent were not the result of any deceptive intention on the part of the reissue applicant. If additional errors are corrected after the filing of the reissue application and the original reissue oath/declaration, the reissue applicant must submit a supplemental oath or declaration stating that the additional errors also occurred without any deceptive intent. The rules outlining these procedures are found at 37 CFR 1.171-1.178 and 1.322-1.325.

The public uses this information collection to pay fees for issuing patents, to request corrections of errors in issued patents, and to submit applications for reissue patents. This collection previously included information requirements related to patent reexaminations. These items are being removed from this collection and were approved by the Office of Management and Budget (OMB) in February 2010 as a separate new collection, 0651-0064 Patent Reexaminations.

Table 1 provides the specific statutes and regulations requiring the USPTO to collect the information discussed above:

Table 1: Information Requirements for Post Allowance and Refiling

Requirement	Statute	Rule
Certificate of Correction	35 U.S.C. 254 and 255	37 CFR 1.322-1.325
Reissue Application Documentation	35 U.S.C. 251 and 252	37 CFR 1.171-1.179
Issue Fee Transmittal	35 U.S.C. 41(a) and 151	37 CFR 1.18 and 1.311-1.317

2. Needs and Uses

The public uses this information collection to pay fees for issuing patents, to request corrections of errors in issued patents, to apply for reissue patents, and to ensure that the associated fees and documentation are submitted to the USPTO.

The Information Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for Fiscal Year 2001, apply to this information collection and comply with all applicable information quality guidelines, i.e. OMB and specific operating unit guidelines.

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

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

Table 2: Needs and Uses of Information Collected for Post Allowance and Refiling

Form and Function	Form #	Needs and Uses
Certificate of Correction	PTO/SB/44	<ul style="list-style-type: none"> Used by the patentee to list the number of the patent to be corrected and the corrections to be made. Facilitates matching the patent or patent file with other identifying information in order to make the appropriate corrections. Used by the USPTO to determine whether the indicated corrections should be approved.
Reissue Documentation	No Form	<ul style="list-style-type: none"> Used by the patentee to submit to the USPTO the remainder of the documentation and information necessary for a reissue patent that is not collected on one of the existing forms. Used by the USPTO to finish processing a request for a reissue application.
Reissue Patent Application Transmittal	PTO/SB/50	<ul style="list-style-type: none"> Provides a checklist for the patentee to ensure that the requirements for a reissue application submission are met. Allows the USPTO to identify the type of patent and patent number in order to quickly associate the patent file with the reissue documents.

Reissue Application Declaration by the Inventor or the Assignee	PTO/SB/51/52	<ul style="list-style-type: none"> Provides the inventor or assignee with the required language stating that all the errors in the original patent being corrected or any additional errors made during the reissue examination process occurred "without deceptive intent."
Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175)	PTO/SB/51S	<ul style="list-style-type: none"> Used by the USPTO to ensure that the requirements of 37 CFR 1.63 and 1.175 are met in order to reissue the patent.
Reissue Application: Consent of Assignee; Statement of Non-Assignment	PTO/SB/53	<ul style="list-style-type: none"> Enables the assignee to consent to filing a reissue application. Allows the USPTO to verify the actual owners of the original patent.
Reissue Application Fee Transmittal Form	PTO/SB/56	<ul style="list-style-type: none"> Used by the applicant or the applicant's representatives to calculate the reissue application fee. Used by the USPTO to determine the appropriate reissue application fee.
Issue Fee Transmittal	PTOL-85B	<ul style="list-style-type: none"> Used by the public to submit an issue fee payment to the USPTO. Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee, such as assignments, small entity status, method of payment, and certificate of mailing.
Issue Fee Transmittal (EFS-Web)	PTOL-85B	<ul style="list-style-type: none"> Used by the public to submit an issue fee payment to the USPTO electronically. Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee, such as assignments, small entity status, and method of payment.

3. Use of Information Technology

EFS-Web is a web-based document submission system that allows customers to file requests for certificates of correction, issue fee transmittals, reissue patent applications, and associated documents through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their requests for certificates of corrections, reissue patent applications and associated documents using the tools and processes that they already use and then convert those documents into standard PDF files that are submitted through EFS-Web to the USPTO. The fillable PDF forms, including the Issue Fee Transmittal form (PTOL-85B), that can be submitted through EFS-Web may be downloaded from the USPTO Web site and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web, which is hosted on secure servers. The documents of registered users are protected using a Public Key Infrastructure (PKI) system and digital certificates which provide authentication and encryption security. For filers who are not registered, the documents are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol.

EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage and other paper delivery costs. After the document has been successfully submitted through EFS-Web, customers will receive an acknowledgement receipt that lists the time and date stamp stating when the document was submitted to the USPTO, an application number, a confirmation number, and other critical information, such as the EFS ID, a listing of the files and documents associated with the submission, and page counts for

the files and documents. This receipt is the legal equivalent of a postcard in the postcard receipt practice used for patent application documents that are filed in paper. The USPTO recommends that customers print the electronic acknowledgement receipt to keep with their records.

There are many additional benefits to filing through EFS-Web. 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 pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Information for issued patents, certificates of correction, and reissue applications is available to the general public. PAIR is available through the USPTO Web site.

4. Efforts to Identify Duplication

This information is collected only when an applicant pays an issue fee for a patent application allowed by the USPTO, when the patentee or others apply for reissue of a patent, or when the patentee or others request a certificate of correction to correct errors contained in the patent. This information is not collected elsewhere and does not result in a duplication of effort.

5. Minimizing Burden to Small Entities

The information in this collection is necessary in order to process requests related to certificates of correction, reissue applications, and issue fee payments. The same information is required from every applicant, patent owner, or other customer and is not available from any other source.

This information collection involves payment of fees by customers who may qualify as small entities. To reduce this cost burden for small entities, the USPTO offers reduced fees (by 50%) for issued patents and reissue applications pursuant to 35 U.S.C. 41(h) for persons, small business concerns, or nonprofit organizations that qualify as small entities under 37 CFR 1.27. No significant burden is placed on small entities, in that small entities are simply required to identify themselves as such in order to obtain these benefits. An assertion of small entity status only needs to be filed once in an application or patent.

6. Consequences of Less Frequent Collection

This information is collected only when the public submits a related request for a certificate of correction, reissue patent application, or an issue fee payment. If the information were not collected, the USPTO would not be able to comply with the statutes and regulations governing the issuance of patents, issued patents and reissue applications. This information could not be collected less frequently.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultations Outside the Agency

The 60-Day Notice was published in the *Federal Register* on February 9, 2010 (75 Fed. Reg. 6350). The comment period ended on April 12, 2010. One commenter (an individual patent practitioner) responded to the February 9, 2010 60-Day Notice. The USPTO's response to the comment follows:

Comment: The commenter indicated that the USPTO has underestimated the time required to gather the necessary information, prepare the reissue documentation, supplemental reissue declaration, or issue fee transmittal, and submit it to the USPTO. The commenter also indicates that the USPTO has underestimated the time required for recordkeeping for this collection.

Response: The USPTO notes the concern expressed by the commenter regarding the time required to gather the necessary information, prepare the reissue documentation, supplemental reissue declaration, or issue fee transmittal, and submit it to the USPTO. The basis for the commenter's concern seems to be, at least in part, due to the commenter's belief that the planning of a reissue application can be time-consuming, involving consideration of prior art and competitive positions. For the present analysis, however, the USPTO must take into consideration not only more complex reissue applications filed with an eye towards competitive positioning, but also more straightforward reissue applications filed without particular concern for competitive positioning. Nevertheless, in response to the commenter's concern, the USPTO in this Supporting Statement has revised its estimate for the amount of time required to gather the necessary information, prepare the reissue documentation, supplemental reissue declaration, or issue fee transmittal, and submit it to the USPTO, as shown in greater detail at Table 3 below as well as in Section 15. The USPTO has also revised its estimate for the amount of time required for recordkeeping for this collection, as explained in greater detail at Section 13 below.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of our public facilities. Their

views are expressed in meetings and considered in developing proposals for information collection requirements.

9. Payment or Gifts to Respondents

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

10. Assurance of Confidentiality

The confidentiality of patent applications is governed by statute (35 U.S.C. 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of a reissue application is available to the public.

11. Justification for Sensitive Questions

None of the required information in this collection is considered to be sensitive.

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**
The USPTO estimates that it will receive approximately 217,184 responses per year as outlined in the table below.
- **Burden Hour Calculation Factors**
The USPTO estimates that it will take the public from 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or other document, and submit the information to the USPTO.
- **Cost Burden Calculation Factors**
In 2009 the Committee on Economics of Legal Practice of the American Intellectual Property Law Association published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$325 per hour used in this submission is the median rate for attorneys in private firms as published in that report. The USPTO expects that the information in this collection will be prepared by attorneys, except for the Issue Fee Transmittal, which will be prepared by paraprofessionals at an estimated rate of \$100 per hour. These estimates are fully-loaded hourly rates.

Table 3: Burden Hour/Burden Cost to Respondents for Post Allowance and Refiling

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
Certificate of Correction (PTO/SB/44)	1.00	26,000	26,000	\$325.00	\$8,450,000.00
Reissue Documentation	5.00	850	4,250	\$325.00	\$1,381,250.00
Reissue Patent Application Transmittal (PTO/SB/50)	0.20	850	170	\$325.00	\$55,250.00
Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52)	0.50	1,135	568	\$325.00	\$184,600.00
Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	0.30	900	270	\$325.00	\$87,750.00
Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53)	0.20	1,230	246	\$325.00	\$79,950.00
Reissue Application Fee Transmittal Form (PTO/SB/56)	0.20	850	170	\$325.00	\$55,250.00
Issue Fee Transmittal (PTOL-85B)	0.50	12,975	6,488	\$100.00	\$648,800.00
Issue Fee Transmittal (EFS-Web) (PTOL-85B)	0.50	172,394	86,197	\$100.00	\$8,619,700.00
Totals	-----	217,184	124,359	-----	\$19,562,550.00

The USPTO estimates that approximately 93% of the total responses for this collection will be submitted electronically.

13. Total Annualized (Non-hour) Cost Burden

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

The Reissue Application Fee Transmittal Form (PTO/SB/56) includes the fees for the reissue application under 37 CFR 1.16, including the basic filing fee, search fee, and examination fee. These fees cover all parts of the application, including reissue documentation, reissue application transmittal, reissue application declarations, and consent of assignee or statement of non-assignment. There is no fee for the supplemental declaration for a reissue patent application to correct an "errors" statement. Additionally, there are several different issue fees under 37 CFR 1.18 depending on the type of patent being issued, whether a publication fee is required, and whether the inventor is entitled to the discounted small entity fee. The USPTO estimates that the total fees associated with this collection will be \$284,296,310 per year, as calculated in Table 4 below.

Table 4: Fees for Respondents for Post Allowance and Refiling

Item	Estimated annual responses	Fee Amount	Estimated annual fees
Certificate of Correction (PTO/SB/44)	26,000	\$100.00	\$2,600,000.00
Reissue Documentation	850	\$0.00	\$0.00
Reissue Patent Application Transmittal (PTO/SB/50)	850	\$0.00	\$0.00
Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52)	1,135	\$0.00	\$0.00
Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	900	\$0.00	\$0.00
Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53)	1,230	\$0.00	\$0.00
Reissue Application Fee Transmittal Form (PTO/SB/56)	510	\$1,520.00	\$775,200.00
Reissue Application Fee Transmittal Form (small entity) (PTO/SB/56)	340	\$760.00	\$258,400.00
Issue Fee (utility patent, no publication fee) (PTOL-85B)	11,162	\$1,510.00	\$16,854,620.00
Issue Fee (utility patent, no publication fee, small entity) (PTOL-85B)	2,712	\$755.00	\$2,047,560.00
Issue Fee (utility patent, with publication fee) (PTOL-85B)	118,518	\$1,810.00	\$214,517,580.00
Issue Fee (utility patent, with publication fee, small entity) (PTOL-85B)	28,802	\$1,055.00	\$30,386,110.00
Issue Fee (design patent, no publication fee) (PTOL-85B)	13,218	\$860.00	\$11,367,480.00
Issue Fee (design patent, no publication fee, small entity) (PTOL-85B)	9,976	\$430.00	\$4,289,680.00
Issue Fee (plant patent, no publication fee) (PTOL-85B)	50	\$1,190.00	\$59,500.00
Issue Fee (plant patent, no publication fee, small entity) (PTOL-85B)	34	\$595.00	\$20,230.00
Issue Fee (plant patent, with publication fee) (PTOL-85B)	533	\$1,490.00	\$794,170.00
Issue Fee (plant patent, with publication fee, small entity) (PTOL-85B)	364	\$895.00	\$325,780.00
Totals	217,184	\$284,296,310.00

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 88 cents and that approximately 15,200 submissions will be mailed to the USPTO per year. The total estimated postage cost for this collection is \$13,376 per year.

When submitting the information in this collection to the USPTO electronically, the customer is strongly urged to retain a copy of the acknowledgment receipt as evidence that

the submission was received by the USPTO on the date noted. The USPTO estimates that it will take 2 minutes (0.03 hours) to print and retain a copy of the acknowledgment receipt and that approximately 201,984 responses per year will be submitted electronically, for a total of approximately 6,060 hours per year for printing this receipt. Using the paraprofessional rate of \$100 per hour, the USPTO estimates that the recordkeeping cost associated with this collection will be \$606,000 per year.

The total annual (non-hour) respondent cost burden for this collection in the form of fees (\$284,296,310), postage costs (\$13,376), and recordkeeping costs (\$606,000) is \$284,915,686 per year.

14. Annual Cost to Federal Government

The USPTO estimates that it takes USPTO staff approximately 10 minutes (0.17 hours) to 1 hour to process the information in this collection, depending on the type and amount of information submitted. The information in this collection is processed by GS-7, step 1 and GS-5, step 1 employees at the hourly rates of \$20.22 and \$16.33. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for information processed by GS-7 employees is \$26.29 (\$20.22 + \$6.07) and by GS-5 employees is \$21.23 (\$16.33 + \$4.90). The USPTO expects that the EFS-Web version of the Issue Fee Transmittal form will be processed automatically without any direct staff time required.

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 5: Burden Hour/Burden Cost to the Federal Government for Post Allowance and Refiling

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
Certificate of Correction (PTO/SB/44)	0.50	26,000	13,000	\$26.29	\$341,770.00
Reissue Documentation	1.00	850	850	\$21.23	\$18,046.00
Reissue Patent Application Transmittal (PTO/SB/50)	1.00	850	850	\$21.23	\$18,046.00
Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52)	0.30	1,135	341	\$21.23	\$7,239.00
Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	0.30	900	270	\$21.23	\$5,732.00
Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53)	0.30	1,230	369	\$21.23	\$7,834.00
Reissue Application Fee Transmittal Form (PTO/SB/56)	0.30	850	255	\$21.23	\$5,414.00
Issue Fee Transmittal (PTOL-85B)	0.17	12,975	2,206	\$21.23	\$46,833.00

Issue Fee Transmittal (PTOL-85B) (EFS-Web)	0.00	172,394	0	N/A	\$0.00
Totals	-----	217,184	18,141	-----	\$450,914.00

15. Reason for Changes in the Annual Burden

Summary of Changes Since the Previous Renewal

This information collection was previously approved by OMB in August 2007 with a total of 224,926 responses and 68,245 burden hours per year.

For this renewal, the USPTO estimates that the total annual responses will be 217,184 and the total annual burden hours will be 124,359, which is a decrease of 7,742 responses but an increase of 56,114 hours from the currently approved burden for this collection. This increase in burden hours is due to both program changes and administrative adjustments. In addition, the USPTO estimates that the proportion of responses submitted electronically will increase from 17% to 93%.

The total annual (non-hour) cost burden for this renewal of \$284,915,686 is an increase of \$11,802,256 from the currently approved total of \$273,113,430 in annual costs for this collection. This increase in annual costs is due to both program changes and administrative adjustments.

Changes from the 60-Day Notice

Since the 60-Day Notice for this renewal was published, the USPTO has decided to revise the time estimates for preparing several of the items in this collection: Reissue Documentation (adjusted from 2 hours to 5 hours per response), Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (adjusted from 1.8 minutes to 18 minutes per response), Reissue Application: Consent of Assignee; Statement of Non-assignment (adjusted from 6 minutes to 12 minutes per response), and Issue Fee Transmittal (adjusted from 12 minutes to 30 minutes per response for both standard and EFS-Web versions). In addition, the USPTO has revised the estimated time for recordkeeping associated with electronic submissions from 5 seconds (0.001 hours) to 2 minutes (0.03 hours) per response for printing and retaining the acknowledgment receipt, increasing total recordkeeping hours from 202 to 6,060 and the associated costs from \$20,200 to \$606,000.

As a result of these changes, the total estimated burden hours for this collection have been increased from what was reported in the 60-Day Notice, from 65,832 to 124,359 burden hours. In addition, the total estimated annual (non-hour) cost burden has been increased from \$284,329,886 to \$284,915,686 due to the increase in estimated recordkeeping costs.

Change in Respondent Cost Burden

This collection was previously approved in August 2007 with an estimated total respondent cost burden of \$12,486,080 per year. That submission used an estimated rate of \$304 per hour for attorneys preparing the items in this collection (except for the Issue Fee Transmittals) and an estimated rate of \$90 per hour for paraprofessionals preparing the Issue Fee Transmittals. For this renewal, the USPTO has revised the estimated rates for respondents to \$325 for attorneys and \$100 for paraprofessionals.

At these revised rates, the 124,359 burden hours for this renewal yield a respondent cost burden of \$19,562,550, which is an increase of \$7,076,470 from the total respondent cost burden reported in the 2007 submission. This increase in respondent cost burden is due to the increase in total burden hours from the previous submission as well as the increases in the estimated hourly rates for respondents.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses for this collection will decrease by 7,742 and the total annual burden hours will increase by 56,114. This increase in burden hours is due to both program changes and administrative adjustments, as follows:

- The USPTO is adjusting the estimated annual responses for the Certificate of Correction (PTO/SB/44) to 26,000, which is an increase of 1,000 from the previous estimate of 25,000. **Therefore, this collection takes a burden increase of 1,000 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Reissue Documentation to 850, which is a decrease of 250 from the previous estimate of 1,100. However, the USPTO has also revised the time estimate for preparing this documentation, increasing the estimate from 2 hours to 5 hours per response. **Therefore, this collection takes a burden increase of 2,050 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Reissue Patent Application Transmittals (PTO/SB/50) to 850, which is a decrease of 250 from the previous estimate of 1,100. **Therefore, this collection takes a burden decrease of 50 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Reissue Application Declarations by the Inventor or the Assignee (PTO/SB/51/52) to 1,135, which is an increase of 35 from the previous estimate of 1,100. **Therefore, this collection takes a burden increase of 18 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement

(PTO/SB/51S) to 900, which is an increase of 200 from the previous estimate of 700. The USPTO has also revised the time estimate for preparing this requirement, increasing the estimate from 1.8 minutes (0.03 hours) to 18 minutes (0.30 hours) per response. **Therefore, this collection takes a burden increase of 249 hours as an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for the Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53) to 1,230, which is an increase of 155 from the previous estimate of 1,075. The USPTO has also revised the time estimate for preparing this requirement, increasing the estimate from 6 minutes (0.10 hours) to 12 minutes (0.20 hours) per response. **Therefore, this collection takes a burden increase of 138 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for Reissue Application Fee Transmittal Forms (PTO/SB/56) to 850, which is a decrease of 250 from the previous estimate of 1,100. **Therefore, this collection takes a burden decrease of 50 hours as an administrative adjustment.**
- The USPTO is deleting the Request for *Ex Parte* Reexamination Transmittal Form (PTO/SB/57) from this collection. This item has been approved as part of a new collection under OMB Control Number 0651-0064. **Therefore, this collection takes a burden decrease of 1,000 hours as a program change.**
- The USPTO is deleting the Request for *Inter Partes* Reexamination Transmittal Form (PTO/SB/58) from this collection. This item has been approved as part of a new collection under OMB Control Number 0651-0064. **Therefore, this collection takes a burden decrease of 200 hours as a program change.**
- The USPTO is deleting the Petition to Review Refusal to Grant *Ex Parte* Reexamination from this collection. This item has been approved as part of a new collection under OMB Control Number 0651-0064. **Therefore, this collection takes a burden decrease of 100 hours as a program change.**
- The USPTO is deleting the Petition to Review Refusal to Grant *Inter Partes* Reexamination from this collection. This item has been approved as part of a new collection under OMB Control Number 0651-0064. **Therefore, this collection takes a burden decrease of 1 hour as a program change.**
- The USPTO is deleting the Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination from this collection. This item has been approved as part of a new collection under OMB Control Number 0651-0064. **Therefore, this collection takes a burden decrease of 25 hours as a program change.**

- The USPTO is adjusting the estimated annual responses for the Issue Fee Transmittal (PTOL-85B) to 12,975, which is a decrease of 141,425 from the previous estimate of 154,400. This adjustment is due to the public's increased usage of electronic filing through EFS-Web. However, the USPTO has also revised the time estimate for preparing this requirement, increasing the estimate from 12 minutes (0.20 hours) to 30 minutes (0.50 hours) per response. **Therefore, this collection takes a burden decrease of 24,392 hours as an administrative adjustment.**
- The USPTO is adjusting the estimated annual responses for the EFS-Web version of the Issue Fee Transmittal (PTOL-85B) to 172,394, which is an increase of 133,794 from the previous estimate of 38,600. This adjustment is due to the public's increased usage of electronic filing through EFS-Web. The USPTO has also revised the time estimate for preparing this requirement, increasing the estimate from 12 minutes (0.20 hours) to 30 minutes (0.50 hours) per response. **Therefore, this collection takes a burden increase of 78,477 hours as an administrative adjustment.**

In sum, this information collection has a total burden increase of 56,114 hours, with a decrease of 1,326 hours due to program changes being offset by a net increase of 57,440 hours due to administrative adjustments.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$11,802,256. This increase in annual (non-hour) costs is due to both program changes and administrative adjustments, as follows:

- The USPTO is deleting from this collection five items related to reexaminations, which have been approved as part of a new collection under OMB Control Number 0651-0064. These items were previously approved in this collection with a total of \$2,163,521 in annual (non-hour) costs, including fees, postage, and recordkeeping costs. **Therefore, this collection takes a decrease of \$2,163,521 in annual (non-hour) costs as a program change.**
- The remaining items in this collection were previously approved with a total of \$270,949,909 in annual (non-hour) costs, including fees, postage, and recordkeeping costs. For this renewal, the USPTO estimates that the total annual (non-hour) costs for these items will be \$284,915,686, an increase of \$13,965,777.

This increase is due to the following factors:

The remaining items in this collection were previously approved with a total of \$270,849,900 in fees. For this renewal, total fees for these items have increased to \$284,296,310 because of changes in the fees for issued patents and reissue applications as well as adjustments to the estimated responses. **Therefore, this**

collection takes an increase of \$13,446,410 in annual (non-hour) costs, which represents an increase of \$17,242,410 as a program change that is partially offset by a decrease of \$3,796,000 as an administrative adjustment.

The remaining items in this collection were previously approved with a total of \$100,009 in postage and recordkeeping costs associated with submitting the information in this collection to the USPTO by mail or online. For this renewal, total postage and recordkeeping costs have increased to \$619,376 due to several factors, including adjustments in the estimated annual responses, estimated postage costs, estimated hourly rate and time for recordkeeping, and estimated proportion of electronic submissions. **Therefore, this collection takes an increase of \$519,367 as an administrative adjustment.**

In sum, this collection has a net increase in annual (non-hour) cost burden of \$11,802,256, with a net increase of \$15,078,889 due to program changes being partially offset by a decrease of \$3,276,633 due to administrative adjustments.

16. Published Collections of Information

No special publication of the items in this collection is planned. However, information regarding patents with certificates of correction, reissue applications filed, and reissue patents granted is published weekly in the *Official Gazette of the United States Patent and Trademark Office*. The *Official Gazette* is published in electronic format on the USPTO Web site.

17. Display of Expiration Date of OMB Approval

The forms in this information collection will display the OMB Control Number and the expiration date of OMB approval.

18. Exceptions to the Certificate Statement

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

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

REFERENCES

- A. The USPTO Information Quality Guidelines
- B. Form PTO/SB/44 Certificate of Correction
- C. Form PTO/SB/50 Reissue Patent Application Transmittal
- D. Forms PTO/SB/51/52 Reissue Application Declaration by the Inventor or the Assignee
- E. Form PTO/SB/51S Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175)
- F. Form PTO/SB/53 Reissue Application, Consent of Assignee; Statement of Non-Assignment
- G. Form PTO/SB/56 Reissue Application Fee Transmittal Form
- H. Form PTOL-85B Issue Fee Transmittal
- I. Form PTOL-85B Issue Fee Transmittal (EFS-Web)