

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Post Allowance and Refiling
OMB CONTROL NUMBER 0651-0033
(December 2011)

Background

The United States Patent and Trademark Office (USPTO) is requesting an update to information collection 0651-0033, "Post Allowance and Refiling." The USPTO is proposing to add a form associated with an information requirement that is currently approved: Certificate of Correction.

The new form, Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141), will be prepared and submitted electronically. Automation of this item will allow the public to complete the form on a computer and then use an interactive button on the form itself to submit the information to the USPTO over the Internet. The electronic form will be convenient for customers while also allowing the USPTO to process the petition more efficiently.

Chapter 25 of Title 35 U.S.C. provides for several actions that a patent owner may take after issuance of a patent, including requesting a certificate of correction to correct an error or errors in the patent. A patent owner typically requests a certificate of correction (currently approved in this information collection) by submitting both: (i) an explanation of why the indicated correction(s) should be approved, *e.g.*, the mistake is clearly disclosed in the records of the USPTO; and (ii) a Certificate of Correction form (PTO/SB/44) identifying the number of the patent to be corrected and the correction(s) to be made. If the USPTO determines that the request should be approved, the USPTO issues a certificate of correction.

The public will be able to use the Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) as the explanation of why the indicated correction should be approved, for those instances in which: (a) (i) patent issuance in the name of the assignee is requested after the date of payment of the issue fee, or (ii) it is requested for a patent to be corrected to state the name of the assignee; and (b) the assignment was submitted for recordation before issuance of the patent. The petition requires the submission of a request for certificate of correction, for which form PTO/SB/44 may be used. The petition also requires a \$130 fee under 37 CFR 1.17(i).

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE TO 0651-0033
(continued)**

Summary of Changes

The USPTO is proposing to add one form to this collection, Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141). This form is associated with an existing information requirement, Certificate of Correction, that is currently approved under 0651-0033. Customers may use the proposed form PTO/SB/141 as a convenient way to provide the explanation required by the existing Certificate of Correction (PTO/SB/44) in certain instances, as described above. No new information is being collected.

Changes in Burden

The addition of the proposed form PTO/SB/141 will result in the following burden changes for this information collection:

| Burden Type | Currently approved | Proposed change | New estimates |
|-------------------------|---------------------------|------------------------|----------------------|
| Responses | 217,184 | 500 | 217,684 |
| Hours | 124,359 | 250 | 124,609 |
| Annual (non-hour) costs | \$284,915,686 | \$65,000 | \$284,980,686 |

The USPTO estimates that it will receive 500 responses per year using form PTO/SB/141, and that it will take the public approximately 30 minutes (0.50 hours) to prepare and submit the information for each request. **Therefore, this collection takes an increase of 500 responses and 250 burden hours as a program change.**

There is also a \$130 fee associated with submitting form PTO/SB/141. **Therefore, this collection takes an increase of \$65,000 in annual (non-hour) costs as a program change.**

The USPTO estimates that the proposed changes for this collection will result in the following total burden changes:

- Increase of 500 responses as a program change
- Increase of 250 burden hours as a program change
- Increase of \$65,000 in annual (non-hour) costs as a program change

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

- 217,684 responses
- 124,609 hours
- \$284,980,686 in annual (non-hour) costs