

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Patent Processing (Updating)**  
**OMB CONTROL NUMBER 0651-0031**  
**(July 22, 2013)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. § 131 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 which require that additional information be supplied in order for the USPTO to further process the patent or application. The USPTO administers the statutes through various sections of the rules of practice in 37 CFR Part 1.

The information in this collection can be used by the USPTO to continue the processing of the patent or application to ensure that applicants are complying with the patent regulations and to aid in the prosecution of the application.

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

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

	<b>Requirement</b>	<b>Statute</b>	<b>Rule</b>
1	Information disclosure statements and eIDS	35 U.S.C. § 2(b)(2)	37 CFR 1.56, 1.97 and 1.98
2	Transmittal form	35 U.S.C. § 2(b)(2)	37 CFR 1.4, 1.5, 1.48, 1.111, 1.116, 1.121, 1.125, 1.133 and 1.291
3	Petitions for extension of time under 37 CFR 1.136(a)	35 U.S.C. § 2(b)(2), 41(a)(8), 131 and 132	37 CFR 1.136
4	Express abandonment under 37 CFR 1.138	35 U.S.C. § 2(b)(2), 131 and 132	37 CFR 1.138
5	Disclaimers	35 U.S.C. § 253	37 CFR 1.321
6	Request for expedited examination of a design application	35 U.S.C. § 2(b)(2)	37 CFR 1.155
7	Notice of appeal	35 U.S.C. § 134	37 CFR 1.191
8	Petitions to revive unavoidably or unintentionally abandoned applications	35 U.S.C. §§ 41(a)(7), 111, 133, 151 and 371(d)	37 CFR 1.137

	<b>Requirement</b>	<b>Statute</b>	<b>Rule</b>
9	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing	35 U.S.C. § 2(b)(2)	37 CFR 1.137 and 1.213
10	Requests to access, inspect and copy	35 U.S.C. § 122	37 CFR 1.14
11	Deposit account order form	35 U.S.C. § 2(b)(2)	37 CFR 1.25
12	Certificates of mailing/transmission	35 U.S.C. §§ 2(b)(2) and 21(a)	37 CFR 1.8
13	Statement under 37 CFR 3.73(b)	35 U.S.C. § 2(b)(2)	37 CFR 3.73(b)
14	Non-publication request	35 U.S.C. § 122(b)(2)(B)(i)	37 CFR 1.213(a)
15	Rescission of previous non-publication request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, notice of foreign filing (35 U.S.C. § 122(b)(2)(B)(iii))	35 U.S.C. §§ 122(b)(2)(B)(ii) and 122(b)(2)(B)(iii)	37 CFR 1.213(b)
16	Electronic filing system (EFS) copy of application for publication	35 U.S.C. §§ 122(b) and 122(b)(2)(B)(v)	37 CFR 1.215, 1.217, 1.219 and 1.221
17	Copy of file content showing redactions	35 U.S.C. § 122(b)	37 CFR 1.217(d)
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	35 U.S.C. § 2(b)(2)	37 CFR 1.251
19	Request for continued examination (RCE) transmittal	35 U.S.C. § 132(b)	37 CFR 1.114
20	Request for oral hearing before the Patent Trial and Appeal Board	35 U.S.C. § 134	37 CFR 1.194(b)
21	Request for suspension of action or deferral of examination under 37 CFR 1.103(b) or (d)	35 U.S.C. §§ 2(b)(2) and 131	37 CFR 1.103(b) or (d)
22	Request for voluntary publication or republication (includes publication fee for republication)	35 U.S.C. § 2(b)(2)	37 CFR 1.221
23	Applicant initiated interview request form	35 U.S.C. § 2(b)(2)	37 CFR 1.133
24	Processing fee under 37 CFR 1.17(i) transmittal	35 U.S.C. § 2(b)(2)	37 CFR 1.17(i)
25	Request to retrieve electronic priority application(s) under 37 CFR 1.55(d)	35 U.S.C. § 2(b)(2)	37 CFR 1.55(d)
26	Authorization for permit access to application by participating offices under 37 CFR 1.14(h)	35 U.S.C. § 2(b)(2)	37 CFR 1.14(h)
27	Petition for express abandonment to obtain a refund	35 U.S.C. § 4(d)(1)(D)	37 CFR 1.138(d)
28	Pre-appeal brief request for review	35 U.S.C. §§ 2(b)(2) and 134	37 CFR 41.32
29	Request for corrected filing receipt	35 U.S.C. § 2(b)(2)	37 CFR 1.54, 1.76(a), 1.48(a) and (c)
30	Request for first-action interview (pilot program)	35 U.S.C. § 2(b)(2)	37 CFR 1.133

	Requirement	Statute	Rule
31	Petition to make special based on age for advancement of examination under 37 CFR 1.102(c)(1)	35 U.S.C. § 2(b)	37 CFR 1.105(c)(1)
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	35 U.S.C. §§ 2(b)(2), 102, 103, and 132	37 CFR 1.129

## 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.*, OMB and specific operating unit guidelines.

Table 2 outlines how the information for Patent Processing (Updating) is used by the public and by the USPTO:

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

	Form and Function	Form #	Needs and Uses
1	Information Disclosure Statements and eIDS	PTO/SB/08a/08b and EFS-Web	<ul style="list-style-type: none"> <li>Used by the applicant to meet the applicant's duty of disclosure under 37 CFR 1.56.</li> <li>Used by the USPTO when printing the patent document.</li> </ul>
2	Transmittal Form	PTO/SB/21	<ul style="list-style-type: none"> <li>Used by the applicant to indicate what type of correspondence is being submitted.</li> <li>Used by the USPTO to determine the specific contents of the communication.</li> <li>Used by the USPTO to facilitate the routing of papers to the most appropriate USPTO locations.</li> </ul>
3	Petition for Extension of Time under 37 CFR 1.136(a)	PTO/SB/22, PTO/AIA/22	<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>
4	Express Abandonment	PTO/SB/24, PTO/AIA/24	<ul style="list-style-type: none"> <li>Used by the applicant to expressly abandon an application.</li> <li>Used by the USPTO to determine whether the application is expressly abandoned.</li> <li>Used by the USPTO to determine whether an application has been expressly abandoned in favor of a continuation or divisional application.</li> </ul>

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
5	Disclaimers	PTO/SB/25/26/ 43/63	<ul style="list-style-type: none"> <li>Used by the applicant or assignee to disclaim the entire term or part of a term of a patent or a patent to be granted.</li> <li>Used by the USPTO to determine whether all owners have provided the required terminal disclaimer and to determine the length of the patent term to which the patentee is entitled.</li> <li>Used by the Certificate of Corrections branch of the USPTO for determining whether regulatory compliance has been met, for recording the disclaimer, and for providing the disclaimer data for printing.</li> </ul>
6	Request for Expedited Examination of a Design Application	PTO/SB/27	<ul style="list-style-type: none"> <li>Used by the applicant to request expedited examination of a design application.</li> <li>Used by the USPTO to ensure that all of the required information to expedite examination is provided and to process the request.</li> </ul>
7	Notice of Appeal	PTO/SB/31, PTO/AIA/31	<ul style="list-style-type: none"> <li>Used by the applicant to file a Notice of Appeal.</li> <li>Used by the USPTO to ensure that applicants comply with regulations when filing a Notice of Appeal.</li> </ul>
8	Petitions to Revive Unintentionally or Unavoidably Abandoned Applications	PTO/SB/61/64	<ul style="list-style-type: none"> <li>Used by the applicant to request that applications that were unintentionally or unavoidably abandoned be revived.</li> <li>Used by the USPTO to ensure that applicants have included all the proper documentation and fees necessary to revive an unintentionally or unavoidably abandoned application.</li> </ul>
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	PTO/SB/64a	<ul style="list-style-type: none"> <li>Used by the applicant to revive an application for patent abandoned for failure to timely notify the office of a foreign or international filing.</li> <li>Used by the USPTO to revive an application for patent abandoned for failure to timely notify the office of a foreign or international filing.</li> </ul>
10	Requests to Access, Inspect and Copy	PTO/SB/67/68	<ul style="list-style-type: none"> <li>Used by the public to request permission to inspect and/or make copies in accordance with regulations.</li> <li>Ensures that applications are maintained in confidence in accordance with regulations.</li> <li>Used by the USPTO to determine that the persons requesting permission to inspect and/or make copies are authorized to do so.</li> <li>Used by the USPTO to verify that the application requested is abandoned and that it has been referred to in the referenced U.S. patent.</li> </ul>
11	Deposit Account Order Form	PTO/SB/91	<ul style="list-style-type: none"> <li>Used by the public to order goods or services using an established deposit account.</li> <li>Used by the USPTO to process orders for articles or services, and to identify the deposit account to which an order should be charged.</li> </ul>
12	Certificate of Mailing/Transmission	PTO/SB/92/97	<ul style="list-style-type: none"> <li>Used by the applicant as evidence of the date for replies to actions by the USPTO.</li> <li>Used by the USPTO to determine the timeliness of replies by an applicant to actions by the USPTO.</li> </ul>
13	Statement under 37 CFR 3.73(b)	PTO/SB/96, PTO/AIA/96	<ul style="list-style-type: none"> <li>Used by the applicant to show that this person has their authority to take actions on their behalf.</li> <li>Used by the USPTO to determine that the person signing has authority to take action on behalf of an assignee.</li> </ul>

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
14	Non-publication Request	PTO/SB/35	<ul style="list-style-type: none"> <li>Used by the applicant to request that the USPTO not publish the application under 37 U.S.C. § 122(b).</li> <li>Used by the USPTO to determine whether the application should be published under 37 U.S.C. § 122(b).</li> </ul>
15	Notice of rescission of previous Non-publication request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, notice of foreign filing (35 U.S.C. § 122(b)(2)(B)(iii))	PTO/SB/36	<ul style="list-style-type: none"> <li>Used by the applicant to rescind a previously filed request that the USPTO not publish the application under 35 U.S.C. § 122(b)(2)(B)(ii).</li> <li>Used by the applicant to provide notice of a foreign or international filing required by 35 U.S.C. § 122(b)(2)(B)(iii).</li> <li>Used by the USPTO to determine that the application is subject to eighteen-month publication.</li> </ul>
16	Electronic Filing System (EFS) copy of application for publication	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to obtain publication of a version of the application different from the application as initially submitted to the USPTO.</li> <li>Used by the applicant to request publication of an application earlier than as provided for by eighteen-month publication or of an application that is not subject to eighteen-month publication.</li> <li>Used by the USPTO to create a publication document as part of the USPTO's publication of the application.</li> </ul>
17	Copy of file content showing redactions	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to show redactions to USPTO actions/notices and the applicant's replies.</li> <li>Used by the USPTO to confirm what redactions are made to the copy of application file content that is provided to the public.</li> </ul>
18	Copy of applicant or patentee's record of the application (including copies of the correspondence, and statements verifying whether the record is complete or not) Notice under 37 CFR 1.251 – Pending application Notice under 37 CFR 1.251 – Abandoned application Notice under 37 CFR 1.251 – Patent	PTO-2053-A/B PTO-2054-A/B PTO-2055-A/B	<ul style="list-style-type: none"> <li>Used by the applicant to assist the USPTO in reconstructing a current copy of a missing patent or application file.</li> <li>Used by the USPTO to notify the applicant that the application or patent file is unlocatable and to request a copy of the applicant's or patentee's record of the application or patent file (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not) in order to reconstruct the file of an unlocatable application or patent.</li> </ul>
19	Request for continued examination transmittal (RCE)	EFS-Web and PTO/SB/30	<ul style="list-style-type: none"> <li>Used by the applicant to request continued examination of a previously submitted application.</li> <li>Used by the USPTO to process and initiate continued examination of a previously submitted application.</li> </ul>
20	Request for oral hearing before the Patent Trial and Appeal Board	PTO/SB/32, PTO/AIA/32	<ul style="list-style-type: none"> <li>Used by the applicant to file a written request in a separate paper for an oral hearing before the Board.</li> <li>Used by the USPTO to process and consider the request for an oral appeal hearing.</li> </ul>
21	Request for suspension of action or deferral of examination under 37 CFR 1.103(b) or (d)	PTO/SB/37	<ul style="list-style-type: none"> <li>Used by the applicant to request deferred examination of a patent application for up to three years from the earliest filing date for which a benefit is claimed.</li> <li>Used by the USPTO to process and consider this request for deferral of examination.</li> </ul>

	<b>Form and Function</b>	<b>Form #</b>	<b>Needs and Uses</b>
22	Request for voluntary publication or republication (includes publication fee for republication)	EFS-Web	<ul style="list-style-type: none"> <li>• Voluntary Publication: Used by the applicant to request publication of an application filed prior to November 29, 2000.</li> <li>• Republication: Used by the applicant to correct prior application publications containing material errors caused by the USPTO or to correct other data, such as claims that previously published as part of an application publication.</li> <li>• Used by the USPTO to publish an application filed prior to November 29, 2000, or to correct prior application publication errors.</li> </ul>
23	Applicant initiated interview request form	PTOL/413A	<ul style="list-style-type: none"> <li>• Used by the applicant to request an interview.</li> <li>• Used by the applicant to assist in the preparation of a written record of the interview.</li> <li>• Used by the USPTO to allow the examiner to prepare in advance for an applicant initiated interview.</li> <li>• Used by the USPTO to allow the examiner to focus on the issue to be discussed in the applicant initiated interview.</li> <li>• Used by the USPTO to identify whether agreement has been reached.</li> </ul>
24	Processing fee under 37 CFR 1.17(i) transmittal	PTO/SB/17i	<ul style="list-style-type: none"> <li>• Used by the applicant to identify the proper fee and thus reduce the potential for any additional work due to mistakes in payment.</li> <li>• Used by the USPTO to process the appropriate fees.</li> </ul>
25	Request to retrieve electronic priority application(s) under 37 CFR 1.55(d)	PTO/SB/38	<ul style="list-style-type: none"> <li>• Used by the applicant to request that the USPTO retrieve priority documents from the other participating intellectual property offices.</li> <li>• Used by the USPTO to retrieve priority documents from the other participating intellectual property offices.</li> </ul>
26	Authorization for permit access to application by participating offices under 37 CFR 1.14(h)	PTO/SB/39	<ul style="list-style-type: none"> <li>• Used by the applicant to authorize the USPTO to release confidential documents to other participating intellectual property offices that are important to the prosecution of the patent application.</li> <li>• Used by the USPTO to properly release confidential documents to other participating intellectual offices that are important to the prosecution of the patent application.</li> </ul>
27	Petition for express abandonment to obtain a refund	PTO/SB/24B, PTO/AIA/24B	<ul style="list-style-type: none"> <li>• Used by the applicant to expressly abandon the application for a refund of the search fee if recognized by an appropriate USPTO official prior to examination of the application.</li> <li>• Used by the USPTO to expressly abandon the application and to refund the search fee to the applicant if recognized by an appropriate USPTO official prior to examination of the application.</li> </ul>
28	Pre-appeal brief request for review	PTO/SB/33, PTO/AIA/33	<ul style="list-style-type: none"> <li>• Used by the applicant to request that a panel of examiners formally review the basis of the rejections in their application prior to filing an appeal brief.</li> <li>• Used by the USPTO to determine whether an appeal should be maintained.</li> </ul>
29	Request for corrected filing receipt	No Form	<ul style="list-style-type: none"> <li>• Used by the applicant to request a corrected filing receipt.</li> <li>• Used by the USPTO to correct errors in application data.</li> </ul>

	Form and Function	Form #	Needs and Uses
30	Request for first-action interview (pilot program)	PTOL-413C EFS-Web only	<ul style="list-style-type: none"> <li>Used by the applicant to request a first-action interview prior to the first Office action on the merits to advance prosecution of the application.</li> <li>Used by the USPTO to grant advancement of examination for the first Office action on the merits.</li> </ul>
31	Petition to make special based on age for advancement of examination under 37 CFR 1.102(c)(1)	PTO/SB/130 EFS-Web only	<ul style="list-style-type: none"> <li>Used by the applicant to petition that an application be made special for advancement of examination by showing that the applicant is 65 years of age, or more.</li> <li>Used by the USPTO to assist in the expeditious processing of the petition to make special based on age.</li> </ul>
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to have a first or second submission entered and considered on the merits after final rejection under the circumstances identified in 37 CFR 1.129.</li> <li>Used by the USPTO to determine whether to maintain a rejection or objection of a claim of an application.</li> </ul>

### 3. Use of Information Technology

The forms associated with this collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted to the USPTO online through EFS-Web. The “EFS-Web only” items in this collection may be submitted to the USPTO online through EFS-Web.

EFS-Web is the USPTO’s web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the forms or documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. 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 or other paper delivery costs.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the EFS server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgment receipt that is immediately returned to the customer.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. PAIR allows authorized individuals secure and

immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

#### **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 the information were not collected, the USPTO would not be able to comply with the patent statute 35 U.S.C. § 131.

#### **7. Special Circumstances in the Conduct of Information Collection**

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

#### **8. Consultation Outside the Agency**

The 60-Day Notice was published in the *Federal Register* on March 22, 2012 (77 Fed. Reg. 16813). The public comment period ended on May 21, 2012. Seven public comments were received.

Several comments suggested generally that the USPTO's time calculations underestimated the actual amount of time needed by respondents for completion. The USPTO regularly reviews its time burden estimates, using available historical data, Agency expertise, and stakeholder feedback. Moreover, these comments did not provide a basis for or propose any other alternative time estimate burden.



Other comments suggested that certain time estimates did not include consideration of other factors beyond the time needed to complete certain responses. These comments cited factors such as time needed to evaluate options, consulting clients, or making other informed decisions. Although the USPTO appreciates that respondents utilize time and effort for many matters related to and during the course of the patent examination process, these estimates necessarily focus on the estimated time to complete the specific information collection responses.

Several of the comments were directed to specific regulatory requirements. It was suggested that the underlying regulations themselves should be revised and that doing so could reduce unnecessary additional paperwork burdens. An additional comment suggested that the USPTO make other changes, such as to employ compensation practices and to edit the Manual of Patent Examining Procedure, as ways of reducing respondent burdens. Although these go beyond the scope of the instant ICR clearance, the USPTO appreciates these comments and will review those identified requirements to determine whether separate revisions are appropriate.

Finally, two commenters claimed that the 60-day notice did not comply with the Information Quality Act and implied that the estimates required correction. These comments, however, did not provide any alternative basis or a proposed corrected time estimate. As indicated above, the USPTO respondent time burdens are estimates. The total estimated burdens are comprised of the expected number of filings and responses with the expected time needed to complete such responses. It is USPTO's experience with these or similar responses and the Agency's expertise in estimating the actual time to complete the applicable response that informs these total estimates. Accordingly, and based on the comments received, the USPTO is not correcting provided estimates. The USPTO has, however, provided as an attachment to this supporting statement background information on quantities of filings that were used to prepare response estimates for this collection.

In addition, 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, independent inventor groups, and users of our public facilities. Views expressed by these groups are 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**

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. For secure electronic access to PAIR, the USPTO employs digital

certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. 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 reexamination proceeding 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 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 approximately 3,817,580 responses per year for this collection, with approximately 26% of these responses submitted by small entities.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public an average of 1 minute, 48 seconds (0.03 hours) to 8 hours to complete either the paper or the electronic versions of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, create the documents, and submit to the USPTO.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- **Cost Burden Calculation Factors**

The USPTO expects that patent attorneys and paraprofessionals will complete and submit this information.

The USPTO uses a professional rate of \$371 per hour for the attorney respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the 2011 *Report of the Economic Survey* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency estimates \$371 is an accurate estimate of the cost per hour to collect this information.

The USPTO uses a paraprofessional rate of \$122 per hour for respondent cost burden calculations, which is the mean billing rate for paraprofessionals as shown in the 2010 *National Utilization and Compensation Survey Report* published by the National Association of Legal Assistants (NALA) in October 2010.

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

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	EFS-Web IDS (Information Disclosure Statements) that do not require the fee set forth in 37 CFR 1.17(p)	2.00	495,933	991,866	\$371.00	\$367,982,286.00
1	Information Disclosure Statements that do not require the fee set forth in 37 CFR 1.17(p)	2.00	37,328	74,656	\$371.00	\$27,697,376.00
1	EFS-Web IDS (Information Disclosure Statements) that require the fee set forth in 37 CFR 1.17(p)	2.00	108,567	217,134	\$371.00	\$80,556,714.00
1	Information Disclosure Statements that require the fee set forth in 37 CFR 1.17(p)	2.00	8,172	16,344	\$371.00	\$6,063,624.00
2	Electronic Transmittal Form	2.00	1,023,000	2,046,000	\$122.00	\$249,612,000.00
2	Transmittal Form	2.00	77,000	154,000	\$122.00	\$18,788,000.00
3	Electronic Petition for Extension of Time under 37 CFR 1.136(a)	0.10	311,208	31,121	\$122.00	\$3,796,762.00
3	Petition for Extension of Time under 37 CFR 1.136(a)	0.10	23,424	2,342	\$122.00	\$285,724.00
4	Electronic Express Abandonment under 37 CFR 1.138	0.20	6,500	1,300	\$122.00	\$158,600.00
4	Express Abandonment under 37 CFR 1.138	0.20	500	100	\$122.00	\$12,200.00
5	Electronic Disclaimers	0.20	70,190	14,038	\$371.00	\$5,208,098.00
5	Disclaimers	0.20	5,283	1,057	\$371.00	\$392,147.00
6	Electronic Request for Expedited Examination of a Design Application	0.10	207	21	\$371.00	\$7,791.00
6	Request for Expedited Examination of a Design Application	0.10	16	2	\$371.00	\$742.00
7	Electronic Notice of Appeal	0.20	37,414	7,483	\$371.00	\$2,776,193.00
7	Notice of Appeal	0.20	2,816	563	\$371.00	\$208,873.00
8	Electronic Petition for Revival of an Application for Patent Abandoned Unavoidably	8.00	307	2,456	\$371.00	\$911,176.00
8	Petition for Revival of an Application for Patent Abandoned Unavoidably	8.00	23	184	\$371.00	\$68,264.00
8	Electronic Petition for Revival of an Application for Patent Abandoned Unintentionally	1.00	8,192	8,192	\$371.00	\$3,039,232.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
8	Petition for Revival of an Application for Patent Abandoned Unintentionally	1.00	617	617	\$371.00	\$228,907.00
9	Electronic Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	1.00	230	230	\$371.00	\$85,330.00
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	1.00	20	20	\$371.00	\$7,420.00
10	Electronic Requests to Access, Inspect and Copy	0.20	121,000	24,200	\$122.00	\$2,952,400.00
10	Requests to Access, Inspect and Copy	0.20	9,000	1,800	\$122.00	\$219,600.00
11	Electronic Deposit Account Order Form	0.20	90	18	\$122.00	\$2,196.00
11	Deposit Account Order Form	0.20	10	2	\$122.00	\$244.00
12	Electronic Certificates of Mailing, Transmission	0.03	930,000	27,900	\$122.00	\$3,403,800.00
12	Certificates of Mailing, Transmission	0.03	70,000	2,100	\$122.00	\$256,200.00
13	Electronic Statement Under 37 CFR 3.73(b)	0.20	140,000	28,000	\$371.00	\$10,388,000.00
13	Statement Under 37 CFR 3.73(b)	0.20	10,000	2,000	\$371.00	\$742,000.00
14	Electronic Non-publication Request	0.10	21,500	2,150	\$371.00	\$797,650.00
14	Non-publication Request	0.10	1,500	150	\$371.00	\$55,650.00
15	Electronic Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.10	1,000	100	\$371.00	\$37,100.00
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.10	100	10	\$371.00	\$3,710.00
16	Electronic Filing System (EFS) Copy of Application for Publication	2.50	1	3	\$122.00	\$366.00
17	Copy of File Content Showing Redactions	4.00	1	4	\$371.00	\$1,484.00
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	2.00	20	40	\$122.00	\$4,880.00
19	EFS-Web Request for Continued Examination (RCE) Transmittal	0.20	146,163	29,233	\$371.00	\$10,845,443.00
19	Request for Continued Examination (RCE) Transmittal	0.20	11,001	2,200	\$371.00	\$816,200.00
20	Electronic Request for Oral Hearing Before the Patent Trial and Appeal Board	0.20	1,415	283	\$371.00	\$104,993.00

	<b>Item</b>	<b>Hours (a)</b>	<b>Responses (yr) (b)</b>	<b>Burden (hrs/yr) (c) (a) x (b)</b>	<b>Rate (\$/hr) (d)</b>	<b>Total Cost (\$/hr) (e) (c) x (d)</b>
20	Request for Oral Hearing Before the Patent Trial and Appeal Board	0.20	106	21	\$371.00	\$7,791.00
21	Electronic Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d)	0.20	560	112	\$371.00	\$41,552.00
21	Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d)	0.20	40	8	\$371.00	\$2,968.00
22	EFS-Web Request for Voluntary Publication or Republication (includes publication fee for republication)	0.20	775	155	\$122.00	\$18,910.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	0.20	58	12	\$122.00	\$1,464.00
23	Electronic Applicant Initiated Interview Request Form	0.40	1,900	760	\$371.00	\$281,960.00
23	Applicant Initiated Interview Request Form	0.40	100	40	\$371.00	\$14,840.00
24	Electronic Processing Fee Under 37 CFR 1.17(i) Transmittal	0.08	3,300	264	\$371.00	\$97,944.00
24	Processing Fee Under 37 CFR 1.17(i) Transmittal	0.08	200	16	\$371.00	\$5,936.00
25	Electronic Request to Retrieve Electronic Priority Application (s) Under 37 CFR 1.55(d)	0.13	60,000	7,800	\$371.00	\$2,893,800.00
25	Request to Retrieve Electronic Priority Application (s) Under 37 CFR 1.55(d)	0.13	5,000	650	\$371.00	\$241,150.00
26	Electronic Authorization to Permit Access to Application by Participating Offices Under 37 CFR 1.14(h)	0.10	19,000	1,900	\$371.00	\$704,900.00
26	Authorization to Permit Access to Application by Participating Offices Under 37 CFR 1.14(h)	0.10	1,000	100	\$371.00	\$37,100.00
27	Electronic Petition for Express Abandonment to Obtain a Refund	0.20	2,000	400	\$371.00	\$148,400.00
27	Petition for Express Abandonment to Obtain a Refund	0.20	100	20	\$371.00	\$7,420.00
28	Electronic Pre-Appeal Brief Request for Review	5.00	14,700	73,500	\$371.00	\$27,268,500.00
28	Pre-Appeal Brief Request for Review	5.00	1,100	5,500	\$371.00	\$2,040,500.00
29	EFS-Web Request for Corrected Filing Receipt	0.08	22,000	1,760	\$122.00	\$214,720.00
29	Request for Corrected Filing Receipt	0.08	2,000	160	\$122.00	\$19,520.00
30	Request for First Action Interview (Pilot Program) (Electronic only)	2.50	1,500	3,750	\$371.00	\$1,391,250.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) (EFS-Web only)	2.00	2,300	4,600	\$371.00	\$1,706,600.00
32	Electronic Filing a submission after final rejection (see 37 CFR 1.129(a))	8.00	86	688	\$371.00	\$255,248.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	8.00	7	56	\$371.00	\$20,776.00
	<b>Total</b>	- - - -	<b>3,817,580</b>	<b>3,792,191</b>	- - - -	<b>\$835,942,624.00</b>

### 13. Total Annual (Non-hour) Cost Burden

The total annual (non-hour) respondent cost burden for this collection is estimated to be \$370,573,375 per year, which includes \$370,317,890 in filing fees and \$255,485 in postage costs.

This collection is currently approved with a total of \$6,930 in recordkeeping costs associated with printing and retaining a copy of the acknowledgment receipt. The USPTO is removing these recordkeeping costs from this collection because keeping a copy of the acknowledgment receipt is a suggestion and not a requirement.

**Table 4: Filing Fees (Non-hour) Cost Burden for Patent Processing (Updating)**

	Item	Responses (yr) (a)	Filing Fee (\$/hr) (b)	Total Cost (\$/hr) (c) (a) x (b)
1	Information Disclosure Statements (IDS) that require the fee set forth in 37 CFR 1.17(p)	94,209	\$180.00	\$16,957,620.00
1	Information Disclosure Statements that require the fee set forth in 37 CFR 1.17(p) (small entity)	22,530	\$180.00	\$4,055,400.00
2	Transmittal Forms	1,100,000	None	\$0.00
3	One-month extension of time under 37 CFR 1.136(a)	120,749	\$150.00	\$18,112,350.00
3	One-Month extension of time under 37 CFR 1.136(a) (small entity)	43,628	\$75.00	\$3,272,100.00
3	Two-month extension of time under 37 CFR 1.136(a)	49,886	\$570.00	\$28,435,020.00
3	Two-month extension of time under 37 CFR 1.136(a) (small entity)	23,823	\$285.00	\$6,789,555.00
3	Three-month extension of time under 37 CFR 1.136(a)	48,302	\$1,290.00	\$62,309,580.00
3	Three-month extension of time under 37 CFR 1.136(a) (small entity)	34,417	\$645.00	\$22,198,965.00

	<b>Item</b>	<b>Responses (yr) (a)</b>	<b>Filing Fee (\$/hr) (b)</b>	<b>Total Cost (\$/hr) (c) (a) x (b)</b>
3	Four-month extension of time under 37 CFR 1.136(a)	3,184	\$2,010.00	\$6,399,840.00
3	Four-month extension of time under 37 CFR 1.136(a) (small entity)	2,697	\$1,005.00	\$2,710,485.00
3	Five-month extension of time under 37 CFR 1.136(a)	4,004	\$2,730.00	\$10,930,920.00
3	Five-month extension of time under 37 CFR 1.136(a) (small entity)	3,942	\$1,365.00	\$5,380,830.00
4	Express Abandonment under 37 CFR 1.138	7,000	None	\$0.00
5	Statutory Disclaimer	69,184	\$160.00	\$11,069,440.00
5	Statutory Disclaimer (small entity)	6,289	\$80.00	\$503,120.00
6	Request for Expedited Examination of a Design Application	180	\$900.00	\$162,000.00
6	Request for Expedited Examination of a Design Application (small entity)	43	\$900.00	\$38,700.00
7	Notice of Appeal	32,277	\$630.00	\$20,334,510.00
7	Notice of Appeal (small entity)	7,953	\$315.00	\$2,505,195.00
8	Petition to Revive Unavoidably Abandoned Application	103	\$630.00	\$64,890.00
8	Petition to Revive Unavoidably Abandoned Application (small entity)	227	\$315.00	\$71,505.00
8	Petition to Revive Unintentionally Abandoned Application	4,204	\$1,890.00	\$7,945,560.00
8	Petition to Revive Unintentionally Abandoned Application (small entity)	4,605	\$945.00	\$4,351,725.00
9	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing	200	\$1,860.00	\$372,000.00
9	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (small entity)	50	\$930.00	\$46,500.00
10	Requests to Access, Inspect and Copy	130,000	None	\$0.00
11	Deposit Account Order Form	100	None	\$0.00
12	Certificates of Mailing, Transmission	1,000,000	None	\$0.00
13	Statement Under 37 CFR 3.73(b)	150,000	None	\$0.00
14	Non-publication Request	23,000	None	\$0.00

	<b>Item</b>	<b>Responses (yr) (a)</b>	<b>Filing Fee (\$/hr) (b)</b>	<b>Total Cost (\$/hr) (c) (a) x (b)</b>
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	1,100	None	\$0.00
16	EFS copy of application for publication	1	None	\$0.00
17	Copy of File Content Showing Redactions	1	\$130.00	\$130.00
18	Copy of the applicant or patentee's record of the application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	20	None	\$0.00
19	Request for Continued Examination (RCE) Transmittal	128,089	\$930.00	\$119,122,770.00
19	Request for Continued Examination (RCE) Transmittal (small entity)	29,075	\$465.00	\$13,519,875.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board	1,214	\$1,260.00	\$1,529,640.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board (small entity)	307	\$630.00	\$193,410.00
21	Processing fee for requests for suspension of action or deferrals of examination under 37 CFR 1.103(b), (c), or (d)	600	\$130.00	\$78,000.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	833	\$430.00	\$358,190.00
23	Applicant initiated interview request form	2,000	None	\$0.00
24	Processing fee under 37 CFR 1.17(i) transmittal	3,311	\$130.00	\$430,430.00
25	Request to retrieve electronic priority application(s) under 37 CFR 1.55(d)	65,000	None	\$0.00
26	Authorization to permit access to application by participating offices under 37 CFR 1.14(h)	20,000	None	\$0.00
27	Petition for express abandonment to obtain a refund	2,100	None	\$0.00
28	Electronic Pre-Appeal Brief Request for Review	11,700	None	\$0.00
28	Electronic Pre-Appeal Brief Request for Review (small entity)	3,000	None	\$0.00
28	Pre-Appeal Brief Request for Review	900	None	\$0.00
28	Pre-Appeal Brief Request for Review (small entity)	200	None	\$0.00
29	EFS-Web Request for Corrected Filing Receipt	22,000	None	\$0.00
29	Request for Corrected Filing Receipt	2,000	None	\$0.00
30	Electronic Request for First Action Interview (Pilot Program)	1,500	None	\$0.00
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) (EFS-Web only)	2,300	None	\$0.00



	Item	Responses (yr) (a)	Filing Fee (\$/hr) (b)	Total Cost (\$/hr) (c) (a) x (b)
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	74	\$810.00	\$59,940.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a)) (small entity)	19	\$405.00	\$7,695.00
	<b>Total</b>	<b>3,284,130</b>	<b>- - -</b>	<b>\$370,317,890.00</b>

The public may submit the paper forms and petitions in this collection to the USPTO by mail through the United States Postal Service. The public may also include a signed certification of the date of mailing in order to receive credit for timely filing. Therefore, the USPTO estimates that the average first-class postage for a standard 3 ounce manila envelope is \$1.30.

**Table 5: Postage Costs (Non-hour) Cost Burden for Patent Processing (Updating)**

	Item	Responses (a)	Postage Cost (\$) (b)	Total (Non-hour) Cost Burden (c) (a) x (b)
1	Information Disclosure Statements that do not require the fee set forth in 37 CFR 1.17(p)	37,328	\$1.30	\$48,526.00
1	Information Disclosure Statements that require the fee set forth in 37 CFR 1.17(p)	8,172	\$1.30	\$10,624.00
2	Transmittal Form	77,000	\$1.30	\$100,100.00
3	Petition for Extension of Time under 37 CFR 1.136(a)	23,424	\$1.30	\$30,451.00
4	Express Abandonment under 37 CFR 1.138	500	\$1.30	\$650.00
5	Disclaimers	5,283	\$1.30	\$6,868.00
6	Request for Expedited Examination of a Design Application	16	\$1.30	\$21.00
7	Notice of Appeal	2,816	\$1.30	\$3,661.00
8	Petition for Revival of an Application for Patent Abandoned Unavoidably	23	\$1.30	\$30.00
8	Petition for Revival of an Application for Patent Abandoned Unintentionally	617	\$1.30	\$802.00
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	20	\$1.30	\$26.00
10	Requests to Access, Inspect and Copy	9,000	\$1.30	\$11,700.00
11	Deposit Account Order Form	10	\$1.30	\$13.00
13	Statement Under 37 CFR 3.73(b)	10,000	\$1.30	\$13,000.00
14	Non-publication Request	1,500	\$1.30	\$1,950.00

	Item	Responses (a)	Postage Cost (\$) (b)	Total (Non-hour) Cost Burden (c) (a) x (b)
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	100	\$1.30	\$130.00
16	Electronic Filing System (EFS) Copy of Application for Publication	0	\$0.00	\$0.00
17	Copy of File Content Showing Redactions	1	\$1.30	\$1.00
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	20	\$1.30	\$26.00
19	Request for Continued Examination (REC) Transmittal	11,001	\$1.30	\$14,301.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board	106	\$1.30	\$138.00
21	Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d)	40	\$1.30	\$52.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	43	\$1.30	\$56.00
23	Applicant Initiated Interview Request Form	100	\$1.30	\$130.00
24	Processing Fee Under 37 CFR 1.17(i) Transmittal	200	\$1.30	\$260.00
25	Request to Retrieve Electronic Priority Application (s) Under 37 CFR 1.55(d)	5,000	\$1.30	\$6,500.00
26	Authorization to Permit Access to Application by Participating Offices Under 37 CFR 1.14(h)	1,000	\$1.30	\$1,300.00
27	Petition for Express Abandonment to Obtain a Refund	100	\$1.30	\$130.00
28	Pre-Appeal Brief Request for Review	1,100	\$1.30	\$1,430.00
29	Request for Corrected Filing Receipt	2,000	\$1.30	\$2,600.00
30	Request for First Action Interview (Pilot Program)	0	\$0.00	\$0.00
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) (EFS-Web only)	0	\$0.00	\$0.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	7	\$1.30	\$9.00
	<b>Total</b>	<b>196,527</b>	<b>- - - -</b>	<b>\$255,485.00</b>

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

The USPTO estimates that it takes a GS-7, step 1 employee between 1 minute 48 seconds (0.03 hours) and 4 hours to process the items in this collection. The USPTO estimates that the cost of a GS-7, step 1 employee is currently \$26.29 (GS hourly rate of \$20.22 with 30% (\$6.07) added for benefits and overhead).

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

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

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Information Disclosure Statements and eIDS	0.30	650,000	195,000	\$26.29	\$5,126,550.00
2	Transmittal Form	0.10	1,100,000	110,000	\$26.29	\$2,891,900.00
3	Petition for Extension of Time under 37 CFR 1.136(a)	0.10	334,632	33,463	\$26.29	\$879,742.00
4	Express Abandonment under 37 CFR 1.138	0.10	7,000	700	\$26.29	\$18,403.00
5	Disclaimers	0.20	75,473	15,095	\$26.29	\$396,848.00
6	Request for Expedited Examination of a Design Application	0.10	223	22	\$26.29	\$578.00
7	Notice of Appeal	0.10	40,230	4,023	\$26.29	\$105,765.00
8	Petition for Revival of an Application for Patent Abandoned Unavoidably or Unintentionally	0.30	9,139	2,742	\$26.29	\$72,087.00
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	0.30	250	75	\$26.29	\$1,972.00
10	Requests to Access, Inspect and Copy	0.10	130,000	13,000	\$26.29	\$341,770.00
11	Deposit Account Order Form	0.20	100	20	\$26.29	\$526.00
12	Certificates of Mailing/Transmission	0.10	1,000,000	100,000	\$26.29	\$2,629,000.00
13	Statement under 37 CFR 3.37(b)	0.10	150,000	15,000	\$26.29	\$394,350.00
14	Non-publication Request	0.50	23,000	11,500	\$26.29	\$302,335.00
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.50	1,100	550	\$26.29	\$14,460.00
16	Electronic Filing System (EFS) Copy of Application for Publication	0.25	1	1	\$26.29	\$26.00
17	Copy of File Content Showing Redactions	4.00	1	4	\$26.29	\$105.00
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	1.00	20	20	\$26.29	\$526.00
19	Request for Continued Examination (RCE) Transmittal	0.60	157,164	94,298	\$26.29	\$2,479,094.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board	0.10	1,521	152	\$26.29	\$3,996.00

	<b>Item</b>	<b>Hours (a)</b>	<b>Responses (yr) (b)</b>	<b>Burden (hrs/yr) (c) (a) x (b)</b>	<b>Rate (\$/hr) (d)</b>	<b>Total Cost (\$/hr) (e) (c) x (d)</b>
21	Request for Suspension of Action or Deferral of Examination under 37 CFR 1.103(b), (c) or (d)	0.30	600	180	\$26.29	\$4,732.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	0.03	612	18	\$26.29	\$473.00
23	Applicant Initiated Interview Request Form	0.10	2,000	200	\$26.29	\$5,258.00
24	Processing Fee under 37 CFR 1.17(i) Transmittal	0.08	3,500	280	\$26.29	\$7,361.00
25	Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	0.05	65,000	3,250	\$26.29	\$85,443.00
26	Authorization to Permit Access to Application by Participating Offices under 37 CFR 1.14(h)	0.05	20,000	1,000	\$26.29	\$26,290.00
27	Petition for Express Abandonment to Obtain a Refund	0.10	2,100	210	\$26.29	\$5,521.00
28	Pre-Appeal Brief Request for Review	0.10	15,800	1,580	\$26.29	\$41,538.00
29	Request for Corrected Filing Receipt	0.08	24,000	1,920	\$26.29	\$50,477.00
30	Request for First Action Interview (Pilot Program)	0.30	1,500	450	\$26.29	\$11,831.00
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	0.10	2,300	230	\$26.29	\$6,047.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	0.50	93	47	\$26.29	\$1,236.00
	<b>Total</b>	- - - -	<b>3,817,359</b>	<b>605,030</b>	- - - -	<b>\$15,906,240.00</b>

## 15. Summary of Changes in Burden Since Previous Renewal

### Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this information collection on July 1, 2009 with:

- 2,459,409 responses
- 2,893,322 burden hours
- \$147,592,807 in annual (non-hour) costs
- \$424,240,804 in respondent costs

The currently approved collection has been updated with four requests for nonsubstantive change since the previous renewal. The currently approved collection has an estimated:

- 2,444,305 responses

- 2,869,625 burden hours
- \$145,375,747 in annual (non-hour) costs per year

In the 60-Day *Federal Register* Notice published on March 22, 2012 (77 Fed. Reg. 16813), the USPTO estimated that this collection would have:

- 4,777,532 responses
- 11,972,777 burden hours
- \$357,380,557 in annual (non-hour) costs
- \$3,573,910,186 in respondent costs

This request for renewal adjusts the numbers published in the March 2012 Notice. The USPTO now estimates this collection will have:

- 3,817,580 responses
- 3,792,191 burden hours
- \$370,573,375 in annual (non-hour) costs
- \$835,942,624 in respondent costs

This request includes eight areas of change, outlined as follows:

- 1) One item has been deleted from the inventory
- 2) Electronic equivalents for the majority of paper forms have been added
- 3) One item is being removed from this collection and is covered by a new collection
- 4) Adding an item associated with a fee under RIN 0651-AC54
- 5) Fees are adjusted to reflect fee updates from CPI adjustments
- 6) Updates to Postage Fees
- 7) New Fee for the Request for Voluntary Publication or Republication (includes publication fee for republication)
- 8) New estimated hourly rate for respondent

*1 One item has been deleted from the inventory*

One item is being deleted from the collection, Request for Processing of Replacement Drawings in Any Patent Application Publication. The USPTO phased out these requests over the last several years due to IT upgrades.

*2 Electronic equivalents for the majority of paper forms have been added*

Table 3 includes burden hour and cost to respondents to account for new electronic forms and methods of collection in non-paper format.

*3 One item is being removed from this collection and is covered by a new collection*

The item Information Disclosure Citation in a Patent (PTO/SB/42) was moved out of this collection into a separate new collection, 0651-0067 Post Patent Public Submissions,

when the USPTO published a notice of proposed rulemaking titled “Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act” (RIN 0651-AC66) in the *Federal Register*. The new collection was approved by OMB in July of 2012.

#### *4 Adding an item associated with a fee under RIN 0651-AC54*

Another item, Filing a Submission After Final Rejection (see 37 CFR 1.129(a)) is being added to this collection in connection with the Leahy-Smith America Invents Act (AIA) Final Rule entitled “Setting and Adjusting Patent Fees”(RIN 0651-AC54).

#### *5 Fees are adjusted to reflect fee updates from CPI adjustments*

Fees for several items were adjusted to reflect the current Consumer Price Index (CPI) increases in the fees. This adjustment results in an increase of \$13,202,570 from the filing fee costs reported in the 60-Day Federal Register Notice

#### *6 Updated Postage Fees*

Postage rates have increased and the agency has updated the cost burden to reflect those increases. Applicants may mail requests for voluntary publication or republication (includes publication fee for republication) to the USPTO in addition to electronically submitting them to the agency. Postage costs for this item have now been added to this collection. The estimated postage cost for mailing these submissions to the USPTO increased from \$1.28 to \$1.30.

#### *7 New Fee for the Request for Voluntary Publication or Republication (includes publication fee for republication)*

In the 2007 submission, the fee for this item was \$130. Since this item also covers the publication fee for republication, which carries a fee of \$300, the USPTO has increased the fee for this item to \$430.

#### *8 New Estimated Hourly rate for Respondents*

The estimated respondent costs reported in the 60-Day Notice are also revised due to a new estimated hourly rate. Since the publication of the 60-Day Notice, the USPTO has decided to use the mean rate (\$371) instead of the median rate (\$340) to calculate the attorney respondent costs. The USPTO estimates that the respondent costs will decrease by \$2,737,967,562 over those reported in the 60-Day Notice.

### Change in Respondent Cost Burden

The total estimated respondent cost burden for this collection has increased from \$417,069,016 to \$835,942,624. Estimated hourly rates in the 2009 renewal and associated non-substantive changes were \$304 for attorneys and \$90 for

paraprofessionals, based on a median rate. The USPTO now estimates attorney respondent costs using a mean rate of \$371. Estimates for this renewal are updated to reflect hourly rates of \$371 for attorneys. The paraprofessional rate is estimated now at \$122. See Section 12 for additional information.

### Changes in Response and Burden Hours

With this renewal, the number of responses increased by 1,373,275, from 2,444,305 to 3,817,580, and the burden hours increased by 922,566, from 2,869,625 to the present 3,792,191 per year. This increase is due to both program changes and administrative adjustments, as follows:

Administrative adjustments:

- The USPTO estimates that the number of Information Disclosure Statements (IDSs) submitted per year will increase by 308,250 responses, from 341,750 to 650,000. **Therefore, this submission takes a burden increase of 616,500 hours as an administrative adjustment.**
- The USPTO estimates that the number of Transmittal Forms submitted per year will increase by 60,500 responses, from 1,039,500 to 1,100,000. **Therefore, this submission takes a burden increase of 121,000 hours as an administrative adjustment.**
- The USPTO estimates that the number of Petitions for Extension of Time Under 37 CFR 1.136(a) submitted per year will increase by 145,632 responses, from 189,000 to 334,632. **Therefore, this submission takes a burden increase of 14,563 hours as an administrative adjustment.**
- The USPTO estimates that the number of Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138 submitted per year will decrease by 6,825 responses, from 13,825 to 7,000. **Therefore, this submission takes a burden decrease of 1,365 hours as an administrative adjustment.**
- The USPTO estimates that the number of Disclaimers submitted per year will increase by 60,473, from 15,000 to 75,473. **Therefore, this submission takes a burden increase of 12,095 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for Expedited Examination of a Design Application submitted per year will increase by 93 responses, from 130 to 223. **Therefore, this submission takes a burden increase of 10 hours as an administrative adjustment.**
- The USPTO estimates that the number of Notices of Appeal submitted per year will increase by 27,730 responses, from 16,500 to 40,230. **Therefore, this submission takes a burden increase of 4,746 hours as an administrative adjustment.**

- The USPTO estimates that the number of Petitions for Revival of an Application for Patent Abandoned Unavoidably submitted per year will decrease by 255 responses, from 585 to 330. **Therefore, this submission takes a burden decrease of 2,040 hours as an administrative adjustment.**
- The USPTO estimates that the number of Petitions for Revival of an Application for Patent Abandoned Unintentionally submitted per year will increase by 1,859 responses, from 6,950 to 8,809. **Therefore, this submission takes a burden increase of 1,859 hours as an administrative adjustment.**
- The USPTO estimates that the number of Petitions for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing submitted per year will decrease by 2,150 responses, from 2,400 to 250. **Therefore, this submission takes a burden decrease of 2,150 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests to Access, Copy and Inspect submitted per year will increase by 111,350 responses, from 18,650 to 130,000. **Therefore, this submission takes a burden increase of 22,270 hours as an administrative adjustment.**
- The USPTO estimates that the number of Deposit Account Order Forms submitted per year will decrease by 1,060 responses, from 1,160 to 100. **Therefore, this submission takes a burden decrease of 212 hours as an administrative adjustment.**
- The USPTO estimates that the number of Certificates of Mailing/Transmission submitted per year will increase by 410,000 responses, from 590,000 to 1,000,000. **Therefore, this submission takes a burden increase of 12,300 hours as an administrative adjustment.**
- The USPTO estimates that the number of Statements under 37 CFR 3.73(b) submitted per year will increase by 130,550 responses, from 19,450 to 150,000. **Therefore, this submission takes a burden increase of 26,110 hours as an administrative adjustment.**
- The USPTO estimates that the number of Non-Publication Requests submitted per year will decrease by 8,500 responses, from 31,500 to 23,000. **Therefore, this submission takes a burden decrease of 850 hours as an administrative adjustment.**
- The USPTO estimates that the number of Recissions of Previous Non-publication Requests (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii) submitted per year will increase by



575 responses, from 525 to 1,100. **Therefore, this submission takes a burden increase of 57 hours as an administrative adjustment.**

- The USPTO estimates that the number of Electronic Filing System (EFS) Copies of Application for Publication submitted per year will decrease by 999 responses, from 1,000 to 1. **Therefore, this submission takes a burden decrease of 2,497 hours as an administrative adjustment.**
- The USPTO estimates that the number of Copies of File Content Showing Redactions submitted per year will decrease by 11 responses, from 12 to 1. **Therefore, this submission takes a burden decrease of 44 hours as an administrative adjustment.**
- The USPTO estimates that the number of Copies of Applicant or Patentee's Record of the Application submitted per year will decrease by 215 responses, from 235 to 20. **Therefore, this submission takes a burden decrease of 195 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for Continued Examination (RCE) Transmittals submitted per year will increase by 101,164 responses, from 56,000 to 157,164. **Therefore, this submission takes a burden increase of 20,233 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for Oral Hearing Before the Patent Trial and Appeal Board submitted per year will increase by 771 responses, from 750 to 1,521. **Therefore, this submission takes a burden increase of 154 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d) submitted per year will increase by 547 responses, from 53 to 600. **Therefore, this submission takes a burden increase of 109 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for Voluntary Publication or Republication (includes publication fee for republication) submitted per year will decrease by 567 responses, from 1,400 to 833. **Therefore, this submission takes a burden decrease of 113 hours as an administrative adjustment.**
- The USPTO estimates that the number of Applicant Initiated Interview Request Forms submitted per year will increase by 400 responses, from 1,600 to 2,000. **Therefore, this submission takes a burden increase of 160 hours as an administrative adjustment.**
- The USPTO estimates that the number of Processing Fee Under 37 CFR 1.17(i) requests submitted per year will increase by 3,000 responses, from 500 to 3,500.

**Therefore, this submission takes a burden increase of 240 hours as an administrative adjustment.**

- The USPTO estimates that the number of Requests to Retrieve Electronic Priority Application(s) Under 37 CFR 1.55(d) submitted per year will increase by 28,200 responses, from 36,800 to 65,000. **Therefore, this submission takes a burden increase of 3,666 hours as an administrative adjustment.**
- The USPTO estimates that the number of Authorizations to Permit Access to Application by Participating Offices Under 37 CFR 1.14(h) submitted per year will decrease by 1,000 responses, from 21,000 to 20,000. **Therefore, this submission takes a burden decrease of 100 hours as an administrative adjustment.**
- The USPTO estimates that the number of Petitions for Express Abandonment submitted per year will decrease by 900 responses, from 3,000 to 2,100. **Therefore, this submission takes a burden decrease of 180 hours as an administrative adjustment.**
- The USPTO estimates that the number of Pre-Appeal Brief Requests for Review submitted per year will increase by 12,600 responses, from 3,200 to 15,800. Also, the time it takes to complete this requirement has increased from 30 minutes (0.50 hours) to 5 hours. **Therefore, this submission takes a burden increase of 77,400 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for Corrected Filing Receipts submitted per year will decrease by 3,050 responses, from 27,050 to 24,000. **Therefore, this submission takes a burden decrease of 244 hours as an administrative adjustment.**
- The USPTO estimates that the number of Requests for First Action Interview Forms submitted per year will increase by 500 responses, from 1,000 to 1,500. **Therefore, this submission takes a burden increase of 1,250 hours as an administrative adjustment.**
- The USPTO estimates that the number of Petitions to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) submitted per year will increase by 400 responses, from 1,900 to 2,300. **Therefore, this submission takes a burden increase of 800 hours as an administrative adjustment.**

Program changes:

- The Information Disclosure Citation in a Patent has been moved out of this collection into a separate new collection. **Therefore, this submission takes a burden decrease of 3,660 hours as a program change.**

- The Request for Processing of Replacement Drawings to Include the Drawings in any Patent Application Publication is being deleted from this collection. The USPTO phased out these requests over the last several years due to IT upgrades. **Therefore, this submission takes a burden decrease of 50 hours as a program change.**
- A new requirement is being added into the collection entitled “Filing a Submission After Final Rejection (See 37 CFR 1.129(a))” in connection with the Leahy-Smith America Invents Act (AIA) Section 10 Patent Fee Adjustments Rule, RIN 0651-0054. The USPTO estimates that it will take 8 hours to complete this requirement and that it will receive 93 responses per year. **Therefore, this submission takes a burden increase of 744 hours as a program change.**

**Administrative adjustments: increase of 925,532 burden hours**

**Program changes: decrease of 2,966 burden hours**

**Total net burden hour increase: 922,566 hours**

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$225,197,628, from \$145,375,747 currently on the OMB inventory to the present \$370,573,375 for the renewal. The increase in costs is due to adjustments in responses and response times, the addition of new requirements into the collection, and an adjustment for the current postage fees and filing fees. The USPTO has also eliminated the recordkeeping costs. **Therefore, the cost burden increase of \$204,050,340 due to administrative adjustments and \$21,147,288 due to program changes yield a total increase in annual (non-hour) cost burden of \$225,197,628 for the collection.**

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

There is no plan to publish this information for statistical use.

#### **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. 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.