

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Patent Cooperation Treaty**  
**OMB CONTROL NUMBER 0651-0021**  
**(April 2013)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code (Chapters 35-37) and Subpart C of Title 37 of the Code of Federal Regulations (37 CFR 1.401-1.499). The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO) to fulfill its obligation to process, search, and examine the application as directed by the treaty. The filing, search, written opinion, and publication procedures are provided for in Chapter I of the PCT. Additional procedures for a preliminary examination of PCT international applications are provided for in optional PCT Chapter II. Under Chapter I, an applicant can file an international application in the national or home office (Receiving Office (RO)) or the IB. The USPTO acts as the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO serves as an International Searching Authority (ISA) to perform searches and issues an international search report (ISR) and a written opinion on international applications. The USPTO also issues an international preliminary report on patentability (IPRP Chapter II) when acting as an International Preliminary Examining Authority (IPEA).

The RO reviews the application and, if it contains all of the necessary information, assigns a filing date to the application. The RO maintains the home copy of the international application and forwards the record copy of the application to the IB and the search copy to the ISA. The IB maintains the record copy of all international applications and publishes them 18 months after the earliest priority date, which is the earliest date for which a benefit is claimed. The ISA performs a search to determine whether there is any prior art relevant to the claims of the international application and will issue an international search report and written opinion as to whether each claim is novel, involves an inventive step, and is industrially applicable. The ISA then forwards the international search report and written opinion to the applicant and the IB. The IB

will normally publish the application and search report 18 months after the priority date, unless early publication is requested by the applicant. Until international publication, no third person or national or regional office is allowed access to the international patent application unless so requested or authorized by the applicant. If the applicant wishes to withdraw the application (and does so before international publication), international publication does not take place.

Under Chapter II of the Treaty, an applicant who has filed an international application in an RO can demand an international preliminary examination of the application by an IPEA, such as the USPTO. The Demand is made separately from the international application and contains prescribed particulars, language, and form. The International preliminary examination is a second evaluation of the potential patentability of the claimed invention, using the same standards on which the written opinion of the ISA was based. A copy of the examination report is sent to the applicant and to the IB. The IB then forwards a copy of the examination report to each Office elected by the applicant.

Table 1 provides the specific sections of the PCT along with the associated U.S. statutes and USPTO rules requiring the USPTO to collect the information discussed above:

**Table 1: Information Requirements**

Requirement	Statute	Rule
1 Request and Fee Calculation	PCT Articles 3 and 4, 35 U.S.C. §§ 361 and 376	PCT Rules 3, 4, 14-16, 37 CFR 1.431-1.434, 1.445
2 Description/claims/drawings/abstracts	PCT Articles 3.2, 5-7	PCT Rules 5-12, 37 CFR 1.431(a), 1.435-1.438
3 Application Data Sheet (35 U.S.C. § 371 applications)	PCT Article 8, 35 U.S.C. § 371	PCT Rule 26 <sup>bis</sup> , 37 CFR 1.76, 1.497(g)
4 Transmittal Letter to the RO/US	35 U.S.C. §§ 184 and 361	37 CFR 1.10, 1.412
5 Transmittal Letter to the DO/EO/US	35 U.S.C. §§ 363 and 371	37 CFR 1.414, 1.491-1.492
6 PCT/Model of Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
7 PCT/Model of General Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
8 Indications Relating to a Deposited Microorganism	None	PCT Rule 13 <sup>bis</sup>
9 Response to invitation to correct defects	PCT Article 14	PCT Rules 26, 53 and 60
10 Response for rectification of obvious errors	None	PCT Rule 91
11 Demand and Fee Calculation	PCT Article 31, 35 U.S.C. §§ 362 and 376	PCT Rules 53-61, 37 CFR 1.480-1.482

	<b>Requirement</b>	<b>Statute</b>	<b>Rule</b>
12	Amendments (Article 34)	PCT Articles 14, 19, 34(2)(b) and 41, 35 U.S.C. § 371(c)(3)	PCT Rules 10, 11, 46 and 66, 37 CFR 1.471-1.472, 1.485, 1.495
13	Fee Authorization	35 U.S.C. § 376	37 CFR 1.25
14	Requests to transmit copies of international application	None	PCT Rule 22
15	Withdrawal of international application	PCT Administrative Sections 326 and 414, PCT Article 37, 35 U.S.C. § 366	PCT Rules 90 <sup>bis</sup> .1-4
16	Translations	PCT Articles 36 and 46, 35 U.S.C. § 371(c)	PCT Rule 72, 37 CFR 1.484, 1.492(f), 1.495
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably	35 U.S.C. § 371(c)-(d)	37 CFR 1.137(a), 37 CFR 1.17(l)
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally	35 U.S.C. § 371(c)-(d)	37 CFR 1.137(b), 37 CFR 1.17(m)
19	Petitions to the Commissioner for international applications	35 U.S.C. § 371	37 CFR 1.10, 37 CFR 1.181, 37 CFR 1.182
20	Petitions to the Commissioner in national stage examination	35 U.S.C. §§ 111, 116-118, and 371	37 CFR 1.42, 37 CFR 1.47, 37 CFR 1.181, 37 CFR 1.182
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	35 U.S.C. §§ 119(e) and 120	37 CFR 1.78
22	Request for the restoration of the right of priority	PCT Article 8	PCT Rule 26 <sup>bis</sup> .3

## **2.     Needs and Uses**

The information requested in this collection is necessary for respondents to file an international patent application and for the USPTO to process, search, and examine international applications and related correspondence under the PCT. If this information were not collected, the USPTO would not be able to fulfill its obligations under the PCT as an RO, ISA, or IPEA. The IB also uses this information to administer international applications as required by the PCT.

Some of the information in this collection has associated forms as indicated in Table 2 below. Use of the forms is not mandatory, but the USPTO advises applicants to use these forms to ensure that all of the necessary information is provided and to assist the USPTO in processing the international applications quickly and efficiently. The Request and Demand forms include Annexes (Fee Calculation Sheets) and Notes with instructions on completing these forms. The WIPO also furnishes the *PCT Applicant's Guide* and other documents to give the public additional guidance on preparing the international application.

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 this collection of information is used by the public and the USPTO:

**Table 2: Needs and Uses of Information Collected**

Item	Form #	Needs and Uses
1 Request and Fee Calculation Sheet (Annex and Notes)	PCT/RO/101	<ul style="list-style-type: none"> <li>Used by the public to supply the information required for an international patent application.</li> <li>The optional Fee Calculation Sheet may be used by the public to indicate the amount of money being submitted and how the money is to be applied.</li> <li>The public uses the Fee Calculation Sheet or Annex as an attachment to the PCT Request.</li> <li>Used by the USPTO to process the international application according to the PCT.</li> <li>Used by the USPTO to verify the calculations and to identify any errors in them.</li> </ul>
2 Description/claims/drawings/abstracts	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public as part of the international application. In most instances, the description, claims, drawings, and abstract are identical to the corresponding elements in the previously filed U.S. application, and the papers submitted for the international application are a photocopy of the papers in the national application.</li> <li>Used by the USPTO to process the international application according to the PCT.</li> </ul>
3 Application Data Sheet	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public as an optional way to submit bibliographic data with identifying information for an application, including information about each applicant, correspondence address, application contents, representatives, priority, and assignees.</li> <li>Used by the USPTO to process applications and to correctly identify applications for which priority is claimed.</li> </ul>
4 Transmittal Letter to the United States Receiving Office (RO/US)	PTO-1382	<ul style="list-style-type: none"> <li>Used by the public as a cover letter to supply a certification if the application was submitted via Express Mail and entitles an applicant to obtain a filing date as of the date of deposit with the postal authorities.</li> <li>Used by the public for security clearance purposes to supply information concerning the similarity or differences between the subject matter disclosed in the international application and any national application filed earlier in the USPTO.</li> <li>Used by the public as a transmittal letter for extensions of time, power of attorney, general power of attorney, substitute sheets, priority documents, fee payments, obvious error rectification, and other items.</li> <li>Used by the USPTO to screen and certify the accompanying international application for the purpose of determining whether a license for foreign transmittal should and could be granted and for other purposes.</li> </ul>
5 Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371	PTO-1390	<ul style="list-style-type: none"> <li>Used by the public to submit the required materials and fees for examination of an international application to the USPTO as the U.S. Designated Office or Elected Office.</li> <li>Used by the USPTO to fulfill its role as the U.S. Designated Office or Elected Office to process and examine international patent applications entering the national stage.</li> </ul>

Item	Form #	Needs and Uses	
6	PCT/Model of Power of Attorney	No Form Number	<ul style="list-style-type: none"> <li>Used by the public to allow for the appointment of an agent to represent an applicant for a given international application or multiple international applications filed under the PCT.</li> <li>Used by the public to provide the information needed to permit attorneys or agents registered to practice before the USPTO to represent an applicant filing an international application with the US/RO and to prosecute an international application on behalf of the applicant.</li> <li>Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international application filed under the PCT.</li> </ul>
7	PCT/Model of General Power of Attorney		
8	Indications Relating to a Deposited Microorganism	PCT/RO/134	<ul style="list-style-type: none"> <li>Used by the public to provide a sample of the microorganism to a recognized depository institution and notify the US/RO of this action in writing.</li> <li>Used by the USPTO to confirm that a sample of the microorganism was provided to a recognized depository institution.</li> </ul>
9	Response to invitation to correct defects	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to correct defects noted by the RO. There is no required form for supplying the corrections.</li> <li>Used by the USPTO to determine if noted defects have been corrected.</li> </ul>
10	Request for rectification of obvious errors	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed.</li> <li>Used by the USPTO to grant the request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed.</li> </ul>
11	Demand and Fee Calculation Sheet (Annex and Notes)	PCT/IPEA/401	<ul style="list-style-type: none"> <li>Used by the public to request examination of the international application under Chapter II of the PCT.</li> <li>The PCT Fee Calculation Sheet or Annex is used by the public to calculate the fees that are due and being submitted.</li> <li>Used by the USPTO to conduct an international preliminary examination of an international application under Chapter II of the PCT.</li> <li>The PCT Fee Calculation Sheet is used by the USPTO to properly credit the fees that are due and submitted.</li> </ul>
12	Amendments	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to modify the international application in response to the findings in the international search report or in the written report.</li> <li>Used by the USPTO to approve the modification of the international application in response to the findings in the international search report or in the written report.</li> </ul>
13	Fee Authorization	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to charge the applicant=s deposit account along with instructions concerning how much to charge and for what purpose.</li> <li>Used by the USPTO Finance Branch to apply the charged fees to the applicant=s deposit account.</li> </ul>
14	Requests to transmit copies of international application	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to pay for the cost of preparing and mailing copies of the international application where at 14 months the RO has failed to transmit the record copy to the IB.</li> <li>Used by the USPTO to ensure that the transmittal of the international application is identical to the application filed with the RO.</li> </ul>

Item	Form #	Needs and Uses	
15	Withdrawal of international application	PCT/IB/372	<ul style="list-style-type: none"> <li>Used by the public to request withdrawal of the international application, designations of the state, demands, elections, and priority claims by a notice addressed to the IB or the RO.</li> <li>Used by the USPTO to withdraw the international application, designations of the state, demands, elections, and priority claims by accepting a notice addressed to the RO.</li> </ul>
16	Translations	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public in the event any Elected Office requires a translation of annexes to the international preliminary examination report.</li> <li>Used by the public to make written observations on any errors of translation in the international preliminary examination report and send such copies to the interested parties.</li> <li>Used by the USPTO to transmit a copy of the translation of the international preliminary examination report to the applicant at the same time it is transmitted to the interested Elected Office(s).</li> <li>Used by the USPTO to cancel the final international preliminary examination report and the annexes if they are not in English.</li> </ul>
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a)	PTO/SB/61/PCT	<ul style="list-style-type: none"> <li>Used by the public to request revival of an application that was abandoned unavoidably.</li> <li>Used by the USPTO to consider requests for revival of an unavoidably abandoned application and ensure all the proper documentation and fees are included.</li> </ul>
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)	PTO/SB/64/PCT	<ul style="list-style-type: none"> <li>Used by the public to request revival of an application that was abandoned unintentionally.</li> <li>Used by the USPTO to consider requests for revival of an unintentionally abandoned application and ensure all the proper documentation and fees are included.</li> </ul>
19	Petitions to the Commissioner for international applications	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to petition or <del>Appeal</del> for relief in exceptional circumstances.</li> <li>Used by the USPTO to grant relief in exceptional circumstances.</li> </ul>
20	Petitions to the Commissioner in national stage examination	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to petition or <del>Appeal</del> for relief in exceptional circumstances.</li> <li>Used by the USPTO to grant relief in exceptional circumstances.</li> </ul>
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to claim benefit of the filing date of a prior filed application which has at least one common inventor if filed outside the time period.</li> <li>Used by the USPTO to grant relief if the conditions are met.</li> </ul>
22	Request for the restoration of the right of priority	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to allow a priority claim to an earlier application even if the international application is filed outside the priority period.</li> <li>Used by the USPTO to grant relief if the conditions are met.</li> </ul>

### 3. Use of Information Technology

The PCT provides for electronic filing of international applications, as long as the confidentiality requirements are met. Customers may submit PCT materials to the USPTO electronically through EFS-Web, the USPTO's online filing system for patent applications and related documents. EFS-Web allows customers to file 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 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 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 through EFS-Web. 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. 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 authorized individuals with immediate and secure access to non-published patent application information. PAIR uses digital certificates to permit only applicants and their designated representatives to access information about their pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. The USPTO does not intend to disseminate any confidential application information to the general public electronically through PAIR or any other means. However, the general public may use PAIR to access public information regarding granted patents, published applications, and reexamination proceedings. PAIR is available through the USPTO Web site.

#### **4. Efforts to Identify Duplication**

This information is collected only when an applicant or representative submits an international application and is not collected elsewhere. Duplication of identifying information is required on subsequent correspondence to ensure that the correspondence can be associated with the correct application. In general, the PCT is designed to minimize the need for duplication by allowing an applicant to file a single application that has the effect of a national application filed in multiple countries.

## **5. Minimizing Burden to Small Entities**

The information in this collection is necessary in order to process requests related to PCT applications. The same information is required from every applicant and is not available from any other source.

Pursuant to 35 U.S.C. § 41(h) and section 10(b) of the Leahy-Smith America Invents Act (AIA), the USPTO provides a 50% reduction in both (i) the fees charged under 35 U.S.C. § 41(a)-(b) and (d)(1) and (ii) the fees set or adjusted under section 10(a) of the Act for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents for small entity applicants, such as independent inventors, small businesses, and nonprofit organizations who meet the definition of a small entity provided at 37 CFR 1.27. Also pursuant to section 10(b) of the AIA, the USPTO provides a 75% reduction in the fees set or adjusted under section 10(a) of the Act for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents for applicants who meet the definition of a micro entity provided at 35 U.S.C. § 123 and 37 CFR 1.29.

The USPTO's regulations concerning the payment of reduced patent fees by small and micro entities are at 37 CFR 1.27-1.29, and reduced patent fees for small and micro entity applicants are shown in 37 CFR 1.16-1.18, 1.20, 1.445, 1.482, 1.492, and 41.20. No significant burden is placed on small or micro entities, in that small entities must only identify themselves as such in order to obtain these benefits, and micro entities must only provide a certification of micro entity status. An assertion or certification of small or micro entity status, respectively, only needs to be filed once in an application or patent (although a fee may be paid in the micro entity amount only if the applicant or patentee is still entitled to micro entity status on the date the fee is paid).

## **6. Consequences of Less Frequent Collection**

This information is collected only when an applicant or representative submits an international application. This collection of information is necessary to process an international application under the PCT and could not be conducted less frequently. If this information were not collected, the USPTO would not be able to process the application as required by 35 U.S.C. § 364(a).

## **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 February 4, 2013 (78 Fed. Reg. 7759). The comment period ended on April 5, 2013. No public comments were received.

The development of the Patent Cooperation Treaty involved over five years of intensive dialogue among 300 delegates from over 77 states or countries, 22 international organizations, 11 intergovernmental organizations, and 11 non-governmental organizations.

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. Views expressed by these groups are considered both in developing proposals for information collection requirements and when renewing an existing information collection.

## **9. Payments or Gifts to Respondents**

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

## **10. Assurance of Confidentiality**

The confidentiality of international patent applications is governed by PCT Article 30, 35 U.S.C. § 122, and 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. Until international publication (18 months after the priority date), no third party or authority is allowed access to the international patent application unless such access is requested or authorized by the applicant. If the applicant withdraws the application before international publication, such publication does not take place. 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.

## **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 353,669 responses per year for this collection, with approximately 16,275 (4.6%) of these responses submitted by small entities. Approximately 95% of the total responses for this collection will be submitted electronically.

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 from 15 minutes (0.25 hours) to 8 hours to gather the necessary information, prepare the appropriate form or documents, and submit the information 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 uses a professional rate of \$371 per hour for 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).

**Table 3: Burden Hour/Burden Cost to Respondents**

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b)	Rate (\$/yr) (d)	Total Cost (\$/yr) (e) (c) x (d)
1	Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	1.0	48,285	48,285	\$371.00	\$17,913,735.00
2	Description/claims/drawings/abstracts	3.0	48,285	144,855	\$371.00	\$53,741,205.00
3	Application Data Sheet (35 U.S.C. § 371 applications)	0.38	51,539	19,585	\$371.00	\$7,266,035.00
4	Transmittal Letter to the RO/US (PTO-1382)	0.25	43,457	10,864	\$371.00	\$4,030,544.00
5	Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 U.S.C. § 371 (PTO-1390)	0.25	66,462	16,616	\$371.00	\$6,164,536.00
6	PCT/Model of Power of Attorney	0.25	4,829	1,207	\$371.00	\$447,797.00
7	PCT/Model of General Power of Attorney	0.25	483	121	\$371.00	\$44,891.00
8	Indications Relating to a Deposited Microorganism (PCT/RO/134)	0.25	1	0	\$371.00	\$0.00
9	Response to invitation to correct defects	2.0	13,286	26,572	\$371.00	\$9,858,212.00
10	Request for rectification of obvious errors	0.5	713	357	\$371.00	\$132,447.00
11	Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	1.0	1,459	1,459	\$371.00	\$541,289.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b)	Rate (\$/yr) (d)	Total Cost (\$/yr) (e) (c) x (d)
12	Amendments (Article 34)	1.0	1,459	1,459	\$371.00	\$541,289.00
13	Fee Authorization	0.25	43,457	10,864	\$371.00	\$4,030,544.00
14	Requests to transmit copies of international application	0.25	700	175	\$371.00	\$64,925.00
15	Withdrawal of international application (PCT/IB/372)	0.25	905	226	\$371.00	\$83,846.00
16	Translations	2.0	21,180	42,360	\$371.00	\$15,715,560.00
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	8.0	27	216	\$371.00	\$80,136.00
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	1.0	1,354	1,354	\$371.00	\$502,334.00
19	Petitions to the Commissioner for international applications	4.0	164	656	\$371.00	\$243,376.00
20	Petitions to the Commissioner in national stage examination	4.0	4,877	19,508	\$371.00	\$7,237,468.00
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	2.0	294	588	\$371.00	\$218,148.00
22	Request for the restoration of the right of priority	3.0	453	1,359	\$371.00	\$504,189.00
	<b>Totals</b>	...	353,669	348,686	...	<b>\$129,362,506.00</b>

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

This total annual (non-hour) cost burden for this collection is calculated in Table 4b below. This collection has no capital start-up or recordkeeping costs.

#### Fees

- **Fees (Table 4a):** Most of the fees associated with the items in this information collection have been moved into collection 0651-0072, which was approved by OMB in January 2013. The corresponding fees are now being deleted from collection 0651-0021 to avoid double-counting. The fees remaining in collection 0651-0021 include the international filing fee associated with the Request (estimated average fee amount of \$1,254) and the handling fee associated with the Demand (estimated fee amount of \$213). Table 4a below details the fees that have been moved to 0651-0072 and the fees that remain in 0651-0021.

- The additional fees that applicants may incur for late filings (for filing after thirty months from the priority date), multiple dependent claims, and lengthy applications have all been moved into information collection 0651-0072 and are now being deleted from collection 0651-0021 to avoid double-counting.

### Translations and Drawings

- Under the terms of the PCT, the USPTO may require documents submitted for a PCT application to be translated into English when necessary. This requirement may carry additional costs for the applicant to contract for a translation of the documents in question. The cost of translating a document is dependent upon the length of the document, the complexity of the document, whether the document is technical, and the languages that the document has to be translated to and from. Due to these variables, the USPTO cannot precisely estimate the costs that parties may incur for these translations. The USPTO believes that the average length of the documents to be translated will be 10 pages and that it will cost approximately \$150 per page for the translation, for an average translation cost of \$1,500 per document.
- Applicants may also incur costs for drawings that are submitted as part of PCT applications. Some applicants may produce their own drawings, while others may contract out the work to various patent illustration firms. For the purpose of estimating burden for this collection, the USPTO will consider all applicants to have their drawings prepared by these firms. Estimates for these drawings can vary greatly, depending on the number of figures that need to be produced, the total number of pages for the drawings, and the complexity of the drawings. The USPTO estimates that drawings may cost an average of \$58 per sheet to produce and that on average 11 sheets of drawings are submitted per application, for an average total cost of \$638 to produce a set of drawings for an application. The USPTO expects that approximately 43,939 (91%) of the estimated 48,285 applications per year will have drawings filed with them.

### Postage

The USPTO estimates that the average first-class postage cost for a mailed submission will be 46 cents and that up to 17,683 submissions (approximately 5% of responses) will be mailed to the USPTO per year.

**Table 4a: Fees for Respondents**

	Item	Fees
1	Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	The search fee and transmittal fee have been moved to 0651-0072. The international filing fee remains in 0651-0021.
2	Description/claims/drawings/abstracts	No fee.

	<b>Item</b>	<b>Fees</b>
3	Application Data Sheet (35 U.S.C. § 371 applications)	No fee.
4	Transmittal Letter to the United States Receiving Office (RO/US) (PTO-1382)	No fee.
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) (PTO-1390)	The basic national fee, search fee, and examination fee have been moved to 0651-0072.
6	PCT/Model of Power of Attorney	No fee.
7	PCT/Model of General Power of Attorney	No fee.
8	Indications Relating to a Deposited Microorganism (PCT/RO/134)	No fee.
9	Response to invitation to correct defects	No fee.
10	Request for rectification of obvious errors	No fee.
11	Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	The preliminary examination fees have been moved to 0651-0072. The handling fee remains in 0651-0021.
12	Amendments (Article 34)	No fee.
13	Fee Authorization	No fee.
14	Requests to transmit copies of international application	No fee.
15	Withdrawal of international application (PCT/IB/372)	No fee.
16	Translations	No fee.
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	Fee moved to 0651-0072.
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT) - small entity	Fee moved to 0651-0072.
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	Fee moved to 0651-0072.
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT) - small entity	Fee moved to 0651-0072.
19	Petitions to the Commissioner for international applications	Fee moved to 0651-0072.
20	Petitions to the Commissioner in national stage examination	Fee moved to 0651-0072.
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	Fee moved to 0651-0072.
22	Request for the restoration of the right of priority	Fee moved to 0651-0072.
23	Fee for the late filing of a search fee, examination fee, or oath or declaration under 37 CFR 1.492(h), large entity	Fee moved to 0651-0072.
24	Fee for the late filing of a search fee, examination fee, or oath or declaration under 37 CFR 1.492(h), small entity	Fee moved to 0651-0072.

	<b>Item</b>	<b>Fees</b>
25	Fee for the late filing of an English translation of an international application under 37 CFR 1.492(i)	Fee moved to 0651-0072.
26	Fee for applications containing a multiple dependent claim, large entity	Fee moved to 0651-0072.
27	Fee for applications containing a multiple dependent claim, small entity	Fee moved to 0651-0072.
28	Size fee for applications with specifications and drawings that exceed 100 pages (for each additional 50 pages or fraction thereof), large entity	Fee moved to 0651-0072.
29	Size fee for applications with specifications and drawings that exceed 100 pages (for each additional 50 pages or fraction thereof), small entity	Fee moved to 0651-0072.

**Table 4b: Total Annual (Non-hour) Cost Burden for Respondents**

	<b>Type of Cost</b>	<b>Estimated annual responses</b>	<b>Amount</b>	<b>Totals</b>
1	Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101) – international filing fee	48,285	\$1,254.00	\$60,549,390.00
2	Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401) – handling fee	1,459	\$213.00	\$310,767.00
	<b>Total fees</b>	.....	.....	<b>\$60,860,157.00</b>
6	English translations of non-English language documents for PCT applications	21,180	\$1,500.00	\$31,770,000.00
7	Drawings	43,939	\$638.00	\$28,033,082.00
8	Postage for mailed submissions	17,683	\$0.46	\$8,134.00
	<b>Total annual (non-hour) cost burden</b>	.....	.....	<b>\$120,671,373.00</b>

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

The items in this collection will be processed by USPTO employees with the following estimated hourly costs based on standard GS hourly rates plus 30% added for benefits and overhead:

- GS-9, step 1:  $\$24.74 + 30\% (\$7.42) = \$32.16$
- GS-12, step 1:  $\$35.88 + 30\% (\$10.76) = \$46.64$
- GS-14, step 6:  $\$58.81 + 30\% (\$17.64) = \$76.45$
- GS-15, step 1:  $\$59.30 + 30\% (\$17.79) = \$77.09$

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**

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
1	Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	0.50	48,285	24,143	\$32.16	\$776,439.00
2	Description/claims/drawings/abstracts	0.50	48,285	24,143	\$32.16	\$776,439.00
3	Application Data Sheet (35 U.S.C. § 371 applications)	0.50	51,539	25,770	\$32.16	\$828,763.00
4	Transmittal Letter to the RO/US (PTO-1382)	0.15	43,457	6,519	\$32.16	\$209,651.00
5	Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 U.S.C. 371 (PTO-1390)	0.15	66,462	9,969	\$32.16	\$320,603.00
6	PCT/Model of Power of Attorney	0.15	4,829	724	\$32.16	\$23,284.00
7	PCT/Model of General Power of Attorney	0.15	483	72	\$32.16	\$2,316.00
8	Indications Relating to a Deposited Microorganism (PCT/RO/134)	0.15	1	0	\$32.16	\$0.00
9	Response to invitation to correct defects	1.00	13,286	13,286	\$32.16	\$427,278.00
10	Request for rectification of obvious errors	1.50	713	1,070	\$32.16	\$34,411.00
11	Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	0.30	1,459	438	\$32.16	\$14,086.00
12	Amendments (Article 34)	0.75	1,459	1,094	\$32.16	\$35,183.00
13	Fee Authorization	0.15	43,457	6,519	\$32.16	\$209,651.00
14	Requests to transmit copies of international application	0.15	700	105	\$32.16	\$3,377.00
15	Withdrawal of international application (PCT/IB/372)	1.00	905	905	\$32.16	\$29,105.00
16	Translations	0.30	21,180	6,354	\$32.16	\$204,345.00
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	6.50	27	176	\$76.45	\$13,455.00
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	2.50	1,354	3,385	\$76.45	\$258,783.00
19	Petitions to the Commissioner for international applications	6.50	164	1,066	\$77.09	\$82,178.00
20	Petitions to the Commissioner in national stage examination	6.50	4,877	31,701	\$77.09	\$2,443,830.00
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	2.50	294	735	\$46.64	\$34,280.00
22	Request for the restoration of the right of priority	2.50	453	1,133	\$46.64	\$52,843.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
	<b>Totals</b>	....	353,669	162,015	....	<b>\$6,780,300.00</b>

The USPTO also has an automated information system that supports the processing of PCT applications, POWER. The cost to support POWER is approximately \$225,000 per year. **Therefore, the total annual cost to the federal government for processing this collection is \$7,005,300.**

## 15. Reasons for Changes in Burden from the Current Inventory

The USPTO is removing from this collection two information requirements, extensions of time and priority documents, because the information is no longer being collected. The USPTO is also removing several fees from this collection that have been moved into collection 0651-0072, which was approved by OMB in January 2013 in conjunction with the USPTO rulemaking “Setting and Adjusting Patent Fees” (RIN 0651-AC54). The corresponding fees are now being deleted from 0651-0021 to avoid double-counting those annual (non-hour) costs in the USPTO’s inventory.

OMB previously approved this information collection in April 2010 with a total of 363,809 responses, 341,840 burden hours, and \$282,024,234 in annual (non-hour) costs. There have been no interim approvals.

### Changes in Responses and Burden Hours from the Current Inventory

For this renewal, the USPTO estimates that the total annual responses will be 353,669 and the total annual burden hours will be 348,686, which is a decrease of 10,140 responses and an increase of 6,846 burden hours from the currently approved burden for this collection. These changes are due to administrative adjustments from updated annual response estimates and program changes from the removal of two items from this collection, extensions of time and priority documents.

**Table 6a: Changes in Responses from the Current Inventory**

	Item	Currently approved responses	Updated responses	Total change in responses	Change in responses (admin.)	Change in responses (program)
1	Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	53,527	48,285	(5,242)	(5,242)	0
2	Description/claims/drawings/abstracts	53,527	48,285	(5,242)	(5,242)	0
3	Application Data Sheet (35 U.S.C. § 371 applications)	39,592	51,539	11,947	11,947	0
4	Transmittal Letter to the RO/US (PTO-1382)	48,174	43,457	(4,717)	(4,717)	0

	Item	Currently approved responses	Updated responses	Total change in responses	Change in responses (admin.)	Change in responses (program)
5	Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 U.S.C. 371 (PTO-1390)	58,794	66,462	7,668	7,668	0
6	PCT/Model of Power of Attorney	5,353	4,829	(524)	(524)	0
7	PCT/Model of General Power of Attorney	536	483	(53)	(53)	0
	<i>Extensions of time (being deleted)</i>	21,000	0	(21,000)	0	(21,000)
	<i>Priority documents (being deleted)</i>	20	0	(20)	0	(20)
8	Indications Relating to a Deposited Microorganism (PCT/RO/134)	20	1	(19)	(19)	0
9	Response to invitation to correct defects	18,524	13,286	(5,238)	(5,238)	0
10	Request for rectification of obvious errors	589	713	124	124	0
11	Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	3,365	1,459	(1,906)	(1,906)	0
12	Amendments (Article 34)	3,365	1,459	(1,906)	(1,906)	0
13	Fee Authorization	48,174	43,457	(4,717)	(4,717)	0
14	Requests to transmit copies of international application	501	700	199	199	0
15	Withdrawal of international application (PCT/IB/372)	1,306	905	(401)	(401)	0
16	Translations	1,655	21,180	19,525	19,525	0
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	55	27	(28)	(28)	0
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	1,027	1,354	327	327	0
19	Petitions to the Commissioner for international applications	581	164	(417)	(417)	0
20	Petitions to the Commissioner in national stage examination	3,287	4,877	1,590	1,590	0
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	117	294	177	177	0
22	Request for the restoration of the right of priority	720	453	(267)	(267)	0
	<b>Totals</b>	<b>363,809</b>	<b>353,669</b>	<b>(10,140)</b>	<b>10,880</b>	<b>(21,020)</b>

**Table 6b: Changes in Burden Hours from the Current Inventory**

	Item	Currently approved hours	Updated hours	Total change in hours	Change in hours (admin.)	Change in hours (program)
1	Request and Fee Calculation Sheet (Annex and Notes) (PCT/RO/101)	53,527	48,285	(5,242)	(5,242)	0
2	Description/claims/drawings/abstracts	160,581	144,855	(15,726)	(15,726)	0
3	Application Data Sheet (35 U.S.C. § 371 applications)	15,045	19,585	4,540	4,540	0
4	Transmittal Letter to the RO/US (PTO-1382)	12,044	10,864	(1,180)	(1,180)	0
5	Transmittal Letter to the DO/EO/US Concerning a Submission Under 35 U.S.C. 371 (PTO-1390)	14,699	16,616	1,917	1,917	0
6	PCT/Model of Power of Attorney	1,338	1,207	(131)	(131)	0
7	PCT/Model of General Power of Attorney	134	121	(13)	(13)	0
	<i>Extensions of time (being deleted)</i>	5,250	0	(5,250)	0	(5,250)
	<i>Priority documents (being deleted)</i>	5	0	(5)	0	(5)
8	Indications Relating to a Deposited Microorganism (PCT/RO/134)	5	0	(5)	(5)	0
9	Response to invitation to correct defects	37,048	26,572	(10,476)	(10,476)	0
10	Request for rectification of obvious errors	295	357	62	62	0
11	Demand and Fee Calculation Sheet (Annex and Notes) (PCT/IPEA/401)	3,365	1,459	(1,906)	(1,906)	0
12	Amendments (Article 34)	3,365	1,459	(1,906)	(1,906)	0
13	Fee Authorization	12,044	10,864	(1,180)	(1,180)	0
14	Requests to transmit copies of international application	125	175	50	50	0
15	Withdrawal of international application (PCT/IB/372)	327	226	(101)	(101)	0
16	Translations	3,310	42,360	39,050	39,050	0
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT)	440	216	(224)	(224)	0
18	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) (PTO/SB/64/PCT)	1,027	1,354	327	327	0
19	Petitions to the Commissioner for international applications	2,324	656	(1,668)	(1,668)	0

	Item	Currently approved hours	Updated hours	Total change in hours	Change in hours (admin.)	Change in hours (program)
20	Petitions to the Commissioner in national stage examination	13,148	19,508	6,360	6,360	0
21	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	234	588	354	354	0
22	Request for the restoration of the right of priority	2,160	1,359	(801)	(801)	0
	<b>Totals</b>	<b>341,840</b>	<b>348,686</b>	<b>6,846</b>	<b>12,101</b>	<b>(5,255)</b>

### Changes in Annual (Non-hour) Costs from the Current Inventory

The total annual (non-hour) cost burden for this submission of \$120,671,373 is a decrease of \$161,352,861 from the currently approved total of \$282,024,234. This net decrease is due to program changes and administrative adjustments.

#### **Program changes**

- Fees: Most of the fees in this collection are being removed because they have been moved into collection 0651-0072.
- Recordkeeping: Removed costs associated with retaining acknowledgment receipts from online submissions because keeping these items is a suggestion and not a requirement.
- Postage: Decreased in part due to the removal of two items from this collection, extensions of time and priority documents.

#### **Administrative adjustments**

- Translations: Total costs increased due to an adjustment in the number of estimated responses.
- Drawings: Total costs decreased due to an adjustment in the number of estimated responses.
- Postage: Decreased primarily due to an adjustment in the estimated number of mailed submissions, partially offset by a small increase in USPS postage rates since the previous renewal.

**Table 6c: Changes in Annual (Non-hour) Costs from the Current Inventory**

	Cost	Currently approved annual cost burden	Program changes	Administrative adjustments	Total change in costs	Updated annual cost burden
1	Filing fees	\$243,010,098.00	(\$182,149,941.00)	\$0.00	(\$182,149,941.00)	\$60,860,157.00
2	Late filing fees	\$3,102,970.00	(\$3,102,970.00)	\$0.00	(\$3,102,970.00)	\$0.00
3	Late translation fees	\$15,080.00	(\$15,080.00)	\$0.00	(\$15,080.00)	\$0.00
4	Multiple dependent claim fees	\$1,602,510.00	(\$1,602,510.00)	\$0.00	(\$1,602,510.00)	\$0.00
5	Application size fees	\$679,185.00	(\$679,185.00)	\$0.00	(\$679,185.00)	\$0.00
6	Translations	\$2,482,500.00	\$0.00	\$29,287,500.00	\$29,287,500.00	\$31,770,000.00
7	Drawings	\$31,076,980.00	\$0.00	(\$3,043,898.00)	(\$3,043,898.00)	\$28,033,082.00
8	Recordkeeping	\$30,900.00	(\$30,900.00)	\$0.00	(\$30,900.00)	\$0.00
9	Postage	\$24,011.00	(\$1,387.00)	(\$14,490.00)	(\$15,877.00)	\$8,134.00
	<b>Totals</b>	<b>\$282,024,234.00</b>	<b>(\$187,581,973.00)</b>	<b>\$26,229,112.00</b>	<b>(\$161,352,861.00)</b>	<b>\$120,671,373.00</b>

## 16. Project Schedule

The USPTO does not plan to publish this information for statistical use or to have any special publication for the items discussed in this supporting statement. However, granted plant and utility patents are published weekly in the *Official Gazette of the United States Patent and Trademark Office*, which is available electronically on the USPTO Web site.

## 17. Display of Expiration Date of OMB Approval

With the exception of forms PTO-1382, PTO-1390, PTO/SB/61/PCT, and PTO/SB/64/PCT, the forms in this collection are international in nature and cannot display specific country information such as the OMB control number and expiration date. WIPO administers the PCT and created the associated PCT forms. PCT Rules 4.1-4.18 and 53.1, and Administrative Instructions Sections 102 and 103, specify the forms to be used, and there are no provisions in the PCT for altering the forms from the WIPO printing. The USPTO forms listed above 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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.