

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Patent Trial and Appeal Board (PTAB) Actions
(formerly Board of Patent Appeals and Interferences (BPAI) Actions)
OMB Control Number 0651-0063
(September 9, 2013)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to adjust the current inventory fee estimates for information collection 0651-0063, Patent Trial and Appeal Board (PTAB) Actions.

This request is only to delete the fee non-hour cost burden for the appeal briefs; no other information would be adjusted. The appeal brief itself and the other burden information associated with it would remain as-is in 0651-0063.

The table below details the fees to be deleted from 0651-0063:

Fees – Non-hour Cost Burden

Fee Code	Item	Responses (a)	Filing fee (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
1402	Appeal Brief – Other Entity	1,498	\$620.00	\$928,760.00
2402	Appeal Brief – Small Entity	374	\$310.00	\$115,940.00
1402	Appeal Brief (EFS-Web) – Other Entity	19,895	\$620.00	\$12,334,900.00
2402	Appeal Brief (EFS-Web) – Small Entity	4,974	\$310.00	\$1,541,940.00
	TOTAL	-----	-----	\$14,921,540.00

Summary of Changes

Deletion of \$14,921,540 in filing fees that were eliminated as a result of the Final Rule, “Setting and Adjusting Patent Fees.”

Changes in Burden

As follows:

Burden Type	Currently Approved	Proposed Change	New Estimates
Responses	35,044	0	35,044
Hours	896,426	0	896,426
Postage	\$44,891	0	\$44,891
Filing Fees	\$14,921,540	(\$14,921,540)	\$0
Annual (non-hour) Costs	\$14,966,431	(\$14,921,540)	\$44,891

The USPTO estimates that deleting these filing fees will reduce the annual (non-hour) cost estimates originally reported for the renewal.

Consequently, this collection takes a net burden reduction of \$14,921,540 in annual (non-hour) costs as a program change.

The 0651-0063 revised total burden is as follows:

- 35,044 responses (no change)
- 896,426 burden hours (no change)
- \$44,891 in annual (non-hour) costs (change)

Note: Fees for these appeal briefs were accounted for in collection 0651-0072, America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January 2013). The fees were eliminated by the Final Rule, "Setting and Adjusting Patent Fees" 78 Fed. Reg. 4212 (Jan 18, 2013) (RIN 0651-AC54), authorized by the Leahy-Smith America Invents Act, Pub. L. 112-29, 125 Stat. 284 (2011).