

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Rules for Patent Maintenance Fees
OMB Control Number 0651-0016
(September 2013)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory estimates for information collection 0651-0016 Rules for Patent Maintenance Fees. The fees in 0651-0016 were moved into collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January 2013). This request is to remove these fees from collection 0651-0016 to avoid double-counting.

This request is only to remove the affected fees from the annual (non-hour) cost burden; no other information would be adjusted. The items and other burden information would remain in 0651-0016. The table below details the fees that have been moved to 0651-0072 and are to be removed from 0651-0016:

Fees for Respondents – Annual (Non-hour) Cost Burden

Fee Code	Item	Responses (a)	Fee or Surcharge (b)	Total Non-hour Cost Burden (c) (a) x (b)
1551	Patent maintenance fee at 3-1/2 years	122,083	\$1,130.00	\$137,953,790.00
2551	Patent maintenance fee at 3-1/2 years (small entity)	30,959	\$565.00	\$17,491,835.00
1552	Patent maintenance fee at 7-1/2 years	98,216	\$2,850.00	\$279,915,600.00
2552	Patent maintenance fee at 7-1/2 years (small entity)	22,220	\$1,425.00	\$31,663,500.00
1553	Patent maintenance fee at 11-1/2 years	60,820	\$4,730.00	\$287,678,600.00
2553	Patent maintenance fee at 11-1/2 years (small entity)	12,237	\$2,365.00	\$28,940,505.00
1554 1555 1556	Surcharge for paying maintenance fee during the six-month grace period	8,189	\$150.00	\$1,228,350.00
2554 2555 2556	Surcharge for paying maintenance fee during the six-month grace period (small entity)	10,233	\$75.00	\$767,475.00
1557	Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	172	\$700.00	\$120,400.00
1558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))	3,151	\$1,640.00	\$5,167,640.00
1463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	54	\$200.00	\$10,800.00
1462	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(e))	175	\$400.00	\$70,000.00
N/A	"Fee Address" Indication Form	204,652	\$0.00	\$0.00
	Totals	573,161	\$791,008,495.00

Summary of Changes

Removal of \$791,008,495 in fees from 0651-0016 that are currently accounted for in 0651-0072.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimates
Responses	573,161	0	573,161
Hours	43,605	0	43,605
Postage	\$152,269	0	\$152,269
Fees	\$791,008,495	(\$791,008,495)	\$0
Total Annual (Non-hour) Costs	\$791,160,764	(\$791,008,495)	\$152,269

The USPTO estimates that removing these fees from 0651-0016 (currently accounted for in 0651-0072) will reduce the annual (non-hour) cost estimates originally reported for the renewal.

Consequently, this collection takes a net burden reduction of \$791,008,495 in annual (non-hour) costs as a program change.

The 0651-0016 revised total burden is as follows:

- 573,161 responses (no change)
- 43,605 burden hours (no change)
- \$152,269 in annual (non-hour) costs