

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Rules for Patent Maintenance Fees
OMB CONTROL NUMBER 0651-0016
(December 2013)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the information collection 0651-0016 Rules for Patent Maintenance Fees. The USPTO is proposing to add an electronic form associated with an information requirement that is currently approved: Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)).

This collection currently contains two versions of this petition: a basic PDF that may be filled out electronically and then printed and mailed (or submitted online); and an enhanced PDF that is designed only to be submitted electronically through EFS-Web, the USPTO's online filing system. The USPTO is proposing to add another electronic option for customers who wish to submit this petition online.

The new form, Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) (ePetition), will be prepared and submitted online through a Web-based interface. The public will complete the ePetition form on a computer using a Web browser and then click a submit button to send the information to the USPTO over the Internet. The ePetition form will be convenient for customers while allowing the USPTO to process the petition automatically and send a response back to the customer immediately.

If a patent has expired due to nonpayment of a maintenance fee, the public may use this petition to request that the Director accept a delayed payment of the maintenance fee under 37 CFR 1.378(c). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated.

Summary of Changes

The USPTO is proposing to add one electronic form to this collection, Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) (ePetition). This form is associated with an existing information requirement that is currently approved under 0651-0016. No new information is being collected.

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE TO 0651-0016
(continued)**

Changes in Burden

The addition of the proposed electronic form (ePetition) will not result in any burden changes for this information collection. This form is simply an alternate method for customers who wish to submit the petition to the USPTO electronically.