

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**Certain Patent Petitions Requiring a Fee**  
**OMB Control Number 0651-0059**  
**(February 25, 2014)**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory estimates for information collection 0651-0059 Certain Patent Petitions Requiring a Fee. The fees in 0651-0059 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 0651-0059 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 0651-0059. The table below details the fees that have been moved to 0651-0072 and are to be removed from 0651-0059:

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

<b>Fee Code</b>	<b>Item</b>	<b>Responses (a)</b>	<b>Fee or Surcharge (b)</b>	<b>Total Non-hour Cost Burden (c) (a) x (b)</b>
1462	Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> <li>• Petition to Accord a Filing Date Under 1.57(a)</li> <li>• Petition to Accord a Filing Date Under 1.53(e)</li> <li>• Petition for a Decision on a Question Not Specifically Provided for</li> <li>• Petition to Suspend the Rules</li> </ul>	400	\$400.00	\$160,000.00
1462	EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(f)	3,200	\$400.00	\$1,280,000.00
1463	Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> <li>• Petition to Access an Assignment Record</li> <li>• Petition to Access an Application</li> <li>• Petition for Expungement and Return of Information</li> <li>• Petition to Suspend Action in an Application</li> </ul>	400	\$200.00	\$80,000.00
1463	EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(g)	3,500	\$200.00	\$700,000.00
1464	Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> <li>• Petition for Accepting Color Drawings or Photographs</li> <li>• Petition for Entry of a Model or Exhibit</li> <li>• Petition to Withdraw an Application from Issue (PTO/SB/140)</li> <li>• Petition to Defer Issuance of a Patent</li> </ul>	1,100	\$130.00	\$143,000.00
1464	EFS-Web Petitions (corresponding to the fee) Under 37 CFR 1.17(h)	10,300	\$130.00	\$1,339,000.00

1464	Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	5	\$130.00	\$650.00
1464	EFS-Web Petitions for Requests for Documents in a Form Other than that Provided by 37 CFR 1.19	50	\$130.00	\$6,500.00
1464	Petitions to Make Special Under Accelerated Examination Program (EFS-Web only)(PTO/SB/28)	550	\$130.00	\$71,500.00
1464	Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) (PTO/SB/24a)	50	\$130.00	\$6,500.00
1464	EFS-Web Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	500	\$130.00	\$65,000.00
1463	Petition for Extension of Time Under 37 CFR 1.136(b) (PTO/SB/23)	6	\$200.00	\$1,200.00
1463	EFS-Web Petition for Extension of Time Under 37 CFR 1.136(b)	54	\$200.00	\$10,800.00
N/A	Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal (PTO/SB/17)	1,900	None	\$0.00
N/A	EFS-Web Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	17,000	None	\$0.00
	<b>Totals</b>	<b>39,015</b>	<b>.....</b>	<b>\$3,864,150.00</b>

Summary of Changes

Removal of \$3,864,150 in fees from 0651-0059 that are currently accounted for in 0651-0072.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimates
Responses	39,015	0	39,015
Hours	41,907	0	41,907
Postage	\$11,275	0	\$11,275
Fees	\$3,864,150	(\$3,864,150)	\$0
Total Annual (Non-hour) Costs	\$3,875,425	(\$3,864,150)	\$11,275

Removing these fees from 0651-0059 (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 \$3,864,150 in annual (non-hour) costs as a program change.**

The 0651-0059 revised total burden is as follows:

- 39,015 responses (no change)
- 41,907 burden hours (no change)
- \$11,275 in annual (non-hour) costs