

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**United States Patent and Trademark Office**  
**Patent Processing (Updating)**  
**OMB CONTROL NUMBER 0651-0031**  
**(April 2015)**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0031, "Patent Processing (Updating)." Specifically, for consistency with amendments made to title 35, United States Code, by provisions of title I of the Patent Law Treaties Implementation Act of 2012 ("PLTIA") which implement the provisions of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs, July 2, 1999, 2279 U.N.T.S. 156 (hereinafter "Hague Agreement"), and for consistency with revisions made to the relevant rules of practice in Title 37, Chapter I, of the Code of Federal Regulations in order to implement title I of the PLTIA, the USPTO is submitting revised versions of the following six forms currently in this collection:

- (1) Processing Fee Under 37 CFR 1.17(i) Transmittal (PTO/SB/17i)
- (2) Request for Expedited Examination of a Design Application (37 CFR 1.155) (PTO/SB/27)
- (3) Request for Continued Examination (RCE) Transmittal (PTO/SB/30)
- (4) Request for Continued Examination (RCE) Transmittal (Submitted Only via EFS-Web) (PTO/SB/30EFS)
- (5) Request to Retrieve Electronic Priority Application(s) (PTO/SB/38)
- (6) Request for Access to an Abandoned Application under 37 CFR 1.14 (PTO/SB/68)

On April 2, 2015, the USPTO published the final rule "Changes To Implement the Hague Agreement Concerning International Registration of Industrial Designs" in the *Federal Register* at 80 FR 17918. Under the Hague Agreement, qualified applicants may apply for design protection in the Contracting Parties to the Hague Agreement by filing a single, standardized international design application in a single language. The April 2 final rule revises the relevant rules of practice in title 37, chapter I, of the Code of Federal Regulations to implement title I of the PLTIA. The changes in the April 2 final rule take effect on May 13, 2015.

During the rulemaking process for the April 2 final rule, the USPTO submitted a new information collection under OMB control number 0651-0075 ("International Design Applications (Hague Agreement)"). The USPTO submitted collection 0651-0075 to account for the new application procedure for international design applications created by the final rule. OMB approved collection 0651-0075 on September 2, 2014.

The USPTO is not making the present submission to account for any new application procedure, or to otherwise add any new collection of information. The changes being

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(continued)**

made to the six forms identified above bring the language of the forms up to date with the statutory and regulatory changes that have been made as part of the Hague Agreement implementation process.

Summary of Changes

For consistency with amendments made to title 35, United States Code, and with revisions made to the relevant rules of practice in Title 37, Chapter I, of the Code of Federal Regulations, the six forms identified above have been revised as follows:

- PTO/SB/17i: references to 37 CFR 1.17(i)(1) have been updated to reflect the text of 37 CFR 1.17(i)(1) as revised by the April 2 final rule.
- PTO/SB/27: references to 37 CFR1.155 have been updated to reflect the text of 37 CFR 1.155 as revised by the April 2 final rule.
- PTO/SB/30: In the “Instruction Sheet for RCEs” at page 2 of the form, references to 37 CFR1.114 have been updated to reflect the text of 37 CFR 1.114 as revised by the April 2 final rule.
- PTO/SB/30EFS: In the “Instruction Sheet for RCEs” at page 2 of the form, references to 37 CFR1.114 have been updated to reflect the text of 37 CFR 1.114 as revised by the April 2 final rule.
- PTO/SB/38: references to 37 CFR1.55 have been updated to reflect the text of 37 CFR 1.55 as revised by the April 2 final rule.
- PTO/SB/68: references to 37 CFR1.14 have been updated to reflect the text of 37 CFR 1.14 as revised by the April 2 final rule, and a reference has been added to 35 USC 386, a new provision of title 35, United States Code, added by title I of the PLTIA.

Changes in Burden

The proposed revisions of these six forms will not result in a substantive change in the burden for this collection. The revisions bring the language of the forms up to date with the statutory and regulatory changes that have been made as part of the Hague Agreement implementation process.

Nor will the information being collected under 0651-0075 result in a substantive change in the burden for the six forms being revised. As stated in the April 2 final rule, the new application procedure for international design applications created through the final rule merely provides applicants with a new avenue by which they may file a design application, i.e., several items in collection 0651-0075 displace responses that the USPTO counts in other information collections.