

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Patent Petitions Related to Application and Reexamination Processing Fees
OMB CONTROL NUMBER 0651-0059
(April 2015)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0059, "Patent Petitions Related to Application and Reexamination Processing Fees." 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 a revised version of the following form currently in this collection:

- Processing Fee Under 37 CFR 1.17(f), (g) & (h) Transmittal (PTO/SB/17p)

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

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE TO 0651-0032
(continued)**

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 form identified above has been revised as follows:

- PTO/SB/17p: references to 37 CFR 1.17(f) and (g) have been updated to reflect the text of 37 CFR 1.17(f) and (g), respectively, as revised by the April 2 final rule.

Changes in Burden

The proposed revisions of the form will not result in a substantive change in the burden for this collection. The revisions bring the language of the form 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 form 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.