

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**United States Patent and Trademark Office**  
**Initial Patent Applications**  
**OMB CONTROL NUMBER 0651-0032**  
**(July 2015)**

Background

The United States Patent and Trademark Office (USPTO) submits this request to update information collection 0651-0032, which is titled “Initial Patent Applications”. The update to 0651-0032 will bring the Application Data Sheet 37 CFR 1.76 (PTO/AIA/14) (hereinafter “ADS”), which is a part of 0651-0032, up to date with the revisions being made to 37 CFR 1.14.

On July 11, 2014, the USPTO published a notice of proposed rulemaking titled “Changes To Facilitate Applicant’s Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices” in the *Federal Register* at 79 FR 40035. The rulemaking supports increased electronic file sharing and proposes to revise 37 FR 1.14 to, *inter alia*, include a specific provision by which an applicant can authorize the USPTO to give a foreign intellectual property (IP) office, which is a party to an agreement with the USPTO, access to all or part of the file contents of an unpublished U.S. patent application in order to satisfy a requirement for information imposed on a counterpart application filed with the foreign IP office. Electronic file sharing of information and documents between IP offices is critical for increasing the efficiency and quality of patent examination worldwide. The USPTO soon will publish in the *Federal Register* a final rule pertaining to 37 CFR 1.14.

For consistency with the revisions being made to 37 CFR 1.14, the USPTO submits herewith a revised version of the ADS. The revised ADS will make it easier for applicants to give the necessary authorization for access to an application, as well as afford an applicant the opportunity to inform the USPTO that the required authority to allow a foreign IP office specific access to an application has not been given.

Summary of Changes to the ADS

- The “Authorization to Permit Access” section containing an opt-in check box for the priority document exchange (PDX) program in the previous version of the ADS is being replaced by the “Authorization or Opt-Out of Authorization to Permit Access” section in the revised ADS.
  - o The “Authorization or Opt-Out of Authorization to Permit Access” section in the revised ADS includes a first subsection which contains separate access authorizations for the PDX program and for the program by which U.S. search results are delivered to the European Patent Office.

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(continued)**

- o The “Authorization or Opt-Out of Authorization to Permit Access” section in the revised ADS includes a second subsection which contains a corresponding “opt-out” check box for each authorization in the first subsection.
- The “Signature” section of the ADS is being revised to clearly communicate that the ADS must be executed in accordance with both 37 CFR 1.14(c) and 1.33(b) if applicant has not opted out of each access authorization.

Changes in Burden

The proposed revision of the ADS will not result in a substantive change in the burden for collection 0032. The revised ADS merely replaces the “opt-in” check box from the previous version with an “opt-out” check box for each access authorization, and clearly communicates the ADS signature requirements.