**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Certain Patent Petitions Requiring a Fee**

**OMB Control Number 0651-0059**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0059 Certain Patent Petitions Requiring a Fee. The fees in 0651-0059 0032 had been moved into collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January, 2013). This request is to return these fees to 0651-0059 from 0651-0072 to provide appropriate accounting of the fees with the discontinuation of 0651-0072.

This request is only to return the affected fees to the annual (non-hour) cost burden. The table below details the fees that have been moved to 0651-0059 and are to be removed from 0651-0072, pending its discontinuation.

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

|  |  |  |
| --- | --- | --- |
| **Item** | **Responses** | **Cost** |
| 0059 Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group I) | 3,017 | $1,072,400.00 |
| 0059 Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II) | 8,619 | $1,531,600.00 |
| 0059 Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group III) | 11,428 | $1,421,560.00 |
| **Total** | **23,064** | **$4,025,560.00** |

Summary of Changes

The addition of $4,025,560 in fees to collection 0651-0059 is to account for these fees following the discontinuation of collection 0651-0072.

Changes to Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Responses | 0 | 23,064 | 23,064 |
| Fees | $0.00 | $4,025,560.00 | $4,025,560.00 |

Adding these fees to 0651-0059 (that are currently accounted for in the discontinued 0651-0072) will increase the annual (non-hour) cost estimates originally reported for in the renewal.

Consequently, this collection takes a net burden increase of $4,025,560 in annual (non-hour) costs as a program change.

The 0651-0059 revised total burden is as follows:

* 23,064 responses
* $4,025,560 in annual (non-hour) costs