

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**Rules for Patent Maintenance Fees**  
**OMB Control Number 0651-0016**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0016: Rules for Patent Maintenance Fees. The fees in 0651-0016 had been moved into collection 0651-0072: America Invents Act Section 10 Patent Fee Adjustment (approved by OMB in January, 2013). This request is to return these fees to 0651-0016 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 0651-0016 and are to be removed from 0651-0072, pending its discontinuation:

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

<b>Item</b>	<b>Responses</b>	<b>Cost</b>
0016 Maintenance fee due at 3.5 years	174,072	\$251,580,800.00
0016 Maintenance fee due at 7.5 years	105,048	\$343,942,200.00
0016 Maintenance fee due at 11.6 years	76,619	\$520,467,900.00
0016 Surcharge – 3.5 years – Late payment within 6 months	6,724	\$793,000.00
0016 Surcharge – 7.5 years – Late payment within 6 months	4,444	\$543,520.00
0016 Surcharge – 11.5 years – Late payment within 6 months	2,953	\$361,040.00
0016 Surcharge after expiration – Late payment is unavoidable	12	\$8,050.00
0016 Surcharge after expiration – Late payment is unintentional	1,738	\$2,660,900.00
<b>Total</b>	<b>371,610</b>	<b>\$1,120,357,410.00</b>

Summary of Changes

The addition of \$1,120,357,410 in fees to collection 0651-0016 is to account for these fees following the discontinuation of collection 0651-0072.

Changes in Burden

<b>Burden Type</b>	<b>Currently Approved</b>	<b>Proposed Change</b>	<b>New Estimate</b>
Responses	0	371,610	371,610
Fee	\$0.00	\$1,120,357,410.00	\$1,120,357,410.00

Adding these fees to 0651-0016 (that are currently accounted for in the discontinuing 0651-0072) will increase the annual (non-hour) cost estimates originally reported for the renewal.

Consequently, this collection takes a net burden increase of \$1,120,357,410 in annual (non-hour) costs as a program change.

The 0651-0016 revised total burden is as follows:

- 371,610 responses
- \$1,120,357,410.00 in annual (non-hour) fees