**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Patent Processing (Updating)**

**OMB Control Number 0651-0031**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0031: Patent Processing (Updating). The fees in 0651-0031 had been moved into collection 0651-0072: America Invents Act Section 10 Patent Fee Adjustment (approved by OMB in January, 2013). The request is to return these fees to 0651-0031 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 0651-0031 and are to be removed from 0651-0072, pending its discontinuation:

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

|  |  |  |
| --- | --- | --- |
| **Title** | **Responses** | **Cost** |
| 0036 Request for publication of SIR – Prior to examiner’s action | 3 | $0.00 |
| 0036 Request for publication of SIR – After examiner’s action | 1 | $0.00 |
| 00XX Correct inventorship after first office action on the merits | 250 | $128,573.00 |
| **Total** | **254** | **$128,573.00** |

Summary of Changes

The addition of $128,573 in fees to collection 0651-0031 is to account for these fees following the discontinuation of collection 0651-0072.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Responses | 0 | 254 | 254 |
| Fee | $0.00 | $128,573.00 | $128,573.00 |

Adding these fees to 0651-0031 (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 $128,573 in annual (non-hour) costs as a program change.

The 0651-0031 revised total burden is as follows:

* 254 responses
* $128,573 in annual (non-hour) fees