**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Patent Term Extension**

**OMB Control Number 0651-0020**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0020 Patent Term Extension. The fees in 0651-0020 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 0651-0020 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 0651-0020 and are to be removed from 0651-0072, pending its discontinuation:

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

|  |  |  |
| --- | --- | --- |
| **Item** | **Responses** | **Cost** |
| 0020 Filing an application for patent term adjustment | 1,367 | $273,400.00 |
| 0020 Request for reinstatement of term reduced | 10 | $4,000.00 |
| 0020 Extension of term of patent | 60 | $67,200.00 |
| 0020 Initial application for interim extension (see 37 CFR 1.790) | 1 | $420.00 |
| 0020 Subsequent application for interim extension (see 37 CFR 1.790) | 1 | $220.00 |
| **Total** | **1,439** | **$345,240.00** |

Summary of Changes

The addition of $345,240 in fees to collection 0651-0020 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 | 1,439 | 1,439 |
| Fees | $0.00 | $345,240.00 | $345,240.00 |

Adding these fees to 0651-0020 (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 $345,240 in annual (non-hour) costs as a program change.

The 0651-0020 revised total burden is as follows:

* 1,439 responses
* $345,240 in annual (non-hour) fees