

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Initial Patent Application
OMB Control Number 0651-0032

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0032 Initial Patent Application. The fees in 0651-0032 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 0651-0032 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 0651-0032 and are to be removed from 0651-0072, pending its discontinuation:

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

Item	Responses	Cost
0032 Basic filing fee – Utility	272,887	\$69,057,450.00
0032 Basic filing fee – Utility (electronic filing for small entities)	58,200	\$4,074,000.00
0032 Surcharge – Late filing fee, search fee, examination fee or oath of declaration	90,828	\$10,798,480.00
0032 Basic filing fee – Design	30,948	\$3,962,115.00
0032 Basic filing fee – Design (CPA)	957	\$122,580.00
0032 Basic filing fee – Plant	1,024	\$129,015.00
0032 Provisional application filing fee	172,970	\$28,610,205.00
0032 Surcharge – Late provisional filing fee or cover sheet	5,978	\$249,360.00
0032 Non-English specifications	1,856	\$230,895.00
0032 Utility Search Fee	328,440	\$164,201,250.00
0032 Design Search Fee	30,948	\$2,641,410.00
0032 Plant Search Fee	1,024	\$272,365.00
0032 Utility Examination Fee	330,259	\$198,227,340.00
0032 Design Examination Fee	30,948	\$10,125,405.00
0032 Plant Examination Fee	1,024	\$415,715.00
0032 Independent claims in excess of three	137,674	\$51,038,925.00
0032 Claims in excess of 20	924,635	\$63,330,800.00
0032 Multiple dependent claims	4,639	\$3,100,890.00
0032 Utility Application Size Fee – for each additional 50 sheets that exceeds 100 sheets	16,986	\$5,516,300.00
0032 Design Application Size Fee – for each additional 50 sheets that exceeds 100 sheets	122	\$44,600.00
0032 Plant Application Size Fee – for each additional 50 sheets that exceeds 100 sheets	1	\$400.00
0032 Provisional Application Size Fee – for	8,464	\$2,427,200.00

each application 50 sheets that exceeds 100 sheets		
0032 Processing fee for provisional applications	2,818	\$140,900.00
Total	2,453,630	\$618,717,600.00

Summary of Changes

The addition of \$618,717,600 in fees to collection 0651-0032 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	2,453,630	2,453,902
Fees	\$0.00	\$618,782,453.00	\$618,782,453.00

Adding these fees to 0651-0032 (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 \$618,782,453 in annual (non-hour) costs as a program change.

The 0651-0032 revised total burden is as follows:

- 2,456,630 responses
- \$618,718,453 in annual (non-hour) fees