

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

| Item | Responses | Cost |
|---|------------------|---------------------------|
| 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 |
| Total | 371,610 | \$1,120,357,410.00 |

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

| Burden Type | Currently Approved | Proposed Change | New Estimate |
|--------------------|---------------------------|------------------------|---------------------|
| 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