**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Post Allowance and Refiling**

**OMB Control Number 0651-0033**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0033 Post Allowance and Refiling. The fees in 0651-0033 had been moved into collection 0651-0072 American Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January, 2013). This request is to return these fees to 0651-0033 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 0651-0033 and are to be removed from 0651-0072, pending its discontinuation:

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

|  |  |  |
| --- | --- | --- |
| **Item** | **Responses** | **Cost** |
| 0033 Basic filing fee – Reissue | 679 | $164,920.00 |
| 0033 Reissue Search Fee | 679 | $353,400.00 |
| 0033 Reissue independent claims in excess of three | 1,067 | $402,780.00 |
| 0033 Reissue claims in excess of 20 | 6,736 | $461,780.00 |
| 0033 Reissue Application Size Fee - for each additional 50 sheets that exceeds 100 sheets | 26 | $10,200.00 |
| 0033 Reissue Examination Fee | 679 | $1,272,240.00 |
| 0033 Publication fee for early, voluntary, or normal publication | 91,258 | $0.00 |
| 0033 Utility issue fee | 318,791 | $271,901,040.00 |
| 0033 Design issue fee | 22,854 | $9,398,340.00 |
| 0033 Plant issue fee | 902 | $538,840.00 |
| 0033 Reissue issue fee | 813 | $656,880.00 |
| 0033 Certificate of correction | 13,020 | $1,302,000.00 |
| **Total** | **457, 504** | **$286,462,420.00** |

Summary of Changes

The addition of $286,462,420 in fees to collection 0651-0033 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 | 457,504 | 457,504 |
| Fees | $0.00 | $286,462,420.00 | $286,462,420.00 |

Adding these fees to 0651-0033 (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 $286,462,420 in annual (non-hour) costs as a program change.

The 0651-0033 revised total burden is as follows:

* 457,504 responses
* $286,462,420 in annual (non-hour) fees