**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 Paten 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 each application 50 sheets that exceeds 100 sheets | 8,464 | $2,427,200.00 |
| 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