

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Reexaminations and Supplemental Examinations
OMB Control Number 0651-0064

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0064 Patent Reexamination and Supplemental Examinations. The fees in 0651-0064 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 0651-0064 to provide appropriate accounting of the fees with the discontinuation of 0651-0072.

The 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 0651-0064 and are to be removed from 0651-0072, pending its discontinuation:

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

Item	Responses	Cost
0064 Request for ex parte reexamination – granted	620	\$6,366,000.00
0064 Request for ex parte reexamination – refused	70	\$216,900.00
0064 Supplemental Examination Request	1,720	\$6,831,000.00
0064 Supplemental Examination Reexamination	1,513	\$17,762,800.00
0064 Supplemental Examination document size fees; 21-50	131	\$23,175.00
0064 Supplemental examination document size fees; each additional 50	12	\$3,360.00
0064 Reexamination independent claims in excess of three and also in excess of the number of such claims in the patent under reexamination	506	\$196,770.00
0064 Reexamination claims in excess of 20 and also in excess of the number of claims in the patent under reexamination	4,240	\$322,480.00
0064 Reexamination Petition	832	\$1,433,660.00
Total	9,644	\$33,156,145.00

Summary of Changes

The addition of \$33,156,145 in fees to collection 0651-0064 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	9,644	9,644
Fees	\$0.00	\$33,156,145.00	\$33,156,145.00

Adding these fees to 0651-0064 (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 \$33,156,145 in annual (non-hour) costs as a program change.

The 0651-0064 revised total burden is as follows:

- 9,644 responses
- \$33,156,145 in annual (non-hour) fees