

SUPPORTING STATEMENT
United States Patent and Trademark Office
Initial Patent Application
OMB CONTROL NUMBER 0651-0032
(April 2017)

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is required by Title 35 of the United States Code, including 35 U.S.C. § 131, to examine applications for patents. The USPTO administers the patent statutes relating to examination through various rules in Chapter 37 of the Code of Federal Register (CFR), such as, for example, 37 CFR 1.16 through 1.84. Each patent applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the criteria set forth in the patent statutes and regulations for issuance as a patent. The patent statutes and regulations require that an application for patent include the following information:

- (1) A specification containing a description of the invention and at least one claim defining the property right sought by the applicant;
- (2) A drawing(s) or photograph(s), where necessary, for an understanding of the invention;
- (3) An oath or declaration signed by the applicant; and
- (4) A filing fee.

Various types of patent applications are covered under this information collection:

- New original utility, plant, design, and provisional applications,
- Continuation/divisional applications of international applications,
- Continued prosecution applications (design), and
- Continuation/divisional and continuation-in-part applications of utility, plant, and design applications

In addition, this collection covers certain other papers filed by applicants, such as, for example, petitions to accept an unintentionally delayed priority or benefit claim, petitions to accept a filing by other than all of the inventors or a person not the inventor, and petitions requesting that applications filed under 37 CFR 1.495(b) be accorded a receipt date. A complete listing of the particular items covered under this collection is provided in the tables below.

Most applications for patents, including new utility, design, and provisional applications, can be submitted to the USPTO through EFS-Web. EFS-Web is the USPTO's system for electronic filing of patent correspondence and is accessible via the Internet on the USPTO Web site. The Legal Framework for EFS-Web, available at <http://www.uspto.gov/patents/process/file/efs/guidance/Newlegalframework.jsp>, provides a listing of patent applications and documents permitted to be filed via EFS-Web and patent applications and documents not permitted to be filed via EFS-Web.

Table 1 provides the specific statutes and regulations requiring the USPTO to collect the patent application and petition information covered by the collection:

Table 1: Information Requirements to Determine Patentability

| IC # | Requirement | Statute | Rule(s) |
|--------|--|---|---|
| 1-15 | Specification and claim | 35 U.S.C. §§ 111 and 112 | 37 CFR 1.51 through 1.53, 1.57 and 1.58, and 1.71 through 1.78 |
| 1-15 | Drawings | 35 U.S.C. § 113 | 37 CFR 1.51 through 1.53, 1.58, and 1.81 through 1.84 |
| 1-15 | Declaration | 35 U.S.C. §§ 25, 115, 117, and 118 | 37 CFR 1.41 through 1.43, 1.45 through 1.48, 1.51 through 1.53, and 1.63 through 1.69 |
| 1-15 | Filing Fee | 35 U.S.C. §§ 41 and 111 | 37 CFR 1.16 and 1.53 |
| 10, 14 | Continued Prosecution Application – Design (Request Transmittal and Receipt) | 35 U.S.C. §§ 111,120, and 121 | 37 CFR 1.53(d) and 1.78 |
| 16 | Petition to Accept Unintentionally Delayed Priority/Benefit Claim | 35 U.S.C. §§ 119(b)(2), 119(e), and 120 | 37 CFR 1.55 and 1.78 |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor | 35 U.S.C. §§ 116 through 118 | 37 CFR 1.42 (pre-AIA), 1.43 (pre-AIA), and 1.47 (pre-AIA) |
| 18 | Petition under 37 CFR 1.6(g) to Accord National Stage Correspondence Required by 37 CFR 1.495(b) a Receipt Date | 35 U.S.C. § 371 | 37 CFR 1.6(g) and 1.495(b) |
| 19 | Papers Filed Under 37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA) to Supply the Name or Names of the Inventor or Inventors after the Filing Date Without a Cover Sheet as Prescribed by 37 CFR 1.51(c)(1) in a provisional application | 35 U.S.C. §§ 111(b) and 116 | 37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA) |
| 19 | Papers Filed Under 37 CFR 1.48(d) for Correction of Inventorship in a Provisional Application | 35 U.S.C. §§ 111(b) and 116 | 37 CFR 1.48(d) |
| 19 | Papers Filed Under 37 CFR 1.53(c)(2) or 1.53(c)(2) (pre-PLT (AIA)) to Convert a Nonprovisional Application Filed Under 1.53(b) to a Provisional Application Filed Under 1.53(c) | 35 U.S.C. § 111(a) and (b) | 37 CFR 1.53(b) and 1.53(c)(2) |

2. Needs and Uses

The public uses this information collection to: apply for utility, plant, and design patents; provide patent application data; request continuation, continuation-in-part, and divisional applications of international and nonprovisional patent applications; request continued prosecution of design patent applications; submit provisional patent applications; file certain petitions; to supply the name or names of the inventor or inventors after the filing date without a cover sheet in a provisional application; identify and correct the inventorship of provisional patent applications; and convert nonprovisional applications to provisional applications.

The information in this collection can be submitted by mail, electronically, by facsimile (limited in accordance with 37 CFR 1.6(d) to the papers filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)) and the petitions), and by hand delivery.

There are 69 forms in this collection. This total includes versions of the inventor's oath and declaration forms that were created to comply with the changes resulting from the Leahy-Smith America Invents Act, e.g., forms AIA/01, AIA/02, etc., as well as pre-America Invents Act versions of the oath and declaration forms, e.g., forms SB/01, SB/02, etc., and foreign language transition of the oath and declaration forms, e.g., forms AIA/01CN, SB/02CN, etc. The papers filed to supply the name or names of the inventor or inventors after the filing date without a cover sheet in a provisional application and to convert a nonprovisional application to a provisional application, as well as the petitions under 37 CFR 1.47 (pre-AIA) to accept a filing by other than all the inventors or a person not the inventor and the petitions under 37 CFR 1.6(g) to accord the application under 37 CFR 1.495(b) a receipt date, do not have forms associated with them.

This information collection, maintained, and used in this collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the USPTO information quality guidelines.

Table 2 outlines how this information collection is used by the public and by the USPTO.

Table 2: Needs and Uses of Information Collected to Determine Patentability

| IC # | Form and Function | Form # | Needs and Uses |
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| 1-15 | Specification (includes at least one claim) and Drawing(s) | No Form Associated | <ul style="list-style-type: none"> Used by the applicant to provide a description of the invention and of the property right sought by the applicant (the claim(s)). Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent. |
| 1-15 | Patent Application Fee Determination Record (Substitute for Form PTO-875) | PTO/SB/06 | <ul style="list-style-type: none"> Used by the USPTO to determine the appropriate fees for small and non-small entities |

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| | Multiple Dependent Claim Fee Calculation Sheet (Substitute for Form PTO-1360; For Use with Form PTO/SB/06) | PTO/SB/07 | and for applications containing multiple dependent claims. NOTE: These forms are seldom used by applicants, but in the event that an applicant used these forms, their use would reduce fee calculation errors, especially in those applications containing multiple dependent claims. |
| 1-15 | Fee Transmittal Form | PTO/SB/17 | <ul style="list-style-type: none"> Used by applicants to determine fees. Used by the USPTO to verify applicant fee determination and to process the fee. |
| 1-15 | Utility Patent Application Transmittal Design Patent Application Transmittal Plant Patent Application Transmittal | PTO/AIA/15 PTO/AIA/18 PTO/AIA/19 | <ul style="list-style-type: none"> Used by the applicant as a checklist to highlight information which may otherwise have been overlooked at the time of filing. Used by the applicant to provide identifying information about the submitted papers and himself/herself. Used by the USPTO to determine whether the submitted papers constitute an application for patent, whether it is a utility, plant, or design application. |
| 1-15 | Declaration for Utility or Design Patent Application (37 CFR 1.63) Declaration (37 CFR 1.63) for Utility or Design Patent Application using an Application Data Sheet (37 CFR 1.76) Chinese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) German Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Spanish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) French Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Italian Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Japanese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Korean Language Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76) Dutch Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Russian Language Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76) | PTO/SB/01 PTO/SB/AIA/01 PTO/AIA/01CN PTO/AIA/01DE PTO/AIA/01ES PTO/AIA/01FR PTO/AIA/01IT PTO/AIA/01JP PTO/AIA/01KR PTO/AIA/01NL PTO/AIA/01RU | <ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration. |

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| | Swedish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) | PTO/AIA/01SE | |
| 1-15 | <p>Declaration for Utility or Design Patent Application (37 CFR 1.63)</p> <p>Declaration (supplemental sheet for PTO/SB/AIA08Declaration (Additional Inventors) and Supplemental Priority Data Sheet</p> <p>Declaration – Additional Inventors – Supplemental Sheet</p> <p>Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64)</p> <p>Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA02)</p> | <p>PTO/SB/AIA08</p> <p>PTO/SB/AIA10</p> <p>PTO/SB/02</p> <p>PTO/SB/02A</p> <p>PTO/SB/AIA02</p> <p>PTO/SB/AIA11</p> | <ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration. |
| 1-15 | <p>Declaration – Supplemental Priority Data Sheet</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (Chinese Language Declaration for Additional Inventors)</p> <p>Chinese (simplified) Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (German Language Declaration for Additional Inventors)</p> <p>German Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Spanish Language Declaration for Additional Inventors)</p> <p>Spanish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (French Language Declaration for Additional Inventors)</p> <p>French Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> | <p>PTO/SB/02B</p> <p>PTO/SB/02CN</p> <p>PTO/AIA/02CN</p> <p>PTO/SB/02DE</p> <p>PTO/AIA/02DE</p> <p>PTO/SB/02ES</p> <p>PTO/AIA/02ES</p> <p>PTO/SB/02FR</p> <p>PTO/AIA/02FR</p> | <ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration |

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| | <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Italian Language Declaration for Additional Inventors)</p> <p>Italian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Japanese Language Declaration for Additional Inventors)</p> <p>Japanese Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Korean Language Declaration for Additional Inventors)</p> <p>Korean Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Dutch Language Declaration for Additional Inventors)</p> <p>Dutch Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Russian Language Declaration for Additional Inventors)</p> <p>Russian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Swedish Language Declaration for Additional Inventors)</p> <p>Swedish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. 117) on Behalf of a Deceased or Incapacitated Inventor</p> | <p>PTO/SB/02IT</p> <p>PTO/AIA/02IT</p> <p>PTO/SB/02JP</p> <p>PTO/AIA/02JP</p> <p>PTO/SB/02KR</p> <p>PTO/AIA/02KR</p> <p>PTO/SB/02NL</p> <p>PTO/AIA/02NL</p> <p>PTO/SB/02RU</p> <p>PTO/AIA/02RU</p> <p>PTO/SB/02SE</p> <p>PTO/AIA/02SE</p> <p>PTO/SB/02LR</p> | |
| 1-15 | <p>Plant Patent Application (35 U.S. C. 161) Declaration (37 CFR 1.63)</p> <p>Declaration (37 CFR 1.63) for Plant Patent</p> | <p>PTO/SB/03</p> <p>PTO/SB/AIA03</p> | <ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or |

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| | <p>Application using an Application Data Sheet (37 CFR 1.76)</p> <p>Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.162)</p> <p>Supplemental Declaration for Utility or Design Patent Application (37 CFR 1.67)</p> <p>Substitute Statement in Lieu of an Oath or Declaration for Plant Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64)</p> <p>Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA04)</p> <p>Declaration (supplemental sheet for PTO/SB/AIA09)</p> | <p>PTO/SB/AIA09</p> <p>PTO/SB/04</p> <p>PTO/SB/AIA04</p> <p>PTO/SB/AIA11</p> <p>PTO/SB/AIA10</p> | <p>365.</p> <ul style="list-style-type: none"> Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration |
| 1-15 | Declaration and Power of Attorney for Patent Application (in various foreign languages) | PTO/SB/101 through 110 | <ul style="list-style-type: none"> Provide the same functions as SB/01, 03, and 04. Provide the applicant with a native (to the applicant) language version with English translation of the required declaration. Chinese, Dutch, German, Italian, French, Japanese, Russian, Swedish, Spanish, and Korean language declarations are available. |
| 1-15 | <p>Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Declaration (37 CFR 1.63) for Plant Application Using an Application Data Sheet (37 CFR 1.76)</p> | <p>PTO/SB/01A</p> <p>PTO/SB/03A</p> | <ul style="list-style-type: none"> Provides applicant with a convenient manner to provide a declaration containing the minimal information that must be in the oath or declaration if the application also contains an application data sheet. Used by the USPTO to process the declaration. |
| 1-6 | <p>Application Data Sheet Form</p> <p>Application Data Sheet 37 CFR 1.76</p> <p>Web-based Application Data Sheet Form</p> | <p>PTO/SB/14 EFS-Web</p> <p>PTO/AIA/14</p> <p>eADS</p> | <ul style="list-style-type: none"> Provides applicant with a convenient manner to provide bibliographic information concerning the applicant and application that the applicant is either required, or desires, to provide to the USPTO. Used by the USPTO to auto load data directly into USPTO databases, which reduce information capture errors caused by hand keying. Used by the USPTO to provide a quick acknowledgment of the application and the information in USPTO records concerning the applicant and application. |
| 2, 5 | Electronic New Utility Patent Application | EFS-Web | <ul style="list-style-type: none"> Used by filers to electronically file a new original utility application with the USPTO and to include the necessary filing fees. Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent. |
| 3, 6 | Electronic New Design Application | EFS-Web | <ul style="list-style-type: none"> Used by filers to electronically file a new original design application with the USPTO and to include the necessary filing fees. Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent. |
| 3, 6 | | PTO/SB/29 | <ul style="list-style-type: none"> Used by the applicant to request additional |

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| | For Design Applications Only: Continued Prosecution Application (CPA) Request Transmittal For Design Applications Only: Receipt for Facsimile Transmitted CPA | PTO/SB/29A | <p>examination of a previously submitted design application.</p> <ul style="list-style-type: none"> Used by the USPTO to process and initiate an additional examination of a previously submitted design application. |
| 15 | Provisional Application for Patent Cover Sheet – Paper and Electronic Filing | PTO/SB/16 and EFS-Web | <ul style="list-style-type: none"> Used by the applicant to file a provisional application with the USPTO. Used by the applicant to include filing fees. Used by the USPTO to identify provisional applications in order to promptly and properly process them. Used by the USPTO to prepare the filing receipt. Used by the USPTO to identify provisional applications that may require foreign filing licenses. |
| 16 | Petition to Accept Unintentionally Delayed Priority/Benefit Claim | No Form Associated | <ul style="list-style-type: none"> Used by the applicant to submit an unintentionally delayed priority claim to the USPTO. Used by the USPTO to determine whether the applicant has included the documentation and fees necessary for the USPTO to accept unintentionally delayed priority /benefit claim under 35 U.S.C. §§ 119, 120, or 365. |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor | No Form Associated | <ul style="list-style-type: none"> Enables inventors or assignees who cannot locate or obtain signatures from an inventor or a legal representative of a deceased inventor to submit a patent application. Used by the USPTO to ensure that the necessary information has been provided in support of the oath or declaration. |
| 17 | Papers Filed under 37 CFR 1.41(c) or 1.41(a) (2) (pre-AIA) to Supply the Name or Names of the Inventor or Inventors After the Filing Date Without a Cover Sheet as Prescribed by 37 CFR 1.51(c)(1) in a Provisional Application | No Form Associated | <ul style="list-style-type: none"> Used by filers to supply or change the name or names of the inventor or inventors of a provisional application filed without a cover sheet after the provisional application filing date. Used by the USPTO to change the name or names of the inventor or inventors of a provisional applications filed without a cover sheet after the provisional application filing date. |
| 18 | Petition under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date | No Form Associated | <ul style="list-style-type: none"> Used by applicants to request a receipt date for applications filed under 37 CFR 1.495(b). Used by the USPTO to assign applications filed under 37 CFR 1.495(b) a receipt date. |
| 18 | Papers Filed Under 37 CFR 1.48(d) for Correction of Inventorship in a Provisional Application | No Form Associated | <ul style="list-style-type: none"> Used by filers to request a correction of the inventorship of a provisional application. Used by the USPTO to determine whether the inventorship of a provisional application should be corrected. |
| 19 | Papers Filed Under 37 CFR 1.53(c)(2) or 1.53(c)(2) (pre-PLT (AIA)) to Convert a NonProvisional Application Filed Under 1.53(b) to a Provisional Application Filed Under 1.53(c) | No Form Associated | <ul style="list-style-type: none"> Used by filers to request that a nonprovisional application filed under 37 CFR 1.53(b) be converted to a provisional application filed under 37 CFR 1.53(c). Used by the USPTO to determine whether to convert a nonprovisional application filed under |

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| | | | 1.53(b) to a provisional application filed under 37 CFR 1.53(c). |
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3. Use of Information Technology

In addition to paper submissions, the USPTO can collect some of the information in this collection electronically via EFS-Web or by facsimile submission. The Legal Framework for EFS-Web, available at http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp, outlines which types of patent applications and associated documents can and cannot be submitted electronically. Facsimile submission is limited in accordance with 37 CFR 1.6(d) to the papers filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)), as well as the petitions. The USPTO does not use any other automated, mechanical, or other technological collection techniques to collect the information in this collection.

EFS-Web is a web-based document submission system that allows customers to file nearly all of the documents covered under this information collection through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their documents using the tools and processes that they already use and then convert those documents into standard PDF files that are submitted through EFS-Web to the USPTO. The fillable PDF forms, including the Application Data Sheet form (PTO/SB/14) and the Provisional Application for Patent Cover Sheet (PTO/SB/16), that can be submitted through EFS-Web may be downloaded from the USPTO website and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web, which is hosted on secure servers. The documents of registered user are protected using a Public Key Infrastructure (PKI) system and digital certificates which provide authentication and encryption security. For filers who are not registered, the documents are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol.

EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage and other paper delivery costs. After the document has been successfully submitted through EFS-Web, customers will receive an acknowledgment receipt that lists the time and date stamp stating when the document was submitted to the USPTO, an application number, a confirmation number, and other critical information, such as the EFS ID, a listing of the files and documents associated with the submission, and page counts for the files and documents. This receipt is the legal equivalent of a postcard in the postcard receipt practice used for patent application documents that are filed in paper. The USPTO recommends that customers print the electronic acknowledgement receipt to keep with their records.

There are many additional benefits to filing through EFS-Web. Users can access EFS-Web from any computer with an Internet connection. Since EFS-Web is hosted on the USPTO's secure servers and not on the individual's personal computer, USPTO staff can update EFS-Web without requiring any action from the user. Customers can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration.

EFS-Web integrates with the Patent Application Information Retrieval (PAIR) system, the USPTO's online database that is available through the USPTO Web site. PAIR uses digital certificates to permit only authorized individuals to access information about pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Information for published patent applications, issued patents, certificates of correction, and reissue applications is made available to the general public.

In May 2010, the USPTO introduced EFS-Web Contingency Option, which permits users to file their patent documents even when the primary portal to EFS-Web is unavailable. EFS-Web Contingency Option has the same functionality as EFS-Web for unregistered users and provides an electronic acknowledgment receipt, performs file validation, and encrypts the applications using TLS. Of the documents covered under this information collection, EFS-Web Contingency Option can be used only to file provisional patent applications, nonprovisional utility and design patent applications, and national stage applications under 35 U.S.C. § 371.

4. Efforts to Identify Duplication

This information is collected only when an applicant (or representative) submits a patent application, a petition to accept unintentionally delayed priority/benefit claim, a petition under 37 CFR 1.47 (pre-AIA) to accept a filing by other than all the inventors or a person not the inventor, a petition under 37 CFR 1.6(g) to accord the application under 37 CFR 1.495(b) a receipt date, and the papers filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)). This information is not collected elsewhere. Therefore, this collection does not create a duplication of effort or collection of data.

5. Minimizing Burden to Small Entities

This information collection involves items which require the payment of fees by customers who may qualify as small entities or micro entities. No significant burden is placed on small or micro entities, in that small entities must only identify themselves as such in order to obtain these benefits, and micro entities must only provide a certification of micro entity status. An assertion or certification of small or micro entity status, respectively, only needs to be filed once in an application or patent (although a fee may be paid in the micro entity amount only if the applicant or patentee is still entitled to micro entity status on the date the fee is paid).

Pursuant to section 10(b) of the Leahy-Smith America Invents Act (AIA), the USPTO provides a 50% reduction in the fees for certain patent filings by small entity applicants, such as independent inventors, small businesses, and nonprofit organizations who meet the definition of a small entity provided at 37 CFR 1.27. Also pursuant to section 10(b) of the AIA, the USPTO provides a 75% reduction in the fees set or adjusted under section 10(b) of the Act for certain patent filings by applicants who meet the definition of a micro entity provided at 35 U.S.C. § 123 and 37 CFR 1.29. In addition, the provisions of the Consolidated Appropriations Act of 2005 establish a filing fee of \$75 for small entities filing original utility applications electronically on or after December 8, 2004.

6. Consequences of Less Frequent Collection

This information is collected only when an applicant (or representative) submits a patent application, a petition to accept unintentionally delayed priority/benefit claim, a petition under 37 CFR 1.47 (pre-AIA) to accept a filing by other than all the inventors or a person not the inventor, a petition requesting that applications filed under 37 CFR 1.495(b) be assigned a receipt date, and a paper filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)). This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently and the USPTO could not examine an application or issue a patent as required by the patent statute (35 U.S.C. § 131) if this information was not collected.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultation Outside the Agency

A Federal Register notice announcing the renewal of this collection and requesting public comments was published on February 16, 2017 (82 Fed. Reg. 10897). The public comment period ended on April 17, 2017. No comments were received in response to the February 16, 2017, Federal Register notice.

In addition, the USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventors groups, and users of our public search facilities. Views expressed by these groups are considered when evaluating information collection burdens and when developing proposals for information collection requirements.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary to obtain a patent.

10. Assurance of Confidentiality

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). Upon publication of an application or issuance of an application as a patent, the entire file contents of the application are available to the public (subject to the provisions for providing only a redacted copy of the filed contents). The disclosure of the invention in the application is the quid pro quo for the property right conferred by the patent grant, and the very means by which the patent statute achieves its constitutional object of “promot[ing] the progress of science and useful arts.” The prosecution history contained in the application file is critical to determining the scope of the property right conferred by a patent grant.

To further define the boundaries of the confidentiality of patent applications in light of the eighteen-month publication of patent applications introduced under the American Inventors Protection Act of 1999, the USPTO amended 37 CFR 1.14 to maintain the confidentiality of applications that have not been published as a U.S. patent application. As amended, 37 CFR 1.14 provides that the public can obtain status information about the application, such as whether the application is pending, abandoned, or patented, whether the application has been published under 35 U.S.C.122(b), and the application “numerical identifier.” This information can be supplied to the public under certain conditions. The public can also receive copies of an application-as-filed and the file wrapper, as long as it meets certain criteria.

Applications filed through EFS-Web are maintained in confidence, as required by 35 U.S.C. §122(a), until the application is published or a patent is issued. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through EFS-Web are maintained using PKI technology and digital certificates for registered users. Applications electronically-filed by non-registered users are protected using TLS or SSL protocols. The USPTO posts issued patent and application publications on its Web site. The information covered under this collection will not be released to the public unless it is part of an issued patent or application publication. Patent applicants and/or their designated representatives can view the current status of their patent application through the Patent Application Information Retrieval (PAIR) system. Access to patent applications that are maintained in confidence under 35 U.S.C. §122(a) is restricted to the patent applicant and/or their designated representatives by the use of digital certificates, which maintain the confidentiality and integrity of the information transmitted over the Internet. The public can view the status and history information for published applications and granted patents via PAIR.

11. Justification for Sensitive Questions

None of the required information is considered to be of a sensitive nature.

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO projects that it will receive 636,003 responses per year. The USPTO estimates that approximately 159,001 of these responses will be from small entities (this estimates reflects a 25% small entity response rate for all items in the collection except for design-related items in the collection, for which a 50% small entity response rate is estimated). The USPTO estimates that 623,283 of the responses will be filed electronically.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately from 30 minutes to 40 hours (0.50 to 40 hours) to complete the applications, petitions, and additional papers in this collection, depending on the complexity of the request. This includes the time to gather the necessary information, prepare the application, petition, or other papers, and submit the completed request to the USPTO. The USPTO assumes that, on average, it takes the same amount of time to gather the necessary information, prepare the application, petition, or other paper, and submit it to the USPTO, whether the applicant submits it in paper form or electronically.

- **Cost Burden Calculation Factors**

The USPTO assumes that all of the information in this collection will be prepared by an attorney. The USPTO uses a professional rate of \$410 per hour for respondent cost burden calculations, which is the mean attorney rate for attorneys in private firms as shown in the 2015 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency estimates \$410 is an accurate estimate of the cost per hour to collect this information.

Table 3: Burden Hour/Burden Cost to Respondents

| IC # | Item | Estimated Time for Response (Hours) (a) | Estimated Annual Responses (b) | Estimated Annual Burden Hours (a) x (b) = (c) | Rate (\$/hr) (d) | Estimated Annual Burden (c) x (d) = (e) |
|------|---|--|-----------------------------------|--|---------------------|--|
| 1 | Original New Utility Applications – No Application Data Sheet | 40 | 300 | 12,000 | \$410.00 | \$4,920,000.00 |

| | | | | | | |
|----|---|----|---------|------------|----------|--------------------|
| 1 | Electronic Original New Utility Applications – No Application Data Sheets | 40 | 13,700 | 548,000 | \$410.00 | \$224,680,000.00 |
| 2 | Original New Plant Applications – No Application Data Sheet | 9 | 300 | 2,700 | \$410.00 | \$1,107,000.00 |
| 3 | Original New Design Applications – No Application Data Sheet | 7 | 100 | 700 | \$410.00 | \$287,000.00 |
| 3 | Electronic Original Design Applications – No Application Data Sheet | 7 | 3,200 | 22,400 | \$410.00 | \$9,184,000.00 |
| 4 | Original New Utility Applications – Application Data Sheet | 40 | 5,400 | 216,000 | \$410.00 | \$88,560,000.00 |
| 4 | Electronic Original New Utility Applications – Application Data Sheet | 40 | 265,600 | 10,624,000 | \$410.00 | \$4,355,840,000.00 |
| 5 | Original New Plant Applications – Application Data Sheet | 9 | 1,100 | 9,900 | \$410.00 | \$4,059,000.00 |
| 6 | Original New Design Applications – Application Data Sheet | 7 | 900 | 6,300 | \$410.00 | \$2,583,000.00 |
| 6 | Electronic New Design Applications – Application Data Sheet | 7 | 42,800 | 299,600 | \$410.00 | \$122,836,000.00 |
| 7 | Continuation/Divisional of an International Application | 4 | 200 | 800 | \$410.00 | \$328,000.00 |
| 7 | Electronic Continuation/Divisional of an International Application | 4 | 10,800 | 43,200 | \$410.00 | \$17,712,000.00 |
| 8 | Utility Continuation/Divisional Applications | 4 | 1,500 | 6,000 | \$410.00 | \$2,460,000.00 |
| 8 | Electronic Utility Continuation/Divisional Applications | 4 | 73,500 | 294,000 | \$410.00 | \$120,540,000.00 |
| 9 | Plant Continuation/Divisional Application | 3 | 200 | 600 | \$410.00 | \$246,000.00 |
| 10 | Design Continuation/Divisional Application | 1 | 100 | 100 | \$410.00 | \$41,000.00 |
| 10 | Electronic Design Continuation/Divisional Applications | 1 | 2,900 | 2,900 | \$410.00 | \$1,189,000.00 |
| 11 | Continued Prosecution Applications – Design (Request Transmittal and Receipt) | 1 | 20 | 20 | \$410.00 | \$8,200.00 |

| | | | | | | |
|----|---|------|---------|-----------|----------|--------------------|
| 11 | Electronic Continued Prosecution Applications – Design (Request Transmittal and Receipt) | 1 | 880 | 880 | \$410.00 | \$360,800.00 |
| 12 | Utility Continuation-in-Part Applications | 20 | 300 | 6,000 | \$410.00 | \$2,460,000.00 |
| 12 | Electronic Utility Continuation-in-Part Applications | 20 | 13,300 | 266,000 | \$410.00 | \$109,060,000.00 |
| 13 | Plant Continuation-in-Part Applications | 5 | 1 | 5 | \$410.00 | \$2,050.00 |
| 14 | Design Continuation-in-Part Applications | 3 | 20 | 60 | \$410.00 | \$24,600.00 |
| 14 | Electronic Design Continuation-in-Part Applications | 3 | 830 | 2,490 | \$410.00 | \$1,020,900.00 |
| 15 | Provisional Application for Patent Cover Sheet | 18 | 4,000 | 72,000 | \$410.00 | \$29,520,000.00 |
| 15 | Electronic Provisional Application for Patent Cover Sheet | 18 | 184,000 | 3,312,000 | \$410.00 | \$1,357,920,000.00 |
| 16 | Petition to Accept Unintentionally Delay Priority/Benefit Claim | 1 | 100 | 100 | \$410.00 | \$41,000.00 |
| 16 | Electronic Petition to Accept Unintentionally Delayed Priority/Benefit Claim | 1 | 3,400 | 3,400 | \$410.00 | \$1,394,000.00 |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor | 1 | 1 | 1 | \$410.00 | \$410.00 |
| 17 | Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor | 1 | 50 | 50 | \$410.00 | \$20,500.00 |
| 18 | Petition under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date | 0.50 | 1 | 0.50 | \$410.00 | \$205.00 |
| 19 | Papers filed under the following: 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a | 0.75 | 200 | 150 | \$410.00 | \$61,500.00 |

| | | | | | | |
|--------------|---|------|----------------|----------------------|----------|---------------------------|
| | provisional application. 1.48(d) – for correction of inventorship in a provisional application. 1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c) | | | | | |
| 19 | Electronic Papers filed under the following: 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 1.48(d) – for correction of inventorship in a provisional application. 1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c) | 0.75 | 6,300 | 4,725 | \$410.00 | \$1,937,250.00 |
| Total | | | 636,003 | 15,757,081.50 | | \$6,460,403,415.00 |

13. Total Annual (Non-hour) Cost Burden

The total annual (non-hour) cost burden for this collection is calculated in Tables 4, 5, and 6 below.

Postage

Although the USPTO prefers that the items in this collection be submitted electronically, the items may be submitted by mail through the United States Postal Service (USPS).

- If an applicant decides to file a patent application covered under this collection by mail, the USPTO recommends that the patent application be filed by Priority Mail Express® in accordance with 37 CFR 1.10 to establish the date of deposit with the USPS as the filing date (otherwise the filing date of the application will be the date that it is received at the USPTO). The USPTO estimates that the application package will weigh at least one pound. Using the Priority Mail Express® flat rate cost for mailing envelopes, the USPTO estimates that the average cost for sending a patent application by Priority Mail Express® will be \$19.99 and that up to 9,408 applications may be mailed by Priority Mail Express® to the USPTO.
- If an applicant decides to file a petition or a paper filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), or 1.53(c)(2) (pre-PLT (AIA)) by mail, the USPTO estimates that the petition or paper will be sent by first-class mail. The USPTO further estimates that the petition or paper will weigh an average of two ounces, for an estimated postage rate of 94 cents. The USPTO estimates that up to 9,408 applications may be mailed by first-class mail to the USPTO.

Table 4: Postage Costs to Respondents

| IC # | Item | Estimated Annual Mailed Submissions (a) | Postage Costs (\$) (b) | Postage Totals (c) (a) x (b) |
|------|---|---|------------------------|------------------------------|
| | Express Mailing Costs | | | |
| 1 | Original New Utility Applications – No Application Data Sheet | 300 | \$19.99 | \$5,997.00 |
| 2 | Original New Plant Applications – No Application Data Sheet | 300 | \$19.99 | \$5,997.00 |
| 3 | Original New Design Applications – No Application Data Sheet | 100 | \$19.99 | \$1,999.00 |
| 4 | Original New Utility Applications – Application Data Sheet | 5,400 | \$19.99 | \$107,946.00 |
| 5 | Original New Plant Applications – Application Data Sheet | 1,100 | \$19.99 | \$21,989.00 |
| 6 | Original New Design Applications – Application Data Sheet | 900 | \$19.99 | \$17,991.00 |
| 7 | Continuation/Divisional of an International Application | 200 | \$19.99 | \$3,998.00 |
| 8 | Utility Continuation/Divisional Applications | 1,500 | \$19.99 | \$29,985.00 |
| 9 | Plant Continuation/Divisional Applications | 200 | \$19.99 | \$3,998.00 |
| 10 | Design Continuation/Divisional Applications | 100 | \$19.99 | \$1,999.00 |
| 11 | Continued Prosecution Applications – Design (Request Transmittal and Receipt) | 20 | \$19.99 | \$399.80 |
| 12 | Utility Continuation-in-Part Applications | 300 | \$19.99 | \$5,997.00 |
| 13 | Plant Continuation-in-Part Applications | 1 | \$19.99 | \$19.99 |
| 14 | Design Continuation-in-Part Applications | 20 | \$19.99 | \$399.80 |
| 15 | Provisional Application for Patent Cover Sheet | 4,000 | \$19.99 | \$79,960.00 |
| | Total Express Mailing Costs | 14,441 | ----- | \$288,675.59 |
| | First-Class Mailing Costs | | | |
| 16 | Petition to Accept Unintentionally Delayed Priority/Benefit Claim | 100 | \$0.94 | \$94.00 |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor | 1 | \$0.94 | \$0.94 |
| 19 | Papers Filed Under the Following: 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application 1.48(d) - for correction of inventorship in a provisional application 1.53(c)(2) or 1.53(c)(2) (pre-PLT (AIA)) - to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c) | 200 | \$0.94 | \$188.00 |
| | Total First-Class Mailing Cost | 301 | ----- | \$282.94 |
| | Total Postage Costs | 14,742 | ----- | \$288,959 |

Drawing Costs

Patent applicants can submit drawings with their utility, design, plant, and provisional applications. Applicants can prepare these drawings on their own or they can hire patent illustration services firms to create them. As a basis for estimating the drawing costs, the USPTO expects that all applicants will have their drawings prepared by a patent illustration firm.

Estimates for the patent drawing can vary greatly, depending on the number of figures to be produced, the total number of pages for the drawings, and the complexity of the drawings. Because there are many variables involved, the USPTO is using the average of the cost ranges found for the application drawings to derive the estimated cost per sheet that is then used to calculate the total drawing costs.

The utility, plant, and design continuation and divisional applications use the same drawings as the initial filings, so they are not included in these totals. New drawings may be submitted in the continuation-in-part applications, so those numbers are included in these estimates. The drawings for the continued prosecution applications also are included in the drawing cost totals for designs. There are no continuation, divisional, or continuation-in-part provisional applications.

- Utility Drawings – The USPTO estimates that the costs to produce these drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the drawings and that, on average, 10 sheets of drawings are submitted for an average cost of \$1,150 to produce the utility drawings. Out of 298,600 utility applications submitted, the USPTO estimates that 80% (or 238,880) applications will be submitted with drawings.
- Design Drawings – The USPTO estimates that the costs to produce design drawings can range from \$35 to \$350 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$193 per sheet to produce design drawings. On average, 10 sheets of drawings are submitted for an average cost of \$1,930 to produce the design drawings. Out of 47,850 design applicants submitted per year, the USPTO estimates that all of them will be submitted with drawings.
- Plant Drawings – In general, photographs are submitted for the plant applications, although drawings can also be submitted. The USPTO estimates that the cost to produce the photographs or drawings for the plant applications can range from \$35 to \$100. Taking the average of this range, the USPTO estimates that it can cost \$68 per sheet to produce the photographs or drawings for the plant applications. On average, 10 sheets of drawings are submitted for an average cost of \$680 to produce the photographs/drawings for the plant

applications. Out of 1,401 plant applications submitted per year, the USPTO estimates that all of them will be submitted with drawings.

- Provisional Drawings – The USPTO estimates that the cost to produce the provisional drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the provisional drawings. On average, 10 sheets of drawings are submitted for an average cost of \$1,150 to produce the provisional drawings. Out of 188,000 provisional applications submitted per year, the USPTO estimates that 80% (or 150,400) applications will be submitted with drawings.

Table 5: Drawing Costs to Respondents

| IC # | Item | Estimated Annual Responses (a) | Drawing Costs Amount (\$) (b) | Drawing Cost Totals (c) (a) x (b) |
|------|--|--------------------------------|-------------------------------|-----------------------------------|
| 19 | Utility Application Drawings | 238,800 | \$1,150.00 | \$274,620,000.00 |
| 19 | Design Applications Drawings | 47,850 | \$1,930.00 | \$92,350,500.00 |
| 19 | Plant Application Drawings (Photographs) | 1,401 | \$680.00 | \$952,680.00 |
| 19 | Provisional Application Drawings | 150,400 | \$1,150.00 | \$172,960,000.00 |
| | Total Drawing Costs | 438,451 | ----- | \$540,883,180.00 |

Fees

The fee burden in this collection had previously been estimated and covered by information collection 0651-0072, America Invents Act Section 10 Patent Fee Adjustments. That collection was discontinued in March 2016 and the fees were returned to this collection at that time.

Table 6: Filing Fee Costs to Respondents

| IC # | Item | Estimated Annual Response (a) | Amount (b) | Totals (c) (a) x (b) |
|------|--|-------------------------------|------------|----------------------|
| 4 | Each Independent Claim in Excess of Three (large entity) | 55,100 | \$420.00 | \$23,142,000.00 |
| 4 | Each Independent Claim in Excess of Three (small entity) | 20,500 | \$210.00 | \$4,305,000.00 |
| 4 | Each Independent Claim in Excess of Three (micro entity) | 1,900 | \$105.00 | \$199,500.00 |
| 4 | Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t)) (large entity) | 235,200 | \$280.00 | \$65,856,000.00 |
| 4 | Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t)) (small entity) | 80,500 | \$140.00 | \$11,270,000.00 |
| 4 | Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t)) (micro entity) | 17,000 | \$70.00 | \$1,190,000.00 |

| | | | | |
|---|---|---------|----------|------------------|
| 4 | Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity) | 13,500 | \$400.00 | \$5,400,000.00 |
| 4 | Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity) | 6,500 | \$200.00 | \$1,300,000.00 |
| 4 | Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity) | 160 | \$100.00 | \$16,000.00 |
| 4 | Utility Search Fee (large entity) | 233,900 | \$600.00 | \$140,340,000.00 |
| 4 | Utility Search Fee (small entity) | 79,600 | \$300.00 | \$23,880,000.00 |
| 4 | Utility Search Fee (micro entity) | 16,700 | \$150.00 | \$2,505,000.00 |
| 4 | Utility Examination Fee (large entity) | 234,900 | \$720.00 | \$169,128,000.00 |
| 4 | Utility Examination Fee (small entity) | 80,000 | \$360.00 | \$28,800,000.00 |
| 4 | Utility Examination Fee (micro entity) | 16,800 | \$180.00 | \$3,024,000.00 |
| 5 | Each Claim in Excess of 20 (large entity) | 362,900 | \$80.00 | \$29,032,000.00 |
| 5 | Each Claim in Excess of 20 (small entity) | 199,400 | \$40.00 | \$7,976,000.00 |
| 5 | Each Claim in Excess of 20 (micro entity) | 12,600 | \$20.00 | \$252,000.00 |
| 5 | Basic Filing Fee – Plant (large entity) | 570 | \$180.00 | \$102,600.00 |
| 5 | Basic Filing Fee – Plant (small entity) | 580 | \$90.00 | \$52,200.00 |
| 5 | Basic Filing Fee – Plant (micro entity) | 10 | \$45.00 | \$450.00 |
| 5 | Plant Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity) | 0 | \$400.00 | \$0.00 |
| 5 | Plant Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity) | 0 | \$200.00 | \$0.00 |
| 5 | Plant Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity) | 0 | \$100.00 | \$0.00 |
| 5 | Plant Search Fee (large entity) | 570 | \$380.00 | \$216,600.00 |
| 5 | Plant Search Fee (small entity) | 575 | \$190.00 | \$109,250.00 |
| 5 | Plant Search Fee (micro entity) | 10 | \$95.00 | \$950.00 |
| 5 | Plant Examination Fee (large entity) | 560 | \$580.00 | \$324,800.00 |
| 5 | Plant Examination Fee (small entity) | 570 | \$290.00 | \$165,300.00 |
| 5 | Plant Examination Fee (micro entity) | 10 | \$145.00 | \$1,450.00 |
| 6 | Multiple Dependent Claim (large entity) | 1,200 | \$780.00 | \$936,000.00 |
| 6 | Multiple Dependent Claim (small entity) | 800 | \$390.00 | \$312,000.00 |
| 6 | Multiple Dependent Claim (micro entity) | 90 | \$195.00 | \$17,550.00 |
| 6 | Basic Filing Fee – Design (large entity) | 20,100 | \$180.00 | \$3,618,000.00 |
| 6 | Basic Filing Fee – Design (small entity) | 17,900 | \$90.00 | \$1,611,000.00 |
| 6 | Basic Filing Fee – Design (micro entity) | 4,700 | \$45.00 | \$211,500.00 |
| 6 | Basic Filing Fee – Design (CPA) (large entity) | 550 | \$180.00 | \$99,000.00 |
| 6 | Basic Filing Fee – Design (CPA) (small entity) | 340 | \$90.00 | \$30,600.00 |
| 6 | Basic Filing Fee – Design (CPA) (micro entity) | 30 | \$45.00 | \$1,350.00 |
| 6 | Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity) | 115 | \$400.00 | \$46,000.00 |
| 6 | Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity) | 60 | \$200.00 | \$12,000.00 |
| 6 | Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity) | 1 | \$100.00 | \$100.00 |

| | | | | |
|----|--|--------|----------|-----------------|
| 6 | Design Search Fee (large entity) | 20,400 | \$120.00 | \$2,448,000.00 |
| 6 | Design Search Fee (small entity) | 18,000 | \$60.00 | \$1,080,000.00 |
| 6 | Design Search Fee (micro entity) | 4,600 | \$30.00 | \$138,000.00 |
| 6 | Design Examination Fee (large entity) | 20,200 | \$460.00 | \$9,292,000.00 |
| 6 | Design Examination Fee (small entity) | 17,800 | \$230.00 | \$4,094,000.00 |
| 6 | Design Examination Fee (micro entity) | 4,600 | \$115.00 | \$529,000.00 |
| 15 | Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity) | 4,300 | \$400.00 | \$1,720,000.00 |
| 15 | Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity) | 4,600 | \$200.00 | \$920,000.00 |
| 15 | Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity) | 135 | \$100.00 | \$13,500.00 |
| 15 | Provisional Application Filing Fee (large entity) | 56,100 | \$260.00 | \$14,586,000.00 |
| 15 | Provisional Application Filing Fee (small entity) | 68,800 | \$130.00 | \$8,944,000.00 |
| 15 | Provisional Application Filing Fee (micro entity) | 30,000 | \$65.00 | \$1,950,000.00 |
| 16 | Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (large entity) | 86,400 | \$140.00 | \$12,096,000.00 |
| 16 | Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (small entity) | 38,200 | \$70.00 | \$2,674,000.00 |
| 16 | Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (micro entity) | 4,500 | \$35.00 | \$157,500.00 |
| 16 | Surcharge – Late Provisional Filing Fee or Cover Sheet (large entity) | 1,800 | \$60.00 | \$108,000.00 |
| 16 | Surcharge – Late Provisional Filing Fee or Cover Sheet (small entity) | 2,700 | \$30.00 | \$81,000.00 |
| 16 | Surcharge – Late Provisional Filing Fee or Cover Sheet (micro entity) | 3,000 | \$15.00 | \$45,000.00 |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor (large entity) | 1 | \$200.00 | \$200.00 |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor (small entity) | 1 | \$100.00 | \$100.00 |
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor (micro entity) | 1 | \$50.00 | \$50.00 |
| 17 | Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor (large entity) | 38 | \$200.00 | \$7,600.00 |
| 17 | Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor (small entity) | 9 | \$100.00 | \$900.00 |
| 17 | Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor (micro entity) | 3 | \$50.00 | \$150.00 |
| 18 | Petition under 37 CFR 1.6(g) to accord the | 1 | \$0.00 | \$0.00 |

| | | | | |
|--|--|------------------|-------|-------------------------|
| | Application under 37 CFR 1.495(b) a Receipt Date | | | |
| | Total Filing Fee | 2,102,690 | ----- | \$586,369,200.00 |

The total non-hourly respondent cost for this collection is \$1,127,541,339, which is a combination of \$288,959 in postage costs, \$540,883,180 in drawing costs, and \$586,369,200 in filing fees.

14. Annual Cost to Federal Government

The USPTO estimates that it takes a GS-5, step 1 employee between 6 minutes (0.1 hours) and 1 hour to process the applications, petitions, and additional papers in this collection at an estimated cost of \$22.59 per hour (GS-5/1 hourly rate of \$17.38 with 30% (\$5.21) added for benefits and overhead).

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection.

Table 7: Burden Hour/Cost to the Federal Government

| IC # | Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yes) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|------|--|-----------|--------------------|-----------------------------------|------------------|-------------------------------------|
| 1 | Original New Utility Application – No Application Data Sheet | 1 | 300 | 300 | \$22.59 | \$6,777.00 |
| 1 | Electronic Original New Utility Applications – No Application Data Sheet | 1 | 13,700 | 13,700 | \$22.59 | \$309,483.00 |
| 2 | Original New Plant Applications – No Application Data Sheet | 1 | 300 | 300 | \$22.59 | \$6,777.00 |
| 3 | Original New Design Applications – No Application Data Sheet | 1 | 100 | 100 | \$22.59 | \$2,259.00 |
| 3 | Electronic Original New Design Applications – No Application Data Sheet | 1 | 3,200 | 3,200 | \$22.59 | \$72,288.00 |
| 4 | Original New Utility Applications – Application Data Sheet | 1 | 5,400 | 5,400 | \$22.59 | \$121,986.00 |
| 4 | Electronic Original New Utility Applications – Application Data Sheet | 1 | 265,600 | 265,600 | \$22.59 | \$5,999,904.00 |
| 5 | Original New Plant Applications – Application Data Sheet | 1 | 1,100 | 1,100 | \$22.59 | \$24,849.00 |
| 6 | Original New Design Applications – Application Data Sheet | 1 | 900 | 900 | \$22.59 | \$20,331.00 |
| 6 | Electronic Original New Design Applications – | 1 | 42,800 | 42,800 | \$22.59 | \$966,852.00 |

| | | | | | | |
|----|--|------|--------|--------|---------|----------------|
| | Application Data Sheet | | | | | |
| 7 | Continuation/Divisional of an International Application | 1 | 200 | 200 | \$22.59 | \$4,518.00 |
| 7 | Electronic Continuation/Divisional of an International Application | 1 | 10,800 | 10,800 | \$22.59 | \$243,972.00 |
| 8 | Utility Continuation/Divisional Applications | 1 | 1,500 | 1,500 | \$22.59 | \$33,885.00 |
| 8 | Electronic Utility Continuation/Divisional Applications | 1 | 73,500 | 73,500 | \$22.59 | \$1,660,365.00 |
| 9 | Plant Continuation/Divisional Applications | 1 | 200 | 200 | \$22.59 | \$4,518.00 |
| 10 | Design Continuation/Divisional Applications | 1 | 100 | 100 | \$22.59 | \$2,259.00 |
| 10 | Electronic Design Continuation/Divisional Applications | 1 | 2,900 | 2,900 | \$22.59 | \$65,511.00 |
| 11 | Continued Prosecution Applications – Design (Request Transmittal and Receipt) | 0.60 | 20 | 12 | \$22.59 | \$271.08 |
| 11 | Electronic Continued Prosecution Applications – Design (Request Transmittal and Receipt) | 0.60 | 880 | 528 | \$22.59 | \$11,927.52 |
| 12 | Utility Continuation-in-Part Applications | 1 | 300 | 300 | \$22.59 | \$6,777.00 |
| 12 | Electronic Utility Continuation-in-Part Applications | 1 | 13,300 | 13,300 | \$22.59 | \$300,447.00 |
| 13 | Plant Continuation-in-Part Applications | 1 | 1 | 1 | \$22.59 | \$22.59 |
| 14 | Design Continuation-in-Part Applications | 1 | 20 | 20 | \$22.59 | \$451.80 |
| 14 | Electronic Design Continuation-in-Part Applications | 1 | 830 | 830 | \$22.59 | \$18,749.70 |
| 15 | Provisional Application for Patent Cover Sheet | 0.50 | 4,000 | 2,000 | \$22.59 | \$45,180.00 |
| 15 | Electronic Provisional Application for Patent Cover Sheet | 0.50 | 18,400 | 9,200 | \$22.59 | \$207,828.00 |
| 16 | Petition to Accept Unintentionally Delayed Priority/Benefit Claim | 0.30 | 100 | 30 | \$22.59 | \$677.70 |
| 16 | Electronic Petition to Accept Unintentionally Delayed Priority/Benefit Claim | 0.30 | 3,400 | 1,020 | \$22.59 | \$23,041.80 |

| | | | | | | |
|----|--|------|----------------|----------------|---------|------------------------|
| 17 | Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor | 0.30 | 1 | 0.30 | \$22.59 | \$6.78 |
| 17 | Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor | 0.30 | 50 | 15 | \$22.59 | \$338.85 |
| 18 | Petition Under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date | 0.10 | 1 | 0.10 | \$22.59 | \$2.26 |
| 19 | Papers filed under the following: 37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48(d) – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c) | 0.50 | 200 | 100 | \$22.59 | \$2,259.00 |
| 19 | Electronic Papers filed under the following: 37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48(d) – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c) | 0.50 | 6,300 | 3,150 | \$22.59 | \$71,158.50 |
| | Total | | 636,003 | 535,906 | | \$12,106,125.58 |

15. Reasons for Changes in Burden from the Current Inventory

A. Changes in Collection since previous OMB approval in 2014

OMB previously approved the renewal of this information collection in April 2014. The current collection contains:

- 597,047 responses
- 15,076,442 burden hours
- \$5,864,735,938 in respondent hourly cost burden

- \$431,714,199 in annual (non-hour) costs

Changes due to agency activity

Since 2014, the USPTO has submitted three change worksheets to make non-substantive changes to the collection:

- In April 2015, the USPTO updated two forms (PTO/AIA/14 and PTO/SB/29) for consistency with amendments made to 35 U.S.C 386(c) and 37 CFR 1.1.53(d), 1.55, and 1.78.
- In July 2015, the USPTO updated one form (PTO/AIA/14) to make it consistent with revisions made to 37 CFR 1.14.
- In March 2016, the USPTO discontinued collection 0651-0072 (America Invents Act Section 10 Patent Fee Adjustments). During this process, the filing fees associated with 0651-0032 were returned to this collection, having previously been housed in 0651-0072.

With the approval of the change worksheets the collection, prior to this renewal submission contains:

- 3,050,677 responses
- 51,155,729 burden hours
- \$1.050,481,799 in annual (non-hour) costs

As the first major adjustment of the entire collection since the addition of the fees were returned back into the collection; the responses and burden estimates were able to be scaled back due to eliminate of double counted items within the ROCIS PRA submission portal.

B. Changes proposed in this request to OMB

The proposed collection, as outlined in the tables above, seeks to modify the existing collection. The new proposed collection contains an estimated:

- 636,003 responses
- 15,757,082 burden hours
- \$6,460,403,620 in respondent hourly cost burden
- \$1,1,27,541,339 in annual (non-hour) costs

Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$595,667,682 (from \$5,864,735,938 to \$6,460,403,620) from the previous renewal of this collection in April 2014:

- Increases in estimated hourly rates. The 2014 renewal used an estimated attorney rate of \$389 per hour for respondents to this collection. For the current renewal, the USPTO is using updated hourly rates of \$410 for attorneys.
- Increases in estimated burden hours. The total estimated hours have increased from 15,076,442 in the 2014 renewal to 15,757,082 for the current renewal due to overall increases in the estimated annual responses for this collection.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase by 38,956 (from 597,047 to 636,003) and the total burden hours will increase by 680,640 (from 15,076,442 to 15,757,082) from the currently approved burden for this collection.

Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$695,827,139.53 (from \$431,714,199 to \$1,127,541,338.53), with the increase being due to program changes and agency adjustments.

Program Changes

- Addition of \$586,369,200 in filing fees. The collection was previously approved with no filing fees. The filing fees had previously been accounted for in information collection 0651-0072 (America Invents Act Section 10 Patent Fee Adjustments). Collection 0651-0072 was discontinued in March 2016 and, during that process, the fees were returned to this collection.

Agency Adjustments

- Increase of \$109,553,883 in drawing costs associated with utility, design, plant, and provisional patent applications. This raises the total estimated drawing costs from \$431,329,347 in the 2014 renewal to \$540,883,180 in the current proposal.
- Decrease of \$155,893 in postage costs, from \$384,852 in the 2014 renewal to \$228,959 in the current proposal.

16. Project Schedule

The USPTO does not plan to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

The forms in this information collection will display the OMB Control Number and the OMB expiration date.

18. Exception to the Certificate Statement

This collection of information does not include any exceptions to the certificate statements.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.