

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice
Before the USPTO
OMB Control Number 0651-0012

Background

The United States Patent and Trademark Office (USPTO) administers the Leahy-Smith America Invents Act (AIA), Section 10, which sets or adjusts patent fees established authorized, or charged under Title 35, United States Code (U.S.C.). Section 10 prescribes that fees may be set or adjusted only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials related to patent. Section 10 authorities also includes flexibility to set individual fees in a way that furthers key policies factors, while taking into account the cost of the respective services.

The request is to update the fees attached to this collection that are affected by the rulemaking NPRM 0651-AD02, and also to incorporate fees were not counted in previous approvals. There are twelve fees that are being introduced or adjusted as a result of the 2017 Patent Biennial Fee Review.

Table 1: Increases in Fee Amounts

IC #	Item	Current Fee	Proposed Fee	Fee Increase
1	Application Fee (Non-Refundable)	\$40	\$100	\$60
7	On Registration to Practice Under §11.6	\$100	\$200	\$100
13	On Grant of Limited Recognition Under §11.9(b)	New fee	\$200	\$200
5	For Test Administration by Commercial Entity	New fee	\$200	\$200
5	For Test Administration by the USPTO	New fee	\$450	\$450
5	For USPTO-Administered Review of Registration Examination	New fee	\$450	\$450
14	On Change of Registration from Agent to Attorney	New Fee	\$100	\$100
9a	Administrative Reinstatement Fee	\$100	\$200	\$100
9c	Review of Decision by the Director of Enrollment and Discipline Under §11.2(c)	\$130	\$400	\$270
15	Review of Decision of the Director of Enrollment and Discipline Under §11.2(d)	New fee	\$400	\$400
12	Certificate of Good Standing as an Attorney or Agent, Standard	New fee	\$40	\$40
12	Certificate of Good Standing as an Attorney or Agent, Suitable for Framing	New Fee	\$50	\$50

Table 2: Proposed Burden Cost

IC #	Item	Responses	Proposed Fee	Burden Cost
1	Application Fee (Non-Refundable)	3,782	\$100	\$378,200
7	On Registration to Practice Under §11.6	2195	\$200	\$439,000
13	On Grant of Limited Recognition Under §11.9(b)	638	\$200	\$127,600

5	For Test Administration by Commercial Entity	4,400	\$200	\$880,000
5	For Test Administration by the USPTO	20	\$450	\$9,000
5	For USPTO-Administered Review of Registration Examination	10	\$450	\$4,500
14	On Change of Registration from Agent to Attorney	100	\$100	\$10,000
9a	Administrative Reinstatement Fee	30	\$200	\$6,000
9c	Review of Decision by the Director of Enrollment and Discipline Under §11.2(c)	20	\$400	\$8,000
15	Review of Decision of the Director of Enrollment and Discipline Under §11.2(d)	3	\$400	\$1,200
12	Certificate of Good Standing as an Attorney or Agent, Standard	314	\$40	\$13,910
12	Certificate of Good Standing as an Attorney or Agent, Suitable for Framing	27	\$50	\$1,350
		9,741	---	\$1,877,410

Table 3: Change in Non-hourly Cost

IC #	Item	Current Total Cost (\$)	Proposed Total Cost (\$)	Change in Total Cost (\$)
1	Application Fee (Non-Refundable)	\$176,800	\$378,200	\$201,400
7	On Registration to Practice Under §11.6	\$4,000	\$439,000	\$435,000
13	On Grant of Limited Recognition Under §11.9(b)	New fee	\$127,600	\$127,600
5	For Test Administration by Commercial Entity	New fee	\$880,000	\$880,000
5	For Test Administration by the USPTO	New fee	\$9,000	\$9,000
5	For USPTO-Administered Review of Registration Examination	New fee	\$4,500	\$4,500
14	On Change of Registration from Agent to Attorney	New fee	\$10,000	\$10,000
9a	Administrative Reinstatement Fee	\$3,000	\$6,000	\$3,000
9c	Review of Decision by the Director of Enrollment and Discipline Under §11.2(c)	\$2,600	\$8,000	\$5,400
15	Review of Decision of the Director of Enrollment and Discipline Under §11.2(d)	New fee	\$1,200	\$1,200
12	Certificate of Good Standing as an Attorney or Agent, Standard	New fee	\$13,910	\$13,910
12	Certificate of Good Standing as an Attorney or Agent, Suitable for Framing	New fee	\$1350	\$1350
		\$185,600	\$1,877,410	\$1,692,360

Summary of Changes

Due to previous revisions to items in the collection, the actual changes proposed in the rulemaking and the changes on file with OMB are slightly different. The revision of four fees and the addition of eight new fees caused an increase of \$1,580,073 in non-hourly costs to collection 0651-0012. These changes are the result of rulemaking action NPRM 0651-AD02.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Respondents	26,635	10,373	37,008
Burden Hours	37,283	5,161	42,445
Non-Hourly Costs	\$1,374,578.80	1,580,073	2,954,652

The 0651-0012 revised total burden is as follows:

- 37,008 respondents
- 42,445 burden hours
- \$2,954,652, in annual (non-hourly) costs