**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 (UPSTO) 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 pervious 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