**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