

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Initial Patent Application
OMB Control Number 0651-0032

Background

The United States Patent and Trademark Office (USPTO) administers the Leahy-Smith America Invents Act (AIA), 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 the patent and trademark processes. 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.

This request is to update the fees attached to collection 0651-0032 (Initial Patent Application) that are affected by the rulemaking NPRM RIN 0651-AD31 (84 FRN 37398). There are sixteen fees being adjusted as a result of the 2019 Patent Biennial Fee Review.

Table 1: Increases in Fee Amount

IC #	Item	Current Fee	Proposed Fee	Changes in Fee Amount
4	Each Independent Claim in Excess of Three	\$460 (large entity) \$230 (small entity) \$115 (micro entity)	\$480 (large entity) \$240 (small entity) \$120 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
4	Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t))	\$300 (large entity) \$150 (small entity) \$75 (micro entity)	\$320 (large entity) \$160 (small entity) \$80 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
4	Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets	\$400 (large entity) \$200 (small entity) \$100 (micro entity)	\$420 (large entity) \$210 (small entity) \$105 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
4	Utility Search Fee	\$660 (large entity) \$330 (small entity) \$165 (micro entity)	\$700 (large entity) \$350 (small entity) \$175 (micro entity)	\$40 (large entity) \$20 (small entity) \$10 (micro entity)
4	Utility Examination Fee	\$760 (large entity) \$380 (small entity) \$190 (micro entity)	\$800 (large entity) \$400 (small entity) \$200 (micro entity)	\$40 (large entity) \$20 (small entity) \$10 (micro entity)
5	Each Claim in Excess of 20	\$100 (large entity) \$50 (small entity) \$25 (micro entity)	No change	No change
5	Basic Filing Fee – Plant	\$200 (large entity) \$100 (small entity) \$50 (micro entity)	\$220 (large entity) \$110 (small entity) \$55 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
5	Plant Application Size Fee – for Each Additional 50	\$400 (large entity) \$200 (small entity)	\$420 (large entity) \$210 (small entity)	\$20 (large entity) \$10 (small entity)

	Sheets That Exceeds 100 Sheets	\$100 (micro entity)	\$105 (micro entity)	\$5 (micro entity)
5	Plant Search Fee	\$420 (large entity) \$210 (small entity) \$105 (micro entity)	\$440 (large entity) \$220 (small entity) \$110 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
5	Plant Examination Fee	\$620 (large entity) \$310 (small entity) \$155 (micro entity)	\$660 (large entity) \$330 (small entity) \$165 (micro entity)	\$40 (large entity) \$20 (small entity) \$10 (micro entity)
6	Multiple Dependent Claim	\$820 (large entity) \$410 (small entity) \$205 (micro entity)	\$860 (large entity) \$430 (small entity) \$215 (micro entity)	\$40 (large entity) \$20 (small entity) \$10 (micro entity)
6	Basic Filing Fee - Design	\$200 (large entity) \$100 (small entity) \$50 (micro entity)	\$220 (large entity) \$110 (small entity) \$55 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
6	Basic Filing Fee - Design (CPA)	\$200 (large entity) \$100 (small entity) \$50 (micro entity)	\$220 (large entity) \$110 (small entity) \$55 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
6	Design Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets	\$400 (large entity) \$200 (small entity) \$100 (micro entity)	\$420 (large entity) \$210 (small entity) \$105 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
6	Design Search Fee	\$160 (large entity) \$80 (small entity) \$40 (micro entity)	No change	No change
6	Design Examination Fee	\$600 (large entity) \$330 (small entity) \$150 (micro entity)	\$640 (large entity) \$320 (small entity) \$160 (micro entity)	\$40 (large entity) -\$10 (small entity) \$10 (micro entity)
15	Provisional Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets	\$400 (large entity) \$200 (small entity) \$100 (micro entity)	\$420 (large entity) \$210 (small entity) \$105 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
15	Provisional Application Filing Fee	\$280 (large entity) \$140 (small entity) \$70 (micro entity)	\$300 (large entity) \$150 (small entity) \$75 (micro entity)	\$20 (large entity) \$10 (small entity) \$5 (micro entity)
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	\$160 (large entity) \$80 (small entity) \$40 (micro entity)	No change	No change
16	Surcharge - Late Provisional Filing Fee or Cover Sheet	\$60 (large entity) \$30 (small entity) \$15 (micro entity)	No change	No change

Table 2: Proposed Burden

IC #	Item	Responses	Proposed Fee	Proposed Cost
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4	Each Independent Claim in Excess of Three (large entity)	55,100	\$480.00	\$26,448,000.00
4	Each Independent Claim in Excess of Three (small entity)	20,500	\$240.00	\$4,920,000.00
4	Each Independent Claim in Excess of Three (micro entity)	1,900	\$120.00	\$228,000.00
4	Basic Filing fee - Utility (Paper Filing - Also Requires Non-Electronic Filing Fee Under 1.16(t)) (large entity)	235,200	\$320.00	\$75,264,000.00
4	Basic Filing fee - Utility (Paper Filing - Also Requires Non-Electronic Filing Fee Under 1.16(t)) (small entity)	80,500	\$160.00	\$12,880,000.00
4	Basic Filing fee - Utility (Paper Filing - Also Requires Non-Electronic Filing Fee Under 1.16(t)) (micro entity)	17,000	\$80.00	\$1,360,000.00
4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	13,500	\$420.00	\$5,670,000.00
4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	6,500	\$210.00	\$1,365,000.00
4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	160	\$105.00	\$16,800.00
4	Utility Search Fee (large entity)	233,900	\$700.00	\$163,730,000.00
4	Utility Search Fee (small entity)	79,600	\$350.00	\$27,860,000.00
4	Utility Search Fee (micro entity)	16,700	\$175.00	\$2,922,500.00
4	Utility Examination Fee (large entity)	234,900	\$800.00	\$187,920,000.00
4	Utility Examination Fee (small entity)	80,000	\$400.00	\$32,000,000.00
4	Utility Examination Fee (micro entity)	16,800	\$200.00	\$3,360,000.00
5	Basic Filing Fee - Plant (large entity)	570	\$220.00	\$125,400.00
5	Basic Filing Fee - Plant (small entity)	580	\$110.00	\$63,800.00
5	Basic Filing Fee - Plant (micro entity)	10	\$55.00	\$550.00
5	Plant Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	0	\$420.00	\$0.00
5	Plant Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	0	\$210.00	\$0.00
5	Plant Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	0	\$105.00	\$0.00
5	Plant Search Fee (large entity)	570	\$440.00	\$250,800.00
5	Plant Search Fee (small entity)	575	\$220.00	\$126,500.00
5	Plant Search Fee (micro entity)	10	\$110.00	\$1,100.00
5	Plant Examination Fee (large entity)	560	\$660.00	\$369,600.00

5	Plant Examination Fee (small entity)	570	\$330.00	\$188,100.00
5	Plant Examination Fee (micro entity)	10	\$165.00	\$1,650.00
6	Multiple Dependent Claim (large entity)	1,200	\$860.00	\$1,032,000.00
6	Multiple Dependent Claim (small entity)	800	\$430.00	\$344,000.00
6	Multiple Dependent Claim (micro entity)	90	\$215.00	\$19,350.00
6	Basic Filing Fee – Design (large entity)	20,100	\$220.00	\$4,422,000.00
6	Basic Filing Fee – Design (small entity)	17,900	\$110.00	\$1,969,000.00
6	Basic Filing Fee – Design (micro entity)	4,700	\$55.00	\$258,500.00
6	Basic Filing Fee – Design (CPA) (large entity)	550	\$220.00	\$121,000.00
6	Basic Filing Fee – Design (CPA) (small entity)	340	\$110.00	\$37,400.00
6	Basic Filing Fee – Design (CPA) (micro entity)	30	\$55.00	\$1,650.00
6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	115	\$420.00	\$48,300.00
6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	60	\$210.00	\$12,600.00
6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	1	\$105.00	\$105.00
6	Design Examination Fee (large entity)	20,200	\$640.00	\$12,928,000.00
6	Design Examination Fee (small entity)	17,800	\$320.00	\$5,696,000.00
6	Design Examination Fee (micro entity)	4,600	\$160.00	\$736,000.00
15	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	4,300	\$420.00	\$1,806,000.00
15	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	4,600	\$210.00	\$966,000.00
15	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	135	\$105.00	\$14,175.00
15	Provisional Application Filing Fee (large entity)	56,100	\$300.00	\$16,830,000.00
15	Provisional Application Filing Fee (small entity)	68,800	\$150.00	\$10,320,000.00
15	Provisional Application Filing Fee (micro entity)	30,000	\$75.00	\$2,250,000.00
	Totals	1,348,136		\$606,883,880.00

Table 3: Changes in Cost

IC #	Items	Current Cost	Proposed Cost	Change in Cost
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4	Each Independent Claim in Excess of Three (large entity)	\$23,142,000.00	\$26,448,000.00	\$3,306,000.00
4	Each Independent Claim in Excess of Three (small entity)	\$4,305,000.00	\$4,920,000.00	\$615,000.00
4	Each Independent Claim in Excess of Three (micro entity)	\$199,500.00	\$228,000.00	\$28,500.00
4	Basic Filing fee - Utility (Paper Filing - Also Requires Non-Electronic Filing Fee Under 1.16(t)) (large entity)	\$32,523,000.00	\$75,264,000.00	\$42,741,000.00
4	Basic Filing fee - Utility (Paper Filing - Also Requires Non-Electronic Filing Fee Under 1.16(t)) (small entity)	\$11,270,000.00	\$12,880,000.00	\$1,610,000.00
4	Basic Filing fee - Utility (Paper Filing - Also Requires Non-Electronic Filing Fee Under 1.16(t)) (micro entity)	\$1,190,000.00	\$1,360,000.00	\$170,000.00
4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	\$5,400,000.00	\$5,670,000.00	\$270,000.00
4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	\$1,300,000.00	\$1,365,000.00	\$65,000.00
4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	\$16,000.00	\$16,800.00	\$800.00
4	Utility Search Fee (large entity)	\$140,340,000.00	\$163,730,000.00	\$23,390,000.00
4	Utility Search Fee (small entity)	\$23,880,000.00	\$27,860,000.00	\$3,980,000.00
4	Utility Search Fee (micro entity)	\$2,505,000.00	\$2,922,500.00	\$417,500.00
4	Utility Examination Fee (large entity)	\$169,128,000.00	\$187,920,000.00	\$18,792,000.00
4	Utility Examination Fee (small entity)	\$28,800,000.00	\$32,000,000.00	\$3,200,000.00
4	Utility Examination Fee (micro entity)	\$3,024,000.00	\$3,360,000.00	\$336,000.00
5	Basic Filing Fee - Plant (large entity)	\$102,600.00	\$125,400.00	\$22,800.00
5	Basic Filing Fee - Plant (small entity)	\$52,200.00	\$63,800.00	\$11,600.00
5	Basic Filing Fee - Plant (micro entity)	\$450.00	\$550.00	\$100.00
5	Plant Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	\$0.00	\$0.00	\$0.00
5	Plant Application Size Fee - for Each Additional 50 Sheets That	\$0.00	\$0.00	\$0.00

	Exceeds 100 Sheets (small entity)			
5	Plant Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	\$0.00	\$0.00	\$0.00
5	Plant Search Fee (large entity)	\$216,600.00	\$250,800.00	\$34,200.00
5	Plant Search Fee (small entity)	\$109,250.00	\$126,500.00	\$17,250.00
5	Plant Search Fee (micro entity)	\$950.00	\$1,100.00	\$150.00
5	Plant Examination Fee (large entity)	\$324,800.00	\$369,600.00	\$44,800.00
5	Plant Examination Fee (small entity)	\$165,300.00	\$188,100.00	\$22,800.00
5	Plant Examination Fee (micro entity)	\$1,450.00	\$1,650.00	\$200.00
6	Multiple Dependent Claim (large entity)	\$936,000.00	\$1,032,000.00	\$96,000.00
6	Multiple Dependent Claim (small entity)	\$312,000.00	\$344,000.00	\$32,000.00
6	Multiple Dependent Claim (micro entity)	\$17,550.00	\$19,350.00	\$1,800.00
6	Basic Filing Fee – Design (large entity)	\$3,618,000.00	\$4,422,000.00	\$804,000.00
6	Basic Filing Fee – Design (small entity)	\$1,611,000.00	\$1,969,000.00	\$358,000.00
6	Basic Filing Fee – Design (micro entity)	\$211,500.00	\$258,500.00	\$47,000.00
6	Basic Filing Fee – Design (CPA) (large entity)	\$99,000.00	\$121,000.00	\$22,000.00
6	Basic Filing Fee – Design (CPA) (small entity)	\$30,600.00	\$37,400.00	\$6,800.00
6	Basic Filing Fee – Design (CPA) (micro entity)	\$1,350.00	\$1,650.00	\$300.00
6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	\$46,000.00	\$48,300.00	\$2,300.00
6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	\$12,000.00	\$12,600.00	\$600.00
6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	\$100.00	\$105.00	\$5.00
6	Design Examination Fee (large entity)	\$9,292,000.00	\$12,928,000.00	\$3,636,000.00
6	Design Examination Fee (small entity)	\$4,094,000.00	\$5,696,000.00	\$1,602,000.00
6	Design Examination Fee (micro entity)	\$529,000.00	\$736,000.00	\$207,000.00
15	Provisional Application Size Fee –	\$1,720,000.00	\$1,806,000.00	\$86,000.00

	for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)			
15	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	\$920,000.00	\$966,000.00	\$46,000.00
15	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	\$13,500.00	\$14,175.00	\$675.00
15	Provisional Application Filing Fee (large entity)	\$14,586,000.00	\$16,830,000.00	\$2,244,000.00
15	Provisional Application Filing Fee (small entity)	\$8,944,000.00	\$10,320,000.00	\$1,376,000.00
15	Provisional Application Filing Fee (micro entity)	\$1,950,000.00	\$2,250,000.00	\$300,000.00
	Totals	\$496,939,700.00	\$606,883,880.00	\$109,944,180.00

Summary of Changes

The Patent Fee Reviews results in the revision of sixteen forms and an increase of \$109,944,162 in annual (non-hourly) costs to collection 0651-0032.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$1,189,279,240	\$109,944,162.00	\$1,299,223,502

0651-0032's revised burden is as follows:

- \$1,299,223,502 in annual (non-hourly) costs