

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Rules for Patent Maintenance Fees**  
**OMB CONTROL NUMBER 0651-0016**  
**(July 2018)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

Under 35 U.S.C. § 41 and 37 CFR 1.20(e)-(h) and 1.362-1.378, the United States Patent and Trademark Office (USPTO) charges fees for maintaining in force all utility patents based on applications filed on or after December 12, 1980. Payment of these maintenance fees is due at 3-1/2, 7-1/2, and 11-1/2 years after the date the patent was granted. If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of six months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time. After a patent expires, it is no longer enforceable. Maintenance fees are not required for design or plant patents, or for reissue patents if the patent being reissued did not require maintenance fees.

The USPTO must maintain accurate payment records in order to provide the public with information as to which patents have expired and which patents remain in force. The USPTO may adjust patent maintenance fees annually. Fee schedules are published in the *Federal Register*, the *Official Gazette of the United States Patent and Trademark Office*, and on the USPTO Web site.

Payments of maintenance fees that are submitted during the six-month grace period before patent expiration must include the appropriate surcharge as indicated by 37 CFR 1.20(h). Submissions of maintenance fee payments and surcharges must include the relevant patent number and the corresponding United States application number in order to identify the correct patent and ensure proper crediting of the fee being paid.

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director to accept and record the maintenance fee under 37 CFR 1.377. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 37 CFR 1.378. The Director may accept the payment of a maintenance fee after the expiration of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unintentional. Petitions to accept unintentionally delayed payment must

also be accompanied by the required maintenance fee and the petition fee as set forth in 37 CFR 1.17(m). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(d).

The rules of practice (37 CFR 1.33(d) and 1.363) permit applicants, patentees, assignees, or their representatives of record to specify a “fee address” for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. A fee address must be an address that is associated with a USPTO customer number. Customer numbers may be requested by using the Request for Customer Number form (PTO/SB/125), which is covered under OMB Control Number 0651-0035. Maintaining a correct and updated address is necessary so that fee-related correspondence from the USPTO will be properly received by the applicant, patentee, assignee, or authorized representative. If a separate fee address is not specified for a patent or application, the USPTO will direct fee-related correspondence to the correspondence address of record.

The USPTO offers forms to assist the public with providing information covered by this collection, including the information necessary to submit a patent maintenance fee payment (PTO/SB/45) and to designate or change a fee address (PTO/SB/47). The USPTO offers two different versions of the form for petitions to accept unintentionally delayed payment of maintenance fee in an expired patent under 37 CFR 1.378(b). In addition to (i) the basic PDF that may be filled out electronically and then printed and mailed (or submitted online) (Form PTO/SB/66), the USPTO offers (ii) a Web-based ePetition, which the public can complete on a computer using a Web browser and then click a submit button to send the information to the USPTO over the Internet (ePetition). No forms are provided for the petitions under 37 CFR 1.377 and 1.378(d).

Customers may submit maintenance fee payments and surcharges incurred during the six-month grace period before patent expiration by using the Maintenance Fee Transmittal Form (PTO/SB/45) or by paying online through the USPTO Web site. However, to pay a maintenance fee after patent expiration, the maintenance fee payment and the petition fee as set forth in 37 CFR 1.17(m) must be filed together with a petition to accept unintentionally delayed payment. The USPTO accepts online maintenance fee payments by credit card, deposit account, or electronic funds transfer (EFT). Otherwise, non-electronic payments may be made by check, credit card, or deposit account.

Table 1 provides the statutes and regulations authorizing the USPTO to collect the information discussed above:

**Table 1: Information Requirements**

IC Number	Requirement	Statute	Rule
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1-2	Maintenance Fee Payment	35 U.S.C. § 41(b)	37 CFR 1.20(e)-(h), 1.362, and 1.366
3-4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	35 U.S.C. § 41(c)	37 CFR 1.20(e)-(g), 1.362, 1.366, 1.378(a) and (b)
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	35 U.S.C. § 41(b)	37 CFR 1.377, 37 CFR 1.17(g)
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	35 U.S.C. § 41(c)	37 CFR 1.378(d)
7	"Fee Address" Indication	35 U.S.C. § 41	37 CFR 1.33(d) and 1.363

## 2. Needs and Uses

This information collection is necessary so that patent owners can maintain a utility patent in force and to ensure that the USPTO can properly credit maintenance fee payments. The USPTO offers forms to assist the public with providing the information covered by this collection, including maintenance fee payments, petitions to accept delayed maintenance fee payments, and fee address changes.

The public uses the Maintenance Fee Transmittal Form (PTO/SB/45) to determine and pay the correct amount due for a maintenance fee transaction. PTO/SB/45 may be mailed or faxed to the USPTO, but PTO/SB/45 may not be submitted electronically via EFS-Web. Customers may submit maintenance fees and six-month grace period surcharges paid before patent expiration electronically over the Internet using the USPTO's Patent Maintenance Fees Storefront (hereinafter, the "Electronic Maintenance Fee Form") provided through the USPTO Web site. To pay a maintenance fee after patent expiration, customers must submit the maintenance fee payment together with a Petition to Accept Unintentionally Delayed Payment. A petition to accept delayed payment of a maintenance fee under the unintentional standard may be filed online.

The information collected, 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 collection of information is used by the public and the USPTO:

**Table 2: Needs and Uses**

IC Number	Form and Function	Form #	Needs and Uses
1	Maintenance Fee Transmittal Form, electronic and paper	PTO/SB/45	<ul style="list-style-type: none"> <li>Used by the public to pay the maintenance fee and the surcharge in order to keep one or more patents in force.</li> <li>Used by the USPTO to record the payment of the maintenance fees in order to keep the patent(s) in force.</li> <li>Used by the USPTO to determine whether a maintenance fee has been paid in response to an inquiry from the public.</li> </ul>
2	Electronic Maintenance Fee Form	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to pay the maintenance fee and the surcharge online in order to keep one or more patents in force.</li> <li>Used by the USPTO to record the payment of the maintenance fees in order to keep the patent(s) in force.</li> <li>Used by the USPTO to determine whether a maintenance fee has been paid in response to an inquiry from the public.</li> </ul>
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)), electronic and paper	PTO/SB/66	<ul style="list-style-type: none"> <li>Used by the petitioner to request that the patent be reinstated and to show that the delay in timely payment of the maintenance fee was unintentional.</li> <li>Used by the petitioner to verify all of the identifying information, such as the patent number, patent date, application number, and filing date.</li> <li>Used by the USPTO to determine whether the required elements for the petition have been submitted.</li> <li>Used by the USPTO to consider reinstatement of a patent that has expired due to unintentionally delayed payment of a maintenance fee.</li> </ul>
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) – ePetition	PTO/SB/66 ePetition	<ul style="list-style-type: none"> <li>Used by the petitioner to request that the patent be reinstated and to show that the delay in timely payment of the maintenance fee was unintentional.</li> <li>Used by the petitioner to verify all of the identifying information, such as the patent number, patent date, application number, and filing date.</li> <li>Used by the USPTO to determine whether the required elements for the petition have been submitted.</li> <li>Used by the USPTO to consider reinstatement of a patent that has expired due to unintentionally delayed payment of a maintenance fee.</li> </ul>
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377), electronic and paper	No Form Associated	<ul style="list-style-type: none"> <li>Used by the petitioner to request that the Director accept and record a maintenance fee that was filed prior to the expiration of the patent but was refused by the USPTO and to request a refund of the petition fee if the refusal was due to an error by the USPTO.</li> <li>Used by the USPTO to consider a request to review a decision refusing to accept and record payment of a maintenance fee prior to the expiration of the patent and to refund the petition fee if the refusal is determined to be an error by the USPTO.</li> </ul>

IC Number	Form and Function	Form #	Needs and Uses
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d)), electronic and paper	No Form Associated	<ul style="list-style-type: none"> <li>• 1Used by the petitioner to request that the Director reconsider a decision to refuse a petition to accept and record an unintentionally delayed maintenance fee payment after expiration of the patent so that the expired patent can be reinstated.</li> <li>• 1Used by the USPTO to consider a request to review a decision refusing to accept and record an unintentionally delayed payment of a maintenance fee after patent expiration.</li> </ul>
7	"Fee Address" Indication Form, electronic and paper	PTO/SB/47	<ul style="list-style-type: none"> <li>• Used by the applicant, patentee, assignee, or representative to establish an address other than the correspondence address as the maintenance fee address for a list of applications or patents.</li> <li>• Used by the USPTO to ensure that fee-related correspondence for a patent or allowed application is sent to the correct address.</li> </ul>

### 3. Use of Information Technology

Maintenance fee payments and surcharges for payments made during the six-month grace period before patent expiration may be submitted using the Electronic Maintenance Fee Form available online through the USPTO's Patent Maintenance Fees Storefront. The online payment system uses Secure Sockets Layer (SSL) technology in order to encrypt the payment data and transmit it securely over the Internet. The customer may choose to view a confirmation screen after the transaction is completed, which the customer may then print out as evidence of timely payment. In order to provide the public with accurate information as to which patents have expired, the USPTO maintains payment records in an electronic database. Customers may also use a voice response system to monitor the status of their maintenance fees.

Online payment of maintenance fees benefits the customer by eliminating potential mailing delays and offering fast and reliable payment confirmation. The USPTO accepts electronic payments by credit card, electronic funds transfer (EFT), or USPTO deposit account. Non-electronic payments may be made by check, credit card, or USPTO deposit account. The USPTO believes that the use of the electronic payment option for maintenance fee transactions will continue to increase as the public becomes more comfortable with making payments online.

Forms associated with this collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online. Other than PTO/SB/45, the forms and petitions in this collection may be submitted to the USPTO online through EFS-Web, the USPTO's Web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard Web browser. Typically, the customer will prepare the forms or documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. In addition, the USPTO has developed a Web-based interface to accept

an ePetition version of Petitions to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)). The public can complete the ePetition on a computer using a Web browser and then click a submit button to send the information to the USPTO over the Internet. ePetitions are convenient for customers while allowing the USPTO to process the petition automatically and send a response back to the customer immediately.

#### **4. Efforts to Identify Duplication**

The information collected is required to process and record patent maintenance fee payments and surcharges, to consider petitions related to maintenance fee payments, and to establish a separate address for fee-related correspondence. This information is not collected elsewhere and does not result in a duplication of effort. For maintenance fee transactions, the USPTO requires the customer to supply both the patent number and the corresponding application number in order to ensure the patent is accurately identified.

#### **5. Minimizing the Burden to Small Entities**

The information in this collection is necessary in order to complete a maintenance fee transaction, to consider an appropriate petition, or to process a fee address request. The information required by petitions to accept delayed payments, such as the showing or statement that the delayed payment was unintentional, provides the USPTO with documented evidence regarding the reason for the delay in payment of the required maintenance fees so that the Director may consider the request to reinstate the patent. The same information is required from every customer and is not available from any other source.

#### **6. Consequences of Less Frequent Collection**

This information is collected only when the public submits a payment, petition, or other request related to patent maintenance fees. If this information were not collected, the USPTO would not be able to: (1) identify the patent for which a maintenance fee is being paid and properly record the payment; (2) determine whether a patentee is entitled to reinstatement of a patent after a delayed payment; (3) determine whether a maintenance fee payment that was refused should have been accepted; or (4) send fee-related correspondence to the proper address. This information could not be collected less frequently.

#### **7. Special Circumstances in the Conduct of Information Collection**

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

#### **8. Consultations Outside the Agency**

The 60-Day Notice was published in the *Federal Register* on May 21, 2018 (83 Fed. Reg. 23430). The comment period ended on July 20, 2018. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, independent inventor groups, and users of our public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. No views have been expressed impacting the present renewal.

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent.

## **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 a patent, the entire patent application file is made available to the public, subject to provisions for providing only a redacted copy of the file contents. The prosecution history contained in the application file is critical for determining the scope of the property right conferred by a patent grant.

In order to protect the confidentiality of credit card account information when making fee payments, customers should submit credit card payments on a separate credit card payment form provided by the USPTO for this purpose, which is covered under OMB Control Number 0651-0043. The USPTO will not include the credit card information submitted using the provided credit card payment forms among the patent records open to public inspection. If a customer supplies credit card information on a form or document (e.g., in correspondence related to a patent) other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

## **11. Justification of Sensitive Questions**

None of the required information in this collection is considered to be sensitive.

## **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 estimates that it will receive approximately 533,910 total responses per year for this collection, with approximately 25% of these responses submitted by small entities.



The USPTO estimates that approximately 98% of the total annual responses for this collection will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 20 seconds (0.006 hours) to 8 hours to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or petition, and submit the completed request to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$438 per hour for respondent cost burden calculations, which is based on the 2017 Report of the Economic Survey from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA).

The USPTO uses a paraprofessional rate of \$145 per hour for respondent cost burden calculations, which is based on the 2016 National Utilization and Compensation Survey Report published by the National Association of Legal Assistants (NALA).

The USPTO expects that the petitions included in this collection will be prepared by attorneys and that the other items in this collection will be prepared by paraprofessionals.

**Table 3: Burden Hours/Burden Costs to Respondents**

IC Number	Item/Form No.	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b) / 60	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
1	Maintenance Fee Transmittal Transactions (PTO/SB/45)	0.08	11,000	916.67	\$145.00	\$132,916.67
2	Electronic Maintenance Fee Transactions	0.006	425,500	2,363.89	\$145.00	\$342,763.89
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)	1.00	300	300	\$438.00	\$131,400.00
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66) – ePetition	1.00	1,500	1,500	\$438.00	\$657,000.00
5	Petition to Review Refusal to Accept Payment of	4.00	10	40	\$438.00	\$17,520.00

IC Number	Item/Form No.	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b) / 60	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
	Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)					
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	8.00	100	800	\$438.00	\$350,400.00
7	"Fee Address" Indication Form (PTO/SB/47)	0.08	95,500	7,958.33	\$145.00	\$1,153,958.33
	<b>Totals</b>	---	<b>533,910</b>	<b>13,878.89</b>	---	<b>\$2,785,958.89</b>

### 13. Total Annual (Non-hour) Cost Burden

The total (non-hour) respondent cost burden for this collection is estimated to be \$1,209,457,959.50 per year. There are no capital start-up costs associated with this information collection. However, this collection does have an annual (non-hour) cost burden in the form of maintenance fees and postage costs applicable to paper submissions.

#### Fees

There are fees associated with patent maintenance costs, for a total of \$1,209,457,000.00 per year:

**Table 4: Fee Costs**

IC #	Item	Respondents (a)	Filing Fee (b)	Burden (a) x (b) = (c) (\$)
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (large entity)	188,800	\$1,600.00	\$302,080,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (small entity)	40,800	\$800.00	\$32,640,000.00

1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (micro entity)	2,600	\$400.00	\$1,040,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (large entity)	96,000	\$3,600.00	\$345,600,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (small entity)	16,200	\$1,800.00	\$29,160,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (micro entity)	900	\$900.00	\$810,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (large entity)	61,700	\$7,400.00	\$456,580,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (small entity)	9,800	\$3,700.00	\$36,260,000.00
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (micro entity)	500	\$1,850.00	\$925,000.00
1	Surcharge – 3.5 year – Late Payment Within 6 Months (large entity)	3,500	\$160.00	\$560,000.00
1	Surcharge – 3.5 year – Late Payment Within 6 Months (small entity)	6,200	\$80.00	\$496,000.00
1	Surcharge – 3.5 year – Late Payment Within 6 Months (micro entity)	700	\$40.00	\$28,000.00
1	Surcharge –7.5 year – Late Payment Within 6 Months (large entity)	2,000	\$160.00	\$320,000.00

1	Surcharge –7.5 year – Late Payment Within 6 Months (small entity)	2,500	\$80.00	\$200,000.00
1	Surcharge –7.5 year – Late Payment Within 6 Months (micro entity)	300	\$40.00	\$12,000.00
1	Surcharge – 11.5 year – Late Payment Within 6 Months (large entity)	2,200	\$160.00	\$352,000.00
1	Surcharge – 11.5 year – Late Payment Within 6 Months (small entity)	1,700	\$80.00	\$136,000.00
1	Surcharge – 11.5 year – Late Payment Within 6 Months (micro entity)	200	\$40.00	\$8,000.00
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (large entity)	500	\$2,000.00	\$1,000,000.00
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (small entity)	1,200	\$1,000.00	\$1,200,000.00
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (micro entity)	100	\$500.00	\$50,000.00
	<b>Totals</b>	<b>438,400</b>	<b>- - -</b>	<b>\$1,209,457,000.00</b>

### Postage Costs

The public may submit the forms and petitions in this collection to the USPTO by mail through the United States Postal Service. If the submission is sent by first-class mail, the public may also include a signed certification of the date of mailing in order to receive credit for timely filing. The non-electronic items in this collection have associated first-class postage costs of \$959.50 per year:

**Table 5: Postage Costs**

IC #	Item	Responses (a)	Postage cost (b)	Total Non-hour Cost Burden (postage) (c) (a) x (b)
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	6	\$0.50	\$3.00
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	1	\$0.50	\$0.50
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	2	\$0.50	\$1.00
7	"Fee Address" Indication Form	1,910	\$0.50	\$955.00
	<b>Totals</b>	<b>1,919</b>	<b>---</b>	<b>\$959.50</b>

**14. Annual Cost to the Federal Government**

The USPTO estimates that it takes a GS-7, step 1 employee approximately 5 minutes (0.08 hours) on average to process a Maintenance Fee Transmittal or Fee Address Indication Form and approximately 30 minutes (0.5 hours) on average to process the petitions included in this collection. The USPTO estimates that the cost of a GS-7, step 1 employee is \$26.82 per hour (GS hourly rate of \$20.63 with 30% (\$6.19) added for benefits and overhead).

When a customer makes a submission online using the Electronic Maintenance Fee Form or the EFS-Web or ePetition versions of Form PTO/SB/66, the transaction is processed and recorded automatically with no staff time required.

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

**Table 6: Burden Hours/Burden Costs to the Federal Government**

IC No.	Item/Form No.	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b) / 60	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
1	Maintenance Fee Transmittal Transactions (PTO/SB/45)	5	11,000	916.67	\$28.64	\$26,253.33
2	Electronic Maintenance Fee Transactions	0	425,500	0.00	N/A	\$0.00
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)	30	300	150.00	\$28.64	\$4,296.00
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66) – ePetition	0	1,500	0.00	N/A	\$0.00
5	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	30	10	5.00	\$28.64	\$143.20
6	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	30	100	50.00	\$28.64	\$1,432.00
7	“Fee Address” Indication Form (PTO/SB/47)	5	95,500	7,958.33	\$28.64	\$60,926.67
	<b>Totals</b>	---	<b>533,910</b>	<b>9,080.00</b>	---	<b>\$260,051.20</b>

## 15. Reason for Changes in Annual Burden

### A. Changes in Collection since previous OMB approval in 2017

OMB previously approved a change worksheet for this information collection in December 2017. The current collection contains:

- 525,309 responses
- 18,123.42 burden hours
- \$3,263,347.08 in respondent hourly cost burden
- \$1,123,428.117.42 in annual (non-hour) costs

Changes since the publication of the 60-day notice

Since the publication of the 60-day notice in the Federal Register on May 21, 2018 the following change has been made to this collection:

- A decrease of \$2,331,791.67 in annual cost burden

The response rate for IC line 7 (“Fee Address” Indication Form (PTO/SB/47)) has decreased from \$438 to \$145. This change has been made to reflect more accurate reporting.

#### B. Changes proposed in this request to OMB

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

- 533,910 responses
- 13,878.89 burden hours
- \$2,785,958.89 in respondent hourly cost burden
- \$1,209,457,959.50 in annual (non-hour) costs

#### Change in Respondent Cost Burden

The total respondent cost burden for this collection has decreased by \$477,388.19 (from \$3,263,347.08 to \$2,785,958.89) from the previous approval of this collection in December 2017, due to:

- **Decrease in burden hours (decrease of 4,244.53).** The previous approval estimated that 18,123.42 hours would be spent annually by respondents completing the forms in this collection. This renewal has revised that number to reflect that approximately 13,878.89 hours will be spent completing the forms in this collection. This decrease occurs in spite of the increased responses since the previous approval. More respondents have shifted to electronic fee payments that are less time-consuming to complete.

#### Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$86,029,248.08 (from \$1,123,428.117.42 to \$1,209,457,959.50) from the previous approval due to the increase in responses.

### 16. Project Schedule

The USPTO does not plan any special publication of patent numbers in which maintenance fees have been paid. However, the patent numbers, serial numbers, and issue dates of expired patents are published in the weekly *Official Gazette of the United*

*States Patent and Trademark Office* and annually in a consolidated listing. The weekly *Official Gazette* also includes a listing of patent numbers, serial numbers, filing dates, issue dates, and grant dates for patents that have been reinstated due to the acceptance of a late maintenance fee. The *Official Gazette* is published in electronic format on the USPTO Web site.

**17. Display of Expiration Date of OMB Approval**

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

**18. Exceptions to the Certificate Statement**

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

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.