

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Petition Related to Application and Reexamination Processing Fees
OMB Control Number 0651-0059

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 0651-0059 (Patent Petitions Related to Applications and Reexamination Processing Fees). There are two fees being adjusted as a result of the 2019 Patent Biennial Fee Review (RIN0651-Ad31), which was published in the Federal Register (July 31, 2019).

Table 1: Increases in Fee Amount

IC #	Item	Current Fee	Proposed Fee	Changes in Cost
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I)	\$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)
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II)	\$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)
3	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III)	\$140 (large entity) \$70 (small entity) \$35 (micro entity)	No change	No change

Table 2: Proposed Non-Hourly Cost Burden

IC #	Item	Responses	Proposed Fees	Proposed Cost
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (large entity)	1,400	\$420.00	\$588,000.00
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity)	1,150	\$210.00	\$241,500.00
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity)	250	\$105.00	\$26,250.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (large entity)	4,500	\$220.00	\$990,000.00

2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity)	550	\$110.00	\$60,500.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity)	50	\$55.00	\$2,750.00
	Totals	7,900		\$1,909,000.00

Table 3: Changes in Filing Fees (Cost Burdens)

IC #	Item	Current Cost	Proposed Cost	Changes in Cost
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (large entity)	\$560,000.00	\$588,000.00	\$28,000.00
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity)	\$230,000.00	\$241,500.00	\$11,500.00
1	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity)	\$25,000.00	\$26,250.00	\$1,250.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (large entity)	\$900,000.00	\$990,000.00	\$90,000.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity)	\$55,000.00	\$60,500.00	\$5,500.00
2	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity)	\$2,500.00	\$2,750.00	\$250.00
	Totals	\$1,772,500.00	\$1,909,000.00	\$136,500.00

Summary of Changes

The Patent Fee Review results in the revision of two forms and an increase of \$136,500 in annual (non-hourly) costs in collection 0651-0059.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$3,147,594	\$136,500	\$3,284,094

0651-0032's revised burden is as follows:

- \$3,284,094 annual (non-hourly) costs