

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Patent Processing**  
**OMB CONTROL NUMBER 0651-0031**  
**September, 2016**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. § 131 to examine an application for patent and, when appropriate, issue a patent. The USPTO is also required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code (“eighteen-month publication”). Certain situations may arise which require that additional information be supplied in order for the USPTO to further process the patent or application. The USPTO administers the statutes through various sections of the rules of practice in 37 CFR Part 1.

The information in this collection can be used by the USPTO to continue the processing of the patent or application to ensure that applicants are complying with the patent regulations and to aid in the prosecution of the application.

Table 1 provides the specific statutes and rules requiring the USPTO to collect the information discussed above:

**Table 1: Information Requirements for Patent Processing**

<b>IC Number</b>	<b>Item</b>	<b>Statute</b>	<b>Rule</b>
<b>1</b>	Information Disclosure Statements	35 U.S.C. § 2(b)(2)	37 CFR 1.56, 1.97 and 1.98
<b>2</b>	Transmittal Form	35 U.S.C. § 2(b)(2)	37 CFR 1.4, 1.5, 1.48, 1.111, 1.116, 1.121, 1.125, 1.133 and 1.291
<b>3</b>	Petitions for Extension of Time under 37 CFR 1.136(a)	35 U.S.C. § 2(b)(2), 41(a)(8), 131 and 132	37 CFR 1.136(a)
<b>4</b>	Express Abandonment under 37 CFR 1.138	35 U.S.C. § 2(b)(2), 131 and 132	37 CFR 1.138
<b>5</b>	Statutory Disclaimers	35 U.S.C. § 253	37 CFR 1.321
<b>6</b>	Request for Expedited Examination of a Design Application	35 U.S.C. § 2(b)(2)	37 CFR 1.155
<b>7</b>	Notice of Appeal	35 U.S.C. § 134	37 CFR 1.191
<b>8</b>	Petition for Revival of an Application for Patent Abandoned Unintentionally	35 U.S.C. §§ 41(a)(7), 111, 133, 151 and 371(d)	37 CFR 1.137
<b>9</b>	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	35 U.S.C. § 2(b)(2)	37 CFR 1.137 and 1.213
<b>10</b>	Requests to Access, Inspect, and Copy	35 U.S.C. § 122	37 CFR 1.14
<b>11</b>	Deposit Account Order Form	35 U.S.C. § 2(b)(2)	37 CFR 1.25
<b>12</b>	Certificates of Mailing or Transmission	35 U.S.C. §§ 2(b)(2) and 21(a)	37 CFR 1.8
<b>13</b>	Statement under 37 CFR 3.73(b)	35 U.S.C. § 2(b)(2)	37 CFR 3.73(b)
<b>14</b>	Non-publication Request	35 U.S.C. § 122(b)(2) (B)(i)	37 CFR 1.213(a)

IC Number	Item	Statute	Rule
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	35 U.S.C. §§ 122(b)(2)(B)(ii) and 122(b)(2)(B)(iii)	37 CFR 1.213(b)
16	Electronic Filing System (EFS) Copy of Application for Publication	35 U.S.C. §§ 122(b) and 122(b)(2)(B)(v)	37 CFR 1.215, 1.217, 1.219 and 1.221
17	Copy of File Content Showing Redactions	35 U.S.C. § 122(b)	37 CFR 1.217(d)
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	35 U.S.C. § 2(b)(2)	37 CFR 1.251
19	Request for Continued Examination (RCE) Transmittal	35 U.S.C. § 132(b)	37 CFR 1.114
20	Request for Oral Hearing before the Patent Trial and Appeal Board	35 U.S.C. § 134	37 CFR 1.194(b)
21	Request for Suspension of Action or Deferral of Examination under 37 CFR 1.103(b), (c), or (d)	35 U.S.C. §§ 2(b)(2) and 131	37 CFR 1.103(b), (c) or (d)
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	35 U.S.C. § 2(b)(2)	37 CFR 1.221
23	Applicant-Initiated Interview Request Form	35 U.S.C. § 2(b)(2)	37 CFR 1.133
24	Processing Fee under 37 CFR 1.17(i) Transmittal	35 U.S.C. § 2(b)(2)	37 CFR 1.17(i)
25	Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	35 U.S.C. § 2(b)(2)	37 CFR 1.55(d)
26	Authorization or Rescission of Authorization to Permit Access to Application-as-filed by Participating Offices under 37 CFR 1.14(h)	35 U.S.C. § 2(b)(2)	37 CFR 1.14(h)
27	Petition for Express Abandonment to Obtain a Refund	35 U.S.C. § 4(d)(1)(D)	37 CFR 1.138(d)
28	Pre-appeal Brief Request for Review	35 U.S.C. §§ 2(b)(2) and 134	37 CFR 41.32
29	Request for Corrected Filing Receipt	35 U.S.C. § 2(b)(2)	37 CFR 1.54, 1.76(a), 1.48(a) and (c)
30	Request for First-Action Interview (Pilot Program)	35 U.S.C. § 2(b)(2)	37 CFR 1.133
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	35 U.S.C. § 2(b)	37 CFR 1.102(c)(1)
32	Filing a Submission after Final Rejection (see 37 CFR 1.129(a))	35 U.S.C. §§ 2(b)(2), 102, 103, and 132	37 CFR 1.129
33	Correction of Inventorship after First Office Action on the Merits	35 U.S.C. § 111(b) and 116	37 CFR 1.48
34	Request for Correction in a Patent Application Relating to Inventorship or an Inventor Name, or Order of Names, Other than in a Reissue Application (37 CFR 1.48)	35 U.S.C. § 111(b) and 116	37 CFR 1.48
35	Request to Correct or Update the Name of the Applicant Under 37 CFR 1.46(c)(1), or Change the Applicant under 37 CFR 1.46(c)(2).	35 U.S.C. § 111(b) and 116	37 CFR 1.46(c)(1), 37 CFR 1.46(c)(2)

## 2. Needs and Uses

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 the information for Patent Processing is used by the public and by the USPTO:

**Table 2: Needs and Uses of Information Collected for Patent Processing**

IC Number	Item	Form #	Needs and Uses
1	Information Disclosure Statements	PTO/SB/08a/08b and EFS-Web	<ul style="list-style-type: none"> <li>Used by the applicant to meet the applicant's duty of disclosure under 37 CFR 1.56.</li> <li>Used by the USPTO when printing the patent document.</li> </ul>
2	Transmittal Form	PTO/SB/21	<ul style="list-style-type: none"> <li>Used by the applicant to indicate what type of correspondence is being submitted.</li> <li>Used by the USPTO to determine the specific contents of the communication.</li> <li>Used by the USPTO to facilitate the routing of papers to the most appropriate USPTO locations.</li> </ul>
3	Petitions for Extension of Time under 37 CFR 1.136(a)	PTO/SB/22, PTO/AIA/22	<ul style="list-style-type: none"> <li>Used by the applicant to request an extension of time.</li> <li>Used by the USPTO to determine whether the reason for requesting an extension is sufficient for granting it.</li> <li>Used by the USPTO to decide the correct fee, based upon the number of months of extension requested, and whether or not the applicant is entitled to small entity status.</li> </ul>
4	Express Abandonment under 37 CFR 1.138	PTO/SB/24, PTO/AIA/24	<ul style="list-style-type: none"> <li>Used by the applicant to expressly abandon an application.</li> <li>Used by the USPTO to determine whether the application is expressly abandoned.</li> <li>Used by the USPTO to determine whether an application has been expressly abandoned in favor of a continuation or divisional application.</li> </ul>
5	Statutory Disclaimers	PTO/SB/25/26/43/63	<ul style="list-style-type: none"> <li>Used by the applicant or assignee to disclaim the entire term or part of a term of a patent or a patent to be granted.</li> <li>Used by the USPTO to determine whether all owners have provided the required terminal disclaimer and to determine the length of the patent term to which the patentee is entitled.</li> <li>Used by the Certificate of Corrections branch of the USPTO for determining whether regulatory compliance has been met, for recording the disclaimer, and for providing the disclaimer data for printing.</li> </ul>
6	Request for Expedited Examination of a Design Application	PTO/SB/27	<ul style="list-style-type: none"> <li>Used by the applicant to request expedited examination of a design application.</li> <li>Used by the USPTO to ensure that all of the required information to expedite examination is provided and to process the request.</li> </ul>
7	Notice of Appeal	PTO/SB/31, PTO/AIA/31	<ul style="list-style-type: none"> <li>Used by the applicant to file a Notice of Appeal.</li> <li>Used by the USPTO to ensure that applicants comply with regulations when filing a Notice of Appeal.</li> </ul>
8	Petition for Revival of an Application for Patent Abandoned Unintentionally	PTO/SB/61/64	<ul style="list-style-type: none"> <li>Used by the applicant to request that applications that were unintentionally abandoned be revived.</li> <li>Used by the USPTO to ensure that applicants have included all the proper documentation and fees necessary to revive an unintentionally-abandoned application.</li> </ul>
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	PTO/SB/64a	<ul style="list-style-type: none"> <li>Used by the applicant to revive an application for patent abandoned for failure to timely notify the office of a foreign or international filing.</li> <li>Used by the USPTO to revive an application for patent abandoned for failure to timely notify the office of a foreign or international filing.</li> </ul>
10	Requests to Access, Inspect, and Copy	PTO/SB/67/68	<ul style="list-style-type: none"> <li>Used by the public to request permission to inspect and/or make copies in accordance with regulations.</li> <li>Ensures that applications are maintained in confidence in accordance with regulations.</li> <li>Used by the USPTO to determine that the persons requesting permission to inspect and/or make copies are authorized to do so.</li> <li>Used by the USPTO to verify that the application requested is abandoned and that it has been referred to in the referenced U.S. patent.</li> </ul>

IC Number	Item	Form #	Needs and Uses
11	Deposit Account Order Form	PTO/SB/91	<ul style="list-style-type: none"> <li>Used by the public to order goods or services using an established deposit account.</li> <li>Used by the USPTO to process orders for articles or services, and to identify the deposit account to which an order should be charged.</li> </ul>
12	Certificates of Mailing or Transmission	PTO/SB/92	<ul style="list-style-type: none"> <li>Used by the applicant as evidence of the date for replies to actions by the USPTO.</li> <li>Used by the USPTO to determine the timeliness of replies by an applicant to actions by the USPTO.</li> </ul>
13	Statement under 37 CFR 3.73(b)	PTO/SB/96, PTO/AIA/96	<ul style="list-style-type: none"> <li>Used by the applicant to show that this person has their authority to take actions on their behalf.</li> <li>Used by the USPTO to determine that the person signing has authority to take action on behalf of an assignee.</li> </ul>
14	Non-publication Request	PTO/SB/35	<ul style="list-style-type: none"> <li>Used by the applicant to request that the USPTO not publish the application under 37 U.S.C. § 122(b).</li> <li>Used by the USPTO to determine whether the application should be published under 37 U.S.C. § 122(b).</li> </ul>
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	PTO/SB/36	<ul style="list-style-type: none"> <li>Used by the applicant to rescind a previously filed request that the USPTO not publish the application under 35 U.S.C. § 122(b)(2)(B)(ii).</li> <li>Used by the applicant to provide notice of a foreign or international filing required by 35 U.S.C. § 122(b)(2)(B)(iii).</li> <li>Used by the USPTO to determine that the application is subject to eighteen-month publication.</li> </ul>
16	Electronic Filing System (EFS) Copy of Application for Publication	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to obtain publication of a version of the application different from the application as initially submitted to the USPTO.</li> <li>Used by the applicant to request publication of an application earlier than as provided for by eighteen-month publication or of an application that is not subject to eighteen-month publication.</li> <li>Used by the USPTO to create a publication document as part of the USPTO's publication of the application.</li> </ul>
17	Copy of File Content Showing Redactions	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to show redactions to USPTO actions/notices and the applicant's replies.</li> <li>Used by the USPTO to confirm what redactions are made to the copy of application file content that is provided to the public.</li> </ul>
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	PTO-2053-A/B PTO-2054-A/B PTO-2055-A/B	<ul style="list-style-type: none"> <li>Used by the applicant to assist the USPTO in reconstructing a current copy of a missing patent or application file.</li> <li>Used by the USPTO to notify the applicant that the application or patent file is unlocatable and to request a copy of the applicant's or patentee's record of the application or patent file (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not) in order to reconstruct the file of an unlocatable application or patent.</li> </ul>
19	Request for Continued Examination (RCE) Transmittal	EFS-Web and PTO/SB/30	<ul style="list-style-type: none"> <li>Used by the applicant to request continued examination of a previously submitted application.</li> <li>Used by the USPTO to process and initiate continued examination of a previously submitted application.</li> </ul>
20	Request for Oral Hearing before the Patent Trial and Appeal Board	PTO/SB/32, PTO/AIA/32	<ul style="list-style-type: none"> <li>Used by the applicant to file a written request in a separate paper for an oral hearing before the Board.</li> <li>Used by the USPTO to process and consider the request for an oral appeal hearing.</li> </ul>
21	Request for Suspension of Action or Deferral of Examination under 37 CFR 1.103(b), (c), or (d)	PTO/SB/37	<ul style="list-style-type: none"> <li>Used by the applicant to request deferred examination of a patent application for up to three years from the earliest filing date for which a benefit is claimed.</li> <li>Used by the USPTO to process and consider this request for deferral of examination.</li> </ul>

IC Number	Item	Form #	Needs and Uses
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	EFS-Web	<ul style="list-style-type: none"> <li>• Voluntary Publication: Used by the applicant to request publication of an application filed prior to November 29, 2000.</li> <li>• Republication: Used by the applicant to correct prior application publications containing material errors caused by the USPTO or to correct other data, such as claims that previously published as part of an application publication.</li> <li>• Used by the USPTO to publish an application filed prior to November 29, 2000, or to correct prior application publication errors.</li> </ul>
23	Applicant-Initiated Interview Request Form	PTOL/413A	<ul style="list-style-type: none"> <li>• Used by the applicant to request an interview.</li> <li>• Used by the applicant to assist in the preparation of a written record of the interview.</li> <li>• Used by the USPTO to allow the examiner to prepare in advance for an applicant initiated interview.</li> <li>• Used by the USPTO to allow the examiner to focus on the issue to be discussed in the applicant initiated interview.</li> <li>• Used by the USPTO to identify whether agreement has been reached.</li> </ul>
24	Processing Fee under 37 CFR 1.17(i) Transmittal	PTO/SB/17i	<ul style="list-style-type: none"> <li>• Used by the applicant to identify the proper fee and thus reduce the potential for any additional work due to mistakes in payment.</li> <li>• Used by the USPTO to process the appropriate fees.</li> </ul>
25	Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	PTO/SB/38	<ul style="list-style-type: none"> <li>• Used by the applicant to request that the USPTO retrieve priority documents from the other participating intellectual property offices.</li> <li>• Used by the USPTO to retrieve priority documents from the other participating intellectual property offices.</li> </ul>
26	Authorization or Rescission of Authorization to Permit Access to Application-as-filed by Participating Offices under 37 CFR 1.14(h)	PTO/SB/39	<ul style="list-style-type: none"> <li>• Used by the applicant to authorize the USPTO to release confidential documents to other participating intellectual property offices that are important to the prosecution of the patent application.</li> <li>• Used by the USPTO to properly release confidential documents to other participating intellectual offices that are important to the prosecution of the patent application.</li> </ul>
27	Petition for Express Abandonment to Obtain a Refund	PTO/SB/24B, PTO/AIA/24B	<ul style="list-style-type: none"> <li>• Used by the applicant to expressly abandon the application for a refund of the search fee if recognized by an appropriate USPTO official prior to examination of the application.</li> <li>• Used by the USPTO to expressly abandon the application and to refund the search fee to the applicant if recognized by an appropriate USPTO official prior to examination of the application.</li> </ul>
28	Pre-appeal Brief Request for Review	PTO/SB/33, PTO/AIA/33	<ul style="list-style-type: none"> <li>• Used by the applicant to request that a panel of examiners formally review the basis of the rejections in their application prior to filing an appeal brief.</li> <li>• Used by the USPTO to determine whether an appeal should be maintained.</li> </ul>
29	Request for Corrected Filing Receipt	No Form	<ul style="list-style-type: none"> <li>• Used by the applicant to request a corrected filing receipt.</li> <li>• Used by the USPTO to correct errors in application data.</li> </ul>
30	Request for First-Action Interview (Pilot Program)	PTOL-413C EFS-Web only	<ul style="list-style-type: none"> <li>• Used by the applicant to request a first-action interview prior to the first Office action on the merits to advance prosecution of the application.</li> <li>• Used by the USPTO to grant advancement of examination for the first Office action on the merits.</li> </ul>

IC Number	Item	Form #	Needs and Uses
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	PTO/SB/130 EFS-Web only	<ul style="list-style-type: none"> <li>Used by the applicant to petition that an application be made special for advancement of examination by showing that the applicant is 65 years of age, or more.</li> <li>Used by the USPTO to assist in the expeditious processing of the petition to make special based on age.</li> </ul>
32	Filing a Submission after Final Rejection (see 37 CFR 1.129(a))	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to have a first or second submission entered and considered on the merits after final rejection under the circumstances identified in 37 CFR 1.129.</li> <li>Used by the USPTO to determine whether to maintain a rejection or objection of a claim of an application.</li> </ul>
33	Correction of Inventorship after First Office Action on the Merits	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to request a correction of the inventorship of an application following the first office action.</li> <li>Used by the USPTO to determine whether the inventorship of an application should be corrected following the first office action.</li> </ul>
34	Request for Correction in a Patent Application Relating to Inventorship or an Inventor Name, or Order of Names, Other than in a Reissue Application (37 CFR 1.48)	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to request a correction of the inventorship of an application.</li> <li>Used by the USPTO to determine whether the inventorship of an application should be corrected.</li> </ul>
35	Request to Correct or Update the Name of the Applicant Under 37 CFR 1.46(c)(1), or Change the Applicant under 37 CFR 1.46(c)(2).	No Form	<ul style="list-style-type: none"> <li>Used by the applicant to request a correction or an update to the name of the applicant.</li> <li>Used by the applicant to request a change to the applicant.</li> <li>Used by the USPTO to determine whether the name of the applicant should be corrected or updated.</li> <li>Used by the USPTO to determine whether the applicant should be changed.</li> </ul>

### 3. Use of Information Technology

The 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 to the USPTO online through EFS-Web. The “EFS-Web only” items in this collection must be submitted to the USPTO online through EFS-Web. In addition, the USPTO provides an electronic interface on its Web site that the public can use to submit the information associated with the Electronic Applicant Initiated Interview Request Form.

EFS-Web is 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 without downloading special software, changing their document preparation tools, or altering their workflow processes. 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. EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically

encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the EFS server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgment receipt that is immediately returned to the customer.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. PAIR allows authorized individuals secure and immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

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

This information is collected during the pendency of a patent application. It does not duplicate information or collection of data found elsewhere.

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

No significant impact is placed on small entities. Small entities simply need to identify themselves as such to obtain the benefits of small entity status.

Pursuant to 35 U.S.C. § 41(h)(1), the USPTO provides a fifty percent (50%) reduction in the fees charged under 35 U.S.C. § 41(a) and (b) for small entities. The USPTO also provides a fifty percent (50%) reduction of the already-reduced small-entity fees for those entities asserting micro entity status. The USPTO's regulations concerning the payment of reduced patent fees by small entities and micro entities are at 37 CFR 1.27 and 1.28, and reduced patent fees for applicants with either small-entity or micro-entity status are shown in 37 CFR 1.16, 1.17, 1.18 and 1.20.

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

This information is collected only as required to process a patent application or enforceable patent, and is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If the information were not collected, the USPTO would not be able to comply with 35 U.S.C. § 131.

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

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

#### **8. Consultation Outside the Agency**

The 60-Day Notice was published in the *Federal Register* on May 23, 2016 (81 Fed. Reg. 32298). The public comment period ended on July 22, 2016. Five public comments were received in response to the May 2016 60-Day Notice. In addition, a 30-day Notice was published in the *Federal Register* on July 26, 2016 (81 Fed. Reg. 48762). The public comment period ends on August 25, 2016. One public comment has been received in response to the July 2016 30-day Notice.

One commenter raised an issue regarding the patent term adjustment statement under 37 CFR 1.704(d). The USPTO notes that it is working on a form solution to help applicants make the patent term adjustment statement under 37 CFR 1.704(d). The same commenter also raised an issue regarding form PTO/SB/08a EFS-Web. The USPTO is (i) correcting the reference to 37 CFR 10.18 by replacing it with a reference to 37 CFR 11.18 and (ii) providing a red border around the field for "Publication Date" and removing the red border around the field for "Name of Patentee or Applicant of Cited Document", both under the subsection "Foreign Patent Documents". The commenter correctly noted that the red border is intended to communicate a mandatory field. The same commenter further raised an issue regarding form PTO/AIA/96. The USPTO is in the midst of updating form PTO/AIA/96. As part of its review of form PTO/AIA/96 during the update, the USPTO will consider the suggestion to remove the "type of assignee" field.

One commenter raised an issue regarding "all forms that require correction of a defect, list multiple possible defects, and fail to identify the specific defect alleged to be present". The types of forms identified in the comment are outside the scope of the present renewal.

One commenter suggested harmonizing the date format between various USPTO systems, such as USPTO forms, Private PAIR, TESS, EPAS and PCT filings. The suggestion is noted, and the date format used for the forms in this collection will be reviewed. The date format used in other USPTO systems is outside the scope of the present renewal. The same commenter also suggested electronic enhancements to forms AIA/14 and AIA/15. The USPTO's next generation e-filing system currently is in development and is expected to provide a number of improvements that should address the commenter's suggestions.

One commenter raised an issue regarding the warning messages associated with form PTO/SB/08a EFS-Web. The USPTO will review the warning messages associated with form PTO/SB/08a EFS-Web. The same commenter also had several suggestions for improving form AIA/14 (the Application Data Sheet). As noted above, the USPTO's next generation e-filing system currently is in development and is expected to provide a number of improvements to many USPTO forms, including the AIA/14.

One commenter provided time estimates for completion of many of the forms in this collection. In response, the USPTO has taken the commenter's estimates into consideration when providing its estimates in the present renewal. The commenter also identified the following forms as missing forms: PTO/AIA/40; PTO/AIA/41; PTO/SB/21;



PTO/SB/37; PTO/SB/61; PTO/SB/97; PTO-2053-A/B; PTO-2054-A/B; and PTO-2055-A/B.

Forms PTO/AIA/40 and PTO/AIA/41 are new forms created to assist with providing the information required by existing requirements (i) Request for Correction in a Patent Application Relating to Inventorship or an Inventor Name, or Order of Names, Other than in a Reissue Application (37 CFR 1.48) and (ii) Request to Correct or Update the Name of the Applicant Under 37 CFR 1.46(c)(1), or Change the Applicant under 37 CFR 1.46(c)(2), respectively. They will be available on the USPTO Web site at <http://www.uspto.gov/patent/patents-forms> once the present renewal has been approved.

Forms PTO/SB/21 and PTO/SB/37 are available on the USPTO Web site at <http://www.uspto.gov/patent/forms/forms>.

Forms PTO/SB/61 and PTO/SB/97 have been discontinued and are no longer available. Form PTO/SB/61 was discontinued because it collected information regarding revival for unavoidable delay. The unavoidable delay standard was eliminated as a basis for revival by the Patent Law Treaties Implementation Act of 2012. As for PTO/SB/97, it was merged with PTO/SB/92. PTO/SB/92 now collects information regarding certificates of mailing or transmission (previously PTO/SB/92 collected information regarding certificates of mailing and PTO/SB/97 collected information regarding certificates of transmission).

Forms PTO-2053-A/B, PTO-2054-A/B, and PTO-2055-A/B are used by the USPTO to notify the applicant that the application or patent file is unlocatable and to request a copy of the applicant's or patentee's record of the application or patent file (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not) in order to reconstruct the file of an unlocatable application or patent. Due to their nature, the USPTO does not make these forms available on the USPTO Web site. They are provided to relevant applicants and patent owners only after their file(s) have been identified as unlocatable.

One commenter raised an issue regarding the U.S. government interest field of the Provisional Application for Patent Cover Sheet (forms PTO/SB/16 and PTO/SB/16 EFS-Web). Forms PTO/SB/16 and PTO/SB/16 EFS-Web are not part of this collection; they are part of collection 0651-0032. Nevertheless, the USPTO will consider the suggestion to enlarge the field provided for the U.S. government interest on forms PTO/SB/16 and PTO/SB/16 EFS-Web.

One commenter suggested that some time estimates did not include consideration of other factors beyond the time needed to complete certain responses. These comments cited factors such as time needed to evaluate options, consulting clients, or making other informed decisions. Although the USPTO appreciates that respondents utilize time and effort for many matters related to and during the course of the patent

examination process, these estimates necessarily focus on the estimated time to complete the specific information collection responses.

The previous commenter also suggested USPTO provide a response to comments previously submitted on an Agency request for comments pertaining to a Patent Subject Matter Eligibility Federal Register notice (2016). The commenter also requested clarification as to which version of guidance was in effect. Although the Agency considers all comments for which it solicits feedback it does not routinely provide, nor is it required to provide, a separate response to a comment document unless otherwise specified. Additionally, the 2016 guidance document referenced by the commenter supplements guidance on other topics than those addressed in 2014 and 2105 guidance issued by USPTO. Therefore, it does not address or supersede matters discussed in previously issued guidance in 2014 and 2015 on the issue of Patent Subject Matter Eligibility. This same commenter referenced Executive Order 13566 and the requirement for USPTO to periodically review their regulations. Again, although this is outside the scope of this information collection, the Agency notes that it does conduct a periodic retrospective analyses of existing regulations consistent with the Executive Order and submits them to OMB with the Department of Commerce.

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.

## **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). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of a reexamination proceeding is available to the public.

## **11. Justification for 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 anticipated 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 3,542,082 responses per year for this collection, with approximately 25% of these responses submitted by small entities.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between 2 minutes (.03 hours) and 8 hours to submit a single item in this collection depending on the instrument used, including the time to gather the necessary information, prepare the appropriate form or petition, and submit the completed request to the USPTO. The time per response, estimated annual responses, and estimated annual hour burden associated with each instrument in this collection are shown in the table below.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- **Cost Burden Calculation Factors**

The USPTO expects that patent attorneys and paraprofessionals will complete and submit this information.

The professional hourly rates for attorneys and paralegals, based on the 2015 *Report of the Economic Survey* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA), are \$410 and \$125 respectively. Using these hourly rates, the USPTO estimates that the total respondent cost burden for this collection is \$978,250,660.00 per year.

**Table 3: Burden Hour/Burden Cost to Respondents for Patent Processing**

IC Number	Item	Estimated Response Time (Minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (Hours) (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
1	EFS-Web IDS (Information Disclosure Statements) that do not require the fee set forth in 37 CFR 1.17(p)	120	635,000	1,270,000.00	\$410.00	\$520,700,000.00
1	Information Disclosure Statements that do not require the fee set forth in 37 CFR 1.17(p)	120	20,000	40,000.00	\$410.00	\$16,400,000.00

IC Number	Item	Estimated Response Time (Minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (Hours) (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
1	EFS-Web IDS (Information Disclosure Statements) that require the fee set forth in 37 CFR 1.17(p)	120	115,000	230,000.00	\$410.00	\$94,300,000.00
1	Information Disclosure Statements that require the fee set forth in 37 CFR 1.17(p)	120	5,000	10,000.00	\$410.00	\$4,100,000.00
2	Electronic Transmittal Form	120	850,000	1,700,000.00	\$125.00	\$212,500,000.00
2	Transmittal Form	120	50,000	100,000.00	\$125.00	\$12,500,000.00
3	Electronic Petition for Extension of Time under 37 CFR 1.136(a)	18	290,000	87,000.00	\$125.00	\$10,875,000.00
3	Petition for Extension of Time under 37 CFR 1.136(a)	18	10,000	3,000.00	\$125.00	\$375,000.00
4	Electronic Express Abandonment under 37 CFR 1.138	15	4,800	1,200.00	\$125.00	\$150,000.00
4	Express Abandonment under 37 CFR 1.138	15	200	50.00	\$125.00	\$6,250.00
5	Electronic Statutory Disclaimers (including terminal disclaimers)	15	58,000	14,500.00	\$410.00	\$5,945,000.00
5	Statutory Disclaimers (including terminal disclaimers)	15	2,000	500.00	\$410.00	\$205,000.00
6	Electronic Request for Expedited Examination of a Design Application	15	390	98.00	\$410.00	\$40,180.00
6	Request for Expedited Examination of a Design Application	15	10	2.00	\$410.00	\$820.00
7	Electronic Notice of Appeal	18	28,000	8,400.00	\$410.00	\$3,444,000.00
7	Notice of Appeal	18	1,000	300.00	\$410.00	\$123,000.00
8	Electronic Petition for Revival of an Application for Patent Abandoned Unintentionally	60	7,500	7,500.00	\$410.00	\$3,075,000.00
8	Petition for Revival of an Application for Patent Abandoned Unintentionally	60	500	500.00	\$410.00	\$205,000.00
9	Electronic Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	60	190	190.00	\$410.00	\$77,900.00
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	60	10	10.00	\$410.00	\$4,100.00
10	Electronic Requests to Access, Inspect and Copy	15	95,000	23,750.00	\$125.00	\$2,968,750.00

IC Number	Item	Estimated Response Time (Minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (Hours) (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
10	Requests to Access, Inspect and Copy	15	5,000	1,250.00	\$125.00	\$156,250.00
11	Electronic Deposit Account Order Form	15	1,600	400.00	\$125.00	\$50,000.00
11	Deposit Account Order Form	15	100	25.00	\$125.00	\$3,125.00
12	Electronic Certificates of Mailing or Transmission	2	750,000	22,500.00	\$125.00	\$2,812,500.00
12	Certificates of Mailing or Transmission	2	50,000	1,500.00	\$125.00	\$187,500.00
13	Electronic Statement Under 37 CFR 3.73(c)	15	240,000	60,000.00	\$410.00	\$24,600,000.00
13	Statement Under 37 CFR 3.73(c)	15	10,000	2,500.00	\$410.00	\$1,025,000.00
14	Electronic Non-publication Request	15	23,000	5,750.00	\$410.00	\$2,357,500.00
14	Non-publication Request	15	1,000	250.00	\$410.00	\$102,500.00
15	Electronic Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	15	900	225.00	\$410.00	\$92,250.00
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	15	50	13.00	\$410.00	\$5,330.00
16	Electronic Filing System (EFS) Copy of Application for Publication	150	1	3.00	\$125.00	\$375.00
17	Copy of File Content Showing Redactions	240	1	4.00	\$410.00	\$1,640.00
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	120	10	20.00	\$125.00	\$2,500.00
19	EFS-Web Request for Continued Examination (RCE) Transmittal	18	165,000	49,500.00	\$410.00	\$20,295,000.00
19	Request for Continued Examination (RCE) Transmittal	18	5,000	1,500.00	\$410.00	\$615,000.00
20	Electronic Request for Oral Hearing Before the Patent Trial and Appeal Board	18	950	285.00	\$410.00	\$116,850.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board	18	50	15.00	\$410.00	\$6,150.00

<b>IC Number</b>	<b>Item</b>	<b>Estimated Response Time (Minutes) (a)</b>	<b>Estimated Annual Responses (b)</b>	<b>Estimated Annual Burden (Hours) (a) x (b) / 60 = (c)</b>	<b>Rate (\$/hr) (d)</b>	<b>Total Annual Cost (c) x (d) = (e)</b>
21	Electronic Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d)	12	700	140.00	\$410.00	\$57,400.00
21	Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d)	12	50	10.00	\$410.00	\$4,100.00
22	EFS-Web Request for Voluntary Publication or Republication (includes publication fee for republication)	12	290	58.00	\$125.00	\$7,250.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	12	10	2.00	\$125.00	\$250.00
23	Electronic Applicant Initiated Interview Request Form	24	11,000	4,400.00	\$410.00	\$1,804,000.00
23	Applicant Initiated Interview Request Form	24	3,500	1,400.00	\$410.00	\$574,000.00
24	Electronic Processing Fee Under 37 CFR 1.17(i) Transmittal	5	340	27	\$410.00	\$11,070.00
24	Processing Fee Under 37 CFR 1.17(i) Transmittal	5	10	1	\$410.00	\$410.00
25	Electronic Request to Retrieve Electronic Priority Application(s) Under 37 CFR 1.55(h)	15	11,500	2,875.00	\$410.00	\$1,178,750.00
25	Request to Retrieve Electronic Priority Application (s) Under 37 CFR 1.55(h)	15	500	125.00	\$410.00	\$51,250.00
26	Electronic Authorization or Rescission of Authorization to Permit Access to Application-as-filed by Participating Offices Under 37 CFR 1.14(h)	15	14,500	3,625.00	\$410.00	\$1,486,250.00
26	Authorization or Rescission of Authorization to Permit Access to Application-as-filed by Participating Offices Under 37 CFR 1.14(h)	15	500	125.00	\$410.00	\$51,250.00
27	Electronic Petition for Express Abandonment to Obtain a Refund	12	1,550	310.00	\$410.00	\$127,100.00
27	Petition for Express Abandonment to Obtain a Refund	12	50	10.00	\$410.00	\$4,100.00
28	Electronic Pre-Appeal Brief Request for Review	300	10,500	52,500.00	\$410.00	\$21,525,000.00

IC Number	Item	Estimated Response Time (Minutes) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (Hours) (a) x (b) / 60 = (c)	Rate (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
28	Pre-Appeal Brief Request for Review	300	500	2,500.00	\$410.00	\$1,025,000.00
29	EFS-Web Request for Corrected Filing Receipt	5	29,000	2,320.00	\$125.00	\$290,000.00
29	Request for Corrected Filing Receipt	5	1,000	80.00	\$125.00	\$10,000.00
30	Request for First Action Interview (Pilot Program) (Electronic only)	150	1,200	3,000.00	\$410.00	\$1,230,000.00
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) (EFS-Web only)	120	2,000	4,000.00	\$410.00	\$1,640,000.00
32	Electronic Filing a submission after final rejection (see 37 CFR 1.129(a))	480	110	880.00	\$410.00	\$360,800.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	480	10	80.00	\$410.00	\$32,800.00
33	Electronic correction of inventorship after first office action on the merits	45	2,900	2,175.00	\$410.00	\$891,750.00
33	Correction of inventorship after first office action on the merits	45	100	75.00	\$410.00	\$30,750.00
34	Electronic request for correction in a patent application relating to inventorship or an inventor name, or order of names, other than in a reissue application (37 CFR 1.48)	45	14,500	10,875.00	\$410.00	\$4,458,750.00
34	Request for correction in a patent application relating to inventorship or an inventor name, or order of names, other than in a reissue application (37 CFR 1.48)	45	500	375.00	\$410.00	\$153,750.00
35	Electronic request to correct or update the name of the applicant under 37 CFR 1.46(c)(1), or change the applicant under 37 CFR 1.46(c)(2)	12	9,500	1,900.00	\$410.00	\$779,000.00
35	Request to correct or update the name of the applicant under 37 CFR 1.46(c)(1), or change the applicant under 37 CFR 1.46(c)(2)	12	500	100.00	\$410.00	\$41,000.00
	<b>Total</b>	- - - -	<b>3,542,082</b>	<b>3,736,708.00</b>	- - - -	<b>\$978,250,250.00</b>

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

The total annual (non-hour) respondent cost burden for this collection is estimated to be \$419,995,408.96, with \$227,338.96 in postage costs and \$419,728,070.00 in filing fees. Tables 4 and 5, below, calculate the anticipated non-hourly cost burden of this information collection to the public.

## Filing Fees

**Table 4: Filing Fees (Non-hour) Cost Burden for Patent Processing**

IC Number	Item	Estimated Annual Responses	Filing Fee Per Response	Total Annual (non-hour) Fee Burden
		(a)	(b)	(a) x (b) = (c)
1	Information Disclosure Statements (IDS) that require the fee set forth in 37 CFR 1.17(p) (large entity)	90,000	\$180.00	\$16,200,000.00
1	IDS that require the fee set forth in 37 CFR 1.17(p) (small entity)	27,500	\$90.00	\$2,475,000.00
1	IDS that require the fee set forth in 37 CFR 1.17(p) (micro entity)	2,500	\$45.00	\$112,500.00
3	One-month Extension of Time under 37 CFR 1.136(a) (large entity)	102,500	\$200.00	\$20,500,000.00
3	One-month Extension of Time under 37 CFR 1.136(a) (small entity)	38,000	\$100.00	\$3,800,000.00
3	One-month Extension of Time under 37 CFR 1.136(a) (micro entity)	4,000	\$50.00	\$200,000.00
3	Two-month Extension of Time under 37 CFR 1.136(a) (large entity)	43,600	\$600.00	\$26,160,000.00
3	Two-month Extension of Time under 37 CFR 1.136(a) (small entity)	22,000	\$300.00	\$6,600,000.00
3	Two-month Extension of Time under 37 CFR 1.136(a) (micro entity)	2,100	\$150.00	\$315,000.00
3	Three-month Extension of Time under 37 CFR 1.136(a) (large entity)	40,000	\$1,400.00	\$56,000,000.00
3	Three-month Extension of Time under 37 CFR 1.136(a) (small entity)	32,000	\$700.00	\$22,400,000.00
3	Three-month Extension of Time under 37 CFR 1.136(a) (micro entity)	3,000	\$350.00	\$1,050,000.00
3	Four-month Extension of Time under 37 CFR 1.136(a) (large entity)	2,500	\$2,200.00	\$5,500,000.00
3	Four-month Extension of Time under 37 CFR 1.136(a) (small entity)	2,500	\$1,100.00	\$2,750,000.00
3	Four-month Extension of Time under 37 CFR 1.136(a) (micro entity)	350	\$550.00	\$192,500.00
3	Five-month Extension of Time under 37 CFR 1.136(a) (large entity)	3,500	\$3,000.00	\$10,500,000.00
3	Five-month Extension of Time under 37 CFR 1.136(a) (small entity)	3,700	\$1,000.00	\$3,700,000.00
3	Five-month Extension of Time under 37 CFR 1.136(a) (micro entity)	250	\$500.00	\$125,000.00
5	Statutory Disclaimer (including terminal disclaimer) (large entity)	60,000	\$160.00	\$9,600,000.00
5	Statutory Disclaimer (including terminal disclaimer) (small entity)	6,289	\$160.00	\$1,006,240.00
6	Request for Expedited Examination of a Design Application (large entity)	200	\$900.00	\$180,000.00



IC Number	Item	Estimated Annual Responses	Filing Fee Per Response	Total Annual (non-hour) Fee Burden
		(a)	(b)	(a) x (b) = (c)
6	Request for Expedited Examination of a Design Application (small entity)	160	\$450.00	\$72,000.00
6	Request for Expedited Examination of a Design Application (micro entity)	40	\$225.00	\$9,000.00
7	Notice of Appeal (large entity)	22,500	\$800.00	\$18,000,000.00
7	Notice of Appeal (small entity)	6,000	\$400.00	\$2,400,000.00
7	Notice of Appeal (micro entity)	500	\$200.00	\$100,000.00
8	Petition for Revival of an Application for Patent Abandoned Unintentionally (large entity)	3,500	\$1,700.00	\$5,950,000.00
8	Petition for Revival of an Application for Patent Abandoned Unintentionally (small entity)	4,500	\$850.00	\$3,825,000.00
9	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (large entity)	150	\$1,700.00	\$255,000.00
9	Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing (small entity)	50	\$850.00	\$42,500.00
17	Copy of File Content Showing Redactions	1	\$130.00	\$130.00
19	Request for Continued Examination (RCE) Transmittal (First Request) (large entity)	78,400	\$1,200.00	\$94,080,000.00
19	Request for Continued Examination (RCE) Transmittal (First Request) (small entity)	28,000	\$600.00	\$16,800,000.00
19	Request for Continued Examination (RCE) Transmittal (First Request) (micro entity)	5,600	\$300.00	\$1,680,000.00
19	Request for Continued Examination (RCE) Transmittal (Second and Subsequent Requests) (large entity)	40,600	\$1,700.00	\$69,020,000.00
19	Request for Continued Examination (RCE) Transmittal (Second and Subsequent Requests) (small entity)	14,500	\$850.00	\$12,325,000.00
19	Request for Continued Examination (RCE) Transmittal (Second and Subsequent Requests) (micro entity)	2,900	\$425.00	\$1,232,500.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board (large entity)	700	\$1,300.00	\$910,000.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board (small entity)	240	\$650.00	\$156,000.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board (micro entity)	10	\$325.00	\$3,250.00
21	Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d) (large entity)	520	\$140.00	\$72,800.00
21	Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d) (small entity)	190	\$70.00	\$13,300.00
21	Request for Suspension of Action or Deferral of Examination Under 37 CFR 1.103(b), (c), or (d) (micro entity)	40	\$35.00	\$1,400.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	300	\$130.00	\$39,000.00
24	Processing Fee Under 37 CFR 1.17(i) Transmittal	340	\$130.00	\$44,200.00

IC Number	Item	Estimated Annual Responses (a)	Filing Fee Per Response (b)	Total Annual (non-hour) Fee Burden (a) x (b) = (c)
32	Filing a submission after final rejection (see 37 CFR 1.129(a)) (large entity)	60	\$840.00	\$50,400.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a)) (small entity)	50	\$420.00	\$21,000.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a)) (micro entity)	10	\$210.00	\$2,100.00
33	Correction of inventorship after first office action on the merits (large entity)	2,100	\$600.00	\$1,260,000.00
33	Correction of inventorship after first office action on the merits (small entity)	750	\$300.00	\$225,000.00
33	Correction of inventorship after first office action on the merits (micro entity)	150	\$150.00	\$22,500.00
34	Request for correction in a patent application relating to inventorship or an inventor name, or order of names, other than in a reissue application (37 CFR 1.48) (large entity)	10,500	\$140.00	\$1,470,000.00
34	Request for correction in a patent application relating to inventorship or an inventor name, or order of names, other than in a reissue application (37 CFR 1.48) (small entity)	3,750	\$70.00	\$262,500.00
34	Request for correction in a patent application relating to inventorship or an inventor name, or order of names, other than in a reissue application (37 CFR 1.48) (micro entity)	750	\$35.00	\$26,250.00
	<b>Total</b>	<b>714,350</b>	<b>- - - -</b>	<b>\$419,728,070.00</b>

## Postage

The public may submit the paper forms and petitions in this collection to the USPTO by mail through the United States Postal Service. The public may also include a signed certification of the date of mailing in order to receive credit for timely filing. Therefore, the USPTO estimates that the average first-class postage for a standard 3 ounce manila envelope is \$1.36.

**Table 5: Postage Costs (Non-hour) Cost Burden for Patent Processing**

IC Number	Item	Estimated Mailed Responses (a)	Postage Cost (b)	Total Annual Postage Costs (a) x (b) = (c)
1	Information Disclosure Statements that do not require the fee set forth in 37 CFR 1.17(p)	20,000	\$1.36	\$27,200.00
1	Information Disclosure Statements that require the fee set forth in 37 CFR 1.17(p)	5,000	\$1.36	\$6,800.00
2	Transmittal Form	50,000	\$1.36	\$68,000.00
3	Petitions for Extension of Time under 37 CFR 1.136(a)	10,000	\$1.36	\$13,600.00
4	Express Abandonment under 37 CFR 1.138	200	\$1.36	\$272.00
5	Statutory Disclaimers	2,000	\$1.36	\$2,720.00
6	Request for Expedited Examination of a Design Application	10	\$1.36	\$13.60
7	Notice of Appeal	1,000	\$1.36	\$1,360.00
8	Petition for Revival of an Application for Patent Abandoned Unintentionally	500	\$1.36	\$680.00

IC Number	Item	Estimated Mailed Responses (a)	Postage Cost (b)	Total Annual Postage Costs (a) x (b) = (c)
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	10	\$1.36	\$13.60
10	Requests to Access, Inspect, and Copy	5,000	\$1.36	\$6,800.00
11	Deposit Account Order Form	100	\$1.36	\$136.00
12	Certificate of Mailing or Transmission	50,000	\$1.36	\$68,000.00
13	Statement under 37 CFR 3.73(b)	10,000	\$1.36	\$13,600.00
14	Non-publication Request	1,000	\$1.36	\$1,360.00
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	50	\$1.36	\$68.00
16	Electronic Filing System (EFS) Copy of Application for Publication	0	\$0.00	\$0.00
17	Copy of File Content Showing Redactions	1	\$1.36	\$1.36
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	10	\$1.36	\$13.60
19	Request for Continued Examination (RCE) Transmittal	5,000	\$1.36	\$6,800.00
20	Request for Oral Hearing before the Patent Trial and Appeal Board	50	\$1.36	\$68.00
21	Request for Suspension of Action or Deferral of Examination under 37 CFR 1.103(b), (c), or (d)	50	\$1.36	\$68.00
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	10	\$1.36	\$13.60
23	Applicant-Initiated Interview Request Form	3,500	\$1.36	\$4,760.00
24	Processing Fee under 37 CFR 1.17(i) Transmittal	10	\$1.36	\$13.60
25	Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	500	\$1.36	\$680.00
26	Authorization or Rescission of Authorization to Permit Access to Application-as-filed by Participating Offices under 37 CFR 1.14(h)	500	\$1.36	\$680.00
27	Petition for Express Abandonment to Obtain a Refund	50	\$1.36	\$68.00
28	Pre-appeal Brief Request for Review	500	\$1.36	\$680.00
29	Request for Corrected Filing Receipt	1,000	\$1.36	\$1,360.00
30	Request for First-Action Interview (Pilot Program)	0	\$0.00	\$0.00
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c) (1)	0	\$0.00	\$0.00
32	Filing a Submission after Final Rejection (see 37 CFR 1.129(a))	10	\$1.36	\$13.60
33	Correction of Inventorship after First Office Action on the Merits	100	\$1.36	\$136.00
34	Request for Correction in a Patent Application Relating to Inventorship or an Inventor Name, or Order of Names, Other than in a Reissue Application (37 CFR 1.48)	500	\$1.36	\$680.00
35	Request to Correct or Update the Name of the Applicant Under 37 CFR 1.46(c)(1), or Change the Applicant under 37 CFR 1.46(c)(2).	500	\$1.36	\$680.00
	<b>Total</b>	<b>117,161</b>	<b>- - - -</b>	<b>\$227,338.96</b>

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

The USPTO estimates that it takes a GS-7, step 1 employee between 2 minutes (0.03 hours) and 4 hours to process the items in this collection. The USPTO estimates that the cost of a GS-7, step 1 employee is currently \$27.21 (GS hourly rate of \$20.93 with 30% [\$6.28] added for benefits and overhead).

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 6: Burden Hour/Burden Cost to the Federal Government for Patent Processing**

IC Number	Item	Estimated Response Time (Hours) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (Hours) (a) x (b) = (c)	Rate (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
1	Information Disclosure Statements and eIDS	0.30 (18 minutes)	775,000	232,500.00	\$27.21	\$6,326,325.00
2	Transmittal Form	0.10 (6 minutes)	900,000	90,000.00	\$27.21	\$2,448,900.00
3	Petition for Extension of Time under 37 CFR 1.136(a)	0.10 (6 minutes)	300,000	30,000.00	\$27.21	\$816,300.00
4	Express Abandonment under 37 CFR 1.138	0.10 (6 minutes)	5,000	500.00	\$27.21	\$13,605.00
5	Disclaimers	0.20 (12 minutes)	60,000	12,000.00	\$27.21	\$326,520.00
6	Request for Expedited Examination of a Design Application	0.10 (6 minutes)	400	40.00	\$27.21	\$1,088.40
7	Notice of Appeal	0.20 (12 minutes)	29,000	5,800.00	\$27.21	\$157,818.00
8	Petition for Revival of an Application for Patent Abandoned Unavoidably or Unintentionally	0.30 (18 minutes)	8,000	2,400.00	\$27.21	\$65,304.00
9	Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	0.30 (18 minutes)	200	60.00	\$27.21	\$1,632.60
10	Requests to Access, Inspect and Copy	0.10 (6 minutes)	100,000	10,000.00	\$27.21	\$272,100.00
11	Deposit Account Order Form	0.20 (12 minutes)	1,700	340.00	\$27.21	\$9,251.40
12	Certificates of Mailing/Transmission	0.10 (6 minutes)	800,000	80,000.00	\$27.21	\$2,176,800.00
13	Statement under 37 CFR 3.37(b)	0.10 (6 minutes)	250,000	25,000.00	\$27.21	\$680,250.00
14	Non-publication Request	0.50 (30 minutes)	24,000	12,000.00	\$27.21	\$326,520.00
15	Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.50 (30 minutes)	950	475.00	\$27.21	\$12,924.75
16	Electronic Filing System (EFS) Copy of Application for Publication	0.25 (15 minutes)	1	0	\$27.21	\$6.80
17	Copy of File Content Showing Redactions	4 (240 minutes)	1	4.00	\$27.21	\$108.84
18	Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	1	10	10.00	\$27.21	\$272.10
19	Request for Continued Examination (RCE) Transmittal	0.60 (36 minutes)	170,000	102,000.00	\$27.21	\$2,775,420.00
20	Request for Oral Hearing Before the Patent Trial and Appeal Board	0.10 (6 minutes)	1,000	100.00	\$27.21	\$2,721.00

IC Number	Item	Estimated Response Time (Hours) (a)	Estimated Annual Responses (b)	Estimated Annual Burden (Hours) (a) x (b) = (c)	Rate (\$/hr) (d)	Total Annual Cost (c) x (d) = (e)
21	Request for Suspension of Action or Deferral of Examination under 37 CFR 1.103(b), (c) or (d)	0.30 (18 minutes)	750	225.00	\$27.21	\$6,122.25
22	Request for Voluntary Publication or Republication (includes publication fee for republication)	0.03 (2 minutes)	300	10.00	\$27.21	\$272.10
23	Applicant Initiated Interview Request Form	0.10 (6 minutes)	14,500	1,450.00	\$27.21	\$39,454.50
24	Processing Fee under 37 CFR 1.17(i) Transmittal	0.08 (5 minutes)	350	28	\$27.21	\$793.63
25	Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	0.06 (4 minutes)	12,000	800.00	\$27.21	\$21,768.00
26	Authorization to Permit Access to Application by Participating Offices under 37 CFR 1.14(h)	0.06 (4 minutes)	15,000	1,000.00	\$27.21	\$27,210.00
27	Petition for Express Abandonment to Obtain a Refund	0.10 (6 minutes)	1,600	160.00	\$27.21	\$4,353.60
28	Pre-Appeal Brief Request for Review	0.10 (6 minutes)	11,000	1,100.00	\$27.21	\$29,931.00
29	Request for Corrected Filing Receipt	0.08 (5 minutes)	30,000	2,500.00	\$27.21	\$68,025.00
30	Request for First Action Interview (Pilot Program)	0.30 (18 minutes)	1,200	360.00	\$27.21	\$9,795.60
31	Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	0.10 (6 minutes)	2,000	200.00	\$27.21	\$5,442.00
32	Filing a submission after final rejection (see 37 CFR 1.129(a))	0.50 (30 minutes)	120	60.00	\$27.21	\$1,632.60
33	Correction of Inventorship after First Office Action on the Merits	0.30 (18 minutes)	3,000	900.00	\$27.21	\$24,489.00
34	Request for Correction in a Patent Application Relating to Inventorship or an Inventor Name, or Order of Names, Other than in a Reissue Application (37 CFR 1.48)	0.30 (18 minutes)	15,000	4,500.00	\$27.21	\$122,455.00
35	Request to Correct or Update the Name of the Applicant Under 37 CFR 1.46(c)(1), or Change the Applicant under 37 CFR 1.46(c)(2).	0.30 (18 minutes)	10,000	3,000.00	\$27.21	\$81,630.00
	<b>Total</b>	- - - -	<b>3,542,082</b>	<b>619,241.</b>	- - - -	<b>\$16,849,547.61</b>

## 15. Summary of Changes in Burden Since Previous Renewal

### Changes from the 60-Day Federal Register Notice

From the 60-Day Notice, the annual respondent burden hour, annual respondent cost burden, and annual respondent (non-hour) cost burden have been revised, based on new estimates from commenters and edits made by the USPTO business units. The annual respondent burden hours have been increased by 105,520.67 hours, from 3,631,187.33 to 3,736,708. The annual respondent cost burden has been increased by \$25,431,355.83, from \$952,818,894.17 to \$978,250,250.00. Finally, the annual

respondent (non-hour) cost burden has decreased by \$927,849.49, from \$420,815,258.45 to \$419,887,408.96.

### Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this information collection in July 2013. With the four non-substantive changes implemented in the interim between that renewal and this submission, this collection as currently approved contains an estimated:

- 3,817,830 responses
- 3,792,691.00 burden hours
- \$370,701,948.00 in annual (non-hour) costs
- \$835,942,624.00 in respondent hourly cost burden

The proposed collection, as outlined in the tables above, seeks to modify these estimates. The new collection, if approved, is estimated to contain:

- 3,542,082 responses
- 3,736,708burden hours
- \$419,887,408.96 in annual (non-hour) costs
- \$978,250,250.00 in respondent hourly cost burden

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### Changes in Response and Burden Hours

With this renewal, the number of responses decreased by 275,748, from 3,817,830 to 3,542,082, and the burden hours decreased by 55,983, from 3,792,691.00 to the proposed 3,736,708per year. This decrease is due to both program changes and administrative adjustments, as follows:

Administrative adjustments:

- As part of its ongoing efforts to ensure the accuracy of the information related to the burden of a given information collection, the USPTO has revised its estimates for the number of responses 3,817 received and the amount of burden hours created during the creation and submission of those responses for this information collection. **Therefore, this submission takes a burden decrease of 71,483 hours due to administrative adjustments.**

Program changes:

- The “Correction of Inventorship after First Office Action on the Merits” item has been added to this collection. **Therefore, this submission takes a burden increase of 2,250 hours as a program change.**
- The “Request for Correction in a Patent Application Relating to Inventorship or an Inventor Name, or Order of Names, Other than in a Reissue Application (37 CFR 1,.48)” item has been added to this collection. **Therefore, this submission takes a burden increase of 11,250 hours as a program change.**

- The “Request to Correct or Update the Name of the Applicant under 37 CFR 1.46(c)(1), or Change the Applicant under 37 CFR 1.46(c)(2)” item has been added to this collection. **Therefore, this submission takes a burden increase of 2,000 hours as a program change.**

**Administrative adjustments: decrease 71,483 of burden hours**

**Program changes: increase of 15,500 burden hours**

**Total net burden hour decrease: 55,983 hours**

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$49,185,460.96, from \$370,701,948.00 currently in the OMB inventory to the proposed \$419,887,408.96 for the renewal. The increase in costs is due to adjustments in responses and response times as well as an adjustment for the current postage fees and filing fees.

#### Change in Respondent Cost Burden

The total estimated respondent cost burden for this collection has increased by \$142,307,626.00, from \$835,942,624.00 to \$978,250,250.00. Estimated hourly rates in the 2013 renewal and associated non-substantive changes were \$371 for attorneys and \$122 for paraprofessionals, based on a median rate. The USPTO now estimates attorney respondent costs using a mean rate of \$410. Estimates for this renewal are updated to reflect hourly rates of \$410 for attorneys. The paraprofessional rate is estimated now at \$125. Even with the slight decrease in annual responses (down 275,748 from 3,817,830 to 3,542,082), the increase in respondent costs led to the overall increase in respondent cost burden for this proposed collection.

### **16. Project Schedule**

There is no plan to publish this information for statistical use.

### **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. Exception to the Certificate Statement**

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

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

This collection of information does not employ statistical methods.