

SUPPORTING STATEMENT
United States Patent and Trademark Office
Post Allowance and Refiling
OMB CONTROL NUMBER 0651-0033
January 2020

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This collection of information covers the submission of issue fee payments to the United States Patent and Trademark Office (USPTO). The USPTO is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. If the fees are not paid within the designated time period, the application is abandoned (applicant may petition the Director to accept a delayed payment and revive the application with a statement that the delay was unintentional; the Petition for Revival of an Application for Patent Abandoned Unintentionally (Form PTO/SB/64) is approved under information collection 0651-0031).

The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18 and 1.311-1.317. This collection of information also covers several transactions that may be taken after issuance of a patent, pursuant to Chapter 25 of Title 35 U.S.C. A certificate of correction may be requested to correct an error or errors in the patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction. For an original patent that is believed to be wholly or partly inoperative or invalid, the original patentee, or the current patent owner if there has been a subsequent assignment, may apply for reissue of the patent, which entails several formal requirements, including provision of an oath or declaration specifically identifying at least one error being relied upon as the basis for reissue and stating the reason for the belief that the original patent is wholly or partly inoperative or invalid (e.g., a defective specification or drawing, or claiming more or less than the patentee had the right to claim in the patent). The rules outlining these procedures are found at 37 CFR 1.171-1.178 and 1.322-1.325.

The information in this information collection can be submitted using the USPTO's Web-based Electronic Filing System (EFS-Web) for patent applications and related documents.

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

Table 1: Information Requirements

Item #	Requirement	Statute	Regulation
1	Certificate of Correction	35 U.S.C. §§ 254 and 255	37 CFR 1.322-1.324
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	35 U.S.C. § 255	37 CFR 1.17(i) and 3.81(b)
3	Reissue Documentation	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
4	Reissue Patent Application Transmittal	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
5	Reissue Application Declaration by the Inventor or the Assignee or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. § 115(d) and 37 CFR 1.64)	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175)	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, 1.67, and 1.171-1.179
7	Reissue Application: Consent of Assignee; Statement of Non-Assignment	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
8	Reissue Application Fee Transmittal Form	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
9	Issue Fee Transmittal	35 U.S.C. §§ 41(a)(4) and 151	37 CFR 1.18 and 1.311-1.317
10	Issue Fee Transmittal (electronic)	35 U.S.C. §§ 41(a)(4) and 151	37 CFR 1.18 and 1.311-1.317

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new information collection, indicate the actual use the agency has made of the information received from the current information collection.

The public uses this information collection to request corrections of errors in issued patents, to submit applications for reissue patents, and to submit issue fee payments.

The information in this information collection can be submitted using EFS-Web, the USPTO's online filing system for patent applications and related documents.

The information collected, maintained, and used in this information 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 OMB quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

Table 2: Needs and Uses

Item #	Form and Function	Form #	Needs and Uses
1	Certificate of Correction	PTO/SB/44	<ul style="list-style-type: none"> Used by the patentee to list the number of the patent to be corrected and the corrections to be made. Facilitates matching the patent or patent file with other identifying information in order to make the appropriate corrections. Used by the USPTO to determine whether the indicated corrections should be approved.
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	PTO/SB/141	<ul style="list-style-type: none"> Used by the public to request, after the date of payment of the issue fee, that an application be issued in the name of the assignee, where the assignment was submitted for recordation before issuance of the patent. Used by the public to request that a patent be corrected to state the name of the assignee, where the assignment was submitted for recordation before issuance of the patent. Used by the public to pay the appropriate fee. Used by the USPTO to determine whether the indicated requests should be granted.
3	Reissue Documentation	No Form Associated	<ul style="list-style-type: none"> Used by the patentee to submit to the USPTO the remainder of the documentation and information necessary for a reissue patent that is not collected on one of the existing forms. Used by the USPTO to finish processing a request for a reissue application.
4	Reissue Patent Application Transmittal	PTO/SB/50 PTO/AIA/50	<ul style="list-style-type: none"> Provides a checklist for the patentee to ensure that the requirements for a reissue application submission are met. Allows the USPTO to identify the type of patent and patent number in order to quickly associate the patent file with the reissue documents.
5	Reissue Application Declaration by the Inventor or the Assignee or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. § 115(d) and 37 CFR 1.64)	PTO/SB/51/52 PTO/AIA/05/06 PTO/AIA/07	<ul style="list-style-type: none"> Used by the inventor, assignee, or person executing a substitute statement to indicate why the reissue applicant believes the original patent to be wholly or partly inoperative or invalid, to identify at least one error being relied upon as the basis for reissue, and to identify a claim that the application seeks to broaden if the reissue application seeks to enlarge the scope of the claims of the patent. Used by the USPTO to ensure that the requirements of 37 CFR 1.63, 1.64, and 1.175 are met in order to reissue the patent.
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175)	PTO/SB/51S	<ul style="list-style-type: none"> Provides the inventor or assignee with the required language stating that all the errors in the original patent being corrected or any additional errors made during the reissue examination process occurred "without deceptive intent." Used by the USPTO to ensure that the requirements of 37 CFR 1.63 and 1.175 are met in order to reissue the patent.
7	Reissue Application: Consent of Assignee; Statement of Non-Assignment	PTO/SB/53 PTO/AIA/53	<ul style="list-style-type: none"> Enables the assignee(s) to consent to filing a reissue application. Used by the USPTO to confirm that all assignees and inventors owning an undivided interest in the original patent consent to the filing of the reissue application.
8	Reissue Application Fee Transmittal Form	PTO/SB/56	<ul style="list-style-type: none"> Used by the applicant or the applicant's representatives to calculate the reissue application fee. Used by the USPTO to determine whether the appropriate reissue application fee has been paid.

9	Issue Fee Transmittal (physical and electronic)	PTOL-85B	<ul style="list-style-type: none"> • Used by the public to submit an issue fee payment to the USPTO, on paper or electronically. • Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee, such as assignments, small entity status, method of payment, and certificate of mailing (if applicable).
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3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological information collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of information collection. Also describe any consideration of using information technology to reduce burden.

Customers may submit the items in this information collection electronically through EFS-Web, the USPTO’s online filing system for patent applications and related documents. EFS-Web allows customers to file requests for certificates of correction, issue fee transmittals, reissue patent applications, and associated documents through their standard Web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their requests using the tools and processes that they already use and then convert those documents into standard PDF files that are submitted through EFS-Web to the USPTO. The fillable PDF forms, including the Issue Fee Transmittal form (PTOL-85B), that can be submitted through EFS-Web, may be downloaded from the USPTO Web site and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web. The documents of registered users are protected using a Public Key Infrastructure (PKI) system and digital certificates, which provide authentication and encryption security. Even for filers who are not registered, the documents are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol.

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 and other paper delivery costs. Users can access EFS-Web from any computer with an Internet connection. Since EFS-Web is hosted on the USPTO’s secure servers and not on the individual’s personal computer, USPTO staff can update EFS-Web without requiring any action from the user. Customers can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration.

EFS-Web integrates with the Patent Application Information Retrieval (PAIR) system, the USPTO’s online database that is available through the USPTO Web site. PAIR uses digital certificates to permit only authorized individuals to access information about pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Information for issued patents, certificates of correction, and reissue applications is available to the general public.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is collected only when an applicant submits an issue fee payment for a patent application allowed by the USPTO, when the patentee or others apply for reissue of a patent, or when the patentee or others request a certificate of correction to correct errors contained in the patent. This information is not collected elsewhere and does not result in a duplication of effort.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

USPTO estimates that approximately 25% of this information collection will be submitted by small businesses or other small entities (of which 3% are micro entities). Pursuant to section 10(b) of the Leahy-Smith America Invents Act (AIA), the USPTO provides a 50% reduction in the fees for certain patent filings by small entity applicants, such as independent inventors, small businesses, and nonprofit organizations who meet the definition of a small entity provided at 37 CFR 1.27. Also pursuant to section 10(b) of the AIA, the USPTO provides a 75% reduction in the fees set or adjusted under section 10(a) of the Act for certain patent filings by applicants who meet the definition of a micro entity provided at 35 U.S.C. § 123 and 37 CFR 1.29.

This information collection involves payment of fees by customers who may qualify as small entities or micro entities. No significant burden is placed on small or micro entities, in that small entities must only identify themselves as such in order to obtain these benefits, and micro entities must only provide a certification of micro entity status. An assertion or certification of small or micro entity status, respectively, only needs to be filed once in an application or patent (although a fee may be paid in the micro entity amount only if the applicant or patentee is still entitled to micro entity status on the date the fee is paid).

6. Describe the consequence to Federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This information is collected only when the public submits a related request for a certificate of correction, a reissue patent application, or an issue fee payment. If the information was not collected, the USPTO would not be able to comply with the statutes and regulations governing the issuance of patents, issued patents, and reissue applications. This information could not be collected less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of information collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the Federal Register on November 13, 2019 ([84 FR 61600](#)). The comment period ended on January 13, 2020. During that time, 1 public comment was received.

The commenter expressed opinions regarding the time burdens and cost burden calculations. The commenter provided information about the time required to complete items covered in the information collection. The commenter asserted that it took longer

than the estimates provided in the 60 day notice and suggested that the time to complete the items should be raised by 0.3 hours (18 minutes). USPTO accepts this comment and has raised the time burdens by 0.3 hours for all items covered in this information collection. The commenter also provided information about who typically works on the submission of items in the information collection. While the 60-Day Notice suggested that paralegals often submit the Issue Fee Transmittal, the commenter believed that only attorneys should be submitting these items. USPTO accepts this comment and has estimated that attorneys will be submitting every item in this information collection.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of our public search facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

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

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the information collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The 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. 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 reissue application is available to the public.

Applications filed through EFS-Web are maintained in confidence as required by 35 U.S.C. § 122(a) until the application is published or a patent is issued. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through EFS-Web are maintained using PKI technology and digital certificates for registered users. Applications electronically-filed by non-registered users are protected using TLS or SSL protocols. The USPTO posts issued patents and application publications on its Web site. The information covered under this information collection will not be released to the public unless it is part of an issued patent or application publication. Patent applicants and/or their designated

representatives can view the current status of their patent application through the Patent Application Information Retrieval (PAIR) system.

This information collection contains information which is subject to the Privacy Act. This information is collected on petitions and applications filed to patent products. Patent Application information collection activities are covered under the SORN [COMMERCE/PAT-TM-7; Patent Application Files \(78 FR 19243, published on March 29, 2013\)](#). This SORN identifies the categories of records in the system containing applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

Tables 3 and 4 calculate the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The respondents to this information collection, 388,249 total, include the private (97%) and individuals and households (3%). The USPTO estimates that it will receive approximately 392,149 responses per year under this information collection, with approximately 25% of these responses submitted by small entities (22%) and micro entities (3%). Approximately 91% of the total responses for this information collection will be submitted electronically, including 100% of the Petitions to Correct Assignee After Payment of Issue (37 CFR 3.81(b)) (PTO/SB/141).

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 from 30 minutes (0.5 hours) to 5 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

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 uses a professional rate of \$438 per hour for respondent cost burden calculations, which is the mean rate for attorney rates are found in the [2017 Report of the Economic Survey of the America Intellectual Property Law Association \(AIPLA\)](#)¹. The USPTO expects that the information in this information collection will be prepared for by attorneys.

Table 3: Burden Hour/Burden Cost to Respondents (Private Sector)

Item #	Item	Respondents	Responses (yr) (a)	Hours (b)	Burden (hrs/yr) (c)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e)
					(a x b)		(c x d)
1	Certificate of Correction (PTO/SB/44)	28,130	28,130	1.3	36,569.00	\$438.00	\$16,017,222.00
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	776	776	0.8	620.80	\$438.00	\$271,910.40
3	Reissue Documentation	873	873	5.3	4,626.90	\$438.00	\$2,026,582.20

¹ <https://www.aipla.org/detail/journal-issue/economic-survey-2017>

4	Reissue Patent Application Transmittal	Same as line 3	873	0.5	436.50	\$438.00	\$191,187.00
5	Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52, PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07)	Same as line 3	1,123	0.8	898.40	\$438.00	\$393,499.20
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	48	48	0.6	28.80	\$438.00	\$12,614.40
7	Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53, PTO/AIA/53)	Same as line 3	923	0.5	461.50	\$438.00	\$202,137.00
8	Reissue Application Fee Transmittal Form (PTO/SB/56)	Same as line 3	873	0.5	436.50	\$438.00	\$191,187.00
9	Issue Fee Transmittal (PTOL-85B)	34,677	34,677	0.8	27,741.60	\$438.00	\$12,150,820.80
10	Issue Fee Transmittal (electronic) (PTOL-85B)	312,097	312,097	0.8	249,677.60	\$438.00	\$109,358,788.80
	Totals	376,601	380393.00	-----	321497.60		\$140,815,948.80

Table 4: Burden Hour/Burden Cost to Respondents (Individuals and Households)

Item #	Item	Respondents	Responses (yr) (a)	Hours (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
1	Certificate of Correction (PTO/SB/44)	870	870	1.3	1,131.00	\$438.00	\$495,378.00
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	24	24	0.8	19.20	\$438.00	\$8,409.60
3	Reissue Documentation	27	27	5.3	143.10	\$438.00	\$62,677.80
4	Reissue Patent Application Transmittal	Same as line 3	27	0.5	13.50	\$438.00	\$5,913.00
5	Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52, PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07)	Same as line 3	27	0.8	21.60	\$438.00	\$9,460.80
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	2	2	0.6	1.20	\$438.00	\$525.60

7	Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53, PTO/AIA/53)	Same as line 3	27	0.5	13.50	\$438.00	\$5,913.00
8	Reissue Application Fee Transmittal Form (PTO/SB/56)	same as line 3	27	0.5	13.50	\$438.00	\$5,913.00
9	Issue Fee Transmittal (PTOL-85B)	1,073	1,073	0.8	858.40	\$438.00	\$375,979.20
10	Issue Fee Transmittal (electronic) (PTOL-85B)	9,652	9,652	0.8	7,721.60	\$438.00	\$3,382,060.80
	Totals	11,648	11756.00	-----	9936.60		\$4,352,230.80

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The total annual (non-hour) cost burden for this information collection is calculated in Table 5 below. Postage fees and filing fees are included in this information collection (see Table 6 below). However, this information collection has no capital start-up, maintenance, or recordkeeping costs.

Fees

There are fees associated with the requirements of this information collection, listed in the table below.

Table 5: Annual (Non-hour) Costs to Respondents

Item #	Type of Cost	Estimated Annual Responses	Amount	Totals
1	Certificate of correction	10,395	\$150.00	\$1,559,250
3	Basic filing fee – Reissue (Large entity)	672	\$300.00	\$201,600
3	Basic filing fee – Reissue (Small entity)	225	\$150.00	\$33,750
3	Basic filing fee – Reissue (Micro entity)	11	\$75.00	\$825
3	Basic Filing Fee – Reissue (CPA) (large entity)	850	\$320	\$272,000
3	Basic Filing Fee – Reissue (CPA) (small entity)	250	\$160	\$40,000
3	Basic Filing Fee – Reissue (CPA) (micro entity)	10	\$80	\$800
3	Reissue Search Fee (Large entity)	669	\$660.00	\$441,540
3	Reissue Search Fee (Small entity)	226	\$330.00	\$74,580
3	Reissue Search Fee (Micro entity)	11	\$165.00	\$1,815
3	Reissue independent claims in excess of three (Large entity)	694	\$460.00	\$319,240
3	Reissue independent claims in excess of three (Small entity)	228	\$230.00	\$52,440
3	Reissue independent claims in excess of three (Micro entity)	10	\$115.00	\$1,150
3	Reissue claims in excess of 20 (Large entity)	5,374	\$100.00	\$537,400
3	Reissue claims in excess of 20 (Small entity)	1,588	\$50.00	\$79,400
3	Reissue claims in excess of 20 (Micro entity)	82	\$25.00	\$2,050
3, 4	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Large entity)	41	\$400.00	\$16,400
3, 4	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Small entity)	9	\$200.00	\$1,800
3, 4	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Micro entity) 610+	1	\$100.00	\$100
3	Reissue Examination Fee (Large entity)	670	\$2,200.00	\$1,474,000
3	Reissue Examination Fee (Small entity)	222	\$1,100.00	\$244,200
3	Reissue Examination Fee (Micro entity)	11	\$550.00	\$6,050
9, 10	Utility issue fee (Large entity)	248,775	\$1,000.00	\$248,775,000

9, 10	Utility issue fee (Small entity)	63,994	\$500.00	\$31,997,000
9, 10	Utility issue fee (Micro entity)	7,952	\$250.00	\$1,988,000
9, 10	Design issue fee (Large entity)	16,668	\$700.00	\$11,667,600
9, 10	Design issue fee (Small entity)	12,415	\$350.00	\$4,345,250
9, 10	Design issue fee (Micro entity)	2,586	\$175.00	\$452,550
9, 10	Plant issue fee (Large entity)	768	\$800.00	\$614,400
9, 10	Plant issue fee (Small entity)	650	\$400.00	\$260,000
9, 10	Plant issue fee (Micro entity)	15	\$200.00	\$3,000
9, 10	Reissue issue fee (Large entity)	463	\$1,000.00	\$463,000
9, 10	Reissue issue fee (Small entity)	132	\$500.00	\$66,000
9, 10	Reissue issue fee (Micro entity)	2	\$250.00	\$500
	Total Filing Fees	376,669	\$305,992,690

Postage

Customers may incur postage costs when submitting the information in this information collection to the USPTO by mail. The Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141) and the electronic version of the Issue Fee Transmittal (PTOL-85B) are only submitted online. The USPTO expects that the non-electronic version of the Issue Fee Transmittal (PTOL-85B) and approximately 1% of the other responses for this information collection will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be \$7.65 (1-ounce flat 9"x12" envelope) and that approximately 36,090 submissions will be mailed to the USPTO per year.

Table 6: Postage for Mailed Submissions

Item #	Item	Mailed Submissions	Postage	Total Cost
1	Certificate of Correction (PTO/SB/44)	290	\$7.65	\$2,218.50
3	Reissue Documentation	9	\$7.65	\$68.85
4	Reissue Patent Application Transmittal (PTO/SB/50, PTO/AIA/50)	9	\$7.65	\$68.85
5	Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52, PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07)	12	\$7.65	\$91.80
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	1	\$7.65	\$7.65

Item #	Item	Mailed Submissions	Postage	Total Cost
7	Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53, PTO/AIA/53)	10	\$7.65	\$76.5
8	Reissue Application Fee Transmittal Form (PTO/SB/56)	9	\$7.65	\$68.85
9	Issue Fee Transmittal (PTOL-85B)	35,750	\$7.65	\$273,488
	Totals	36,090	-	\$276,089.00

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of postage costs and filing fees is \$306,268,779 per year.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The USPTO estimates that it takes USPTO staff approximately 10 minutes (0.17 hours) to 1 hour to process the information in this information collection, depending on the type and amount of information submitted. The information in this information collection is processed by [GS-5, step 1](#)² employees at an estimated cost of \$24.48 per hour (GS-5/1 hourly rate of \$18.83 with 30% (\$5.65) added for benefits and overhead) and [GS-7, step 1](#)³ employees at an estimated cost of \$30.32 per hour (GS-7/1 hourly rate of \$23.32 with 30% (\$7.00) added for benefits and overhead). The USPTO expects that the electronic version of the Issue Fee Transmittal form will be processed automatically without any direct staff time required.

Table 7 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 7: Burden Hour/Burden Cost to the Federal Government

Item #	Item	Responses (yr) (a)	Hours (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
1	Certificate of Correction (PTO/SB/44)	29,000	0.50	14,500	\$30.32	\$439,640.00
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	800	0.30	240	\$30.32	\$7,276.80
3	Reissue Documentation	900	1.00	900	\$24.48	\$22,032.00

² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

³ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

Item #	Item	Responses (yr) (a)	Hours (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
4	Reissue Patent Application Transmittal (PTO/SB/50, PTO/AIA/50)	900	1.00	900	\$24.48	\$22,032.00
5	Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52, PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07)	1,150	0.30	345	\$24.48	\$8,445.60
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	50	0.30	15	\$24.48	\$367.20
7	Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53, PTO/AIA/53)	950	0.30	285	\$24.48	\$6,976.80
8	Reissue Application Fee Transmittal Form (PTO/SB/56)	900	0.30	270	\$24.48	\$6,609.60
9	Issue Fee Transmittal (PTOL-85B)	35,750	0.17	6,078	\$24.48	\$148,789.44
10	Issue Fee Transmittal (electronic) (PTOL-85B)	321,749	0.00	0	N/A	\$0.00
	Totals	392,149	-----	23,533	-----	\$662,169

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

A. OMB previously approved this information collection.

This information collection, as currently approved, contains an estimated:

- 414,905 responses
- 225,394 burden hours
- \$343,997,600 annual (non-hour) cost burden

B. Changes proposed in this request to OMB

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

- 392,149 responses
- 331,434 burden hours
- \$306,268,779 annual (non-hour) cost burden

Changes in Responses and Burden Hours

- For this renewal, the USPTO estimates that the annual responses will decrease by 22,756 (from 414,905 to 392,149) and that the total annual (non-hour) costs will decrease by \$37,728,821 (from \$343,997,600 to \$306,268,779). These adjustments are due to declining respondent numbers.
- The total burden hours will increase by 106,040 (from 225,394 to 331,434) from the currently approved burden for this information collection due to increasing the estimated time to complete each activity by 0.3 hours. This increase was in response to a public comment.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

No special publications of the items in this information collection are planned. However, information regarding patents with certificates of correction, reissue applications filed, and reissue patents granted is published weekly in the [Official Gazette of the United States Patent and Trademark Office](#) on the USPTO Web site.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The forms in this information collection will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

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.