

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to
Practice Before the USPTO
OMB Control Number 0651-0012

Background

The United States Patent and Trademark Office (USPTO) administers the Leahy-Smith America Invents Act (AIA), which sets or adjusts patent fees established, authorized, or charged under Title 35, United States Code (U.S.C.). Section 10 prescribes that fees may be set or adjusted only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials related to the patent and trademark processes. Section 10 authorities also includes flexibility to set individual fees in a way that furthers key policies factors, while taking into account the cost of the respective services.

This request is to update one fee in information collection 0651-0012 (Admission to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the USPTO) as a result of RIN 0651-AD31 (85 FRN 46932).

Any administratively suspended registered practitioner or person granted limited recognition who seeks reinstatement more than 5 years after the effective date of administrative suspension, also shall be required to file a petition to the Office of Enrollment and Discipline (OED) director requesting reinstatement and providing objective evidence that they continue to possess the necessary legal qualifications to render valuable service to patent applicants. The objective evidence may include taking and passing the registration examination. The USPTO is implementing a fee increase covering those previously excluded or suspended from the bar on ethical grounds or upon agreement with the Office who seek to use this reinstatement petition.

Table 1: Changes to the Fees

Item No.	Item	Current Fee	New Fee	Change in Fee
5	On petition for reinstatement by a person excluded or suspended on ethical grounds, or excluded on consent from practice before the Office	\$1,600	\$1,680	\$80

Table 2: Estimated Non-Hour Cost Burden

Item No.	Item	Existing Responses (a)	New Fees (b)	New Estimated Non-Hour Cost (c) (a*b=c)	Current Estimated Non-Hour Cost (d)	Change in Cost (c-d)
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5	On petition for reinstatement by a person excluded or suspended on ethical grounds, or excluded on consent from practice before the Office	20	\$1,680	\$33,600	32,000	\$1,600
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Summary of Changes

The one updated fee results in an increase of \$1,600 in annual non-hour cost burden to this information collection, 0651-0012. The annual number of responses and annual time burden are unchanged by this request.

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	19,944	0	0	0	0	19,944
Annual Time Burden (Hr)	21,749	0	0	0	0	21,749
Annual Cost Burden (\$)	1,540,328	0	1,600	0	0	1,538,728