

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Initial Patent Application**  
**OMB CONTROL NUMBER 0651-0032**  
**(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.**

The United States Patent and Trademark Office (USPTO) is required by Title 35 of the United States Code, including 35 U.S.C. § 131, to examine applications for patents. The USPTO administers the patent statutes relating to examination through various rules in Chapter 37 of the Code of Federal Register (CFR), such as, for example, 37 CFR 1.16 through 1.84. Each patent applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the criteria set forth in the patent statutes and regulations for issuance as a patent. The patent statutes and regulations require that an application for patent include the following information:

- (1) A specification containing a description of the invention and at least one claim defining the property right sought by the applicant;
- (2) A drawing(s) or photograph(s), where necessary, for an understanding of the invention;
- (3) An oath or declaration signed by the applicant; and
- (4) A filing fee.

Various types of patent applications are covered under this information collection:

- New original utility, plant, design, and provisional applications,
- Continuation/divisional applications of international applications,
- Continued prosecution applications (design), and
- Continuation/divisional and continuation-in-part applications of utility, plant, and design applications

In addition, this information collection covers certain other papers filed by applicants, such as, for example, petitions to accept an unintentionally delayed priority or benefit

claim, petitions to accept a filing by other than all of the inventors or a person not the inventor, and petitions requesting that applications filed under 37 CFR 1.495(b) be accorded a receipt date. A complete listing of the particular items covered under this information collection is provided in the tables below.

Most applications for patents, including new utility, design, and provisional applications, can be submitted to the USPTO through EFS-Web. EFS-Web is the USPTO's system for electronic filing of patent correspondence and is accessible via the Internet on the USPTO Web site. The Legal Framework for EFS-Web, available at <http://www.uspto.gov/patents/process/file/efs/guidance/Newlegalframework.jsp>, provides a listing of patent applications and documents permitted to be filed via EFS-Web and patent applications and documents not permitted to be filed via EFS-Web.

Table 1 provides the specific statutes and regulations requiring the USPTO to collect the patent application and petition information covered by the information collection:

**Table 1: Information Requirements to Determine Patentability**

IC No.	Requirement	Statute	Regulation
1-11	Specification and claim	35 U.S.C. §§ 111 and 112	37 CFR 1.51 through 1.53, 1.57 and 1.58, and 1.71 through 1.78
1-11	Drawings	35 U.S.C. § 113	37 CFR 1.51 through 1.53, 1.58, and 1.81 through 1.84
1-11	Declaration	35 U.S.C. §§ 25, 115, 117, and 118	37 CFR 1.41 through 1.43, 1.45 through 1.48, 1.51 through 1.53, and 1.63 through 1.69
1-11	Filing Fee	35 U.S.C. §§ 41 and 111	37 CFR 1.16 and 1.53
8	Continued Prosecution Application – Design (Request Transmittal and Receipt)	35 U.S.C. §§ 111,120, and 121	37 CFR 1.53(d) and 1.78
12	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	35 U.S.C. §§ 119(b)(2), 119(e), and 120	37 CFR 1.55 and 1.78
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor	35 U.S.C. §§ 116 through 118	37 CFR 1.42 (pre-AIA), 1.43 (pre-AIA), and 1.47 (pre-AIA)
14	Petition under 37 CFR 1.6(g) to Accord National Stage Correspondence Required by 37 CFR 1.495(b) a Receipt Date	35 U.S.C. § 371	37 CFR 1.6(g) and 1.495(b)
14	Papers Filed Under 37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA) to Supply the Name or Names of the Inventor or Inventors after the Filing Date Without a Cover Sheet as Prescribed by 37 CFR 1.51(c)(1) in a provisional application	35 U.S.C. §§ 111(b) and 116	37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA)
14	Papers Filed Under 37 CFR 1.48(d) for Correction of Inventorship in a Provisional Application	35 U.S.C. §§ 111(b) and 116	37 CFR 1.48(d)

14	Papers Filed Under 37 CFR 1.53(c)(2) or 1.53(c)(2) (pre-PLT (AIA)) to Convert a Nonprovisional Application Filed Under 1.53(b) to a Provisional Application Filed Under 1.53(c)	35 U.S.C. § 111(a) and (b)	37 CFR 1.53(b) and 1.53(c)(2)
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**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: apply for utility, plant, and design patents; provide patent application data; request continuation, continuation-in-part, and divisional applications of international and nonprovisional patent applications; request continued prosecution of design patent applications; submit provisional patent applications; file certain petitions; to supply the name or names of the inventor or inventors after the filing date without a cover sheet in a provisional application; identify and correct the inventorship of provisional patent applications; and convert nonprovisional applications to provisional applications.

The information in this information collection can be submitted by mail, electronically, by facsimile (limited in accordance with 37 CFR 1.6(d) to the papers filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)) and the petitions), and by hand delivery.

There are 69 forms in this information collection. This total includes versions of the inventor's oath and declaration forms that were created to comply with the changes resulting from the Leahy-Smith America Invents Act, e.g., forms AIA/01, AIA/02, etc., as well as pre-America Invents Act versions of the oath and declaration forms, e.g., forms SB/01, SB/02, etc., and foreign language transition of the oath and declaration forms, e.g., forms AIA/01CN, SB/02CN, etc. The papers filed to supply the name or names of the inventor or inventors after the filing date without a cover sheet in a provisional application and to convert a nonprovisional application to a provisional application, as well as the petitions under 37 CFR 1.47 (pre-AIA) to accept a filing by other than all the inventors or a person not the inventor and the petitions under 37 CFR 1.6(g) to accord the application under 37 CFR 1.495(b) a receipt date, do not have forms associated with them.

Many of the items associated with this information collection are could be used with a variety of patent actions or submissions depending upon the needs of the particular patent. Almost any of the various 69 forms listed in this information collection could be used to supplement any of the actions included as a part of this information collection. The list below gives an overview of how various forms and actions are used by the public and USPTO, but is not exhaustive regarding the possibilities that might be involved regarding a particular application.

This information collection, 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 information quality guidelines.

Table 2 outlines how items in this information collection, and the forms and other instruments used in various submissions, are used by the public and by the USPTO.

**Table 2: Needs and Uses of Information Collected to Determine Patentability**

IC No.	Item	Instrument/Form	Needs and Uses
1-11	Specification (includes at least one claim) and Drawing(s)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the applicant to provide a description of the invention and of the property right sought by the applicant (the claim(s)).</li> <li>Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.</li> </ul>
1-10	Patent Application Fee Determination Record (Substitute for Form PTO-875) Multiple Dependent Claim Fee Calculation Sheet (Substitute for Form PTO-1360; For Use with Form PTO/SB/06)	PTO/SB/06 PTO/SB/07	<ul style="list-style-type: none"> <li>Used by the USPTO to determine the appropriate fees for small and non-small entities and for applications containing multiple dependent claims. NOTE: These forms are seldom used by applicants, but in the event that an applicant used these forms, their use would reduce fee calculation errors, especially in those applications containing multiple dependent claims.</li> </ul>
1-14	Fee Transmittal Form	PTO/SB/17	<ul style="list-style-type: none"> <li>Used by applicants to determine fees.</li> <li>Used by the USPTO to verify applicant fee determination and to process the fee.</li> </ul>
1-14	Utility Patent Application Transmittal Design Patent Application Transmittal Plant Patent Application Transmittal	PTO/AIA/15 PTO/AIA/18 PTO/AIA/19	<ul style="list-style-type: none"> <li>Used by the applicant as a checklist to highlight information which may otherwise have been overlooked at the time of filing.</li> <li>Used by the applicant to provide identifying information about the submitted papers and himself/herself.</li> <li>Used by the USPTO to determine whether the submitted papers constitute an application for patent, whether it is a utility, plant, or design application.</li> </ul>
1-14	Declaration for Utility or Design Patent Application (37 CFR 1.63) Declaration (37 CFR 1.63) for Utility or Design Patent Application using an Application Data Sheet (37 CFR 1.76) Chinese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) German Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Spanish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) French Language Declaration (37 CFR 1.63)	PTO/SB/01 PTO/SB/AIA/01 PTO/AIA/01CN PTO/AIA/01DE PTO/AIA/01ES PTO/AIA/01FR	<ul style="list-style-type: none"> <li>Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language.</li> <li>Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§119 or 365.</li> <li>Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor.</li> <li>Assures that an applicant will provide necessary information (most often overlooked).</li> <li>Used by the USPTO to determine whether the required information has been set forth in the declaration.</li> </ul>

	<p>for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Italian Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Japanese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Korean Language Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)</p> <p>Dutch Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Russian Language Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)</p> <p>Swedish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p>	<p>PTO/AIA/01IT</p> <p>PTO/AIA/01JP</p> <p>PTO/AIA/01KR</p> <p>PTO/AIA/01NL</p> <p>PTO/AIA/01RU</p> <p>PTO/AIA/01SE</p>	
1-14	<p>Declaration for Utility or Design Patent Application (37 CFR 1.63)</p> <p>Declaration (supplemental sheet for PTO/SB/AIA08 Declaration (Additional Inventors) and Supplemental Priority Data Sheet</p> <p>Declaration – Additional Inventors – Supplemental Sheet</p> <p>Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64)</p> <p>Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA02)</p>	<p>PTO/SB/AIA08</p> <p>PTO/SB/AIA10</p> <p>PTO/SB/02</p> <p>PTO/SB/02A</p> <p>PTO/SB/AIA02</p> <p>PTO/SB/AIA11</p>	<ul style="list-style-type: none"> <li>Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language.</li> <li>Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365.</li> <li>Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor.</li> <li>Assures that an applicant will provide necessary information (most often overlooked).</li> <li>Used by the USPTO to determine whether the required information has been set forth in the declaration.</li> </ul>
1-14	<p>Declaration – Supplemental Priority Data Sheet</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (Chinese Language Declaration for Additional Inventors)</p> <p>Chinese (simplified) Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (German Language Declaration for Additional Inventors)</p> <p>German Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p>	<p>PTO/SB/02B</p> <p>PTO/SB/02CN</p> <p>PTO/AIA/02CN</p> <p>PTO/SB/02DE</p> <p>PTO/AIA/02DE</p>	<ul style="list-style-type: none"> <li>Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language.</li> <li>Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365.</li> <li>Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor.</li> <li>Assures that an applicant will provide necessary information (most often overlooked).</li> <li>Used by the USPTO to determine whether the required information has been set forth in the declaration</li> </ul>

Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Spanish Language Declaration for Additional Inventors)	PTO/SB/02ES
Spanish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02ES
Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (French Language Declaration for Additional Inventors)	PTO/SB/02FR
French Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02FR
Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Italian Language Declaration for Additional Inventors)	PTO/SB/02IT
Italian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02IT
Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Japanese Language Declaration for Additional Inventors)	PTO/SB/02JP
Japanese Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02JP
Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Korean Language Declaration for Additional Inventors)	PTO/SB/02KR
Korean Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02KR
Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Dutch Language Declaration for Additional Inventors)	PTO/SB/02NL
Dutch Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02NL
Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Russian Language Declaration for Additional Inventors)	PTO/SB/02RU
Russian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)	PTO/AIA/02RU

	<p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Swedish Language Declaration for Additional Inventors)</p> <p>Swedish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. 117) on Behalf of a Deceased or Incapacitated Inventor</p>	<p>PTO/SB/02SE</p> <p>PTO/AIA/02SE</p> <p>PTO/SB/02LR</p>	
1-14	<p>Plant Patent Application (35 U.S. C. 161) Declaration (37 CFR 1.63)</p> <p>Declaration (37 CFR 1.63) for Plant Patent Application using an Application Data Sheet (37 CFR 1.76)</p> <p>Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.162)</p> <p>Supplemental Declaration for Utility or Design Patent Application (37 CFR 1.67)</p> <p>Substitute Statement in Lieu of an Oath or Declaration for Plant Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64)</p> <p>Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA04)</p> <p>Declaration (supplemental sheet for PTO/SB/AIA09)</p>	<p>PTO/SB/03</p> <p>PTO/SB/AIA03</p> <p>PTO/SB/AIA09</p> <p>PTO/SB/04</p> <p>PTO/SB/AIA04</p> <p>PTO/SB/AIA11</p> <p>PTO/SB/AIA10</p>	<ul style="list-style-type: none"> <li>Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language.</li> <li>Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365.</li> <li>Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor.</li> <li>Assures that an applicant will provide necessary information (most often overlooked).</li> <li>Used by the USPTO to determine whether the required information has been set forth in the declaration</li> </ul>
1-14	<p>Declaration and Power of Attorney for Patent Application (in various foreign languages)</p>	<p>PTO/SB/101 through 110</p>	<ul style="list-style-type: none"> <li>Provide the same functions as SB/01, 03, and 04.</li> <li>Provide the applicant with a native (to the applicant) language version with English translation of the required declaration. Chinese, Dutch, German, Italian, French, Japanese, Russian, Swedish, Spanish, and Korean language declarations are available.</li> </ul>
1-14	<p>Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Declaration (37 CFR 1.63) for Plant Application Using an Application Data Sheet (37 CFR 1.76)</p>	<p>PTO/SB/01A</p> <p>PTO/SB/03A</p>	<ul style="list-style-type: none"> <li>Provides applicant with a convenient manner to provide a declaration containing the minimal information that must be in the oath or declaration if the application also contains an application data sheet. Used by the USPTO to process the declaration.</li> </ul>
1-6	<p>Application Data Sheet Form</p> <p>Application Data Sheet 37 CFR 1.76</p> <p>Web-based Application Data Sheet Form</p>	<p>PTO/SB/14 EFS-Web</p> <p>PTO/AIA/14</p> <p>eADS</p>	<ul style="list-style-type: none"> <li>Provides applicant with a convenient manner to provide bibliographic information concerning the applicant and application that the applicant is either required, or desires, to provide to the USPTO.</li> <li>Used by the USPTO to auto load data directly into USPTO databases, which reduce information capture errors caused by hand keying.</li> <li>Used by the USPTO to provide a quick acknowledgment of the application and the information in USPTO records concerning the</li> </ul>

			applicant and application.
1	Electronic New Utility Patent Application	No Form Associated	<ul style="list-style-type: none"> <li>Used by filers to electronically file a new original utility application with the USPTO and to include the necessary filing fees.</li> <li>Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.</li> </ul>
3	Electronic New Design Application	No Form Associated	<ul style="list-style-type: none"> <li>Used by filers to electronically file a new original design application with the USPTO and to include the necessary filing fees.</li> <li>Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.</li> </ul>
10	For Design Applications Only: Continued Prosecution Application (CPA) Request Transmittal  For Design Applications Only: Receipt for Facsimile Transmitted CPA	PTO/SB/29  PTO/SB/29A	<ul style="list-style-type: none"> <li>Used by the applicant to request additional examination of a previously submitted design application.</li> <li>Used by the USPTO to process and initiate an additional examination of a previously submitted design application.</li> </ul>
11	Provisional Application for Patent Cover Sheet – Paper and Electronic Filing	PTO/SB/16 and PTO/SB/16 EFS-Web	<ul style="list-style-type: none"> <li>Used by the applicant to file a provisional application with the USPTO.</li> <li>Used by the applicant to include filing fees.</li> <li>Used by the USPTO to identify provisional applications in order to promptly and properly process them.</li> <li>Used by the USPTO to prepare the filing receipt.</li> <li>Used by the USPTO to identify provisional applications that may require foreign filing licenses.</li> </ul>
12	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	No Form Associated	<ul style="list-style-type: none"> <li>Used by the applicant to submit an unintentionally delayed priority claim to the USPTO.</li> <li>Used by the USPTO to determine whether the applicant has included the documentation and fees necessary for the USPTO to accept unintentionally delayed priority /benefit claim under 35 U.S.C. §§ 119, 120, or 365.</li> </ul>
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor	No Form Associated	<ul style="list-style-type: none"> <li>Enables inventors or assignees who cannot locate or obtain signatures from an inventor or a legal representative of a deceased inventor to submit a patent application.</li> <li>Used by the USPTO to ensure that the necessary information has been provided in support of the oath or declaration.</li> </ul>
14	Papers Filed under 37 CFR 1.41(c) or 1.41(a)(2) (pre-AIA) to Supply the Name or Names of the Inventor or Inventors After the Filing Date Without a Cover Sheet as Prescribed by 37 CFR 1.51(c)(1) in a Provisional Application	No Form Associated	<ul style="list-style-type: none"> <li>Used by filers to supply or change the name or names of the inventor or inventors of a provisional application filed without a cover sheet after the provisional application filing date.</li> <li>Used by the USPTO to change the name or names of the inventor or inventors of a provisional applications filed without a cover sheet after the provisional application filing date.</li> </ul>

14	Petition under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date	No Form Associated	<ul style="list-style-type: none"> <li>Used by applicants to request a receipt date for applications filed under 37 CFR 1.495(b).</li> <li>Used by the USPTO to assign applications filed under 37 CFR 1.495(b) a receipt date.</li> </ul>
14	Papers Filed Under 37 CFR 1.48(d) for Correction of Inventorship in a Provisional Application	No Form Associated	<ul style="list-style-type: none"> <li>Used by filers to request a correction of the inventorship of a provisional application.</li> <li>Used by the USPTO to determine whether the inventorship of a provisional application should be corrected.</li> </ul>
14	Papers Filed Under 37 CFR 1.53(c)(2) or 1.53(c)(2) (pre-PLT (AIA)) to Convert a NonProvisional Application Filed Under 1.53(b) to a Provisional Application Filed Under 1.53(c)	No Form Associated	<ul style="list-style-type: none"> <li>Used by filers to request that a nonprovisional application filed under 37 CFR 1.53(b) be converted to a provisional application filed under 37 CFR 1.53(c).</li> <li>Used by the USPTO to determine whether to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 37 CFR 1.53(c).</li> </ul>

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological 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 activity. Also describe any consideration of using information technology to reduce burden**

The USPTO typically collects the information in this information collection electronically via EFS-Web or by facsimile submission. The Legal Framework for EFS-Web, available at [http://www.uspto.gov/patents/process/file/efs/guidance/New\\_legal\\_framework.jsp](http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp), outlines which types of patent applications and associated documents can and cannot be submitted electronically. Facsimile submission is limited in accordance with 37 CFR 1.6(d) to the papers filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)), as well as the petitions. The USPTO does not use any other automated, mechanical, or other technological collection techniques to collect the information in this information collection.

EFS-Web is a web-based document submission system that allows customers to file nearly all of the documents covered under this information collection through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their documents 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 Application Data Sheet form (PTO/SB/14) and the Provisional Application for Patent Cover Sheet (PTO/SB/16), that can be submitted through EFS-Web may be downloaded from the USPTO website and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web, which is hosted on secure servers. The documents of registered user are protected using a Public Key Infrastructure (PKI) system and digital certificates which provide authentication and encryption security. 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. After the document has been successfully submitted through EFS-Web, customers will receive an acknowledgment receipt that lists the time and date stamp stating when the document was submitted to the USPTO, an application number, a confirmation number, and other critical information, such as the EFS ID, a listing of the files and documents associated with the submission, and page counts for the files and documents. This receipt is the legal equivalent of a postcard in the postcard receipt practice used for patent application documents that are filed in paper. The USPTO recommends that customers print the electronic acknowledgement receipt to keep with their records.

There are many additional benefits to filing through EFS-Web. 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 published patent applications, issued patents, certificates of correction, and reissue applications is made available to the general public.

To provide emergency options to applicants, the USPTO offers the EFS-Web Contingency Option, which permits users to file their patent documents even when the primary portal to EFS-Web is unavailable. EFS-Web Contingency Option has the same functionality as EFS-Web for unregistered users and provides an electronic acknowledgment receipt, performs file validation, and encrypts the applications using TLS. Of the documents covered under this information collection, EFS-Web Contingency Option can be used only to file provisional patent applications, nonprovisional utility and design patent applications, and national stage applications under 35 U.S.C. § 371.

**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 (or representative) submits a patent application, a petition to accept unintentionally delayed priority/benefit claim, a petition under 37 CFR 1.47 (pre-AIA) to accept a filing by other than all the inventors or a person not the inventor, a petition under 37 CFR 1.6(g) to accord the application under 37 CFR 1.495(b) a receipt date, and the papers filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)). This information is not collected elsewhere. Therefore, this information collection does not create a duplication of effort or collection of data.

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

This information collection involves items which require the 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).

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(b) 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. In addition, the provisions of the Consolidated Appropriations Act of 2005 establish a filing fee of \$75 for small entities filing original utility applications electronically on or after December 8, 2004.

**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 an applicant (or representative) submits a patent application, a petition to accept unintentionally delayed priority/benefit claim, a petition under 37 CFR 1.47 (pre-AIA) to accept a filing by other than all the inventors or a person not the inventor, a petition requesting that applications filed under 37 CFR 1.495(b) be assigned a receipt date, and a paper field under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), and 1.53(c)(2) (pre-PLT (AIA)). This information is not collected elsewhere. Therefore, this collection of information could not be conducted

less frequently and the USPTO could not examine an application or issue a patent as required by the patent statute (35 U.S.C. § 131) if this information was not collected.

- 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 co activity, 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 XX (85 FRN No. 189, 60967).

The USPTO received one public comment which discussed technical aspects of submitting forms, especially issues the commenter has experienced submitting PDF forms. The commenter also suggested that form AIA-14 should allow priority claims to be inserted.

USPTO's response to this public comment is that USPTO's current online filing systems, EFS-Web and Patent Center beta, both accept PDF documents having any legally licensed and embeddable fonts. Neither EFS-Web nor Patent Center require embedding of standard, base-14 fonts in PDF submissions. For non-base-14 fonts, applicants must embed the fonts to ensure that non-standard fonts, such as math and chemical symbols, will render faithfully. In the rare situation that an applicant encounters difficulty submitting a USPTO-generated PDF form due to font discrepancies, the Electronic Business Center is available to provide further assistance.

While the AIA/14 ADS Fillable Form does not allow a priority claim to be inserted into an existing list of priority claims, our alternate Web ADS easily permits priority claims to be inserted or moved to any position within an existing list. The Web ADS is compatible with both EFS-Web and Patent Center. While USPTO is always considering improvements to the EFS-Web system the comment's concerns can be addressed within the existing options provided by the system.

In addition, the USPTO has long-standing relationships with groups from whom patent application information is collected, such as the Patent Public Advisory Council and the American Intellectual Property Law Association, as well as patent bar associations, independent inventors groups, and users of our public search facilities. Views expressed by these groups are considered when evaluating information collection burdens and when developing proposals for information collection requirements.

**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. Response to this information collection is necessary to obtain a patent.

**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 USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents under 35 U.S.C. § 122, 37 CFR 1.11, and 37 CFR 1.14. 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 applications are published eighteen months after the filing date, unless the applicant requests non-publication under 35 U.S.C. 122(b)(2)(B)(i). 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. The USPTO posts issued patent and application publications on its Web site.

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.

Patent applicants and/or their designated representatives can view the current status of their patent application through the Patent Application Information Retrieval (PAIR) system. Access to patent applications that are maintained in confidence under 35 U.S.C. §122(a) is restricted to the patent applicant and/or their designated representatives by the use of digital certificates, which maintain the confidentiality and integrity of the information transmitted over the Internet. The public can view the status and history information for published applications and granted patents via PAIR. 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.

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

The United States Patent and Trademark Office (USPTO) is required by Title 35 of the United States Code, including 35 U.S.C. § 131, to examine applications for patents. This information is collected on petitions and applications for patent products. Patent Application information collection activities are covered under the Statement of Records Notice (SORN COMMERCE/PAT-TM-7 Patent Application Files, available at Federal Register /Vol. 78, No. 61 / Friday, March 29, 2013 /Notices 19243. <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>.

This SORN identifies the categories of individuals covered by 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. Categories of records in the system comprises the following: Oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kinds of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

The information obtain is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of congress working on behalf of an individual; to the Office of Personnel Management (OPM) for personnel research purposes; to National Archives and Records Administration for inspection of records, and to the Office of Management and Budget (OMB)for legislative coordination and clearance. Failure to provide any part of the requested information may result in an inability to process requests for access and information.

**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 is considered to be of a sensitive nature.

**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'.
- Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

Table 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO projects that it will receive 636,003 responses per year. The USPTO estimates that approximately 159,001 of these responses will be from small entities (this estimates reflects a 25% small entity response rate for all items in the information collection except for design-related items in the information collection, for which a 50% small entity response rate is estimated). The USPTO estimates that 623,283 of the responses will be filed electronically.

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 takes the public approximately from 30 minutes to 40 hours (0.50 to 40 hours) to complete the applications, petitions, and additional papers in this information collection, depending on the complexity of the request. This includes the time to gather the necessary information, prepare the application, petition, or other papers, and submit the completed request to the USPTO. The USPTO assumes that, on average, it takes the same amount of time to gather the necessary information, prepare the application, petition, or other paper, and submit it to the USPTO, whether the applicant submits it in paper form or electronically. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 15,598,813 hours per year.

- **Cost Burden Calculation Factors**

The USPTO assumes that all of the information in this information collection will be prepared by an attorney. The USPTO uses a professional rate of \$400 per hour for respondent cost burden calculations, which is the mean attorney rate for

attorneys in private firms as shown in the 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency estimates \$400 is an accurate estimate of the cost per hour to collect this information. Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$6,239,525,200 per year.

**Table 3: Total Hourly Burden for Private Sector Respondents**

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = c	Rate <sup>1</sup> (\$/hour) (d)	Estimated Annual Burden (c) x (d) = e
1	Original New Utility Applications	283,425	283,425	40	11,337,000	\$400	\$4,534,800,000
2	Original New Plant Applications	1,333	1,333	9	11,997	\$400	\$4,798,800
3	Original New Design Applications	38,425	38,425	7	268,975	\$400	\$107,590,000
4	Continuation/Divisional of an International Application	10,055	10,055	4	40,220	\$400	\$16,088,000
5	Utility Continuation/Divisional Applications	94,820	94,820	4	379,280	\$400	\$151,712,000
6	Plant Continuation/Divisional Application	12	12	3	36	\$400	\$14,400

<sup>1</sup> 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour.

7	Design Continuation/Divisional Application	5,238	5,238	1	5,238	\$400	\$2,095,200
8	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	1,272	1,272	1	1,272	\$400	\$508,800
9	Utility Continuation-in-Part Applications	10,831	10,831	20	216,620	\$400	\$86,648,000
10	Design Continuation-in-Part Applications	1,078	1,078	3	3,234	\$400	\$1,293,600
11	Provisional Application for Patent Cover Sheet	158,174	158,174	18	2,847,132	\$400	\$1,138,852,800
12	Petition to Accept Unintentionally Delay Priority/Benefit Claim	1,978	1,978	1	1,978	\$400	\$791,200
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor	39	39	1	39	\$400	\$15,600
14	Papers filed under the following: 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 1.48(d) – for correction of inventorship in a provisional application. 1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to	7,026	7,026	.75	5,270	\$400	\$2,108,000

	convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)						
<b>Total</b>		<b>613,706</b>	<b>613,706</b>		<b>15,118,291</b>		<b>\$6,047,316,400</b>

**Table 4: Total Hourly Burden for Individuals and Households Respondents**

Item No.	Item	Estimated Annual Respondents	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = c	Rate <sup>2</sup> (\$/hour) (d)	Estimated Annual Burden (c) x (d) = e
1	Original New Utility Applications	9,009	9,009	40	360,360	\$400	\$144,144,000
2	Original New Plant Applications	42	42	9	378	\$400	\$151,200
3	Original New Design Applications	1,221	1,221	7	8,547	\$400	\$3,418,800
4	Continuation/Divisional of an International Application	320	320	4	1,280	\$400	\$512,000
5	Utility Continuation/Divisional Applications	3,013	3,013	4	12,052	\$400	\$4,820,800
7	Design Continuation/Divisional Application	166	166	1	166	\$400	\$66,400
8	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	40	40	1	40	\$400	\$16,000

<sup>2</sup> 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour.

9	Utility Continuation-in-Part Applications	344	344	20	6,880	\$400	\$2,752,000
10	Design Continuation-in-Part Applications	34	34	3	102	\$400	\$40,800
11	Provisional Application for Patent Cover Sheet	5,027	5,027	18	90,486	\$400	\$36,194,400
12	Petition to Accept Unintentionally Delay Priority/Benefit Claim	63	63	1	63	\$400	\$25,200
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor	1	1	1	1	\$400	\$400
14	<p>Papers filed under the following:</p> <p>1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application.</p> <p>1.48(d) – for correction of inventorship in a provisional application.</p> <p>1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)</p>	223	223	.75	167	\$400	\$66,800
<b>Total</b>		<b>19,503</b>	<b>19,503</b>		<b>480,522</b>		<b>\$192,208,800</b>

**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.**

The total annual (non-hour) cost burden for this information collection is calculated in Tables 5, 6, and 7 below.

#### Postage

Although the USPTO prefers that the items in this information collection be submitted electronically, the items may be submitted by mail through the United States Postal Service (USPS).

- If an applicant decides to file a patent application covered under this information collection by mail, the USPTO recommends that the patent application be filed by Priority Mail Express® in accordance with 37 CFR 1.10 to establish the date of deposit with the USPS as the filing date (otherwise the filing date of the application will be the date that it is received at the USPTO). The USPTO estimates that the application package will weigh at least one pound. Using the Priority Mail Express® flat rate cost for mailing envelopes, the USPTO estimates that the average cost for sending a patent application by Priority Mail Express® will be \$26.50 and that up to 14,441 applications may be mailed by Priority Mail Express® to the USPTO.
- If an applicant decides to file a petition or a paper filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), or 1.53(c)(2) (pre-PLT (AIA)) by mail, the USPTO estimates that the petition or paper will be sent by first-class mail. The USPTO further estimates that the petition or paper will weigh an average of two

ounces, for an estimated postage rate of \$8.05; the average cost for a 2-Day Priority Mail legal flat rate envelope shipped first-class via USPS. The USPTO estimates that up to 301 applications may be mailed by first-class mail to the USPTO.

**Table 5: Postage Costs to Respondents**

IC #	Item	Estimated Annual Mailed Submissions (a)	Postage Costs (\$) (b)	Postage Totals (c) (a) x (b)
<b>Express Mailing Costs</b>				
1	Original New Utility Applications – No Application Data Sheet	749	\$26.50	\$19,849
2	Original New Plant Applications – No Application Data Sheet	980	\$26.50	\$25,970
3	Original New Design Applications – No Application Data Sheet	2270	\$26.50	\$60,155
1	Original New Utility Applications – Application Data Sheet	337	\$26.50	\$8,931
2	Original New Plant Applications – Application Data Sheet	395	\$26.50	\$10,468
3	Original New Design Applications – Application Data Sheet	128	\$26.50	\$3,392
4	Continuation/Divisional of an International Application	104	\$26.50	\$2,756
5	Utility Continuation/Divisional Applications	979	\$26.50	\$25,944
6	Plant Continuation/Divisional Applications	12	\$26.50	\$318
7	Design Continuation/Divisional Applications	54	\$26.50	\$1,431
8	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	13	\$26.50	\$345
9	Utility Continuation-in-Part Applications	112	\$26.50	\$2,968
13	Plant Continuation-in-Part Applications	1	\$26.50	\$26.50
10	Design Continuation-in-Part Applications	11	\$26.50	\$292
11	Provisional Application for Patent Cover Sheet	1632	\$26.50	\$43,248
	<b>Total Express Mailing Costs</b>	<b>7,777</b>	<b>-----</b>	<b>\$206,094</b>
<b>First-Class Mailing Costs</b>				
12	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	21	\$8.05	\$170
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor	1	\$8.05	\$8.05
14	Papers Filed Under the Following: 1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application  1.48(d) - for correction of inventorship in a provisional application  1.53(c)(2) or 1.53(c)(2) (pre-PLT (AIA)) - to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	149	\$8.05	\$1,200
	<b>Total First-Class Mailing Cost</b>	<b>171</b>	<b>-----</b>	<b>\$1,397</b>
	<b>Total Postage Costs</b>	<b>7,948</b>	<b>-----</b>	<b>\$207,472</b>

### Drawing Costs

Patent applicants can submit drawings with their utility, design, plant, and provisional applications. Applicants can prepare these drawings on their own or they can hire patent illustration services firms to create them. As a basis for estimating the drawing

costs, the USPTO expects that all applicants will have their drawings prepared by a patent illustration firm.

Estimates for the patent drawing can vary greatly, depending on the number of figures to be produced, the total number of pages for the drawings, and the complexity of the drawings. Because there are many variables involved, the USPTO is using the average of the cost ranges found for the application drawings to derive the estimated cost per sheet that is then used to calculate the total drawing costs.

The utility, plant, and design continuation and divisional applications use the same drawings as the initial filings, so they are not included in these totals. New drawings may be submitted in the continuation-in-part applications, so those numbers are included in these estimates. The drawings for the continued prosecution applications also are included in the drawing cost totals for designs. There are no continuation, divisional, or continuation-in-part provisional applications.

- Utility Drawings – The USPTO estimates that the costs to produce these drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the drawings and that, on average, 10 sheets of drawings are submitted for an average cost of \$1,150 to produce the utility drawings. Out of 298,600 utility applications submitted, the USPTO estimates that 80% (or 238,880) applications will be submitted with drawings.
- Design Drawings – The USPTO estimates that the costs to produce design drawings can range from \$35 to \$350 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$193 per sheet to produce design drawings. On average, 10 sheets of drawings are submitted for an average cost of \$1,930 to produce the design drawings. Out of 47,850 design applicants submitted per year, the USPTO estimates that all of them will be submitted with drawings.
- Plant Drawings – In general, photographs are submitted for the plant applications, although drawings can also be submitted. The USPTO estimates that the cost to produce the photographs or drawings for the plant applications can range from \$35 to \$100. Taking the average of this range, the USPTO estimates that it can cost \$68 per sheet to produce the photographs or drawings for the plant applications. On average, 10 sheets of drawings are submitted for an average cost of \$680 to produce the photographs/drawings for the plant applications. Out of 1,401 plant applications submitted per year, the USPTO estimates that all of them will be submitted with drawings.
- Provisional Drawings – The USPTO estimates that the cost to produce the provisional drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the provisional drawings. On average, 10 sheets of drawings are submitted for an

average cost of \$1,150 to produce the provisional drawings. Out of 163,201 provisional applications submitted per year, the USPTO estimates that 80% (or 130,561) applications will be submitted with drawings.

**Table 6: Drawing Costs to Respondents**

Item No.	Item	Estimated Annual Responses (a)	Estimated Drawing Costs Amount (\$) (b)	Drawing Cost Totals (a) x (b) = (c)
1	Utility Application Drawings	292,434	\$1,150	\$336,299,100
3	Design Applications Drawings	39,646	\$1,930	\$76,516,780
2	Plant Application Drawings (Photographs)	1,375	\$680	\$935,000
15	Provisional Application Drawings	163,201	\$1,150	\$187,681,150
	<b>Total Drawing Costs</b>	<b>496,656</b>	<b>-----</b>	<b>\$601,432,030</b>

Fees

This information collection also has filing fees associated with various submissions. The amounts of these fees are listed in Table 6 below.

**Table 7: Filing Fee Costs to Respondents**

Item No.	Item	Estimated Annual Responses (a)	Amount (b)	Totals (a) x (b) = (c)
1, 4	Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t)) (large entity)	233,866	\$320	\$74,837,120
1, 4	Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t)) (small entity)	749	\$160	\$119,840
1, 4	Basic Filing fee – Utility (Paper Filing – Also Requires Non-Electronic Filing Fee Under 1.16(t)) (micro entity)	15,940	\$80	\$1,275,200
1, 4	Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	7,242	\$420	\$3,041,640
1, 4	Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	3,885	\$210	\$815,850
1, 4	Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	108	\$105	\$11,340
1, 4	Utility Search Fee (large entity)	233,861	\$700	\$163,702,700
1, 4	Utility Search Fee (small entity)	79,942	\$350	\$27,979,700
1, 4	Utility Search Fee (micro entity)	15,718	\$175	\$2,750,650
1, 4	Utility Examination Fee (large entity)	233,362	\$800	\$186,689,600
1, 4	Utility Examination Fee (small entity)	79,842	\$400	\$31,936,800
1, 4	Utility Examination Fee (micro entity)	15,696	\$200	\$3,139,200
1,2 4-6, and 9	Each Independent Claim in Excess of Three (large entity)	31,900	\$480	\$15,312,000
1,2 4-6, and 9	Each Independent Claim in Excess of Three (small entity)	11,200	\$240	\$2,688,000
1,2 4-6, and 9	Each Independent Claim in Excess of Three (micro entity)	1,100	\$120	\$132,000
1,2 4-6, and 9	Each Claim in Excess of 20 (large entity)	57,300	\$100	\$5,730,000
1,2 4-6, and 9	Each Claim in Excess of 20 (small entity)	25,800	\$50	\$1,290,000
1,2 4-6, and 9	Each Claim in Excess of 20 (micro entity)	1700	\$25	\$42,500

1,2 4-6, and 9	Multiple Dependent Claim (large entity)	1144	\$860	\$983,840
1,2 4-6, and 9	Multiple Dependent Claim (small entity)	750	\$430	\$322,500
1,2 4-6, and 9	Multiple Dependent Claim (micro entity)	146	\$215	\$31,390
2, 5	Plant Examination Fee (micro entity)	10	\$165	\$1,650
3, 6	Basic Filing Fee – Design (large entity)	18,613	\$220	\$4,094,860
3, 6	Basic Filing Fee – Design (small entity)	17,665	\$110	\$1,943,150
3, 6	Basic Filing Fee – Design (micro entity)	5,634	\$55	\$309,870
3, 6	Basic Filing Fee – Design (CPA) (large entity)	534	\$220	\$117,480
3, 6	Basic Filing Fee – Design (CPA) (small entity)	455	\$110	\$50,050
3, 6	Basic Filing Fee – Design (CPA) (micro entity)	153	\$55	\$8,415
3, 6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	70	\$420	\$29,400
3, 6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	38	\$210	\$7,980
3, 6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	4	\$105	\$420
3, 6	Design Search Fee (large entity)	19,107	\$160	\$3,057,120
3, 6	Design Search Fee (small entity)	17,962	\$80	\$1,436,960
3, 6	Design Search Fee (micro entity)	5,607	\$40	\$224,280
3, 6	Design Examination Fee (large entity)	19,082	\$640	\$12,212,480
3, 6	Design Examination Fee (small entity)	17,922	\$320	\$5,735,040
3, 6	Design Examination Fee (micro entity)	5,596	\$160	\$895,360
11	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (large entity)	2,621	\$420	\$1,100,820
11	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	3,264	\$210	\$685,440
11	Provisional Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity)	107	\$105	\$11,235
11	Provisional Application Filing Fee (large entity)	63,168	\$300	\$18,950,400
11	Provisional Application Filing Fee (small entity)	71,968	\$150	\$10,795,200
11	Provisional Application Filing Fee (micro entity)	30,253	\$75	\$2,268,975
1-11	Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (large entity)	80,603	\$160	\$12,896,480
1-11	Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (small entity)	36,442	\$80	\$2,915,360
1-11	Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (micro entity)	4,403	\$40	\$176,120
1-11	Surcharge – Late Provisional Filing Fee or Cover Sheet (large entity)	1,798	\$60	\$107,880
1-11	Surcharge – Late Provisional Filing Fee or Cover Sheet (small entity)	2,849	\$30	\$85,470
1-11	Surcharge – Late Provisional Filing Fee or Cover Sheet (micro entity)	3,308	\$15	\$49,620
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor (micro entity)	1	\$50	\$50
13	Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor (large entity)	37	\$200	\$7,400
13	Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor (small entity)	1	\$100	\$100
13	Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a	1	\$50	\$50

	Person not the Inventor (micro entity)			
	<b>Total Filing Fee</b>		-----	<b>\$604,098,735</b>

The total non-hourly respondent cost for this information collection is \$1,205,738,237, which is a combination of \$207,472 in postage costs, \$601,432,030 in drawing costs, and \$604,098,735 in filing fees.

**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 a GS-5, step 1 employee between 18 minutes (0.3 hours) and 1 hour to process the applications, petitions, and additional papers in this information collection 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).

Table 8 calculates the burden hours and costs to the Federal Government for processing this information collection.

**Table 8: Burden Hour/Cost to the Federal Government**

IC No.	Item	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = c	Rate (\$/hour) (d)	Estimated Annual Government Cost (c) x (d) = e
1	Original New Utility Application – No Application Data Sheet	292,434	1	292,434.00	\$24.48	7,158,784
2	Original New Plant Applications – No Application Data Sheet	1,375	1	1,375.00	\$24.48	33,660
3	Original New Design Applications – No Application Data Sheet	39,646	1	39,646.00	\$24.48	970,534
4	Original New Utility Applications – Application Data Sheet	10,375	1	10,375.00	\$24.48	253,980
5	Utility Continuation/Divisional Applications	97,833	1	97,833.00	\$24.48	2,394,952
6	Plant Continuation/Divisional Application	12	1	12.00	\$24.48	294
7	Design Continuation/Divisional Application	5,394	1	5,394.00	\$24.48	132,045
8	Continued Prosecution Applications –	1312	0.6	787.20	\$24.48	19,271

	Design (Request Transmittal and Receipt)					
9	Utility Continuation-in-Part Applications	11,175	1	11,175.00	\$24.48	273,564
10	Design Continuation-in-Part Applications	1,112	1	1,112.00	\$24.48	27,222
11	Provisional Application for Patent Cover Sheet	163,201	1	163,201.00	\$24.48	3,995,160
12	Petition to Accept Unintentionally Delay Priority/Benefit Claim	2,041	0.3	612.30	\$24.48	14,989
13	Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than all the Inventors or a Person not the Inventor	40	0.3	12.00	\$24.48	294
14	Papers filed under the following:  1.41(c) or 1.41(a)(2) (pre-AIA) – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application.  1.48(d) – for correction of inventorship in a provisional application.  1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA)) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	7,259	0.5	3,624.50	\$24.48	88,728
	<b>Total</b>	<b>633,209</b>		<b>627,598</b>		<b>\$15,363,599</b>

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

A. OMB previously approved this collection in 2017:

**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	633,209	0	-150	-2,794	0	636,153
Annual Time Burden (Hr)	15,598,813	0	-3,025	-158,269	0	15,760,107
Annual Cost Burden (\$)	1,205,738,237	0	0	-93,485,265	0	1,299,223,502

**Change in Respondent Cost Burden**

The total number of estimated respondents for this collection has decreased by 2,944 (from from the previous renewal of this collection in 2017:

- Decrease in response estimates is based on recent agency estimates of respondents using these processes. The slight overall decline is the primary driver of change (in burdens hours and respondent costs) to this information collection.
- Decreases in estimated hourly rates. The 2017 renewal used an estimated rate of \$438 per hour for attorneys and \$145 for paraprofessionals. For the current renewal, the USPTO is using updated hourly rates of \$400 for attorneys and \$145 for paraprofessionals.
- Increases in the postage rates being used to estimate mailing costs to USPTO now include updated next day and Priority Mail shipping costs.
- Removal of items related to the National Patent and Drafting Competition, which now uses a different PRA compliance process through 0690-0031, resulted in a removal of 150 responses and 3,025 burden hours from this information collection.

**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.**

The USPTO does not plan to publish this information for statistical use.

**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 OMB Control Number and the OMB expiration date.

**18. 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 statements.

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

This collection of information does not employ statistical methods.