

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Rules for Patent Maintenance Fees**  
**OMB CONTROL NUMBER 0651-0016**  
**2021**

**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.**

Under 35 U.S.C. § 41 and 37 CFR 1.20(e)-(h), 1.362, 1.366, 1.377, and 1.378, the United States Patent and Trademark Office (USPTO) charges fees for maintaining in force all utility patents based on applications filed on or after December 12, 1980. Payment of these maintenance fees is due at 3-1/2, 7-1/2, and 11-1/2 years after the date the patent was granted. If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of 6 months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time. After a patent expires, it is no longer enforceable. Maintenance fees are not required for design or plant patents or for reissue patents if the patent being reissued did not require maintenance fees.

The USPTO must maintain accurate payment records in order to provide the public with information as to which patents have expired and which patents remain in force. The USPTO may adjust patent maintenance fees annually. Fee schedules are published in the *Federal Register*, the *Official Gazette of the United States Patent and Trademark Office*, and on the USPTO website.

The maintenance fees and transmittal forms that were previously a part of this information collection, and mentioned in the 60-Day Federal Register Notice, have now been removed. These items are considered exempt from the PRA under 5 CFR 1320.3(h)(10).

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director to accept and record the maintenance fee under 37 CFR 1.377. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 37 CFR 1.378. The Director may accept the payment of a maintenance fee after the expiration

of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unintentional. Petitions to accept unintentionally delayed payment must also be accompanied by the required maintenance fee and the petition fee as set forth in 37 CFR 1.17(m). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(d).

The rules of practice (37 CFR 1.33(d) and 1.363) permit applicants, patentees, assignees, or their representatives of record to specify a “fee address” for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. A fee address must be an address that is associated with a USPTO customer number. Customer numbers may be requested by using the Request for Customer Number form (PTO/SB/125), which is covered under Office of Management and Budget (OMB) Control Number 0651-0035. Maintaining a correct and updated address is necessary so that fee-related correspondence from the USPTO will be properly received by the applicant, patentee, assignee, or authorized representative. If a separate fee address is not specified for a patent or application, the USPTO will direct fee-related correspondence to the correspondence address of record.

The USPTO offers forms to assist the public with providing information covered by this information collection, including information pertaining to designating a fee address (PTO/SB/47 and PTO/AIA/47). The USPTO offers two different versions of the form for petitions to accept unintentionally delayed payment of maintenance fee in an expired patent under 37 CFR 1.378(b). In addition to (i) the basic PDF that may be completed electronically and then printed and mailed for processing by the Office of Petitions (Form PTO/SB/66), the USPTO offers (ii) a Web-based ePetition, which the public can complete on a computer using a Web browser and then click a submit button to send the information to the USPTO over the Internet (ePetition). No forms are provided for the petitions under 37 CFR 1.377 and 1.378(d).

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

**Table 1: Information Requirements**

Item No.	Requirement	Statute	Regulations
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	35 U.S.C. § 41(c)	37 CFR 1.20(e)-(g), 1.362, 1.366, 1.378(a) and (b)
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	35 U.S.C. § 41(b)	37 CFR 1.377, 37 CFR 1.17(g)
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	35 U.S.C. § 41(c)	37 CFR 1.378(d)

4	Fee Address Indication Form	35 U.S.C. § 41	37 CFR 1.33(d) and 1.363
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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.**

This information collection is necessary so that patent owners can maintain a utility patent in force and ensure that the USPTO can properly manage credit maintenance fee payments. The USPTO offers forms to assist the public with providing the information covered by this information collection, including petitions to accept delayed maintenance fee payments.

To pay a maintenance fee after patent expiration, customers must submit the maintenance fee payment together with a Petition to Accept Unintentionally Delayed Payment. A petition to accept delayed payment of a maintenance fee under the unintentional standard may be filed online.

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 information quality guidelines.

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

**Table 2: Needs and Uses**

Item No.	Form and Function	Form No.	Needs and Uses
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	PTO/SB/66	<ul style="list-style-type: none"> <li>Used by the petitioner to request that the patent be reinstated and to show that the delay in timely payment of the maintenance fee was unintentional.</li> <li>Used by the petitioner to verify all of the identifying information, such as the patent number, patent date, application number, and filing date.</li> <li>Used by the USPTO to determine whether the required elements for the petition have been submitted.</li> <li>Used by the USPTO to consider reinstatement of a patent that has expired due to unintentionally delayed payment of a maintenance fee.</li> </ul>

Item No.	Form and Function	Form No.	Needs and Uses
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the petitioner to request that the Director accept and record a maintenance fee that was filed prior to the expiration of the patent but was refused by the USPTO and to request a refund of the petition fee if the refusal was due to an error by the USPTO.</li> <li>Used by the USPTO to consider a request to review a decision refusing to accept and record payment of a maintenance fee prior to the expiration of the patent and to refund the petition fee if the refusal is determined to be an error by the USPTO.</li> </ul>
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	No Form Associated	<ul style="list-style-type: none"> <li>Used by the petitioner to request that the Director reconsider a decision to refuse a petition to accept and record an unintentionally delayed maintenance fee payment after expiration of the patent so that the expired patent are reinstated.</li> <li>Used by the USPTO to consider a request to review a decision refusing to accept and record an unintentionally delayed payment of a maintenance fee after patent expiration.</li> </ul>
4	Fee Address Indication Form	PTO/SB/47; PTO/AIA/47	<ul style="list-style-type: none"> <li>Used by the applicant, patentee, assignee, or representative to establish an address other than the correspondence address as the maintenance fee address for a list of applications or patents.</li> <li>Used by the USPTO to ensure that fee-related correspondence for a patent or allowed application is sent to the correct address.</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 information collection. Also, describe any consideration of using information technology to reduce burden.**

Forms associated with this information collection may be downloaded from the USPTO website in Portable Document Format (PDF), completed electronically, and then either printed for mailing or submitted online. The forms and petitions in this information collection may be submitted to the USPTO online through the Patent Electronic System (EFS-Web and Patent Center), the USPTO's Web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard Web browser. Typically, the customer will prepare the forms or documents as standard PDF files and then upload them to the USPTO servers using the secure Patent Electronic System interface. Patent Electronic System offers many potential benefits to filers, including form validation to ensure that all required information has been included, immediate

notification that a submission has been received, and avoidance of postage or other paper delivery costs. In addition, the USPTO has developed a Web-based interface to accept an ePetition version of Petitions to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)). The public can complete the ePetition on a computer using a Web browser and then click a submit button to send the information to the USPTO over the Internet. Web-based ePetitions are convenient for customers while allowing the USPTO to process the petition automatically and send a response back to the customer immediately.

**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.**

The information collected is required to consider petitions related to maintenance fee payments, and to establish a fee address. 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.**

The information in this information collection is necessary in order to consider an appropriate petition, or to process a fee address request. The information required by petitions to accept delayed payments, such as the showing or statement that the delayed payment was unintentional, provides the USPTO with documented evidence regarding the reason for the delay in payment of the required maintenance fees so that the Director may consider the request to reinstate the patent. The same information is required from every customer and is not available from any other source.

**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 petition or other request related to patent maintenance fees. If this information were not collected, the USPTO would not be able to: (1) determine whether a patentee is entitled to reinstatement of a patent after a delayed payment; (2) determine whether a maintenance fee payment that was refused should have been accepted; or (3) send fee-related correspondence to the proper address. 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 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 April 30, 2021, (86 FR 22936). The comment period ended on June 29, 2021. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, independent inventor groups, and users of its public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of information collections. No views have been expressed affecting the present renewal.

**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.**

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). Upon publication of an application or issuance of a patent, the entire patent application file is made available to the public, subject to provisions for providing only a redacted copy of the file content. The disclosure of the invention in the application is the *quid pro quo* for the property right conferred by the patent grant and the very means by which the patent statute right conferred by the patent grant, and the very means by which the patent statute achieves its constitutional objective of “prompt[ing] the progress of science and useful arts.” The prosecution history contained in the application file is critical for determining the scope of the property right conferred by a property grant.

The Privacy Act of 1974 (P.L. 93-579) requires that individuals submitting these items to USPTO be given certain information in connection with that submission. The USPTO collects this information under authority of 37 CFR 1.290 and 1.291. The purpose of the system is to carry out the duties of the USPTO to grant and issue patents.

Categories of individuals covered by the system include applicants for patent, including inventors, legal representatives, and other persons authorized by law to make applications for patent. The information in this system of records is used to manage all applicant records 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.

The information 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 OMB for legislative coordination and clearance. Failure to provide any part of the requested information may result in an inability to process submissions.

The applicable Privacy Act System of Records Notice for this information is 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>

**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 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’.**
- **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 estimates that it will receive approximately 44,542 total responses from 44,542 respondents per year for this information collection, with approximately 25% of these responses submitted by small entities.

The USPTO estimates that approximately 99% of the total annual responses for this information collection will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 0.08 hours (5 minutes) to 8 hours to submit the information in this information collection, including the time to gather the necessary information, prepare the appropriate form or petition, and submit the completed request to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 6,864 hours per year.

- **Cost Burden Calculation Factors**

The USPTO expects that the petitions included in this information collection will be prepared by attorneys and that the other item in this information collection will be prepared by paraprofessionals.

The USPTO uses a professional rate of \$400 per hour for respondent cost burden calculations, which is based on the 2019 Report of the Economic Survey from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPLA). The USPTO uses a paraprofessional rate of \$145 per hour for respondent cost burden calculations, which is based on the 2018 National Utilization and Compensation Survey Report published by the National Association of Legal Assistants (NALA).<sup>1</sup>

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<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. The hourly rate for paraprofessional/paralegals is estimated at \$145 from data published in the 2018 Utilization and Compensation Survey by the National Association of Legal Assistants (NALA)

Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$1,889,820 per year.

**Table 3: Burden Hour/Burden Cost to Respondents for Rules for Patent Maintenance Fees (Private Sector)**

Item No.	Item	Estimated Annual Respondents	Frequency	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Hourly Burden (hour/year)	Rate <sup>2</sup> (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)	2,288	1	2,288	1	2,288	\$400	\$915,200
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	1	1	1	4	4	\$400	\$1,600
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	121	1	121	8	968	\$400	\$387,200
4	Fee Address Indication Form (PTO/SB/47; PTO/AIA/47)	39,013	1	39,013	0.08 (5 minutes)	3,121	\$145	\$452,545
	<b>Totals</b>	<b>41,423</b>		<b>41,423</b>	---	<b>6,381</b>	---	<b>\$1,756,545</b>

**Table 4: Burden Hour/Burden Cost to Respondents for Rules for Patent Maintenance Fees (Individuals or Households)**

Item No.	Item	Estimated Annual Respondents	Frequency	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Hourly Burden (hour/year)	Rate <sup>3</sup> (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)	172	1	172	1	172	\$400	\$68,800
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	1	1	1	4	4	\$400	\$1,600
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	9	1	9	8	72	\$400	\$28,800
4	Fee Address Indication Form (PTO/SB/47; PTO/AIA/47)	2,937	1	2,937	0.08 (5 minutes)	235	\$145	\$34,075
	<b>Totals</b>	<b>3,119</b>		<b>3,119</b>	<b>---</b>	<b>483</b>	<b>---</b>	<b>\$133,275</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 (non-hour) respondent cost burden for this information collection is estimated to be \$3,098,564 per year. There are no capital start-up, recordkeeping, or maintenance costs associated with this information collection. However, this information collection does have an annual (non-hour) cost burden in the form of maintenance fees and postage costs applicable to paper submissions.

### Fees

There are fees associated with patent maintenance costs, for a total of \$3,097,500 per year.

**Table 5: Fee Costs**

Item No.	Item	Estimated Annual Responses (a)	Filing Fees (\$) (b)	Total Filing Fee Costs (a) x (b) = (c)
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (undiscounted entity)	650	\$2,100	\$1,365,000
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (small entity)	1,500	\$1,050	\$1,575,000
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (micro entity)	300	\$525	\$157,500
	<b>Totals</b>	---	---	<b>\$3,097,500</b>

### Postage Costs

The public may submit the forms and petitions in this information collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be \$8.25. The USPTO estimates approximately 129 submissions per year may be mailed to the USPTO, for a total postage cost of \$1,064 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 a GS-7, step 1 employee will process the items included in this information collection. The USPTO estimates that the cost of a GS-7, step 1 employee is \$30.62 per hour (GS hourly rate of \$23.55 with 30% (\$7.07) added for benefits and overhead).

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection.

**Table 6: Burden Hours/Burden Costs to the Federal Government**

Item No.	Item	Estimated Annual Responses (year) (a)	Estimated Time for Response (hours) (b)	Estimated Annual Burden (hour/year) (a) x (b) = (c)	Rate <sup>4</sup> (\$/hour) (d)	Estimated Annual Cost Burden (c) x (d) = (e)
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)	2,460	0.50 (30 minutes)	1,230	\$30.62	\$37,663
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	2	0.50 (30 minutes)	1	\$30.62	\$31
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	130	0.50 (30 minutes)	65	\$30.62	\$1,990

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Item 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 Cost Burden (c) x (d) = (e)
4	Fee Address Indication Form (PTO/SB/47; PTO/AIA/47)	41,950	0.08 (5 minutes)	3,356	\$30.62	\$102,760
	<b>Totals</b>					<b>\$142,444</b>

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

### 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	44,542	0	-436,600	-52,868	0	534,010
Annual Time Burden (Hr)	6,864	0	-2,426	-3,734	0	13,024
Annual Cost Burden (\$)	3,098,564	0	-1,332,344,500	735,107	0	1,334,707,957

### Changes due to Agency Discretion

The maintenance fees and transmittal forms that were previously a part of this information collection, and mentioned in the 60-Day Federal Register Notice, have now been removed. These items are considered exempt from the PRA under 5 CFR 1320.3(h)(10).

This action results in the following changes to the information collection:

- 436,600 responses removed
- 2,426 burden hours removed
- \$1,332,344,500 cost burden removed

### Change in Respondents and Hourly Burden due to Adjustment in Agency Estimate

The total number of respondents has decreased by 52,868 due to estimated fluctuations in the number of responses/submissions in this information collection. This decrease in the number of respondents and responses results in a decrease of 3,734 hours in the annual time burden estimates.

### Changes in Annual (Non-hour) Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$735,107 from the previous approval. This increase is due to estimated fluctuations in submissions for items that require a fee. Even though the overall number of respondents is declining, those filing the Petition to Accept Unintentionally Delayed

Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) is expected to increase; resulting in this increased cost burden estimate.

**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 any special publication of patent numbers in which maintenance fees have been paid. However, the patent numbers, serial numbers, and issue dates of expired patents are published in the weekly *Official Gazette of the United States Patent and Trademark Office* and annually in a consolidated listing. The weekly *Official Gazette* also includes a listing of patent numbers, serial numbers, filing dates, issue dates, and grant dates for patents that have been reinstated due to the acceptance of a late maintenance fee. The *Official Gazette* is published in electronic format on the USPTO website.

**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 expiration date of OMB approval.

**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 statement.

## **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.