

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE

Patent Processing

OMB Control Number 0651-0031

Background

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 to examine an application for patent and, when appropriate, issue a patent. The USPTO is also required to publish patent applications, with certain exceptions, promptly after the expiration of a period of 18 months from the earliest filing date for which a benefit is sought under Title 35, United States Code ("eighteen-month publication"). This information collection covers certain situations that may arise which require that additional information be supplied in order for the USPTO to further process the patent or application. The information in this collection is used by the USPTO to continue the processing of the patent or application to ensure that applicants are complying with the patent regulations and to aid in the prosecution of the application.

Summary of Changes

The United States Patent and Trademark Office (USPTO) is submitting this request to update a form associated with this information collection. The form is USPTO/SB/38 "Request to Retrieve Electronic Priority Application(s)".

The changes are:

- Eliminate Option B, because Option B is no longer applicable under the World Intellectual Property Office Digital Access Service (WIPO DAS) exchange
- There's no mention of "electronic" in the revised SB/38 and the text prior to the fillable table and the text in the column headers of the table has been reworded
 - o These changes are simply because USPTO has chosen to closely track the regulatory language of 37 CFR 1.55(i)(4)

Changes in Burden

This change does not result in any change to the burden associated with this information collection. As users of the form must complete one of the two options, removing an option results in no change to the burden estimates associated with this item.