

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence
Disclosures
OMB Control Number 0651-0024

Background

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

This request is to update the fees for small and micro entities attached to collection 0651-0024 (Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures) that are affected by the rulemaking RIN 0651-AD66. There are six fees in this collection being reduced as a result of the *Unleashing American Innovators Act of 2022*. This request also removes three fees (Size fees under 37 CFR 1.16(s) and 1.492(j)) from this collection, as they are accounted for in 0651-0021 and 0651-0031.

Table 1: Increases in Fee Amount

IC No.	Item	Current Fee	New Fee	Changes in Fee Amount
1	Submission of sequence listings of 300MB to 800MB	\$530 (small entity) \$265 (micro entity)	\$424 (small entity) \$212 (micro entity)	-\$106 (small entity) -\$53 (micro entity)
1	Submission of sequence listings of more than 800MB	\$5,250 (small entity) \$2,625 (micro entity)	\$4,200 (small entity) \$2,100 (micro entity)	-\$1,050 (small entity) -\$525 (micro entity)
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter	\$160 (small entity) \$80 (micro entity)	\$128 (small entity) \$64 (micro entity)	-\$32 (small entity) -\$16 (micro entity)

Table 2: Proposed Burden

IC No.	Item	Responses (a)	Proposed Fee (b)	Proposed Cost (a) x (b) = (c)
1	Submission of sequence listings of 300MB to 800MB	30 (small entity) 10 (micro entity)	\$424 (small entity) \$212 (micro entity)	\$12,720 (small entity) \$2,120 (micro entity)
1	Submission of sequence listings of more than 800MB	1 (small entity) 1 (micro entity)	\$4,200 (small entity) \$2,100 (micro entity)	\$4,200 (small entity) \$2,100 (micro entity)
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter	700 (small entity) 8 (micro entity)	\$128 (small entity) \$64 (micro entity)	\$89,600 (small entity) \$512 (micro entity)
	Totals	750	---	\$111,252

Table 3: Changes in Cost

IC No.	Items	Current Cost	Proposed Cost	Change in Cost
1	Submission of sequence listings of 300MB to 800MB	\$15,900 (small entity) \$2,650 (micro entity)	\$12,720 (small entity) \$2,120 (micro entity)	-\$3,180 (small entity) -\$530 (micro entity)
1	Submission of sequence listings of more than 800MB	\$5,250 (small entity) \$2,625 (micro entity)	\$4,200 (small entity) \$2,100 (micro entity)	-\$1,050 (small entity) -\$525 (micro entity)
1	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter	\$112,000 (small entity) \$640 (micro entity)	\$89,600 (small entity) \$512 (micro entity)	-\$22,400 (small entity) -\$128 (micro entity)
1	Size fees under 37 CFR 1.16(s) and 1.492(j)	\$163,800 (undiscounted entity) \$40,950 (small entity) \$7,875 (micro entity)	\$0 (undiscounted entity) \$0 (small entity) \$0 (micro entity)	-\$163,800 (undiscounted entity) -\$40,950 (small entity) -\$7,875 (micro entity)
	Totals	\$351,690	\$111,252	-\$240,438

Summary of Changes

The aforementioned legislation results in the revision of six fees, the removal of three fees, and a decrease of \$240,438 in annual (non-hourly) costs to collection 0651-0024.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$ 1,483,936	-\$240,438	\$1,243,498

0651-0024's revised burden is as follows:

- 28,550 in annual responses (unchanged)
- 171,300 in annual hourly burden (unchanged)
- \$1,243,498 in annual (non-hourly) costs