SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Cooperation Treaty
OMB Control Number 0651-0021
2022

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.

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), which became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code (Chapters 35-37) and Subpart C of Title 37 of the Code of Federal Regulations (37 CFR 1.401-1.499). The purpose of the PCT is to provide a standardized filing format and procedure that allows an applicant to seek protection for an invention in several countries by filing one international application in one location, in one language, and paying one initial set of fees.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark Office (USPTO) to fulfill its obligation to process, search, and examine the application as directed by the treaty. The filing, search, written opinion, and publication procedures are provided for in Chapter I of the PCT. Additional procedures for a preliminary examination of PCT international applications are provided for in optional PCT Chapter II. Under Chapter I, an applicant can file an international application in the national or home office (Receiving Office (RO)) or the IB. The USPTO acts as the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO serves as an International Searching Authority (ISA) to perform searches and issues an international search report (ISR) and a written opinion (WOISA) on international applications. The USPTO also issues an international preliminary report on patentability (IPRP Chapter II) when acting as an International Preliminary Examining Authority (IPEA).

The RO reviews the application and, if it contains all of the necessary information, assigns a filing date to the application. The RO maintains the home copy of the international application and forwards the record copy of the application to the IB and the search copy to the ISA. The IB maintains the record copy of all international applications and publishes them 18 months after the earliest priority date, which is the

earliest date for which a benefit is claimed. The ISA performs a search to determine whether there is any prior art relevant to the claims of the international application and will issue an international search report and written opinion as to whether each claim is novel, involves an inventive step, and is industrially applicable. The ISA then forwards the international search report and written opinion to the applicant and the IB. The IB will normally publish the application and search report 18 months after the priority date, unless early publication is requested by the applicant. Until international publication, no third person or national or regional office is allowed access to the international patent application unless so requested or authorized by the applicant. If the applicant wishes to withdraw the application (and does so before international publication), international publication does not take place.

Under optional Chapter II of the Treaty, an applicant who has filed an international application in a RO must file a demand for an international preliminary examination of the application by an IPEA, such as the USPTO. The filing of a Demand must be filed within a prescribed time period. It involves filing a form and paying certain fees. A Demand is usually filed with amendments and/or arguments under PCT Article 34 addressing objections raised in the WOISA. The International preliminary examination is a second evaluation of the potential patentability of the claimed invention (usually the claims have been amended), using the same standards on which the written opinion of the ISA was based. A copy of the examination report is sent to the applicant and to the IB. The IB then forwards a copy of the examination report to each Office elected by the applicant.

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

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulation
1	Request and Fee Calculation	PCT Articles 3 and 4, 35 U.S.C. §§ 361 and 376	PCT Rules 3, 4, 14-16, 37 CFR 1.431-1.434, 1.445
2	Description/claims/drawings/abstracts	PCT Articles 3.2, 5-7	PCT Rules 5-12, 37 CFR 1.431(a), 1.435-1.438
3	Application Data Sheet (35 U.S.C. § 371 applications)	PCT Article 8, 35 U.S.C. § 371	PCT Rule 26bis, 37 CFR 1.76, 1.497(g)
4	Transmittal Letter to the RO/US	35 U.S.C. §§ 184 and 361	37 CFR 1.10, 1.412, PCT Rule 14
5	Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. 371	35 U.S.C. §§ 363 and 371	37 CFR 1.414, 1.491-1.492
6	PCT/Model of Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455

7	PCT/Model of General Power of Attorney	PCT Article 49	PCT Rules 90.4 and 90.5, 37 CFR 1.455
8	Indications Relating to a Deposited Microorganism	None	PCT Rule 13bis
9	Response to invitation to correct defects	PCT Article 14	PCT Rules 26, 53 and 60
10	Response for rectification of obvious errors	None	PCT Rule 91
11	Demand and Fee Calculation	PCT Article 31, 35 U.S.C. §§ 362 and 376	PCT Rules 53-61, 37 CFR 1.480-1.482
12	Amendments (Article 34)	PCT Articles 14, 19, 34(2)(b) and 41, 35 U.S.C. § 371(c)(3)	PCT Rules 10, 11, 46 and 66, 37 CFR 1.471-1.472, 1.485, 1.495
13	Fee Authorization	35 U.S.C. § 376	37 CFR 1.25
14	Requests to transmit copies of international application	None	PCT Rule 22
15	Withdrawal of international application	PCT Administrative Sections 326 and 414, PCT Article 37, 35 U.S.C. § 366	PCT Rules 90bis.1-.4
16	English translations after thirty months from priority date	PCT Articles 36 and 46, 35 U.S.C. § 371(c)	PCT Rule 72, 37 CFR 1.484, 1.492(f), 1.495
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally	35 U.S.C. § 371(c)-(d)	37 CFR 1.137(b), 37 CFR 1.17(m)
18	Petitions to the Commissioner for international applications	35 U.S.C. § 371	37 CFR 1.10, 37 CFR 1.181, 37 CFR 1.182
19	Petitions to the Commissioner in national stage examination	35 U.S.C. §§ 111, 116-118, and 371	37 CFR 1.42, 37 CFR 1.47, 37 CFR 1.181, 37 CFR 1.182
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	35 U.S.C. §§ 119(e) and 120	37 CFR 1.78
21	Request for the restoration of the right of priority	PCT Article 8	PCT Rule 26bis.3

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 information requested in this collection is necessary for respondents to file an international patent application and for the USPTO to process, search, and examine international applications and related correspondence under the PCT. If this information were not collected, the USPTO would not be able to fulfill its obligations under the PCT

as a RO, ISA, or IPEA. The IB also uses this information to administer international applications as required by the PCT.

Some of the information in this collection has associated forms as indicated in Table 2 below. Use of the forms is not mandatory, but the USPTO advises applications to use these forms to ensure that all of the necessary information is provided and to assist the USPTO in processing the international applications quickly and efficiently. The Request and Demand forms include Annexes (Fee Calculation Sheets) and Notes with instructions on completing these forms. The WIPO also furnishes the *PCT Applicant's Guide* and other documents to give the public additional guidance on preparing the international applications.

The information collected, maintained, and used in this collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act of 1995 (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 #	Needs and Uses
1	Request and Fee Calculation Sheet (Annex and Notes)	PCT/RO/101	• Used by the public to supply the information required for an international patent application. • The optional Fee Calculation Sheet may be used by the public to indicate the amount of money being submitted and how the money is to be applied. • The public uses the Fee Calculation Sheet or Annex as an attachment to the PCT Request. • Used by the USPTO to process the international application according to the PCT. • Used by the USPTO to verify the calculations and to identify any errors in them.
2	Description/claims/drawings/ abstracts	No Form Associated	• Used by the public as part of the international application. In most instances, the description, claims, drawings, and abstract are identical to the corresponding elements in the previously filed U.S. application, and the papers submitted for the international application are a photocopy of the papers in the national application. • Used by the USPTO to process the international application according to the PCT.
3	Application Data Sheet	No Form Associated	• Used by the public as an optional way to submit bibliographic data with identifying information for an application, including information about each applicant, correspondence address, application contents, representatives, priority, and assignees. • Used by the USPTO to process applications and to correctly identify applications for which priority is claimed.

4	Transmittal Letter to the United States Receiving Office (RO/US)	PTO-1382	• Used by the public as a cover letter to supply a certification if the application was submitted via Express Mail and entitles an applicant to obtain a filing date as of the date of deposit with the postal authorities. • Used by the public for security clearance purposes to supply information concerning the similarity or differences between the subject matter disclosed in the international application and any national application filed earlier in the USPTO. • Used by the public as a transmittal letter for extensions of time, power of attorney, general power of attorney, substitute sheets, priority documents, fee payments, obvious error rectification, and other items. • Used by the USPTO to screen and certify the accompanying international application for the purpose of determining whether a license for foreign transmittal should and could be granted and for other purposes.
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371	PTO-1390	• Used by the public to submit the required materials and fees for examination of an international application to the USPTO as the U.S. Designated Office or Elected Office. • Used by the USPTO to fulfill its role as the U.S. Designated Office or Elected Office to process and examine international patent applications entering the national stage.
6	PCT/Model of Power of Attorney	WIPTO form; PCT/Model of Power of Attorney	• Used by the public to allow for the appointment of an agent to represent an applicant for a given international application or multiple international applications filed under the PCT. • Used by the public to provide the information needed to permit attorneys or agents registered to practice before the USPTO to represent an applicant filing an international application with the US/RO and to prosecute an international application on behalf of the applicant. • Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international application filed under the PCT.
7	PCT/Model of General Power of Attorney	WIPTO form; PCT/Model of General Power of Attorney	• Used by the public to allow for the appointment of an agent to represent an applicant for a given international application or multiple international applications filed under the PCT. • Used by the public to provide the information needed to permit attorneys or agents registered to practice before the USPTO to represent an applicant filing an international application with the US/RO and to prosecute an international application on behalf of the applicant. • Used by the USPTO to accept the appointment of an attorney or agent to represent an applicant for a given international application filed under the PCT.
8	Indications Relating to a Deposited Microorganism	PCT/RO/134	• Used by the public to provide a sample of the microorganism to a recognized depository institution and notify the US/RO of this action in writing. • Used by the USPTO to confirm that a sample of the microorganism was provided to a recognized depository institution.

9	Response to invitation to correct defects	No Form Associated	• Used by the public to correct defects noted by the RO. There is no required form for supplying the corrections. • Used by the USPTO to determine if noted defects have been corrected.
10	Request for rectification of obvious errors	No Form Associated	• Used by the public to request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed. • Used by the USPTO to grant the request that the appropriate RO, ISA, IPEA, or the IB correct obvious errors in the international application, as filed.
11	Demand and Fee Calculation Sheet (Annex and Notes)	PCT/IPEA/401	• Used by the public to request examination of the international application under Chapter II of the PCT. • The PCT Fee Calculation Sheet or Annex is used by the public to calculate the fees that are due and being submitted. • Used by the USPTO to conduct an international preliminary examination of an international application under Chapter II of the PCT. • The PCT Fee Calculation Sheet is used by the USPTO to properly credit the fees that are due and submitted.
12	Amendments (Article 34)	No Form Associated	• Used by the public to modify the international application in response to the findings in the international search report or in the written report. • Used by the USPTO to approve the modification of the international application in response to the findings in the international search report or in the written report.
13	Fee Authorization	No Form Associated	• Used by the public to charge the applicant□s deposit account along with instructions concerning how much to charge and for what purpose. • Used by the USPTO Finance Branch to apply the charged fees to the applicant□s deposit account.
14	Requests to transmit copies of international application	No Form Associated	• Used by the public to pay for the cost of preparing and mailing copies of the international application where at 14 months the RO has failed to transmit the record copy to the IB. • Used by the USPTO to ensure that the transmittal of the international application is identical to the application filed with the RO.
15	Withdrawal of international application	PCT/IB/372	• Used by the public to request withdrawal of the international application, designations of the state, demands, elections, and priority claims by a notice addressed to the IB or the RO. • Used by the USPTO to withdraw the international application, designations of the state, demands, elections, and priority claims by accepting a notice addressed to the RO.

16	English translations after thirty months of international application	No Form Associated	• Used by the public in the event any Elected Office requires a translation of annexes to the international preliminary examination report. • Used by the public to make written observations on any errors of translation in the international preliminary examination report and send such copies to the interested parties. • Used by the USPTO to transmit a copy of the translation of the international preliminary examination report to the applicant at the same time it is transmitted to the interested Elected Office(s). • Used by the USPTO to cancel the final international preliminary examination report and the annexes if they are not in English.
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	PTO/SB/64/PCT	• Used by the public to request revival of an application that was abandoned unintentionally. • Used by the USPTO to consider requests for revival of an unintentionally abandoned application and ensure all the proper documentation and fees are included.
18	Petitions to the Commissioner for international applications	No Form Associated	• Used by the public to petition or appeal for relief in exceptional circumstances. • Used by the USPTO to grant relief in exceptional circumstances.
19	Petitions to the Commissioner in national stage examination	No Form Associated	• Used by the public to petition or appeal for relief in exceptional circumstances. • Used by the USPTO to grant relief in exceptional circumstances.
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	No Form Associated	• Used by the public to claim benefit of the filing date of a prior filed application which has at least one common inventor if filed outside the time period. • Used by the USPTO to grant relief if the conditions are met.
21	Request for the restoration of the right of priority	No Form Associated	• Used by the public to allow a priority claim to an earlier application even if the international application is filed outside the priority period. • Used by the USPTO to grant relief if the conditions are met.

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.

The forms associated with this information collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online to the USPTO.

The PCT provides for electronic filing of international applications, as long as the confidentiality requirements are met. Customers may submit PCT materials to the USPTO electronically through EFS-Web, the USPTO's online filing system for patent applications and related documents. EFS-Web allows customers to file applications

and associated documents through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their patent applications and associated 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 that can be submitted through EFS-Web may be downloaded from the USPTO Web site and do not require special PDF creation software.

Registered and unregistered users can file documents through EFS-Web. The documents of registered users 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. 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 provides authorized individuals with immediate and secure access to non-published patent application information. PAIR uses digital certificates to permit only applicants and their designated representatives to access information about their pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. The USPTO does not intend to disseminate any confidential application information to the general public electronically through PAIR or any other means. However, the general public may use PAIR to access public information regarding granted patents, published applications, and reexamination proceedings. PAIR is available through the USPTO Web site.

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 is only collected when an applicant or representative submits an international application and is not collected elsewhere. Duplication of identifying information is required on subsequent correspondence to ensure that the correspondence can be associated with the correct application. In general, the PCT is designed to minimize the need for duplication by allowing an applicant to file a single application that has the effect of a national application filed in multiple countries.

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

The information in this collection is necessary in order to process requests related to PCT applications. The same information is required from every applicant and is not available from any other source.

Pursuant to 35 U.S.C. § 41(h) and section 10(b) of the Leahy-Smith America Invents Act (AIA), the USPTO provides a 50% reduction in both (i) the fees charged under 35 U.S.C. § 41(a)-(b) and (d)(1) and (ii) the fees set or adjusted under section 10(a) of the Act for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents for 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(a) of the Act for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents for applicants who meet the definition of a micro entity provided at 35 U.S.C. § 123 and 37 CFR 1.29.

The USPTO's regulations concerning the payment of reduced patent fees by small and micro entities are at 37 CFR 1.27-1.29, and reduced patent fees for small and micro entity applicants are shown in 37 CFR 1.16-1.18, 1.20, 1.445, 1.482, 1.492, and 41.20. 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).

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 an international application. This collection of information is necessary to process an international application under the PCT and could not be conducted less frequently. If this information were not collected, the USPTO would not be able to process the application as required by 35 U.S.C. § 364(a).

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 information collection, 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 August 2, 2022 (87 FR 47192).[1] The comment period ended on October 3, 2022. No comments were received.

The USPTO has long-standing relationships with international intellectual property offices, as well as groups from whom patent application information is collected, such as the American Intellectual Property Association (AIPLA), patent bar associations,

[1] https://www.govinfo.gov/content/pkg/FR-2022-08-02/pdf/2022-16530.pdf.

independent inventor groups, and users of our public search facilities. Their views were expressed in regularly scheduled meetings and considered in developing information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the information collected under this program.

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.

The confidentiality of international patent applications is governed by PCT Article 30, 35 U.S.C. § 122, and 37 CFR 1.11 and 1.14. The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. Until international publication (18 months after the priority date), no third party or authority is allowed access to the international patent application unless such access is requested or authorized by the applicant. If the applicant withdraws the application before international publication, such publication does not take place. 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 United States Patent and Trademark Office (USPTO) is required by Title 35 of the United States Code, including 35 U.S.C. § 131, to maintain the patenting process. Information is collected on petitions and applications for patent products including information regarding representation. These information collection activities are covered under the Statement of Records Notice (SORN COMMERCE/PAT-TM-7 Patent Application Files, 78 FR 19243[2] published on March 29, 2013.

This SORN covers the following categories of individuals: applicants for patent, including inventors, legal representatives for inventors, 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 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

[2] https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf.

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.

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 information in this information collection is considered to be 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'.**

Tables 3 and 4 calculate 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 420,816 responses per year from 420,816 respondents for this information collection, with approximately 2% of these responses submitted by small entities.

The USPTO estimates that 98% of the responses for this information collection will be submitted electronically via EFS-Web, which customers may access through the USPTO Web site.

- **Burden Calculation Factors**
  The USPTO estimates that it will take the public approximately between 0.25 hours (15 minutes) to 4 hours (240 minutes) to complete this information collection. This includes the time to gather the necessary information, create the documents, 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 358,269 hours per year.

- **Cost Burden Calculation Factors**
  The USPTO uses a professional rate of $435 per hour for the respondent cost burden calculations, which is the mean rate of intellectual property attorneys in private firms as shown in the 2021 *Report of the Economic Survey* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

Table 3: Total Burden Hours and Hourly Costs to Private Sector Respondents

Item No.	Item	Estimated Annual Respondents (a)	Responses per Respondent (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hour) (d)	Estimated Burden (hour/year) (c) x (d) = (e)	Rate[3] (f)	Estimated Annual Total Cost (e) x (f) = (g)
1	Request and Fee Calculation Sheet (Annex and Notes)	56,768	1	56,768	1	56,768	$435	$24,694,080
2	Description/claims/drawings/ abstracts	56,768	1	56,768	3	170,304	$435	$74,082,240
3	Application Data Sheet (35 U.S.C. § 371 applications)	105,124	1	105,124	0.38 (23 mins)	39,947	$435	$17,376,945
4	Transmittal Letter to the United States Receiving Office (RO/US)	16,163	1	16,163	0.25 (15 mins)	4,041	$435	$1,757,835
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371	89,616	1	89,616	0.25 (15 mins)	22,404	$435	$9,745,740
6	PCT/Model of Power of Attorney	14,022	1	14,022	0.25 (15 mins)	3,506	$435	$1,525,110
7	PCT/Model of General Power of Attorney	1,400	1	1,400	0.25 (15 mins)	350	$435	$152,250
8	Indications Relating to a Deposited Microorganism	1	1	1	0.25 (15 mins)	1	$435	$435

[3] 2021 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–27. The USPTO uses the average billing rate for intellectual property attorneys in private firms which is $435 per hour. (https://www.aipla.org/home/news-publications/economic-survey)

9	Response to invitation to correct defects	16,651	1	16,651	2	33,302	$435	$14,486,370
10	Request for rectification of obvious errors	950	1	950	0.50 (30 mins)	475	$435	$206,625
11	Demand and Fee Calculation Sheet (Annex and Notes)	198	1	198	1	198	$435	$86,130
12	Amendments (Article 34)	141	1	141	1	141	$435	$61,335
13	Fee Authorization	51,091	1	51,091	0.25 (15 mins)	12,773	$435	$5,556,255
14	Requests to transmit copies of international application	601	1	601	0.25 (15 mins)	150	$435	$65,250
15	Withdrawal of international application	59	1	59	0.25 (15 mins)	15	$435	$6,525
16	English Translations after thirty months from priority date	2,043	1	2,043	2	4,086	$435	$1,777,410
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	668	1	668	1	668	$435	$290,580
18	Petitions to the Commissioner for international applications	28	1	28	4	112	$435	$48,720
19	Petitions to the Commissioner in national stage examination	207	1	207	4	828	$435	$360,180
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	122	1	122	2	244	$435	$106,140
21	Request for the restoration of the right of priority	124	1	124	3	372	$435	$161,820
	Totals	**412,745**	**- - -**	**412,745**	**- - -**	**350,685**	**- - -**	**152,547,975**

Table 4: Total Burden Hours and Hourly Costs to Individual or Household Respondents

Item No.	Item	Estimated Annual Respondents (a)	Responses per Respondent (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hours) (d)	Estimated Burden (hour/year) (c) x (d) = (e)	Rate[4] (f)	Estimated Annual Total Cost (e) x (f) = (g)
1	Request and Fee Calculation Sheet (Annex and Notes)	1,216	1	1,216	1	1,216	$435	$528,960
2	Description/claims/drawings/abstracts	1,216	1	1,216	3	3,648	$435	$1,586,880
3	Application Data Sheet (35 U.S.C. § 371 applications)	1,703	1	1,703	0.38 (23 mins)	647	$435	$281,445
4	Transmittal Letter to the United States Receiving Office (RO/US)	344	1	344	0.25 (15 mins)	86	$435	$37,410
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371	1,248	1	1,248	0.25 (15 mins)	312	$435	$135,720
6	PCT/Model of Power of Attorney	471	1	471	0.25 (15 mins)	118	$435	$51,330
7	PCT/Model of General Power of Attorney	47	1	47	0.25 (15 mins)	12	$435	$5,220

[4] Ibid.

8	Indications Relating to a Deposited Microorganism	1	1	1	0.25 (15 mins)	1	$435	$435
9	Response to invitation to correct defects	466	1	466	2	932	$435	$405,420
10	Request for rectification of obvious errors	55	1	55	0.50 (30 mins)	28	$435	$12,180
11	Demand and Fee Calculation Sheet (Annex and Notes)	21	1	21	1	21	$435	$9,135
12	Amendments (Article 34)	21	1	21	1	21	$435	$9,135
13	Fee Authorization	1,094	1	1,094	0.25 (15 mins)	274	$435	$119,190
14	Requests to transmit copies of international application	30	1	30	0.25 (15 mins)	8	$435	$3,480
15	Withdrawal of international application	2	1	2	0.25 (15 mins)	1	$435	$435
16	English Translations after thirty months from priority date	47	1	47	2	94	$435	$40,890
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	50	1	50	1	50	$435	$21,750
18	Petitions to the Commissioner for international applications	4	1	4	4	16	$435	$6,960
19	Petitions to the Commissioner in national stage examination	6	1	6	4	24	$435	$10,440
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	12	1	12	2	24	$435	$10,440
21	Request for the restoration of the right of priority	17	1	17	3	51	$435	$22,185
	Total	**8,071**	**- - -**	**8,071**	**- - -**	**7,584**	**- - -**	**$3,299,040**

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.

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no capital start-up or maintenance costs associated with this information collection. This collection does have non-hourly cost burdens in the form of translations, drawings, filing fees paid by the public, and postage costs for mailing items to the USPTO.

The USPTO estimates that the total annual (non-hour) cost burden for this collection will be $367,468,923 which includes $3,465,000 in translation costs, $63,453,550 in drawing costs, $300,472,525 in filing fee costs, and $77,848 in postage costs.

Translations

Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. A processing fee is required for accepting an English translation after 30 months from the priority date. This requirement may carry additional costs for the applicant to contract for a translation of the documents in questions. The USPTO believes that the average length of the document to be translated with 10 pages and that it will cost approximately $140 per page for the translation, for an average translation cost of $1,400 per document.

The USPTO estimates that it will receive approximately 2,475 English translations after 30 months from the priority date annually, for a total of $3,465,000 per year for English translations of non-English language documents for PCT applications.

Drawings

Applicants may also incur costs for drawings that are submitted as part of PCT applications. Some applicants may produce their own drawings, while others may contract out the work to various patent illustration firms. For the purpose of estimating burden for this collection, the USPTO will consider all applicants to have their drawings prepared by these firms. According to the PCT Applicants Guide - National Phase, the average cost to produce a drawing is $1,150.

The USPTO expects that it will receive 55,177 sets of drawings with a total of $63,453,550 per year.

Filing Fees

There are fees associated with submitting the information in this collection, for a total of $300,472,525 per year, as outlined in Table 5 below.

Table 5: Filing Fees/Non-hour Cost to Respondents

Item No.	Item	Estimated Annual Responses (a)	Filing Fee ($) (b)	Non-hourly Cost Burden (a) x (b) = (c)
1	Request and Fee Calculation Sheet (Annex and Notes – International Filing Fee)	551	$1,437	$791,787
1	Request and Fee Calculation Sheet (Annex and Notes - International Filing Fee electronically filed without ePCT or PCT-EASY zip file)	18,603	$1,329	$24,723,387
1	Request and Fee Calculation Sheet (Annex and Notes - International Filing Fee electronically filed with ePCT or PCT-EASY zip file)	39,782	$1,221	$48,573,822
2	[PCT National Stage] Claims – extra independent (over three) (Large entity)	8,710	$480	$4,180,800
2	[PCT National Stage] Claims – extra independent (over three) (Small entity)	3,151	$240	$756,240
2	[PCT National Stage] Claims – extra independent (over three) (Micro entity)	120	$120	$14,400
2	[PCT National Stage] Claims – extra total (over 20) (Large entity)	12,466	$100	$1,246,600
2	[PCT National Stage] Claims – extra total (over 20) (Small entity)	7,462	$50	$373,100
2	[PCT National Stage] Claims – extra total (over 20) (Micro entity)	263	$25	$6,575
2	[PCT National Stage] Claim – multiple dependent (Large entity)	617	$860	$530,620
2	[PCT National Stage] Claim – multiple dependent (Small entity)	431	$430	$185,330
2	[PCT National Stage] Claim – multiple dependent (Micro entity)	68	$215	$14,620
3	National Stage Application Size Fee – for each additional 50 sheets that exceed 100 sheets (Large entity)	4,106	$420	$1,724,520
3	National Stage Application Size Fee – for each additional 50 sheets that exceed 100 sheets (Small entity)	2,428	$210	$509,880
3	National Stage Application Size Fee – for each additional 50 sheets that exceed 100 sheets (Micro entity)	36	$105	$3,780
3	Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Large entity)	7,943	$2,180	$17,315,740

3	Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Small entity)	15,311	$1,090	$16,688,990
3	Search fee – regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16) (Micro entity)	1,179	$545	$642,555
3	Supplemental search fee when required, per additional invention (Large entity)	267	$2,180	$582,060
3	Supplemental search fee when required, per additional invention (Small entity)	520	$1,090	$566,800
3	Supplemental search fee when required, per additional invention (Micro entity)	44	$540	$23,760
3	Basic National Stage Fee (Large entity)	78,180	$320	$25,017,600
3	Basic National Stage Fee (Small entity)	27,641	$160	$4,422,560
3	Basic National Stage Fee (Micro entity)	1,757	$80	$140,560
3	National Stage Search Fee – U.S. was the ISA or IPEA and all claims satisfy PCT Article 33(1)-(4)	662	$0	$0
3	National Stage Search Fee –U.S. was the ISA (Large entity)	2,817	$140	$394,380
3	National Stage Search Fee – U.S. was the ISA (Small entity)	6,262	$70	$438,340
3	National Stage Search Fee – U.S. was the ISA (Micro entity)	262	$35	$9,170
3	National Stage Search Fee – search report prepared and provided to USPTO (Large entity)	72,877	$540	$39,353,580
3	National Stage Search Fee – search report prepared and provided to USPTO (Small entity)	20,560	$270	$5,551,200
3	National Stage Search Fee – search report prepared and provided to USPTO (Micro entity)	1,325	$135	$178,875
3	National Stage Search Fee – all other situations (Large entity)	5,626	$700	$3,938,200
3	National Stage Search Fee – all other situations (Small entity)	2,804	$350	$981,400
3	National Stage Search Fee – all other situations (Micro entity)	385	$175	$67,375
3	National Stage Examination Fee – all other situations (Large entity)	77,908	$800	$62,326,400
3	National Stage Examination Fee – all other situations (Small entity)	27,228	$400	$10,891,200
3	National Stage Examination Fee – all other situations (Micro entity)	1,704	$200	$340,800

3	Preliminary examination fee – U.S. was the ISA (Large entity)	260	$640	$166,400
3	Preliminary examination fee – U.S. was the ISA (Small entity)	690	$320	$220,800
3	Preliminary examination fee – U.S. was the ISA (Micro entity)	85	$160	$13,600
3	Preliminary examination fee – U.S. was not the ISA (Large entity)	145	$800	$116,000
3	Preliminary examination fee – U.S. was not the ISA (Small entity)	93	$400	$37,200
3	Preliminary examination fee – U.S. was not the ISA (Micro entity)	1	$200	$200
3	Supplemental examination fee per additional invention (Large entity)	7	$640	$4,480
3	Supplemental examination fee per additional invention (Small entity)	21	$320	$6,720
3	Supplemental examination fee per additional invention (Micro entity)	1	$160	$160
3	Search fee, examination fee or oath of declaration after thirty months from priority date (Large entity)	25,628	$160	$4,100,480
3	Search fee, examination fee or oath of declaration after thirty months from priority date (Small entity)	11,903	$80	$952,240
3	Search fee, examination fee or oath of declaration after thirty months from priority date (Micro entity)	306	$40	$12,240
4	Transmittal fee (Large entity)	66,305	$260	$17,239,300
4	Transmittal fee (Small entity)	23,311	$130	$3,030,430
4	Transmittal fee (Micro entity)	1,248	$65	$81,120
11	Demand and Fee Calculation Sheet (Annex and Notes)	219	$216	$47,304
14	Transmitting application to Intl. Bureau to act as receiving office (Large entity)	392	$260	$101,920
14	Transmitting application to Intl. Bureau to act as receiving office (Small entity)	272	$130	$35,360
14	Transmitting application to Intl. Bureau to act as receiving office (Micro entity)	30	$65	$1,950
16	English translation after thirty months from priority date (Large entity)	1,078	$140	$150,920
16	English translation after thirty months from priority date (Small entity)	965	$70	$ 67,550
16	English translation after thirty months from priority date (Micro entity)	47	$35	$1,645

20	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	275	$2,100	$577,500
	Totals	**585,338**	**- - -**	**$300,472,525**

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that 2% of the 412,745 items will be submitted in the mail resulting in 8,416 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be $9.25. Therefore, the USPTO estimates $77,848 in postage costs associated with this information collection.

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 employs a GS-9, GS-12, GS-14, and GS-15 to process submissions for this information collection.

The USPTO estimates that the cost of GS-9, step 1 employee is $38.58 per hours (GS hourly rate of $29.68 with 30% ($8.90) added for benefits and overhead), the cost of a GS-12, step 1 employee is $55.95 (GS hourly rate of $43.04 with 30% ($12.91) added for benefits and overhead), the cost of GS-14, step 6 employee is $91.74 (GS hourly rate of $70.57 with 30% ($21.17) added for benefits and overhead, and the cost of a GS-15, step 1 employee is $92.50 (GS hourly rate of $71.15 with 30% ($21.35) added for benefits and overhead).

The USPTO estimates that it takes an employee 9 minutes (0.15 hours) and 6.50 hours to process the information submitted by the public in this collection.

Table 6 calculates the burden hours and costs to the Federal Government for processing this information collection:

Table 6: Burden Hour/Cost to the Federal Government

Item No.	Item	Responses (a)	Hours (b)	Burden (hrs/yr) (a) x (b)=(c)	Rate[5] (d)	Total Cost ($/hr) (c) x (d)=(e)
1	Request and Fee Calculation Sheet (Annex and Notes)	57,984	0.50 (30 minutes)	28,992	$38.58	$1,118,511

[5] https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf.

2	Description/claims/drawings/abstracts	57,984	0.50 (30 minutes)	28,992	$38.58	$1,118,511
3	Application Data Sheet (35 U.S.C. § 371 applications)	106,827	0.50 (30 minutes)	53,414	$38.58	$2,060,712
4	Transmittal Letter to the United States Receiving Office (RO/US)	16,507	0.15 (9 minutes)	2,476	$38.58	$95,524
5	Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371	90,864	0.15 (9 minutes)	13,630	$38.58	$525,845
6	PCT/Model of Power of Attorney	14,493	0.15 (9 minutes)	2,174	$38.58	$83,873
7	PCT/General Power of Attorney	1,447	0.15 (9 minutes)	217	$38.58	$8,372
8	Indications Relating to a Deposited Microorganism	2	0.15 (9 minutes)	0	$38.58	$0
9	Response to invitation to correct defects	17,117	1 (60 minutes)	342	$38.58	$13,194
10	Request for rectification of obvious errors	1,005	1.50 (90 minutes)	1,502	$38.58	$57,947
11	Demand and Fee Calculation Sheet (Annex and Notes)	219	0.30 (18 minutes)	110	$38.58	$4,244
12	Amendments (Article 34)	162	0.75 (45 minutes)	122	$38.58	$4,707
13	Fee Authorization	52,185	0.15 (9 minutes)	7,828	$38.58	$302,004
14	Requests to transmit copies of international application	631	0.15 (9 minutes)	95	$38.58	$3,665
15	Withdrawal of international application	61	1 (60 minutes)	1	$38.58	$39
16	English Translations after thirty months from priority date	2,090	0.30 (18 minutes)	1,045	$38.58	$40,316
17	Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(a)	718	2.50 (150 minutes)	1,795	$91.74	$164,673
18	Petitions to the Commissioner for international applications	32	6.50 (390 minutes)	208	$92.50	$19,240
19	Petitions to the Commissioner in national stage examination	213	6.50 (390 minutes)	1,385	$92.50	$128,113
20	Acceptance of an unintentionally delayed claim for priority (37 CFR 1.78(a)(3))	134	2.50 (150 minutes)	335	$55.95	$18,743
21	Request for the restoration of the right of priority	141	2.50 (150 minutes)	353	$55.95	$19,750
	Totals	**420,814**	**- - -**	**161,395**	**- - -**	**$6,419,886**

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

	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	420,816	0	0	-10,319	0	431,135
Annual Time Burden (Hr)	358,269	0	0	5,497	0	352,772
Annual Cost Burden ($)	367,468,923	0	0	62,268,431	0	305,200,492

Estimated Annual Responses and Hourly Burdens due to Adjustment in Agency Estimate

The decrease in the number of responses (-10,319) is due predominately to the substantial decrease of Transmittal Letters submitted to the United States Receiving Office (Item No. 4). The rest of the items in the collection generally have increases in their estimates. The increase burden hours (+5,497) is due to the estimated normal fluctuation in the number of responses for the items remaining in this information collection.

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

The USPTO estimates an increase (+$62,268,431) for the total annual (non-hour) costs due to increases in the number of respondents paying filing fees, translation fees, and postage costs. Likewise, USPTO increased its estimates for translation and postage costs to reflect more accurate respondent burden.

Changes Since Publication of the 60-Day Notice

Since the publication of the 60-day notice on August 2, 2022, USPTO has made a correction to the annual non-hour costs to respondents. In the 60-day notice, the was listed as $367,468,926. The corrected number is $367,468,923 (-$3).

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. However, patent records are available to the public at the USPTO Public Search Facilities and on the USPTO Web site.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information contains one item that employs statistical methods. These methods are outlined in more detail in Part B.