

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Initial Patent Application
OMB Control Number 0651-0032

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 0651-0032 (#) that are affected by the rulemaking RIN 0651-AD66. There are 35 fees in this collection being reduced as a result of the *Unleashing American Innovators Act of 2022*. This update also includes the addition of seven fees that were not included in the current renewal.

Table 1: Increases in Fee Amount

IC No.	Item	Current Fee	New Fee	Changes in Fee Amount
1, 4	Basic filing fee - Utility (electronic filing)	\$160 (small entity) \$80 (micro entity)	\$128 (small entity) \$64 (micro entity)	-\$32 (small entity) -\$16 (micro entity)
1, 4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets	\$210 (small entity) \$105 (micro entity)	\$168 (small entity) \$84 (micro entity)	-\$42 (small entity) -\$21 (micro entity)
1, 4	Utility Search Fee	\$350 (small entity) \$175 (micro entity)	\$280 (small entity) \$140 (micro entity)	-\$70 (small entity) -\$35 (micro entity)
1, 4	Utility Examination Fee	\$400 (small entity) \$200 (micro entity)	\$320 (small entity) \$160 (micro entity)	-\$80 (small entity) -\$40 (micro entity)
1, 2 4-6, and 9	Each Independent Claim in Excess of Three	\$240 (small entity) \$120 (micro entity)	\$192 (small entity) \$96 (micro entity)	-\$48 (small entity) -\$24 (micro entity)
1, 2 4-6, and 9	Each Claim in Excess of 20	\$50 (small entity) \$25 (micro entity)	\$40 (small entity) \$20 (micro entity)	-\$10 (small entity) -\$5 (micro entity)
1, 2 4-6, and 9	Multiple Dependent Claim	\$430 (small entity) \$215 (micro entity)	\$344 (small entity) \$172 (micro entity)	-\$86 (small entity) -\$43 (micro entity)
2, 5	Plant examination fee	\$330 (small entity) \$165 (micro entity)	\$264 (small entity) \$132 (micro entity)	-\$66 (small entity) -\$33 (micro entity)
2, 5	Basic filing fee - Plant	\$110 (small entity) \$55 (micro entity)	\$88 (small entity) \$44 (micro entity)	-\$22 (small entity) -\$11 (micro entity)
2, 5	Plant Search fee	\$220 (small entity) \$110 (micro entity)	\$176 (small entity) \$88 (micro entity)	-\$44 (small entity) -\$22 (micro entity)

2, 5	Plant Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	\$210 (small entity) \$105 (micro entity)	\$168 (small entity) \$84 (micro entity)	-\$42 (small entity) -\$21 (micro entity)
3, 6	Basic Filing Fee - Design	\$110 (small entity) \$55 (micro entity)	\$88 (small entity) \$44 (micro entity)	-\$22 (small entity) -\$11 (micro entity)
3, 6	Basic Filing Fee - Design (CPA)	\$110 (small entity) \$55 (micro entity)	\$88 (small entity) \$44 (micro entity)	-\$22 (small entity) -\$11 (micro entity)
3, 6	Design Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	\$210 (small entity) \$105 (micro entity)	\$168 (small entity) \$84 (micro entity)	-\$42 (small entity) -\$21 (micro entity)
3, 6	Design Search Fee	\$80 (small entity) \$40 (micro entity)	\$64 (small entity) \$32 (micro entity)	-\$16 (small entity) -\$8 (micro entity)
3, 6	Design Examination Fee	\$320 (small entity) \$160 (micro entity)	\$256 (small entity) \$128 (micro entity)	-\$64 (small entity) -\$32 (micro entity)
11	Provisional Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets	\$210 (small entity) \$105 (micro entity)	\$168 (small entity) \$84 (micro entity)	-\$42 (small entity) -\$21 (micro entity)
11	Provisional Application Filing Fee	\$150 (small entity) \$75 (micro entity)	\$120 (small entity) \$60 (micro entity)	-\$30 (small entity) -\$15 (micro entity)
1-11	Surcharge - Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference	\$80 (small entity) \$40 (micro entity)	\$64 (small entity) \$32 (micro entity)	-\$16 (small entity) -\$8 (micro entity)
1-11	Surcharge - Late Provisional Filing Fee or Cover Sheet	\$30 (small entity) \$15 (micro entity)	\$24 (small entity) \$12 (micro entity)	-\$6 (small entity) -\$3 (micro entity)
13	Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor	\$110 (small entity) \$55 (micro entity)	\$88 (small entity) \$44 (micro entity)	-\$22 (small entity) -\$11 (micro entity)

Table 2: Proposed Burden

IC No.	Item	Responses (a)	Proposed Fee (b)	Proposed Cost (a) x (b) = (c)
1, 4	Basic filing fee - Utility (electronic filing)	749 (small entity) 15,940 (micro entity)	\$128 (small entity) \$64 (micro entity)	\$95,872 (small entity) \$1,020,160 (micro entity)
1, 4	Utility Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets	3,885 (small entity) 108 (micro entity)	\$168 (small entity) \$84 (micro entity)	\$652,680 (small entity) \$9,072 (micro entity)
1, 4	Utility Search Fee	79,942 (small entity) 15,718 (micro entity)	\$280 (small entity) \$140 (micro entity)	\$22,383,760 (small entity) \$2,200,520 (micro entity)
1, 4	Utility Examination Fee	79,842 (small entity) 15,696 (micro entity)	\$320 (small entity) \$160 (micro entity)	\$25,549,440 (small entity) \$2,511,360 (micro entity)
1, 2 4-6, and 9	Each Independent Claim in Excess of Three	11,200 (small entity) 1,100 (micro entity)	\$192 (small entity) \$96 (micro entity)	\$2,150,400 (small entity) \$105,600 (micro entity)

1, 2 4-6, and 9	Each Claim in Excess of 20	25,800 (small entity) 1,700 (micro entity)	\$40 (small entity) \$20 (micro entity)	\$1,032,000 (small entity) \$34,000 (micro entity)
1,2 4-6, and 9	Multiple Dependent Claim	750 (small entity) 146 (micro entity)	\$344 (small entity) \$172 (micro entity)	\$258,000 (small entity) \$25,112 (micro entity)
2, 5	Plant examination fee	452 (undiscounted entity) 447 (small entity) 10 (micro entity)	\$660 (undiscounted entity) \$264 (small entity) \$132 (micro entity)	\$298,320 (undiscounted entity) \$118,008 (small entity) \$1,320 (micro entity)
2, 5	Basic filing fee - Plant	452 (undiscounted entity) 446 (small entity) 9 (micro entity)	\$220 (undiscounted entity) \$88 (small entity) \$44 (micro entity)	\$99,440 (undiscounted entity) \$39,248 (small entity) \$396 (micro entity)
2, 5	Plant Search fee	452 (undiscounted entity) 448 (small entity) 10 (micro entity)	\$440 (undiscounted entity) \$176 (small entity) \$88 (micro entity)	\$198,880 (undiscounted entity) \$78,848 (small entity) \$880 (micro entity)
2, 5	Plant Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	1 (undiscounted entity) 1 (small entity) 1 (micro entity)	\$420 (undiscounted entity) \$168 (small entity) \$84 (micro entity)	\$420 (undiscounted entity) \$168 (small entity) \$84 (micro entity)
3, 6	Basic Filing Fee - Design	17,665 (small entity) 5,634 (micro entity)	\$88 (small entity) \$44 (micro entity)	\$1,554,520 (small entity) \$247,896 (micro entity)
3, 6	Basic Filing Fee - Design (CPA)	455 (small entity) 153 (micro entity)	\$88 (small entity) \$44 (micro entity)	\$40,040 (small entity) \$6,732 (micro entity)
3, 6	Design Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	38 (small entity) 4 (micro entity)	\$168 (small entity) \$84 (micro entity)	\$6,384 (small entity) \$336 (micro entity)
3, 6	Design Search Fee	17,962 (small entity) 5,607 (micro entity)	\$64 (small entity) \$32 (micro entity)	\$1,149,568 (small entity) \$179,424 (micro entity)
3, 6	Design Examination Fee	17,922 (small entity) 5,596 (micro entity)	\$256 (small entity) \$128 (micro entity)	\$4,588,032 (small entity) \$716,288 (micro entity)
11	Provisional Application Size Fee - for Each Additional 50 Sheets That Exceeds 100 Sheets	3,264 (small entity) 107 (micro entity)	\$168 (small entity) \$84 (micro entity)	\$548,352 (small entity) \$8,988 (micro entity)
11	Provisional Application Filing Fee	71,968 (small entity) 30,253 (micro entity)	\$120 (small entity) \$60 (micro entity)	\$8,636,160 (small entity) \$1,815,180 (micro entity)
1-11	Surcharge - Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference	36,442 (small entity) 4,403 (micro entity)	\$64 (small entity) \$32 (micro entity)	\$2,332,288 (small entity) \$140,896 (micro entity)
1-11	Surcharge - Late Provisional Filing Fee or Cover Sheet	2,849 (small entity) 3,308 (micro entity)	\$24 (small entity) \$12 (micro entity)	\$68,376 (small entity) \$39,696 (micro entity)
13	Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor	1 (small entity) 1 (micro entity)	\$88 (small entity) \$44 (micro entity)	\$88 (small entity) \$44 (micro entity)
	Totals	478,937	---	\$80,943,276

Table 3: Changes in Cost

IC No.	Items	Current Cost	Proposed Cost	Change in Cost
1,4	Basic filing fee - Utility (electronic filing)	\$119,840 (small entity) \$1,275,200 (micro entity)	\$95,872 (small entity) \$1,020,160 (micro entity)	-\$23,968 (small entity) -\$255,040 (micro entity)
1, 4	Utility Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets	\$815,850 (small entity) \$11,340 (micro entity)	\$652,680 (small entity) \$9,072 (micro entity)	-\$163,170 (small entity) -\$2,268 (micro entity)
1, 4	Utility Search Fee	\$27,979,700 (small entity) \$2,750,650 (micro entity)	\$22,383,760 (small entity) \$2,200,520 (micro entity)	-\$5,595,940 (small entity) -\$550,130 (micro entity)
1, 4	Utility Examination Fee	\$31,936,800 (small entity) \$3,139,200 (micro entity)	\$ 25,549,440 (small entity) \$2,511,360 (micro entity)	-\$6,387,360 (small entity) -\$627,840 (micro entity)
1,2 4-6, and 9	Each Independent Claim in Excess of Three	\$2,688,000 (small entity) \$132,000 (micro entity)	\$2,150,400 (small entity) \$105,600 (micro entity)	-\$537,600 (small entity) -\$26,400 (micro entity)
1,2 4-6, and 9	Each Claim in Excess of 20	\$1,290,000 (small entity) \$42,500 (micro entity)	\$1,032,000 (small entity) \$34,000 (micro entity)	-\$258,000 (small entity) -\$8,500 (micro entity)
1,2 4-6, and 9	Multiple Dependent Claim	\$322,500 (small entity) \$31,390 (micro entity)	\$258,000 (small entity) \$25,112 (micro entity)	-\$64,500 (small entity) -\$6,278 (micro entity)
2,5	Plant examination fee	\$0 (undiscounted entity) \$0 (small entity) \$1,650 (micro entity)	\$298,320 (undiscounted entity) \$118,008 (small entity) \$1,320 (micro entity)	+\$298,320 (undiscounted entity) +\$118,008 (small entity) -\$330 (micro entity)
2,5	Basic filing fee - Plant	\$0 (undiscounted entity) \$0 (small entity) \$0 (micro entity)	\$99,440 (undiscounted entity) \$39,248 (small entity) \$396 (micro entity)	\$99,440 (undiscounted entity) \$39,248 (small entity) \$396 (micro entity)
2,5	Plant Search fee	\$0 (undiscounted entity) \$0 (small entity) \$0 (micro entity)	\$198,880 (undiscounted entity) \$78,848 (small entity) \$880 (micro entity)	\$198,880 (undiscounted entity) \$78,848 (small entity) \$880 (micro entity)
2,5	Plant Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	\$0 (undiscounted entity) \$0 (small entity) \$0 (micro entity)	\$420 (undiscounted entity) \$168 (small entity) \$84 (micro entity)	\$420 (undiscounted entity) \$168 (small entity) \$84 (micro entity)
3,6	Basic Filing Fee – Design	\$1,943,150 (small entity) \$309,870 (micro entity)	\$1,554,520 (small entity) \$247,896 (micro entity)	-\$388,630 (small entity) -\$61,974 (micro entity)
3,6	Basic Filing Fee – Design (CPA)	\$50,050 (small entity) \$8,415 (micro entity)	\$40,040 (small entity) \$6,732 (micro entity)	-\$10,010 (small entity) -\$1,683 (micro entity)
3, 6	Design Application Size Fee – for Each Additional 50 Sheets That Exceeds 100 Sheets (small entity)	\$7,980 (small entity) \$420 (micro entity)	\$6,384 (small entity) \$336 (micro entity)	-\$1,596 (small entity) -\$84 (micro entity)
3, 6	Design Search Fee	\$1,436,960 (small entity) \$224,280 (micro entity)	\$1,149,568 (small entity) \$179,424 (micro entity)	-\$287,392 (small entity) -\$44,856 (micro entity)
3, 6	Design Examination Fee	\$5,735,040 (small entity) \$895,360 (micro entity)	\$4,588,032 (small entity) \$716,288 (micro entity)	-\$1,147,008 (small entity) -\$179,072 (micro entity)
11	Provisional Application Size Fee	\$685,440 (small entity)	\$548,352 (small entity)	-\$137,088 (small entity)

	- for Each Additional 50 Sheets That Exceeds 100 Sheets	\$11,235 (micro entity)	\$8,988 (micro entity)	-\$2,247 (micro entity)
11	Provisional Application Filing Fee	\$10,795,200 (small entity) \$2,268,975 (micro entity)	\$8,636,160 (small entity) \$1,815,180 (micro entity)	-\$2,159,040 (small entity) -\$453,795 (micro entity)
1-11	Surcharge – Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference	\$2,915,360 (small entity) \$176,120 (micro entity)	\$2,332,288 (small entity) \$140,896 (micro entity)	-\$583,072 (small entity) -\$35,224 (micro entity)
1-11	Surcharge – Late Provisional Filing Fee or Cover Sheet	\$85,470 (small entity) \$49,620 (micro entity)	\$68,376 (small entity) \$39,696 (micro entity)	-\$17,094 (small entity) -\$9,924 (micro entity)
13	Electronic Petition Under 37 CFR 1.47 (pre-AIA) to Accept a Filing by Other Than the Inventors or a Person not the Inventor	\$100 (small entity) \$50 (micro entity)	\$88 (small entity) \$44 (micro entity)	-\$12 (small entity) -\$6 (micro entity)
	Totals	\$100,135,715	\$80,943,276	- \$19,192,439

Summary of Changes

The Patent Fee Reviews results in the revision of 35 fees, the addition of 11 fees, and a decrease of \$19,192,439 in annual (non-hourly) costs to collection 0651-0032.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$ 1,205,738,237	-\$19,192,439	\$1,186,545,798

0651-0032's revised burden is as follows:

- 633,209 in annual responses (unchanged)
- 15,598,813 in annual hourly burden (unchanged)
- \$1,186,545,798 in annual (non-hourly) costs