

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Term Extension
OMB Control Number 0651-0020

Background

This information collection covers information collected when the USPTO reduces the amount of a granted patent term adjustment if delays were caused by an applicant’s failure to make a reasonable effort to respond to a communication from the USPTO within three months of the communication’s mailing date. Applicants may petition for reinstatement of a reduction in patent term adjustment with a showing that, in spite of all due care, the applicant was unable to respond to a communication from the USPTO within the three-month period.

To further advance the United States Patent and Trademark Office’s (USPTO or Office) information technology strategy of achieving complete beginning-to-end electronic processing of patent-related submissions, the USPTO revised the Rules of Practice in Patent Cases to require that patent term extension (PTE) applications, interim PTE applications, and any related submissions to the USPTO be submitted electronically via the USPTO patent electronic filing system (Patent Center or EFS-Web). The rule changes (0651-AD59) reduce the administrative burden on PTE applicants and improve administrative efficiency by facilitating electronic file management, optimizing workflow processes, and reducing processing errors.

This request is to update one of the items attached to collection 0651-0020 (Patent Term Extension) that are affected by the Final Rule RIN 0651-AD59. The rule removes the requirement to file PTE applications in paper in triplicate and the additional requirements of newly added 37 CFR 1.790(c)(1) and (d)(1). The USPTO estimates that this change will result in 30 minutes less work for each respondent filing an application to extend patent terms. As a result, the overall burden reduction is 75 hours (0.5 hours x 150 respondents). (The Final Rule 0651-AD59 lists this burden reduction 72 hours, but that estimate didn’t include the burden associated with individual and household respondents. When applied to all the respondents, the burden hour reduction is 75 hours.)

Table 1: Change in Non-hour Burden

IC No	Item	Current Burden Amount	Proposed Burden Amount	Changes in Burden Amount
1	Application to Extend Patent Term Under 35 U.S.C. 156	3,750	-75	3,675
	Totals	3,750	-75	3,675

Summary of Changes

The Final Rule 0651-0059 results in a decrease of 75 hours in annual hourly burden to collection 0651-0020.

Changes in Burden

Burden Type	Current Amount	Proposed Change	New Estimate
Annual Hourly Burden	6,113	-75	6,038

0651-0020's revised total burden is as follows:

- 915 in annual responses (unchanged)
- 6,038 in annual hourly burden
- \$327,003 in annual (non-hourly) costs (unchanged)