**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**

**Patent Law Treaty**

**OMB Control Number 0651-0073**

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 0651-0073 (Patent Law Treaty) that are affected by the rulemaking RIN 0651-AD66. There are four fees in this collection being reduced as a result of the Unleashing American Innovators Act of 2022.

**Table 1: Increases in Fee Amount**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **IC No.** | **Item** | **Current Fee** | **New Fee** | **Changes in Fee Amount** |
| 1 | Grantable Petition to Restore the Right of Priority under 37 CFR 1.55(c) | $1,050 (small entity)  $525 (micro entity) | $840 (small entity)  $420 (micro entity) | -$210 (small entity)  -$105 (micro entity) |
| 1 | Grantable Petition to Restore the Benefit of a Prior-Filed Provisional Application under 37 CFR 1.78(b) | $1,050 (small entity)  $525 (micro entity) | $840 (small entity)  $420 (micro entity) | -$210 (small entity)  -$105 (micro entity) |

**Table 2: Proposed Burden**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **IC No.** | **Item** | **Responses**  **(a)** | **Proposed Fee**  **(b)** | **Proposed Cost**  **(a) x (b) = (c)** |
| 1 | Grantable Petition to Restore the Right of Priority under 37 CFR 1.55(c) | 55 (small entity)  20 (micro entity) | $840 (small entity)  $420 (micro entity) | $46,200 (small entity)  $8,400 (micro entity) |
| 1 | Grantable Petition to Restore the Benefit of a Prior-Filed Provisional Application under 37 CFR 1.78(b) | 55 (small entity)  20 (micro entity) | $840 (small entity)  $420 (micro entity) | $46,200 (small entity)  $8,400 (micro entity) |
|  | **Totals** | **150** | **- - -** | **$109,200** |

**Table 3: Changes in Cost**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **IC No.** | **Items** | **Current Cost** | **Proposed Cost** | **Change in Cost** |
| 1 | Grantable Petition to Restore the Right of Priority under 37 CFR 1.55(c) | $55,000 (small entity)  $10,000 (micro entity) | $46,200 (small entity)  $8,400 (micro entity) | -$8,800 (small entity)  -$1,600 (micro entity) |
| 1 | Grantable Petition to Restore the Benefit of a Prior-Filed Provisional Application under 37 CFR 1.78(b) | $55,000 (small entity)  $10,000 (micro entity) | $46,200 (small entity)  $8,400 (micro entity) | -$8,800 (small entity)  -$1,600 (micro entity) |
|  | **Totals** | **$130,000** | **$109,000** | **-$20,800** |

Summary of Changes

The aforementioned legislation results in the revision of four fees and a decrease of $20,800 in annual (non-hourly) costs to collection 0651-0073.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Non-hourly Cost Burden | $1,464,824 | -$20,800 | $1,444,024 |

0651-0073’s revised burden is as follows:

* 800 in annual responses (unchanged)
* 800 in annual hourly burden (unchanged)
* $1,444,024 in annual (non-hourly) costs