

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Petitions Related to Application and Reexamination Processing Fees
OMB CONTROL NUMBER 0651-0059
2024

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 *et seq.* to examine an application for patent and, when appropriate, issue a patent. The USPTO also is required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code.

Many actions taken by the USPTO during its examination of an application for patent or for reissue of a patent, or during its reexamination of a patent, are subject to review by an appeal to the Patent Trial and Appeal Board (PTAB); appeals to PTAB are covered in other OMB approved information collections (0651-0063 and 0651-0069). For other USPTO actions, review is in the form of administrative review obtained via submission of a petition to the USPTO. USPTO petitions practice also provides an opportunity for a patent applicant or owner to supply additional information that may be required in order for the USPTO to further process an application or patent.

This information collection covers petitions filed in patent applications and reexamination proceedings that, when submitted to the USPTO, must be accompanied by the fee set forth in 37 CFR 1.17(f), (g), or (h). This information collection also covers the transmittals for the petition fees.

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
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1	Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> • Petition to Accord a Filing Date Under 1.57(b)(3) or 1.57(a)(3) (pre-PLT) • Petition to Accord a Filing Date Under 1.53(e)(2) • Petition for Decision on a Question Not Specifically Provided For Under 1.182 • Petition to Suspend the Rules Under 1.183 	35 U.S.C. 131 and 132	37 CFR 1.17(f), 1.53(e)(2), 1.57(a)(3) (pre-PLT), 1.57(b)(3), 1.182, and 1.183
2	Petitions (corresponding to the fee) under 37 CFR 1.17(g): <ul style="list-style-type: none"> • Petition to Access an Assignment Record Under 1.12(c) • Petition for Access to an Application Under 1.14(i) • Petition for Expungement and Return of Information Under 1.59(b) • Petition to Suspend Action in an Application Under 1.103(a) 	35 U.S.C. 131 and 132	37 CFR 1.12(c), 1.14(i), 1.17(g), 1.59(b), and 1.103(a)
3	Petitions (corresponding to the fee) under 37 CFR 1.17(h): <ul style="list-style-type: none"> • Petition for Accepting Color Drawings or Photographs Under 1.84(a)(2) • Petition for Entry of a Model or Exhibit Under 1.91(a) • Petition to Withdraw an Application from Issue Under 1.313 • Petition to Defer Issuance of a Patent Under 1.314 	35 U.S.C. 131 and 132	37 CFR 1.17(h), 1.84(a)(2), 1.91(a), 1.313, and 1.314
4	Petitions to Make Special Under Accelerated Examination Program	35 U.S.C. 2(b)(2)	37 CFR 1.102
5	Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	35 U.S.C. 122(b)	37 CFR 1.38(c), 1.211(a)(1), and 1.211(a)(1) (pre-AIA)
6	Petitions for Extension of Time Under 37 CFR 1.136(b)	35 U.S.C. 2(b)(2), 41(a)(8), 131, and 132	37 CFR 1.136(b)

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information in this collection can be submitted electronically through the Patent Center. In limited circumstances, applicants may also be permitted to submit the information in paper format by mail or hand delivery.

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 (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/ Function	Form No.	Needs and Uses
1	Petitions (requiring the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> • Petition to Accord a Filing Date Under 1.57(b)(3) or 1.57(a)(3) (pre-PLT) • Petition to Accord a Filing Date Under 1.53(e)(2) • Petition for Decision on a Question Not Specifically Provided For Under 1.182 • Petition to Suspend the Rules Under 1.183 	PTO/AIA/17p (Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal)	<ul style="list-style-type: none"> • Used by the applicant to request agreement to a filing date. • Used by the public to request a decision on a question not specifically provided for. • Used by the applicant to ask for suspension of the rules. • Used by the USPTO to agree to a filing date. • Used by the USPTO to grant a decision on a question not specifically provided for. • Used by the USPTO to agree to a suspension of the rules.
2	Petitions (requiring the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> • Petition to Access an Assignment Record Under 1.12(c) • Petition for Access to an Application Under 1.14(i) • Petition for Expungement and Return of Information Under 1.59(b) • Petition to Suspend Action in an Application Under 1.103(a) 	PTO/AIA/17p (Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal)	<ul style="list-style-type: none"> • Used by the applicant to request access to an assignment record. • Used by the applicant to request access to an application. • Used by the applicant to request expungement and return of information. • Used by the applicant to request to suspend action in an application. • Used by the USPTO to grant access to an assignment record. • Used by the USPTO to grant access to an application. • Used by the USPTO to expunge and return information. • Used by the USPTO to suspend action on an application.

3	<p>Petitions (requiring the fee) Under 37 CFR 1.17(h) include:</p> <ul style="list-style-type: none"> • Petition for Accepting Color Drawings or Photographs Under 1.84(a)(2) • Petition for Entry of a Model or Exhibit Under 1.91(a) • Petition to Withdraw an Application from Issue Under 1.313 • Petition to Defer Issuance of a Patent Under 1.314 	<p>PTO/AIA/17p (Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal)</p> <p>PTO/SB/140 (Petition to Withdraw an Application From Issue After Payment of the Issue Fee)</p>	<ul style="list-style-type: none"> • Used by an applicant to submit color drawings or photographs. • Used by an applicant to submit a model or exhibit. • Used by an applicant to request withdrawal of an application from issue before paying the issue fee. • Used by an applicant to request withdrawal of an application from issue after paying the issue fee. • Used by an applicant to request permission to defer issuance of a patent. • Used by the USPTO to accept color drawings or photographs from an applicant. • Used by the USPTO to accept a model or exhibit. • Used by the USPTO to ensure that all of the necessary information has been supplied to withdraw an application from issue before the issue fee has been paid by the applicant. • Used by the USPTO to ensure that all of the necessary information has been supplied to withdraw an application from issue after the issue fee has been paid by the applicant. • Used by the USPTO to defer issuance of a patent.
4	<p>Petitions to Make Special Under Accelerated Examination Program</p>	<p>PTO/SB/28 (Patent Center only)</p>	<ul style="list-style-type: none"> • Used by the applicant to assist in meeting the requirements necessary to request accelerated examination. • Used by the applicant to increase the likelihood of filing of a grantable request for accelerated examination. • Used by the USPTO to assist in the expeditious processing of the petitions to make special.
5	<p>Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)</p>	<p>PTO/AIA/24A</p>	<ul style="list-style-type: none"> • Used by the applicant to expressly request abandonment of an application to avoid publication of the application. • Used by the USPTO to expressly abandon the application prior to its publication.
6	<p>Petition for Extension of Time Under 37 CFR 1.136(b)</p>	<p>PTO/SB/23</p>	<ul style="list-style-type: none"> • Used by the applicant to request an extension of time when extensions are not otherwise available to the applicant under 1.136(a). • Used by the USPTO to determine whether the reason for requesting an extension under 1.136(b) is sufficient for granting it. • Used by the USPTO to decide the correct fee, based upon the number of months of extension requested, and whether or not the applicant is entitled to small or micro entity status.

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 collection. Also describe any consideration of using information technology to reduce burden.

The USPTO collects the submissions in this information collection through the Patent Center, by paper, and by mail, facsimile, or hand delivery.

The Patent Center is the USPTO's web-based patent application and document submission solution that utilizes standard web-based screens and prompts the user to submit documentation in multiple formats, including PDF, DOCX, TXT, and XML, directly to the USPTO. It allows customers to file patent applications and associated documents electronically through their standard web browser without downloading special software, changing their document preparation tools, or altering their workflow. Typically, the customer will prepare the document as standard PDF files and then upload them to the USPTO servers using the secure interface. The Patent Center 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 or other paper delivery costs. The Patent Center can be found at <https://patentcenter.uspto.gov/>.

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.

This information is collected during the pendency of a patent application. It does not duplicate information or collect data found elsewhere.

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

No significant impact is placed on small entities. Small entities simply need to identify themselves as such to obtain the benefits of small entity status.

Pursuant to 35 U.S.C. 41(h)(1), the USPTO provides a sixty percent (60%) reduction in the fees charged under 35 U.S.C. § 41(a) and (b) for small entities. The USPTO also provides an eighty percent (80%) reduction of fees for those entities certifying micro entity status. The USPTO's regulations concerning the payment of reduced patent fees by small entities and micro entities are at 37 CFR 1.27 and 1.29, and reduced patent fees for applicants with either small-entity or micro-entity states are shown in 37 CFR 1.16, 1.17, 1.18, and 1.20.

6. Describe the consequence to Federal program or policy activities if the 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 as required to process a patent application or

enforceable patent, and is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not collected, the USPTO would not be able to comply with the relevant sections of the patent statute, e.g., 35 U.S.C. 131.

- 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 publications 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 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 February 15, 2024 (89 FR 11819).¹ The comment period ended on April 15, 2024. No comments were received.

The USPTO has long-standing relationships with groups from whom patent application information is collected, such as the American Intellectual Property Law Association and the Patent Public Advisory Council, as well as patent bar associations, independent inventor groups, and users of our public search facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required 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 collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The confidentiality of patent applications is governed by statute (35 U.S.C 122) and regulation (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. 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 (37 CFR 1.11(a) and 1.217).

Applications filed through Patent Center are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or issued as a patent. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through Patent Center are maintained using TLS or SSL protocols. The USPTO posts the file contents of issued patents and application publications on its website. The information covered under this information collection will not be released to the public, unless it is part of an issued patent or application publication, or unless one or more specific conditions for power to inspect or access are met pursuant to 37 CFR 1.14(c)-(j). Patent applicants and/or their designated representatives can view the

¹ <https://www.govinfo.gov/content/pkg/FR-2024-02-15/pdf/2024-03189.pdf>.

current status of their patent application through Patent Center.

The USPTO is required by Title 35 of the United States Code, including 35 U.S.C. 131, to examine applications for patents. This information is collected on petitions and applications for patent products.

This collection contains information which is subject to the Privacy Act. This information is collected on petitions and applications filed to obtain various patent extensions. Privacy Act Statements are included on all of these forms. The following SORN provides privacy disclosures and information about USPTO's handling of personally identifiable information (PII) that is part of this collection: PAT/TM 7 Patent Application Files; published March 29, 2013 (78 FRN 19243).²

This SORN identifies the categories of individuals covered by the system containing applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent. Categories of records in the system comprises the following: Oath or declaration of applicant 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. Statements containing various kinds of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

The information obtained 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 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 the Office of Management and Budget (OMB) for legislative coordination and clearance. Failure to provide any part of the requested information may result in an inability to process requests for access and information.

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

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

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 required information in this 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'.
- Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

Table 3 calculates 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 50,953 responses per year from 50,953 respondents for this information collection, with approximately 26% of petitions and petition being submitted by small entities and 3% being submitted by micro entities.

The USPTO estimates that approximately 99% of the annual responses for this collection will be submitted electronically via the Patent Center, which customers may access through the USPTO website.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately between 12 minutes

(0.20 hours) to 12 hours, depending on the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the information to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 82,237 hours per year.

• **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$447 per hour for respondent cost burden calculations, which is the median rate for intellectual property attorneys in private firms as shown in the 2023 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).

Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$36,759,939 per year.

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

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time For Response (hours)	Estimated Burden (hour/year)	Rate ³ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> Petition to Accord a Filing Date Under 1.57(a) Petition to Accord a Filing Date Under 1.53(e) Petition for Decision on a Question Not Specifically Provided For Petition to Suspend the Rules Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	4,650	1	4,650	4	18,600	\$447	\$8,314,200
2	Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> Petition to Access an Assignment 	17,440	1	17,440	2	34,880	\$447	\$15,591,360

³ 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms which is \$447 per hour (<https://www.aipla.org/home/news-publications/economic-survey>).

	Record <ul style="list-style-type: none"> • Petition for Access to an Application • Petition for Expungement and Return of Information • Petition to Suspend Action in an Application Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal							
3	Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> • Petition for Accepting Color Drawings or Photographs • Petition for Entry of a Model or Exhibit • Petition to Withdraw an Application from Issue • Petition to Defer Issuance of a Patent Petition Fee Under 37 CFR 1.17(f), (g), and (h) Transmittal	26,768	1	26,768	1	26,768	\$447	\$11,965,296
4	Petitions to Make Special Under Accelerated Examination Program (Patent Center only)	133	1	133	12	1,596	\$447	\$713,412
5	Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	1,961	1	1,961	0.20	392	\$447	\$175,224
6	Petition for Extension of Time Under 37 CFR 1.136(b)	1	1	1	0.50	1	\$447	\$447
	Totals	50,953		50,953		82,237		\$36,759,939

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.

This collection has non-hourly cost burdens in both filing fees paid by the public and associated postage costs for mailing items to USPTO.

The total non-hour respondent cost burden for this collection is estimated to be \$4,023,729 per year, which includes \$4,018,552 in fees and \$5,177 in postage.

Filing Fees

There are fees associated with submitting petitions in this information collection, as outlined in Table 4 below.

Table 4: Filing Fees

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
1	1462	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (undiscounted)	1,275	\$420	\$535,500
1	2462	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity)	880	\$168	\$147,840
1	3462	Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity)	170	\$84	\$14,280

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (yr) (a) x (b) = (c)
2	1463	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (undiscounted)	7,870	\$220	\$1,731,400
2	2463	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity)	795	\$88	\$69,960
2	3463	Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity)	55	\$44	\$2,420
3	1464	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (undiscounted)	9,205	\$140	\$1,288,700
3	2464	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (small entity)	3,980	\$56	\$222,880
3	3464	Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (micro entity)	199	\$28	\$5,572
		Totals	24,429	---	\$4,018,552

Postage Costs

The USPTO expects that at most 1% of the responses in this collection will be submitted by mail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be \$10.15. The USPTO estimates approximately 510 submissions per year may be mailed to the USPTO, for an estimated total postage cost of \$5,177 per year.

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-5, step 1 to process the petitions and petition fee transmittals for this information collection.

The USPTO estimates that the cost of a GS-5, step 1 employee is \$28.12 per hour (GS hourly rate of \$21.63 with 30% (\$6.49) added for benefits and overhead).

The USPTO estimates that it takes an employee between 5 minutes (0.08 hours) to 30 minutes (0.50 hours) to process the petitions and petition fee transmittal.

Table 5 calculates the burden hours and costs to the federal government for processing this information collection:

Table 5: Burden Hour/Cost to the Federal Government

Item No.	Item	Estimated Annual Responses (a)	Estimated Burden Hours (b)	Estimated Hourly Burden (a) x (b) = (c)	Rate ⁴ (\$/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
1	Petitions (corresponding to the fee) Under 37 CFR 1.17(f) include: <ul style="list-style-type: none"> Petition to Accord a Filing Date Under 1.57(a) Petition to Accord a Filing Date Under 1.53(e) Petition for a Decision on a Question Not Specifically Provided For Petition to Suspend the Rules 	4,650	0.30	1,395	\$28.12	\$39,227
2	Petitions (corresponding to the fee) Under 37 CFR 1.17(g) include: <ul style="list-style-type: none"> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application 	17,440	0.20	3,488	\$28.12	\$98,083
3	Petitions (corresponding to the fee) Under 37 CFR 1.17(h) include: <ul style="list-style-type: none"> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent 	26,768	0.10	2,677	\$28.12	\$75,277
4	Petitions to Make Special Under Accelerated Examination Program (Patent Center only)	133	0.50	67	\$28.12	\$1,884
5	Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c)	1,961	0.10	196	\$28.12	\$5,512

⁴ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB_h.pdf.

6	Petition for Extension of Time Under 37 CFR 1.136(b)	1	0.20	1	\$28.12	\$28
	Totals	50,953	- - -	7,824	- - -	\$220,011

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

Table 6: ICR Summary of Burden

	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	50,953	0	0	10,031	0	40,922
Annual Time Burden (Hr)	82,237	0	0	9,278	0	72,959
Annual Cost Burden (\$)	4,023,729	0	0	934,631	0	3,089,098

Change in Respondents and Hourly Burden due to Adjustment in Agency Estimate

The total number of respondents has increased by 10,031 due to estimated fluctuations in the number of responses/submissions in this information collection. This increase in the number of respondents and responses results in an increase of 9,278 hours in the annual time burden estimates.

Changes in Annual Non-hour Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the total annual non-hour costs will increase by \$934,631 from the previous approval. This increase is due to estimated fluctuations in submissions for items that require a fee.

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.

Plant and utility patents granted are published weekly in the *Official Gazette of the United States Patent and Trademark Office*.⁵ There is no plan to publish this information for statistical use. No special publication of the items discussed in this supporting statement is planned.

⁵ <https://www.uspto.gov/learning-and-resources/official-gazette>.

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 OMB expiration date

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 does not employ statistical methods.