**JUSTIFICATION FOR NONMATERIALNONSUBSTANTIVE CHANGE**

**Patent Petitions to Application and Reexamination Processing Fees**

**OMB Control Number 0651-0059**

Background

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.

In support of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025; 89 FRN 91898)[[1]](#footnote-3), the USPTO is changing nine fees and adding six fees in this information collection.

Additionally, two forms, the PTO/AIA/17p and PTO/SB/17p (both titled Processing Fee Under 37 CFR 1.17 (f), (g)(1), g(2), & (h) Transmittal), are being revised to reflect changes made by the rulemaking.

**Table 1: Changes in Fee Amount**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code** | **Item** | **Current Fee** | **New Fee** | **Changes in Fee Amount** |
| **1** | 1462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (undiscounted) | $420 | $450 | +$30 |
| **1** | 2462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity) | $168 | $180 | +$12 |
| **1** | 3462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity) | $84 | $90 | +$6 |
| **2** | 1463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (undiscounted) | $220 | $235 | +$15 |
| **2** | 2463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity) | $88 | $94 | +$6 |
| **2** | 3463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity) | $44 | $47 | +$3 |
| **2** | 14FS | First request for suspension of action (undiscounted entity) | Not previously included in 0651-0059[[2]](#footnote-4) | $300 | +$300 |
| **2** | 24FS | First request for suspension of action (small entity) | Not previously included in 0651-0059 | $120 | +$120 |
| **2** | 34FS | First request for suspension of action (micro entity) | Not previously included in 0651-0059 | $60 | +$60 |
| **2** | 14SS | Subsequent request for suspension of action (undiscounted entity) | Not previously included in 0651-0059 | $450 | +$450 |
| **2** | 24SS | Subsequent request for suspension of action (small entity) | Not previously included in 0651-0059 | $180 | +$180 |
| **2** | 34SS | Subsequent request for suspension of action (micro entity) | Not previously included in 0651-0059 | $90 | +$90 |
| **3** | 1464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (undiscounted) | $140 | $150 | +$10 |
| **3** | 2464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (small entity) | $56 | $60 | +$4 |
| **3** | 3464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (micro entity) | $28 | $30 | +$2 |

**Table 2: Proposed Burden**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code** | **Item** | **Reponses**  **(a)** | **New Fee**  **(b)** | **New Non-hour Cost Burden**  **(a) x (b) = (c)** |
| **1** | 1462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (undiscounted) | 1,275 | $450 | $573,750 |
| **1** | 2462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity) | 880 | $180 | $158,400 |
| **1** | 3462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity) | 170 | $90 | $15,300 |
| **2** | 1463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (undiscounted) | 7,870 | $235 | $1,849,450 |
| **2** | 2463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity) | 795 | $94 | $74,730 |
| **2** | 3463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity) | 55 | $47 | $2,585 |
| **2** | 14FS | First request for suspension of action (undiscounted entity) | 1,359 | $300 | $407,700 |
| **2** | 24FS | First request for suspension of action (small entity) | 124 | $120 | $14,880 |
| **2** | 34FS | First request for suspension of action (micro entity) | 12 | $60 | $720 |
| **2** | 14SS | Subsequent request for suspension of action (undiscounted entity) | 340 | $450 | $153,000 |
| **2** | 24SS | Subsequent request for suspension of action (small entity) | 31 | $180 | $5,580 |
| **2** | 34SS | Subsequent request for suspension of action (micro entity) | 3 | $90 | $270 |
| **3** | 1464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (undiscounted) | 9,205 | $150 | $1,380,750 |
| **3** | 2464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (small entity) | 3,980 | $60 | $238,800 |
| **3** | 3464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (micro entity) | 199 | $30 | $5,970 |
|  |  | **Totals** | **26,298** | **- - -** | **$4,881,885** |

**Table 3: Changes in Cost**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Item No.** | **Fee Code** | **Items** | **Current Cost**  **(a)** | **New Cost**  **(b)** | **Change in Non-hour Cost Burden**  **(b) – (a) = (c)** |
| **1** | 1462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (undiscounted) | $535,500 | $573,750 | +$38,250 |
| **1** | 2462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (small entity) | $147,840 | $158,400 | +$10,560 |
| **1** | 3462 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (f) (Group I) (micro entity) | $14,280 | $15,300 | +$1,020 |
| **2** | 1463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (undiscounted) | $1,731,400 | $1,849,450 | +$118,050 |
| **2** | 2463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (small entity) | $69,960 | $74,730 | +$4,770 |
| **2** | 3463 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (g) (Group II) (micro entity) | $2,420 | $2,585 | +$165 |
| **2** | 14FS | First request for suspension of action (undiscounted entity) | Not previously included in 0651-0059 | $407,700 | $407,700 |
| **2** | 24FS | First request for suspension of action (small entity) | Not previously included in 0651-0059 | $14,880 | $14,880 |
| **2** | 34FS | First request for suspension of action (micro entity) | Not previously included in 0651-0059 | $720 | $720 |
| **2** | 14SS | Subsequent request for suspension of action (undiscounted entity) | Not previously included in 0651-0059 | $153,000 | $153,000 |
| **2** | 24SS | Subsequent request for suspension of action (small entity) | Not previously included in 0651-0059 | $5,580 | $5,580 |
| **2** | 34SS | Subsequent request for suspension of action (micro entity) | Not previously included in 0651-0059 | $270 | $270 |
| **3** | 1464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (undiscounted) | $1,288,700 | $1,380,750 | +$92,050 |
| **3** | 2464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (small entity) | $222,880 | $238,800 | +$15,920 |
| **3** | 3464 | Petitions requiring the petition fee set forth in 37 CFR 1.17 (h) (Group III) (micro entity) | $5,572 | $5,970 | +$398 |
|  |  | **Totals** | **$4,018,552** | **$4,881,885** | **$863,333** |

Summary of Changes

The aforementioned rulemaking results in the revision of nine fees and the addition of six fees, with an increase of $863,333 in annual non-hourly costs to collection 0651-0059.

Changes in Burden

|  |  |  |  |
| --- | --- | --- | --- |
| **Burden Type** | **Currently Approved** | **Proposed Change** | **New Estimate** |
| Non-hourly Cost Burden | $4,023,729 | +$863,333 | $4,887,062 |

0651-0059’s revised burden is as follows:

* 50,953 annual responses (unchanged)
* 82,237 annual hourly burden (unchanged)
* $4,887,062 in annual non-hourly burden costs

1. <https://www.govinfo.gov/content/pkg/FR-2024-11-20/pdf/2024-26821.pdf> [↑](#footnote-ref-3)
2. The 14FS/24FS/34FS and 14SS/24SS/34SS fees were previously covered by the 1463/2463/3463 fees. [↑](#footnote-ref-4)