

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE 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, 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	\$84	\$90	+\$6

¹ <https://www.govinfo.gov/content/pkg/FR-2024-11-20/pdf/2024-26821.pdf>

		in 37 CFR 1.17 (f) (Group I) (micro entity)			
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	\$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 The 14FS/24FS/34FS and 14SS/24SS/34SS fees were previously covered by the 1463/2463/3463 fees.

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