

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Post Allowance and Refiling
0651-0033

Background

This collection of information covers the submission of issue fee payments, requests for certificates of correction, and reissue applications to the United States Patent and Trademark Office (USPTO). The USPTO is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18,1.311, and 1.314.

This collection of information also covers several transactions that may be taken after issuance of a patent.

Pursuant to 35 U.S.C. 254 and 255, a certificate of correction may be requested to correct an error or errors in an issued patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction.

For an original patent that is believed to be wholly or partly inoperative or invalid, the original patentee, or the current patent owner if there has been a subsequent assignment, may apply for reissue of the patent. The reissue application process requires, among other items, provision of an oath or declaration specifically identifying at least one error being relied upon as the basis for reissue and stating the reason for the belief that the original patent is wholly or partly inoperative or invalid (e.g., a defective specification or drawing, or claiming more or less than the patentee had the right to claim in the patent). The rules outlining reissue application procedures are found at 37 CFR 1.171–1.173 and 1.175-1.78.

In support of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025; 89 FRN 91898)¹, the USPTO is changing 36 fees and adding three fees in this information collection.

Additionally, one form, PTO/SB/56 (Reissue Application Fee Transmittal Form), is 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	1811	Certificate of correction (Undiscounted entity)	\$160	\$172	+\$12
1	2811	Certificate of correction (Small entity)	\$160	\$172	+\$12
1	3811	Certificate of correction (Micro entity)	\$160	\$172	+\$12

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

1	1816	Processing fee for correcting inventorship in a patent (Undiscounted entity)	Not previously included in 0651-0033	\$172	+\$172
1	2816	Processing fee for correcting inventorship in a patent (Small entity)	Not previously included in 0651-0033	\$172	+\$172
1	3816	Processing fee for correcting inventorship in a patent (Micro entity)	Not previously included in 0651-0033	\$172	+\$172
3	1014	Basic filing fee – Reissue (Undiscounted entity)	\$320	\$350	+\$30
3	2014	Basic filing fee – Reissue (Small entity)	\$128	\$140	+\$12
3	3014	Basic filing fee – Reissue (Micro entity)	\$64	\$70	+\$6
3	1019	Basic Filing Fee – Reissue (Design CPA) (Undiscounted entity)	\$320	\$350	+\$30
3	2019	Basic Filing Fee – Reissue (Design CPA) (Small entity)	\$128	\$140	+\$12
3	3019	Basic Filing Fee – Reissue (Design CPA) (Micro entity)	\$64	\$70	+\$6
3	1114	Reissue Search Fee or Reissue Design CPA Search Fees (Undiscounted entity)	\$700	\$770	+\$70
3	2114	Reissue Search Fee or Reissue Design CPA Search Fees (Small entity)	\$280	\$308	+\$28
3	3114	Reissue Search Fee or Reissue Design CPA Search Fees (Micro entity)	\$140	\$154	+\$14
3	1204	Reissue independent claims in excess of three (Undiscounted entity)	\$480	\$600	+\$120
3	2204	Reissue independent claims in excess of three (Small entity)	\$192	\$240	+\$48
3	3204	Reissue independent claims in excess of three (Micro entity)	\$96	\$120	+\$24
3	1205	Reissue claims in excess of 20 (Undiscounted entity)	\$100	\$200	+\$100
3	2205	Reissue claims in excess of 20 (Small entity)	\$40	\$80	+\$40
3	3205	Reissue claims in excess of 20 (Micro entity)	\$20	\$40	+\$20
3, 4	1084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Undiscounted entity)	\$420	\$450	+\$30
3, 4	2084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Small entity)	\$168	\$180	+\$12
3, 4	3084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Micro entity)	\$84	\$90	+\$6
3	1314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Undiscounted entity)	\$2,320	\$2,550	+\$230
3	2314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Small entity)	\$928	\$1,020	+\$92
3	3314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Micro entity)	\$464	\$510	+\$46
9	1501	Utility issue fee (Undiscounted entity)	\$1,200	\$1,290	+\$90
9	2501	Utility issue fee (Small entity)	\$480	\$516	+\$36
9	3501	Utility issue fee (Micro entity)	\$240	\$258	+\$18
9	1502	Design issue fee (Undiscounted entity)	\$740	\$1,300	+\$560
9	2502	Design issue fee (Small entity)	\$296	\$520	+\$224
9	3502	Design issue fee (Micro entity)	\$148	\$260	+\$112
9	1503	Plant issue fee (Undiscounted entity)	\$840	\$905	+\$65
9	2503	Plant issue fee (Small entity)	\$336	\$362	+\$26
9	3503	Plant issue fee (Micro entity)	\$168	\$181	+\$13
9	1511	Reissue issue fee (Undiscounted entity)	\$1,200	\$1,290	+\$90
9	2511	Reissue issue fee (Small entity)	\$480	\$516	+\$36

9	3511	Reissue issue fee (Micro entity)	\$240	\$258	+\$18
---	------	----------------------------------	-------	-------	-------

Table 2: Proposed Burden

Item No.	Fee Code	Item	Reponses (a)	New Fee (b)	New Non-hour Cost Burden (a) x (b) = (c)
1	1811	Certificate of correction (Undiscounted entity)	9,521	\$172	\$1,637,612
1	2811	Certificate of correction (Small entity)	2,394	\$172	\$411,768
1	3811	Certificate of correction (Micro entity)	90	\$172	\$15,480
1	1816	Processing fee for correcting inventorship in a patent (Undiscounted entity)	283	\$172	\$48,676
1	2816	Processing fee for correcting inventorship in a patent (Small entity)	154	\$172	\$26,488
1	3816	Processing fee for correcting inventorship in a patent (Micro entity)	12	\$172	\$2,064
3	1014	Basic filing fee – Reissue (Undiscounted entity)	1,501	\$350	\$525,350
3	2014	Basic filing fee – Reissue (Small entity)	528	\$140	\$73,920
3	3014	Basic filing fee – Reissue (Micro entity)	65	\$70	\$4,550
3	1019	Basic Filing Fee – Reissue (Design CPA) (Undiscounted entity)	25	\$350	\$8,750
3	2019	Basic Filing Fee – Reissue (Design CPA) (Small entity)	5	\$140	\$700
3	3019	Basic Filing Fee – Reissue (Design CPA) (Micro entity)	5	\$70	\$350
3	1114	Reissue Search Fee or Reissue Design CPA Search Fees (Undiscounted entity)	1,544	\$770	\$1,188,880
3	2114	Reissue Search Fee or Reissue Design CPA Search Fees (Small entity)	580	\$308	\$178,640
3	3114	Reissue Search Fee or Reissue Design CPA Search Fees (Micro entity)	72	\$154	\$11,088
3	1204	Reissue independent claims in excess of three (Undiscounted entity)	561	\$600	\$336,600
3	2204	Reissue independent claims in excess of three (Small entity)	176	\$240	\$42,240
3	3204	Reissue independent claims in excess of three (Micro entity)	21	\$120	\$2,520
3	1205	Reissue claims in excess of 20 (Undiscounted entity)	4,531	\$200	\$906,200
3	2205	Reissue claims in excess of 20 (Small entity)	1,495	\$80	\$119,600
3	3205	Reissue claims in excess of 20 (Micro entity)	115	\$40	\$4,600
3, 4	1084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Undiscounted entity)	46	\$450	\$20,700
3, 4	2084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Small entity)	10	\$180	\$1,800
3, 4	3084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Micro entity)	8	\$90	\$720
3	1314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Undiscounted entity)	1,542	\$2,550	\$3,932,100
3	2314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Small entity)	577	\$1,020	\$588,540
3	3314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Micro entity)	70	\$510	\$35,700
9	1501	Utility issue fee (Undiscounted entity)	247,012	\$1,290	\$318,645,480
9	2501	Utility issue fee (Small entity)	67,368	\$516	\$34,761,888
9	3501	Utility issue fee (Micro entity)	8,102	\$258	\$2,090,316
9	1502	Design issue fee (Undiscounted entity)	18,674	\$1,300	\$24,276,200
9	2502	Design issue fee (Small entity)	14,600	\$520	\$7,592,000

9	3502	Design issue fee (Micro entity)	6,228	\$260	\$1,619,280
9	1503	Plant issue fee (Undiscounted entity)	641	\$905	\$580,105
9	2503	Plant issue fee (Small entity)	598	\$362	\$216,476
9	3503	Plant issue fee (Micro entity)	7	\$181	\$1,267
9	1511	Reissue issue fee (Undiscounted entity)	448	\$1,290	\$577,920
9	2511	Reissue issue fee (Small entity)	120	\$516	\$61,920
9	3511	Reissue issue fee (Micro entity)	6	\$258	\$1,548
		Totals	389,735	---	\$400,550,036

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	1811	Certificate of correction (Undiscounted entity)	\$1,523,360	\$1,637,612	+\$114,252
1	2811	Certificate of correction (Small entity)	\$383,040	\$411,768	+\$28,728
1	3811	Certificate of correction (Micro entity)	\$14,400	\$15,480	+\$1,080
1	1816	Processing fee for correcting inventorship in a patent (Undiscounted entity)	Not previously included in 0651-0033	\$48,676	+\$48,676
1	2816	Processing fee for correcting inventorship in a patent (Small entity)	Not previously included in 0651-0033	\$26,488	+\$26,488
1	3816	Processing fee for correcting inventorship in a patent (Micro entity)	Not previously included in 0651-0033	\$2,064	+\$2,064
3	1014	Basic filing fee – Reissue (Undiscounted entity)	\$480,320	\$525,350	+\$45,030
3	2014	Basic filing fee – Reissue (Small entity)	\$67,584	\$73,920	+\$6,336
3	3014	Basic filing fee – Reissue (Micro entity)	\$4,160	\$4,550	+\$390
3	1019	Basic Filing Fee – Reissue (Design CPA) (Undiscounted entity)	\$8,000	\$8,750	+\$750
3	2019	Basic Filing Fee – Reissue (Design CPA) (Small entity)	\$640	\$700	+\$60
3	3019	Basic Filing Fee – Reissue (Design CPA) (Micro entity)	\$320	\$350	+\$30
3	1114	Reissue Search Fee or Reissue Design CPA Search Fees (Undiscounted entity)	\$1,080,800	\$1,188,880	+\$108,080
3	2114	Reissue Search Fee or Reissue Design CPA Search Fees (Small entity)	\$162,400	\$178,640	+\$16,240
3	3114	Reissue Search Fee or Reissue Design CPA Search Fees (Micro entity)	\$10,080	\$11,088	+\$1,008
3	1204	Reissue independent claims in excess of three (Undiscounted entity)	\$269,280	\$336,600	+\$67,320
3	2204	Reissue independent claims in excess of three (Small entity)	\$33,792	\$42,240	+\$8,448
3	324	Reissue independent claims in excess of three (Micro entity)	\$2,016	\$2,520	+\$504
3	1205	Reissue claims in excess of 20 (Undiscounted entity)	\$453,100	\$906,200	+\$453,100
3	2205	Reissue claims in excess of 20 (Small entity)	\$59,800	\$119,600	+\$59,800
3	3205	Reissue claims in excess of 20 (Micro entity)	\$2,300	\$4,600	+\$2,300
3, 4	1084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Undiscounted entity)	\$19,320	\$20,700	+\$1,380

3, 4	2084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Small entity)	\$1,680	\$1,800	+\$120
3, 4	3084	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Micro entity)	\$672	\$720	+\$48
3	1314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Undiscounted entity)	\$3,577,440	\$3,932,100	+\$354,660
3	2314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Small entity)	\$535,456	\$588,540	+\$53,084
3	3314	Reissue Examination Fee or Reissue Design CPA Examination Fee (Micro entity)	\$32,480	\$35,700	+\$3,220
9	1501	Utility issue fee (Undiscounted entity)	\$296,414,400	\$318,645,480	+\$22,231,080
9	2501	Utility issue fee (Small entity)	\$32,336,640	\$34,761,888	+\$2,425,248
9	3501	Utility issue fee (Micro entity)	\$1,944,480	\$2,090,316	+\$145,836
9	1502	Design issue fee (Undiscounted entity)	\$13,818,760	\$24,276,200	+\$10,457,440
9	2502	Design issue fee (Small entity)	\$4,321,600	\$7,592,000	+\$3,270,400
9	3502	Design issue fee (Micro entity)	\$921,744	\$1,619,280	+\$697,536
9	1503	Plant issue fee (Undiscounted entity)	\$538,440	\$580,105	+\$41,665
9	2503	Plant issue fee (Small entity)	\$200,928	\$216,476	+\$15,548
9	3503	Plant issue fee (Micro entity)	\$1,176	\$1,267	+\$91
9	1511	Reissue issue fee (Undiscounted entity)	\$537,600	\$577,920	+\$40,320
9	2511	Reissue issue fee (Small entity)	\$57,600	\$61,920	+\$4,320
9	3511	Reissue issue fee (Micro entity)	\$1,440	\$1,548	+\$108
		Totals	\$359,817,248	\$400,550,036	+\$40,732,788

Summary of Changes

The aforementioned rulemaking results in the revision of multiple fees and the addition of three fees, with an increase of \$40,732,788 in annual non-hourly costs to collection 0651-0033.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$358,297,401	+\$40,732,788	+\$399,030,189

0651-0033's revised burden is as follows:

- 426,301 annual responses (unchanged)
- 373,568 annual hourly burden (unchanged)
- \$399,030,189 in annual non-hourly burden costs