

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Requirements for Patent Applications Containing Nucleotide Sequence and/or
Amino Acid Sequence Disclosures
OMB Control Number 0651-0024

Background

Patent applications that contain nucleotide and/or amino acid sequence disclosures falling within the definitions of 37 CFR 1.821(a) (for applications filed on or before June 30, 2022) or 37 CFR 1.831 (for applications filed on or after July 1, 2022) must include, as a separate part of the application disclosure, a copy of the sequence listing in accordance with the requirements in 37 CFR 1.821-1.825 or 37 CFR 1.831-1.835, respectively. Applicants may submit sequence listings for both U.S. and international patent applications. Submissions of sequence listings in international applications are governed by Patent Cooperation Treaty (PCT) Rules 5.2 and 13ter, as well as the PCT Administrative Instructions, Annex C.

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 in this information collection.

Table 1: Changes in Fee Amount

Item No.	Fee Code	Item	Current Fee	New Fee	Changes in Fee Amount
1	1091	Submission of sequence listings of 300MB to 800MB (undiscounted entity)	\$1,060	\$1,140	+\$80
1	2091	Submission of sequence listings of 300MB to 800MB (small entity)	\$424	\$456	+\$32
1	3091	Submission of sequence listings of 300MB to 800MB micro entity (micro entity)	\$212	\$228	+\$16
1	1092	Submission of sequence listings more than 800MB (undiscounted entity)	\$10,500	\$11,290	+\$790
1	2092	Submission of sequence listings more than 800MB (small entity)	\$4,200	\$4,516	+\$316
1	3092	Submission of sequence listings more than 800MB (micro entity)	\$2,100	\$2,258	+\$158
1	1627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (undiscounted entity)	\$320	\$345	+\$25
1	2627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (small entity)	\$128	\$138	+\$10
1	3627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (micro entity)	\$64	\$69	+\$5

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

Table 2: Proposed Burden

Item No.	Fee Code	Item	Reponses (a)	New Fee (b)	New Non-hour Cost Burden (a) x (b) = (c)
1	1091	Submission of sequence listings of 300MB to 800MB (undiscounted entity)	30	\$1,140	\$34,200
1	2091	Submission of sequence listings of 300MB to 800MB (small entity)	30	\$456	\$13,680
1	3091	Submission of sequence listings of 300MB to 800MB micro entity (micro entity)	10	\$228	\$2,280
1	1092	Submission of sequence listings more than 800MB (undiscounted entity)	2	\$11,290	\$22,580
1	2092	Submission of sequence listings more than 800MB (small entity)	1	\$4,516	\$4,516
1	3092	Submission of sequence listings more than 800MB (micro entity)	1	\$2,258	\$2,258
1	1627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (undiscounted entity)	215	\$345	\$74,175
1	2627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (small entity)	700	\$138	\$96,600
1	3627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (micro entity)	8	\$69	\$552
		Totals	997	- - -	\$250,841

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	1091	Submission of sequence listings of 300MB to 800MB (undiscounted entity)	\$31,800	\$34,200	+\$2,400
1	2091	Submission of sequence listings of 300MB to 800MB (small entity)	\$12,720	\$13,680	+\$960
1	3091	Submission of sequence listings of 300MB to 800MB micro entity (micro entity)	\$2,120	\$2,280	+\$160
1	1092	Submission of sequence listings more than 800MB (undiscounted entity)	\$21,000	\$22,580	+\$1,580
1	2092	Submission of sequence listings more than 800MB (small entity)	\$4,200	\$4,516	+\$316
1	3092	Submission of sequence listings more than 800MB (micro entity)	\$2,100	\$2,258	+\$158
1	1627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (undiscounted entity)	\$68,800	\$74,175	+\$5,375
1	2627	Late Furnishing Fee for Providing a Sequence Listing in Response to an Invitation Under PCT Rule 13ter (small entity)	\$89,600	\$96,600	+\$7,000
1	3627	Late Furnishing Fee for Providing a Sequence Listing	\$512	\$552	+\$40

		in Response to an Invitation Under PCT Rule 13ter (micro entity)			
		Totals	\$232,852	\$250,841	+\$17,989

Summary of Changes

The aforementioned rulemaking results in the revision of nine fees, with an increase of \$17,989 in annual non-hourly costs to collection 0651-0024.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$1,243,498	\$17,989	\$1,261,487

0651-0024's revised burden is as follows:

- 28,550 annual responses (unchanged)
- 171,300 annual hourly burden (unchanged)
- \$1,261,487 in annual non-hourly burden costs