

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
(Admission to Practice and Roster of Registered Patent Attorneys and Agents
Admitted to Practice Before the United States Patent and Trademark Office)
OMB Control Number 0651-0012**

Background

The Office of Enrollment and Discipline (OED) collects this information to determine the qualifications of individuals entitled to represent applicants before the USPTO. This collection of information is required by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO or Office) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and possess the necessary qualifications to assist applicants with the patent application process and to represent them before the USPTO. This information collection addresses submissions required by the regulations at 37 CFR 1.4, 1.32, 11.1, 11.5, 11.6, 11.8, 11.10, 11.16, 11.704, and 41.106, which, in part, set forth the requirements to become recognized to represent others before the USPTO.

In support of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025; 89 FRN 91898)¹, the USPTO is changing 14 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	9001	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	\$110	\$118	+\$8
1	9001	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived)	\$110	\$118	+\$8
1	9001	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	\$110	\$118	+\$8
1	9001	Application for Recognition to Practice Before the United States Patent and Trademark Office under 37 CFR § 11.14(c) by a Foreign Resident (examination waived)	\$110	\$118	+\$8
1	9030	Request for extension of time in which to schedule examination for registration to practice (non-refundable)	\$115	\$124	+\$9

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

1	9014	Non-Refundable Application Fee for Enrollment and/or Reinstatement to Practice Before the United States Patent and Trademark Office under 37 CFR 1.21(a)(10) (those who must prove fitness to practice)	\$1,680	\$1,806	+\$126
2	9010	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam)	\$210 ²	\$226	+\$16
2	9029	For USPTO-Administered Review of Registration Examination	\$470	\$505	+\$35
4	9003	On Registration to Practice Under 37 CFR §11.6	\$210	\$226	+\$16
4	9026	On Grant of Limited Recognition Under 37 CFR §11.9(b)	\$210	\$226	+\$16
7	9004	Reinstatement to the Register	\$210	\$226	+\$16
9	9005	Certificate of Good Standing as an Attorney or Agent, Standard	\$40	\$43	+\$3
10	9012	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR 11.2(c)	\$420	\$452	+\$32
11	9013	Review of Decision of the Director of Enrollment and Discipline Under 37 CFR §11.2(d)	\$420	\$452	+\$32

Table 2: Proposed Burden

Item No.	Fee Code	Item	Responses (a)	New Fee (b)	New Non-hour Cost Burden (a) x (b) = (c)
1	9001	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	2,474	\$118	\$291,932
1	9001	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived)	34	\$118	\$4,012
1	9001	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	6	\$118	\$708
1	9001	Application for Recognition to Practice Before the United States Patent and Trademark Office under 37 CFR § 11.14(c) by a Foreign Resident (examination waived)	11	\$118	\$1,298
1	9030	Request for extension of time in which to schedule examination for registration to practice (non-refundable)	120	\$124	\$14,880
1	9014	Non-Refundable Application Fee for Enrollment and/or Reinstatement to Practice Before the United States Patent and Trademark Office under 37 CFR 1.21(a)(10) (those who must prove fitness to practice)	7	\$1,806	\$12,642

² The 2021 supporting statement for this information collection listed the cost of this fee valued at \$173. This change worksheet uses the current value for this fee.

2	9010	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam)	1,916	\$226	\$433,016
2	9029	For USPTO-Administered Review of Registration Examination	2	\$505	\$1,010
4	9003	On Registration to Practice Under 37 CFR §11.6	800	\$226	\$180,800
4	9026	On Grant of Limited Recognition Under 37 CFR §11.9(b)	40	\$226	9,040
7	9004	Reinstatement to the Register	76	\$226	\$17,176
9	9005	Certificate of Good Standing as an Attorney or Agent, Standard	275	\$43	\$11,825
10	9012	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR 11.2(c)	7	\$452	\$3,164
11	9013	Review of Decision of the Director of Enrollment and Discipline Under 37 CFR §11.2(d)	1	\$452	\$452
		Totals	5,769	---	\$981,955

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	9001	Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	\$272,140	\$291,932	+\$19,792
1	9001	Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived)	\$3,740	\$4,012	+\$272
1	9001	Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	\$660	\$708	+\$48
1	9001	Application for Recognition to Practice Before the United States Patent and Trademark Office under 37 CFR § 11.14(c) by a Foreign Resident (examination waived)	\$1,210	\$1,298	+\$88
1	9030	Request for extension of time in which to schedule examination for registration to practice (non-refundable)	\$13,800	\$14,880	+\$1,080
1	9014	Non-Refundable Application Fee for Enrollment and/or Reinstatement to Practice Before the United States Patent and Trademark Office under 37 CFR 1.21(a)(10) (those who must prove fitness to practice)	\$11,760	\$12,642	+\$882
2	9010	Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam)	\$402,360	\$433,016	+\$30,656
2	9029	For USPTO-Administered Review of	\$940	\$1,010	+\$70

Registration Examination					
4	9003	On Registration to Practice Under 37 CFR §11.6	\$168,000	\$180,800	+\$12,800
4	9026	On Grant of Limited Recognition Under 37 CFR §11.9(b)	\$8,400	\$9,040	\$640
7	9004	Reinstatement to the Register	\$15,960	\$17,176	+\$1,216
9	9005	Certificate of Good Standing as an Attorney or Agent, Standard	\$11,000	\$11,825	+\$825
10	9012	Petition to the Director of the Office of Enrollment and Discipline under 37 CFR 11.2(c)	\$2,940	\$3,164	+\$224
11	9013	Review of Decision of the Director of Enrollment and Discipline Under 37 CFR §11.2(d)	\$420	\$452	+\$32
Totals			\$913,330	\$981,955	+\$68,625

Summary of Changes

The aforementioned rulemaking results in the revision of multiple fees for an overall increase of \$68,625 in annual non-hourly costs to collection 0651-0012.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$822,186	\$68,625	\$890,811

0651-0012's revised burden is as follows:

- 30,563 annual responses (unchanged)
- 18,239 annual hourly burden (unchanged)
- \$890,811 in annual non-hourly burden costs