

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**Patent Review and Derivation Proceedings**  
**OMB Control Number 0651-0069**

Background

Inter partes review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent only on a ground that could be raised under §§ 102 or 103, and only on the basis of prior art consisting of patents or printed publications. Post grant review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent on any ground that could be raised under § 282(b)(2) or (3). A derivation proceeding is a trial proceeding conducted at the Board to determine whether (1) an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner’s application, and (2) the earlier application claiming such invention was filed without authorization. The transitional program for covered business method patents is a trial proceeding conducted at the Board to review the patentability of one or more claims in a covered business method patent. The covered business method program expired on September 16, 2020 and the Board no longer accepts new petitions related to this program, but continues to accept papers in previously-instituted proceedings.

This information collection covers information submitted by the public to petition the Board to initiate an inter partes review, post-grant review, derivation proceeding, and the transitional program for covered business method patents, as well as any responses to such petitions, and the filing of any motions, replies, oppositions, and other actions, after a review/proceeding has been instituted.

In support of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025, 89 FRN 91898), the USPTO is changing eleven fees and adding one fee to this information collection.

**Table 1: Changes in Fee Amount**

<b>Item No</b>	<b>Fee Code</b>	<b>Item</b>	<b>Current Fee</b>	<b>New Fee</b>	<b>Changes in Fee Amount</b>
1	1406	Inter Partes Review Request Fee – Up to 20 Claims	\$19,000	\$23,750	+\$4,750
1	1414	Inter Partes Post-Institution Fee – Up to 20 Claims	\$22,500	\$28,125	+\$5,625
1	1407	Inter Partes Review Request of Each Claim in Excess of 20	\$375	\$470	+\$95
1	1415	Inter Partes Post-Institution Request of Each Claim in Excess of 20	\$750	\$940	+\$190
2	1408	Post-Grant or Covered Business Method Review Request Fee – Up to 20 Claims	\$20,000	\$25,000	+\$5,000
2	1416	Post-Grant or Covered Business Method	\$27,500	\$34,375	+\$6,875

		Review Post-Institution Fee – Up to 20 Claims			
2	1409	Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20	\$475	\$595	+\$120
2	1417	Post-Grant or Covered Business Method Review Post-Institution Fee of Each Claim in Excess of 20	\$1,050	\$1,315	+\$265
3	1412	Petition for Derivation	\$420	\$452	+\$32
10	1418	Pro Hac Vice Admission Fee	\$250	\$269	+\$19
15	1411	Request to Make a Settlement Agreement Available	\$420	\$452	+\$32
16	14DR	Request for review of a PTAB decision by the Director	Not previously included in 0651-0069	\$452	+\$452

**Table 2: Proposed Burden**

Item No	Fee Code	Item	Reponses (a)	New Fee (b)	New Non-hour Cost Burden (a) x (b) = (c)
1	1406	Inter Partes Review Request Fee – Up to 20 Claims	1,450	\$23,750	\$34,437,500
1	1414	Inter Partes Post-Institution Fee – Up to 20 Claims	1,450	\$28,125	\$40,781,250
1	1407	Inter Partes Review Request of Each Claim in Excess of 20	3,500	\$470	\$1,645,000
1	1415	Inter Partes Post-Institution Request of Each Claim in Excess of 20	3,500	\$940	\$3,290,000
2	1408	Post-Grant or Covered Business Method Review Request Fee – Up to 20 Claims	100	\$25,000	\$2,500,000
2	1416	Post-Grant or Covered Business Method Review Post-Institution Fee – Up to 20 Claims	100	\$34,375	\$3,437,500
2	1409	Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20	350	\$595	\$208,250
2	1417	Post-Grant or Covered Business Method Review Post-Institution Fee of Each Claim in Excess of 20	350	\$1,315	\$460,250
3	1412	Petition for Derivation	10	\$452	\$4,520
10	1418	Pro Hac Vice Admission Fee	450	\$269	\$121,050
15	1411	Request to Make a Settlement Agreement Available	1	\$452	\$452
16	14DR	Request for review of a PTAB decision by the Director	150	\$452	\$67,800
		<b>Totals</b>	<b>11,411</b>	<b>---</b>	<b>\$86,953,572</b>

**Table 3: Changes in Cost**

Item	Fee Code	Items	Current Cost (a)	New Cost (b)	Change in Non-hour
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No.					Cost Burden (b) - (a) = (c)
1	1406	Inter Partes Review Request Fee – Up to 20 Claims	\$27,550,000	\$34,437,500	+\$6,887,500
1	1414	Inter Partes Post-Institution Fee – Up to 20 Claims	\$32,625,000	\$40,781,250	+\$8,156,250
1	1407	Inter Partes Review Request of Each Claim in Excess of 20	\$1,312,500	\$1,645,000	+\$332,500
1	1415	Inter Partes Post-Institution Request of Each Claim in Excess of 20	\$2,625,000	\$3,290,000	+\$665,000
2	1408	Post-Grant or Covered Business Method Review Request Fee – Up to 20 Claims	\$2,000,000	\$2,500,000	+\$500,000
2	1416	Post-Grant or Covered Business Method Review Post-Institution Fee – Up to 20 Claims	\$2,750,000	\$3,437,500	+\$687,500
2	1409	Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20	\$166,250	\$208,250	+\$42,000
2	1417	Post-Grant or Covered Business Method Review Post-Institution Fee of Each Claim in Excess of 20	\$367,500	\$460,250	+\$92,750
3	1412	Petition for Derivation	\$4,200	\$4,520	+\$320
10	1418	Pro Hac Vice Admission Fee	\$112,500	\$121,050	+\$8,550
15	1411	Request to Make a Settlement Agreement Available	\$420	\$452	+\$32
16	14DR	Request for review of a PTAB decision by the Director	Not previously included in 0651-0069	\$67,800	+\$67,800
		<b>Totals</b>	<b>\$69,513,370</b>	<b>\$86,953,572</b>	<b>+\$17,440,202</b>

### Summary of Changes

The aforementioned rulemaking results in the revision of 11 fees and the addition of one new fee, with an increase of \$17,440,202 in annual non-hourly costs to collection 0651-0069.

### Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Non-hourly Cost Burden	\$69,513,370	+\$17,440,202	\$86,953,572

0651-0069's revised burden is as follows:

- 12,338 annual responses (unchanged)
- 1,367,958 annual hourly burden (unchanged)
- \$86,953,572 annual non-hourly burden costs