SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Reexaminations, Supplemental Examinations,
and Post Patent Submissions
OMB CONTROL NUMBER 0651-0064
2024

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the information collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. Chapter 30 of Title 35 U.S.C. provides that any person at any time may file a request for reexamination by the USPTO of any claim of a patent on the basis of prior art cited under the provisions of 35 U.S.C. 301. Once initiated, the reexamination proceedings under Chapter 30 are substantially *ex parte* and do not permit input from third parties. The regulations outlining *ex parte* reexaminations are found at 37 CFR 1.510-1.570. The purpose of this information collection is to facilitate requests for *ex parte* reexamination and supplemental examination, to facilitate prosecution of reexamination and to ensure that the associated documentation is submitted to the USPTO, and to permit relevant post-patent prior art and claim scope information to be entered into a patent file.

35 U.S.C. 257 permits a patent owner to request supplemental examination of a patent by the USPTO to consider, reconsider, or correct information believed to be relevant to the patent. The regulations outlining supplemental examination are found at 37 CFR 1.601-1.625.

The Leahy-Smith America Invents Act terminated *inter partes* reexamination effective September 16, 2012. However, *inter partes* reexamination proceedings based on *inter partes* reexamination requests filed before September 16, 2012, continue to be prosecuted. Therefore, this collection continues to include items related to the prosecution of *inter partes* reexamination proceedings. The regulations outlining *inter partes* reexaminations are found at 37 CFR 1.902-1.959.

The provisions of 35 U.S.C. 301 and 37 CFR 1.501 govern the ability of a person to submit into the file of an issued patent (1) prior art consisting of patents or printed publications which the person making the submission believes to have a bearing on the patentability of any claim of the issued patent and (2) statements of the owner of the issued patent filed in a proceeding before a federal court or the USPTO in which the owner of the issued patent took a position on the scope of any claim of the issued patent.

Thus, the items included in this collection cover (1) requests for *ex parte* reexamination, (2) requests for supplemental examination, (3) information that may be submitted by patent owners and third-party requesters in relation to the prosecution of an *ex parte* or *inter partes* reexamination proceeding, (4) information submitted by the public to aid in ascertaining the patentability and/or scope of the claims of the issued patent, and (5) information submitted by patent owners regarding a position taken before the USPTO or a federal court regarding the scope of any claim in their issued patent. The USPTO's use of the statements of the patent owners ((5) above) will be limited to determining the meaning of a patent claim in *ex parte* reexamination proceedings that already have been ordered and in *inter partes* review and post grant review proceedings that already have been instituted.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above.

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulation
1	Request for Supplemental Examination	35 U.S.C. 257	37 CFR 1.601-1.625
2	Request for *Ex Parte* Reexamination	35 U.S.C. 302	37 CFR 1.510-1.570
3	Petition in a Reexamination Proceeding (except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d))	35 U.S.C. 303, 312	37 CFR 1.181, 1.515(c), and 1.927
4	Patent Owner's 37 CFR 1.530 Statement	35 U.S.C. 304	37 CFR 1.530
5	Third Party Requester's 37 CFR 1.535 Reply	35 U.S.C. 304	37 CFR 1.535
6	Amendment in *Ex Parte* or *Inter Partes* Reexamination	35 U.S.C. 132, 305, and 316	37 CFR 1.111, 1.530, 1.941, and 1.943
7	Third Party Requester's 37 CFR 1.947 Comments in *Inter Partes* Reexamination	35 U.S.C. 314	37 CFR 1.947
8	Response to Final Rejection in *Ex Parte* Reexamination	35 U.S.C. 132 and 305	37 CFR 1.116 and 1.530
9	Patent Owner's 37 CFR 1.951 Comments in *Inter Partes* Reexamination	35 U.S.C. 132 and 316	37 CFR 1.116 and 1.951
10	Third Party Requester's 37 CFR 1.951 Response in *Inter Partes* Reexamination	35 U.S.C. 314	37 CFR 1.951
11	Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination	35 U.S.C. 304-305 and 316	37 CFR 1.550(c) and 1.956
12	Information Disclosure Citation in a Patent	35 U.S.C. 301	37 CFR 1.501

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new information collection, indicate the actual use the agency has made of the information received from the current information collection.

The public uses this information collection to request supplemental examination and reexamination proceedings, to ensure that the associated documentation is submitted to the USPTO, and to permit relevant post-patent prior art and claim scope information to be entered into a patent file.

The information collected, maintained, and used in this collection is based on OMB and USPTO guidelines. This includes the basic information quality standards established in the Paperwork Reduction Act (44 U.S.C. Chapter 35), in OMB Circular A-130, and in the USPTO information quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO.

Table 2: Needs and Uses

Item No.	Form and Function	Form No.	Needs and Uses
1	Request for Supplemental Examination	PTO/SB/59	• Used by the requester (patent owner) to provide: an identification of each aspect of the patent to be examined; an identification of each issue raised by each item of information listed in the request; a separate, detailed explanation for each identified issue; and an explanation of how each item of information is relevant to each aspect of the patent to be examined and of how each item of information raises each identified issue. • Used by the USPTO to determine whether a substantial new question of patentability affecting any claim of the patent is raised by the items of information presented and identified in the request, and whether *ex parte* reexamination of the patent should be ordered under 35 U.S.C. § 257.
2	Request for *Ex Parte* Reexamination	PTO/SB/57	• Used by the requester (patent owner or third-party) to provide a statement identifying each substantial new question of patentability. • Used by the requester (patent owner or third-party) to provide an identification of every claim for which reexamination is requested, and a detailed explanation of pertinency and manner of applying the cited art to every claim for which reexamination is requested. • Used by the USPTO to evaluate whether a substantial new question of patentability has been raised by the requester (patent owner or third-party). • Used by the USPTO to determine how and whether the patent claims are to be confirmed, amended, or canceled.
3	Petition in a Reexamination Proceeding (except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d))	No Form	• Used by the requester (patent owner or third-party) to request review by the Director of a decision refusing *ex parte* reexamination. • Used by the requester to raise a question not specifically provided for in the rules or to request the suspension of the rules. • Used by the USPTO to determine whether the decision to refuse *ex parte* reexamination should be upheld. • Used by the USPTO to consider other questions and suspend or waive the rule requirements if appropriate.
4	Patent Owner's 37 CFR 1.530 Statement	No Form	• Used by the patent owner in response to an order granting *ex parte* reexamination to point out why the patent claims are believed to be patentable. • Used by the patent owner in response to an order granting *ex parte* reexamination to propose that specified changes be made to the patent specification, including the claims, or to the drawings. • Used by the USPTO to determine whether the patent claims are patentable. • Used by the USPTO to enter, if in compliance with the rules, the specified changes for purposes of examination.
5	Third Party Requester's 37 CFR 1.535 Reply	No Form	• Used by the third-party requester to comment on Patent Owner's 37 CFR 1.530 Statement. • Used by the third-party requester to raise any issue appropriate for reexamination. • Used by the third-party requester to identify additional prior art patents and printed publications. • Used by the USPTO to determine whether the patent claims are patentable.

Item No.	Form and Function	Form No.	Needs and Uses
6	Amendment in *Ex Parte* or *Inter Partes* Reexamination	No Form	• Used by the patent owner in response to an Office action to point out why the patent claims are believed to be patentable. • Used by the patent owner in response to an Office action to propose that specified changes be made to the patent specification, including the claims, or to the drawings. • Used by the USPTO to determine whether the patent claims are patentable. • Used by the USPTO to enter, if in compliance with the rules, the specified changes for purposes of examination.
7	Third Party Requester's 37 CFR 1.947 Comments in *Inter Partes* Reexamination	No Form	• Used by the third-party requester to comment on issues raised by an Office action or by patent owner's response to the Office action. • Used by the USPTO to determine whether the patent claims are patentable.
8	Response to Final Rejection in *Ex Parte* Reexamination	No Form	• Used by the patent owner in response to a final Office action to point out why the patent claims are believed to be patentable. • Used by the patent owner in response to a final Office action to propose that specified changes be made to the patent specification, including the claims, or to the drawings. • Used by the USPTO to determine whether the patent claims are patentable. • Used by the USPTO to determine whether the specified changes will be entered for purposes of examination.
9	Patent Owner's 37 CFR 1.951 Comments in *Inter Partes* Reexamination	No Form	• Used by the patent owner in response to an Action Closing Prosecution to point out why the patent claims are believed to be patentable. • Used by the patent owner in response to an Action Closing Prosecution to propose that specified changes be made to the patent specification, including the claims, or to the drawings. • Used by the USPTO to determine whether the patent claims are patentable. • Used by the USPTO to determine whether the specified changes will be entered for purposes of examination.
10	Third Party Requester's 37 CFR 1.951 Response in *Inter Partes* Reexamination	No Form	• Used by the third-party requester to comment on issues raised by an Action Closing Prosecution or by patent owner's response to the Action Closing Prosecution. • Used by the USPTO to determine whether the patent claims are patentable.
11	Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination	No Form	• Used by the public to request additional time to take action in a reexamination proceeding. • Used by the USPTO to determine whether the cause is sufficient to grant additional time to act in a reexamination proceeding.
12	Information Disclosure Citation in a Patent	PTO/SB/42	• Used by the public to submit, in a patent file, prior art consisting of patents or printed publications which the person making the submission believes to have a bearing on the patentability of any claim of the patent, and statements of the patent owner that were filed by the patent owner in a proceeding before a Federal court or the USPTO in which the patent owner took a position on the scope of any claim of the patent. • Used by the USPTO, as appropriate, in subsequent reissue or reexamination proceedings.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The USPTO typically collects the information in this information collection electronically through the USPTO patent electronic filing system (Patent Center), the USPTO's online filing and viewing system for patent applications and related documents. A submission made under 37 CFR 1.501 by a party other than the patent owner will not be entered into the patent's Image File Wrapper (IFW) if it does not include proof of service compliant with 37 CFR 1.248(b). Where a 37 CFR 1.501 citation includes proof of service, all information included in the citation will be made of record in the IFW of the patent.

Patent Center allows customers to electronically file patent applications and associated documents through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes.

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This information is collected only when a respondent files a request related to patent reexamination or supplemental examination, or during the enforceability of a patent. This information is not collected elsewhere and does not result in a duplication of effort.

5. **If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The information in this information collection is necessary in order to process requests related to patent reexaminations and supplemental examinations and to permit relevant post-patent prior art and claim scope information to be entered into a patent file. The same information is required from every requester or submitter and is not available from any other source.

This collection of information will not impose a significant economic impact on a substantial number of small entities. The burden imposed by the requirements of this information collection on all entities, including small entities, is minor.

6. **Describe the consequence to federal program or policy activities if the information collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This information is collected only when the public submits an item related to a request for reexamination or supplemental examination and is not found elsewhere, or when a member of the public submits an information disclosure citation in a patent. If the information were not collected, the USPTO would not be able to comply with the statues and regulations governing reexaminations and supplemental examinations, and the public would not be able to exercise its statutory right under 35 U.S.C. 301 to cite to the USPTO in writing (1) prior art consisting of patents or printed publications which the person making the submission believes to have a bearing on the patentability of any claim of a particular patent, or (2) statements of the patent owner that were filed by the patent owner in a proceeding before a Federal court or the USPTO in which the patent owner took a position on the scope of any claim of a particular patent. This information could not be collected less frequently.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances associated with this collection of information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of information collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the *Federal Register* on July 8, 2024 (89 FR 55927). The comment period ended on September 6, 2024. No public comments were received.

The USPTO has long-standing relationships with groups from whom reexamination data is collected, such as the American Intellectual Property Law Association, as well as patent bar associations, independent inventor groups, and users of our public search

facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of an information collection. No comments or concerns have been expressed impacting the present renewal.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

This information collection does not involve a payment or gift to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the information collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The confidentiality of patent applications is governed by statute (35 U.S.C. 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of an *ex parte* reexamination proceeding is available to the public.

This information collection contains information that can be collected from any person who elects to cite, in an issued parent, prior art consisting of patents or printed publications which the person making the submission believes to have a bearing on the patentability, or statements of the patent owner that were filed by the patent owner in a proceeding before a Federal court or the USPTO in which the patent owner took a position on the scope of any claim of the patent. While information disclosure citations in a patent are necessarily available to the public, 37 CFR 1.501(d) states that "[i]f the person making the submission wishes his or her identity to be excluded from the patent file and kept confidential, the submission papers must be submitted anonymously without any identification of the person making the submission."

This collection contains information which is subject to the Privacy Act. This information is collected on submissions related to patent products including information regarding reexaminations, supplemental examinations, and post patent submissions. Privacy Act Statements are included on all of these forms. The following SORN provides privacy disclosures and information about USPTO's handling of personally identifiable information (PII) that is part of this collection: PAT/TM-7 Patent Application Files; published March 29, 2013 (78 FRN 19243).[1]

This SORN identifies the categories of individuals covered by the system containing applicants for patent, including inventors, legal representatives for inventors, and other persons authorized by law to make applications for patent.

[1] https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf.

The information is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: to law enforcement and investigation in the event that the system of records indicates a violation or potential violation of law; to a Federal, state, local, or international agency, in response to its request; to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; to non-federal personnel under contract to the agency; to a court for adjudication and litigation; to the Department of Justice for Freedom of Information Act (FOIA) assistance; to members of congress working on behalf of an individual; to the Office of Personnel Management (OPM) for personnel research purposes; to National Archives and Records Administration for inspection of records, and to the Office of Management and Budget (OMB) for legislative coordination and clearance.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the required information in this collection is considered to be sensitive.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

Tables 3 calculates the burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Cost Burden**

The USPTO estimates that it will receive approximately 890 responses per year from 874 respondents for this information collection, with approximately 40% of these responses submitted by small entities.

The USPTO estimates that approximately 99% of the annual responses for this collection will be submitted electronically via Patent Center, which customers may access through the USPTO website.

- **Burden Hour Calculation Factors**
  The USPTO estimates that it takes the public approximately between 30 minutes (0.5 hours) and 55 hours, depending on the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the information to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 25,714 hours per year.

- **Cost Burden Calculation Factors**
  The USPTO uses a professional rate of $447 per hour for the respondent cost burden calculations, which is the average hourly billing rate for intellectual property attorneys in private firms as shown in the 2023 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA). Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is $11,494,158 per year.

Table 3: Total Burden Hours and Hourly Costs to Private Sector Respondents

Item No.	Item	Estimated Annual Respondents (a)	Responses per Respondent (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hours) (d)	Estimated Burden (hour/year) (c) x (d) = (e)	Rate[2] ($/hour) (f)	Estimated Annual Respondent Cost Burden (e) x (f) = (g)
1	Request for Supplemental Examination **PTO/SB/59**	30	1	30	25	750	$447	$335,250
2	Request for *Ex Parte* Reexamination **PTO/SB/57**	332	1	332	55	18,260	$447	$8,162,220
3	Petition in a Reexamination Proceeding (except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d))	117	1	117	23	2,691	$447	$1,202,877
4	Patent Owner's 37 CFR 1.530 Statement	25	1	25	8	200	$447	$89,400

[2] 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms which is $447 per hour (https://www.aipla.org/home/news-publications/economic-survey).

5	Third Party Requester's 37 CFR 1.535 Reply	15	1	15	8	120	$447	$53,640
6	Amendment in *Ex Parte* or *Inter Partes* Reexamination	15	1	15	33	495	$447	$221,265
7	Third Party Requester's 37 CFR 1.947 Comments in *Inter Partes* Reexamination	1	1	1	41	41	$447	$18,327
8	Response to Final Rejection in *Ex Parte* Reexamination	148	1	148	17	2,516	$447	$1,124,652
9	Patent Owner's 37 CFR 1.951 Comments in *Inter Partes* Reexamination	1	1	1	41	41	$447	$18,327
10	Third Party Requester's 37 CFR 1.951 Response in *Inter Partes* Reexamination	1	1	1	41	41	$447	$18,327
11	Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination	157	1	157	0.5	79	$447	$35,313
12	37 CFR 1.501 Information Disclosure Citation in a Patent **PTO/SB/42**	32	1.5	48	10	480	$447	$214,560
	Totals	**874**	**- - -**	**890**	**- - -**	**25,714**	**- - -**	**$11,494,158**

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize**

the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

This information collection contains non-hour cost burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO. The USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of filing fees ($3,680,788) and postage ($91) is $3,680,879 per year.

Filing Fees

There are filing fees associated with this information collection, which are listed in the table below.

Table 4: Filing Fees

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing Fee ($) (b)	Total Non-hour Cost Burden (yr) (a) x (b) = (c)
1	1826	Request for supplemental examination (undiscounted entity)	17	$4,620	$78,540
1	2826	Request for supplemental examination (small entity)	12	$1,848	$22,176
1	3826	Request for supplemental examination (micro entity)	1	$924	$924
1	1827	Reexamination ordered as a result of supplemental examination (undiscounted entity)	10	$12,700	$127,000
1	2827	Reexamination ordered as a result of supplemental examination (small entity)	1	$5,080	$5,080
1	3827	Reexamination ordered as a result of supplemental examination (micro entity)	1	$2,540	$2,540
1	1828	Supplemental examination document size fee – for nonpatent document having between 21 and 50 sheets (undiscounted entity)	19	$180	$3,420
1	2828	Supplemental examination document size fee – for nonpatent document having between 21 and 50 sheets (small entity)	12	$72	$864
1	3828	Supplemental examination document size fee – for nonpatent document having between 21 and 50 sheets (micro entity)	1	$36	$36
1	1829	Supplemental examination document size fee – for each additional 50 sheets or a fraction thereof in a nonpatent document (undiscounted entity)	1	$300	$300
1	2829	Supplemental examination document size fee – for each additional 50 sheets or a fraction thereof in a nonpatent document (small entity)	3	$120	$360

1	3829	Supplemental examination document size fee – for each additional 50 sheets or a fraction thereof in a nonpatent document (micro entity)	1	$60	$60
2	1821	Each reexamination independent claim in excess of three and also in excess of the number of such claims in the patent under reexamination (undiscounted entity)	112	$480	$53,760
2	2821	Each reexamination independent claim in excess of three and also in excess of the number of such claims in the patent under reexamination (small entity)	49	$192	$9,408
2	3821	Each reexamination independent claim in excess of three and also in excess of the number of such claims in the patent under reexamination (micro entity)	1	$96	$96
2	1822	Each reexamination claim in excess of 20 and also in excess of the number of claims in the patent under reexamination (undiscounted entity)	1,626	$100	$162,600
2	2822	Each reexamination claim in excess of 20 and also in excess of the number of claims in the patent under reexamination (small entity)	298	$40	$11,920
2	3822	Each reexamination claim in excess of 20 and also in excess of the number of claims in the patent under reexamination (micro entity)	1	$20	$20
2	1831	*Ex parte* reexamination (§1.510(a)) streamlined (undiscounted entity)	23	$6,300	$144,900
2	2831	*Ex parte* reexamination (§1.510(a)) streamlined (small entity)	67	$2,520	$168,840
2	3831	*Ex parte* reexamination (§1.510(a)) streamlined (micro entity)	2	$1,260	$2,520
2	1812	*Ex parte* reexamination (§1.510(a)) non-streamlined (undiscounted entity)	195	$12,600	$2,457,000
2	2812	*Ex parte* reexamination (§1.510(a)) non-streamlined (small entity)	45	$5,040	$226,800
2	3812	*Ex parte* reexamination (§1.510(a)) non-streamlined (micro entity)	1	$2,520	$2,520
3	1824	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) (undiscounted entity)	87	$2,040	$177,480
3	2824	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) (small entity)	25	$816	$20,400
3	3824	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) (micro entity)	3	$408	$1,224
		Totals	**2,614**	**- - -**	**$3,680,788**

Postage Costs

The USPTO expects that at most 1% of the responses in this collection will be submitted by mail. The USPTO estimates that the average postage cost for a mailed submission through the United States Postal Service (USPS), using a Priority Mail legal flat rate envelope, will be $10.15. The USPTO estimates approximately 9 submissions per year may be mailed to the USPTO, for an estimated total postage cost of $91.

14. Provide estimates of annualized costs to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The USPTO employs GS-15 employees to process submissions for this information collection.

The USPTO estimates that the cost of a GS-15, step 4 employee is $112.35 per hour (GS hourly rate of $86.42 with 30% ($25.93) added for benefits and overhead).

The USPTO estimates that it takes an employee approximately between 15 minutes (0.25 hours) and 5 hours to process the information in this information collection, depending on the type and amount of information being submitted.

Table 6 calculates the burden hours and costs to the federal government to processing this information collection.

Table 6: Burden Hour/Cost to the Federal Government

Item No.	Item	Estimated Annual Responses (a)	Estimated Time For Response (hours) (d)	Estimated Burden (hour/year) (a) x (b) = (c)	Rate ($/hour) (d)	Estimated Annual Respondent Cost Burden (c) x (d) = (e)
1	Request for Supplemental Examination	30	5	150	$112.35	$16,853
2	Request for *Ex Parte* Reexamination	332	5	1,660	$112.35	$186,501
3	Petition in a Reexamination Proceeding (except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d))	117	0.5	59	$112.35	$6,629
4	Patent Owner's 37 CFR 1.530 Statement	25	0.25	6	$112.35	$674
5	Third Party Requester's 37 CFR 1.535 Reply	15	0.25	4	$112.35	$449
6	Amendment in *Ex Parte* or *Inter Partes* Reexamination	15	0.33	5	$112.35	$562

7	Third Party Requester's 37 CFR 1.947 Comments in *Inter Partes* Reexamination	1	0.33	0	$112.35	$0
8	Response to Final Rejection in *Ex Parte* Reexamination	148	0.33	49	$112.35	$5,505
9	Patent Owner's 37 CFR 1.951 Response in *Inter Partes* Reexamination	1	0.33	0	$112.35	$0
10	Third Party Requester's 37 CFR 1.951 Comments in *Inter Partes* Reexamination	1	0.33	0	$112.35	$0
11	Petition to Request Extension of Time in *Ex Parte* or *Inter Partes* Reexamination	157	0.25	39	$112.35	$4,382
12	Information Disclosure Citation in a Patent	48	0.5	24	$112.35	$2,696
	Totals	**890**	**- - -**	**1,996**	**- - -**	**$224,251**

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Table 6: ICR Summary of Burden

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	890	0	0	10	0	880
Annual Time Burden (Hr)	25,714	0	0	2,140	0	23,574
Annual Cost Burden ($)	$3,680,879	0	0	1,376,367	0	2,304,512

Changes in Responses and Hourly Burden due to Adjustment in Agency Estimate

The total number of responses has increased by 10 due to estimated fluctuations in the number of respondents/submissions in this information collection. This results in an increase of 2,140 hours in the annual time burden estimates.

Changes in Annual Non-hour Costs due to Adjustment in Agency Estimate

For this renewal, the USPTO estimates that the total annual non-hour costs will increase by $1,376,367 from the previous approval. This is due to estimated increase in submissions for items that require a fee.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The USPTO does not plan to publish this information for statistical use.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The forms in this information collection will display the OMB Control Number and the expiration date of OMB approval.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.