

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Processing
0651-0031
2025

Background

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 to examine an application for patent and, when appropriate, issue a patent. The USPTO is also required to publish patent applications, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under Title 35, United States Code ("eighteen-month publication"). Certain situations may arise which require that additional information be supplied in order for the USPTO to further process the patent or application. The USPTO administers the statutes through various sections of the rules of practice in 37 CFR Part 1.

The USPTO is removing the filing fees associated with requests for prioritized examination from this information collection. The form (PTO/AIA/424) associated with the prioritized examination fee was previously declared exempt and therefore this fee should not be included as a part of the burdens under 0651-0031. Removing these fees will result in a decrease of \$43,718,745 in annual non-hourly burden costs.

Table 1: Filing Fees to be Removed

Item No.	Fee Code	Item	Responses (a)	Fee (b)	Non-hour Cost Burden (a) x (b) = (c)
N/A	1817	Request for prioritized examination (undiscounted)	6,481	\$4,515	\$29,261,715
N/A	2817	Request for prioritized examination (small entity)	7,491	\$1,806	\$13,528,746
N/A	3817	Request for prioritized examination (micro entity)	1,028	\$903	\$928,284
		Totals	15,000	- - -	\$43,718,745

Table 2: Changes in Cost

Item No.	Fee Code	Items	Current Cost (a)	New Cost (b)	Change in Non-hour Cost Burden (b) - (a) = (c)
N/A	1817	Request for prioritized examination (undiscounted)	\$29,261,715	\$0	-\$29,261,715
N/A	2817	Request for prioritized examination (small entity)	\$13,528,746	\$0	-\$13,528,746
N/A	3817	Request for prioritized examination (micro entity)	\$928,284	\$0	-\$928,284
		Totals	\$417,757,567	\$374,038,822	-\$43,718,745

Summary of Changes

One fee series is being removed from 0651-0031. The removal of these fees results in a decrease of \$43,718,745 in annual non-hourly burden costs.

Changes in Burden

0651-0031's revised burden is as follows:

- 2,435,597 annual responses (unchanged)
- 535,466 annual burden hours (unchanged)
- \$418,399,275 in annual non-hourly burden costs (changed)