

SUPPORTING STATEMENT
United States Patent and Trademark Office
Secrecy and License to Export
OMB CONTROL NUMBER 0651-0034
2026

A. JUSTIFICATION

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

In the interest of national security, patent laws and regulations place certain limitations on the disclosure of information contained in patents and patent applications and on the filing of applications for patents in foreign countries.

This information collection includes the information needed by the USPTO to review the various types of petitions regarding secrecy orders and foreign filing licenses. This collection of information is required by 35 U.S.C. 181-186 and administered by the USPTO through 37 CFR §§ 5.1-5.5, 5.11-5.15, 5.18-5.20, and 5.25.

Secrecy Orders

Whenever the publication or disclosure of an invention by the publication of an application or by the granting of a patent is, in the opinion of the head of an interested government agency, determined to be detrimental to national security, the USPTO Commissioner for Patents must issue a secrecy order and withhold the publication of a patent application and the grant of a patent for such period as the national interest requires. A patent will not be issued on the application, nor will the application be published, as long as the secrecy order is in force. If a secrecy order is applied to an international application, the application will not be forwarded to the International Bureau as long as the secrecy order is in effect.

The Commissioner for Patents can issue three types of secrecy orders, each of a different scope. The first type, Secrecy Order and Permit for Foreign Filing in Certain Countries, is intended to permit the widest utilization of the technical data in the patent application while still controlling any publication or disclosure that would result in an unlawful exportation. The second type, the Secrecy Order and Permit for Disclosing Classified Information, is to treat classified technical data presented in a patent application in the same manner as any other classified material. The third type of secrecy order, the General Secrecy Order, is used where the other types of orders do not apply, including orders issued by direction of agencies other than the Department of Defense.

Under the provision of 35 U.S.C. 181, a secrecy order remains in effect for a period of one year from its date of issuance. A secrecy order may be renewed for additional periods of not more than one year upon notice by a government agency that the national interest continues to so require it. The applicant is notified of the renewal.

When the USPTO places a secrecy order on a patent application, the regulations authorize the applicant to petition the USPTO for permits to allow disclosure, modification, or rescission of the secrecy order, or to obtain a general or group permit. In each of these circumstances, the petition is forwarded to the appropriate defense agency for decision. Also, the Commissioner for Patents may rescind any order upon notification from the heads of the departments and the chief officers of the agencies who caused the order to be issued that the disclosure of the invention is no longer deemed detrimental to the national security.

Unless expressly ordered otherwise, action on the application and prosecution by the applicant will proceed during the time the application is under secrecy order to a specific point as indicated under 37 CFR § 5.3. See the Manual of Patent Examining Procedure (MPEP) Section 130 (9th ed., rev. 01.2024, November 2024). For example, prosecution of a national application under a secrecy order may proceed only to the point where it is found to be in condition for allowance. See 37 CFR § 5.3(c). Prosecution of international applications under a secrecy order, on the other hand, will proceed only to the point before record and search copies would be transmitted to the international authorities or the applicant. See 37 CFR § 5.3(d). National applications under secrecy order that come to a final rejection must be appealed or otherwise prosecuted to avoid abandonment. Appeals in such cases must be completed by the applicant, but unless specifically indicated by the Commissioner of Patents, will not be set for hearing until the secrecy order is removed.

Foreign Filing License

This information collection also covers information gathered with respect to foreign filing licenses. The filing of a patent application is considered a request for a foreign filing license. However, in some instances an applicant may need a license for filing patent applications in foreign countries prior to a filing in the USPTO or sooner than the anticipated licensing of a pending patent application.

For such circumstances, this information collection covers petitions for a foreign filing license either with or without a corresponding United States application. In addition, this information collection covers petitions to change the scope of a license and petitions for a retroactive license for instances when a patent application is filed through error in a foreign country without the appropriate filing license.

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	Petition for Rescission of Secrecy Order	35 U.S.C. 181-183	37 CFR § 5.4
2	Petition for Disclosure or Modification of Secrecy Order	35 U.S.C. 181-182	37 CFR § 5.5
3	Petition for General and Group Permits	35 U.S.C. 181	37 CFR § 5.5(e)
4	Petition for Expedited Handling of License (no corresponding application)	35 U.S.C. 184-186	37 CFR §§ 1.17(g), 5.11-5.15, 5.18-5.20, 5.25
5	Petition for Expedited Handling of License (corresponding U.S. application)	35 U.S.C. 184-186	37 CFR §§ 1.17(g), 5.11-5.15, 5.18-5.20, 5.25
6	Petition for Changing Scope of License	35 U.S.C. 184-186	37 CFR §§ 1.17(g), 5.11-5.15, 5.18-5.20, 5.25
7	Petition for Retroactive License	35 U.S.C. 184-186	37 CFR §§ 1.17(g), 5.11-5.15, 5.18-5.20, 5.25

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

There are no forms associated with the petitions in this information collection. Response to this information collection is necessary to obtain a permit to disclose, modify, or rescind a secrecy order, to obtain general or group permits, to obtain foreign filing licenses, including retroactive foreign filing licenses, to expedite the handling of a license, or to change the scope of a license.

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/Function	Form No.	Needs and Uses
1	Petition for Rescission of Secrecy Order	No Form Associated	<ul style="list-style-type: none"> Used by the public to present evidence to the USPTO that the patent application no longer requires a secrecy order. Used by the USPTO to determine whether an invention remains subject to a secrecy order.
2	Petition for Disclosure or Modification of Secrecy Order	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition the USPTO for a permit to disclose a patent application currently under a secrecy order. Used by the public to petition the USPTO to modify a secrecy order. Used by the USPTO to query a defense agency to determine whether a permit can be issued to allow disclosure of a patent application currently under a secrecy order. Used by the USPTO to query a defense agency to determine whether a patent application currently under a secrecy order can be modified.
3	Petition for General and Group Permits	No Form Associated	<ul style="list-style-type: none"> Used by organizations or individuals inside an organization to petition the USPTO for a permit allowing use of patent applications under secrecy orders. Used by the USPTO to query a defense agency to determine whether an organization or individuals inside an organization qualify for permission to handle patent applications under secrecy orders.

4	Petition for Expedited Handling of License (no corresponding application)	No Form Associated	<ul style="list-style-type: none"> • Used by the public to petition the USPTO for various licenses to file and/or export patent applications, technical data, and other information in a foreign country. • Used by the public to request a change in the scope of a license. • Used by the public to appeal the USPTO's denial of a retroactive license. • Used by the public to ensure that the appropriate fees have been submitted. • Used by the USPTO to examine and issue or revoke, as appropriate, various types of foreign filing licenses. • Used by the USPTO to determine whether an unlicensed filing violated any export regulations. • Used by the USPTO to ensure that the appropriate fees have been submitted.
5	Petition for Expedited Handling of License (corresponding U.S. application)	No Form Associated	<ul style="list-style-type: none"> • Used by the public to petition the USPTO for various licenses to file and/or export patent applications, technical data, and other information in a foreign country. • Used by the public to request a change in the scope of a license. • Used by the public to appeal the USPTO's denial of a retroactive license. • Used by the public to ensure that the appropriate fees have been submitted. • Used by the USPTO to examine and issue or revoke, as appropriate, various types of foreign filing licenses. • Used by the USPTO to determine whether an unlicensed filing violated any export regulations. • Used by the USPTO to ensure that the appropriate fees have been submitted.
6	Petition for Changing Scope of License	No Form Associated	<ul style="list-style-type: none"> • Used by the public to petition the USPTO for various licenses to file and/or export patent applications, technical data, and other information in a foreign country. • Used by the public to request a change in the scope of a license. • Used by the public to appeal the USPTO's denial of a retroactive license. • Used by the public to ensure that the appropriate fees have been submitted. • Used by the USPTO to examine and issue or revoke, as appropriate, various types of foreign filing licenses. • Used by the USPTO to determine whether an unlicensed filing violated any export regulations. • Used by the USPTO to ensure that the appropriate fees have been submitted.
7	Petition for Retroactive License	No Form Associated	<ul style="list-style-type: none"> • Used by the public to petition the USPTO for various licenses to file and/or export patent applications, technical data, and other information in a foreign country. • Used by the public to request a change in the scope of a license. • Used by the public to appeal the USPTO's denial of a retroactive license. • Used by the public to ensure that the appropriate fees have been submitted. • Used by the USPTO to examine and issue or revoke, as appropriate, various types of foreign filing licenses. • Used by the USPTO to determine whether an unlicensed filing violated any export regulations. • Used by the USPTO to ensure that the appropriate fees have been submitted.

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 currently accepts the electronic filing of most patent applications and related documents through its web-based patent application and document submission solution, the USPTO patent electronic filing system. With respect to the information associated with this information collection, the USPTO, at this time, only accepts through electronically filed petitions for foreign filing licenses for applications on file with the USPTO. The USPTO is not currently collecting, through USPTO patent electronic filing system, petitions for foreign filing licenses, where there is not a U.S. patent application on file or any of the petitions under the secrecy order program. However, a separate database is being used to collect petition information related to an expedited foreign filing license petition, and the petition itself is scanned and retained in electronic form on Image File Wrapper (IFW).

The USPTO patent electronic filing system offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage and other paper delivery costs. Users can access the USPTO patent electronic filing system from any computer with an Internet connection. Since the USPTO patent electronic filing system is hosted on the USPTO's secure servers and not on the individual's personal computer, USPTO staff can update the USPTO patent electronic filing system without requiring any action from the user. Customers can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration.

The USPTO patent electronic filing system integrates with Patent Center, the USPTO's online database that is available through the USPTO website. Patent Center uses digital certificates to permit only authorized individuals to access information about pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet.

At this time, the USPTO does not accept petitions regarding secrecy orders through the USPTO patent electronic filing system. Due to its extremely sensitive nature (national security interests) and low volume, it is currently not cost-effective to automate the information collection and handling of the information pertaining to applications under a secrecy order. If the security issues are resolved and the electronic collection of these items becomes feasible, the USPTO will reevaluate the options for submitting the secrecy order program petitions.

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 to issue permits to disclose, modify or rescind secrecy orders, to grant general or group permits, to obtain foreign filing licenses, including retroactive foreign filing licenses, to expedite the handling of a license, or to change the scope of a license. 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.

No significant impact is placed on small entities. Small entities simply need to identify themselves as such to obtain the benefits of small entity status.

Pursuant to 35 U.S.C. 41(h)(1), the USPTO provides a 60 percent (60%) reduction in the fees charged under 35 U.S.C. 41(a) and (b) for those entities asserting small entity status. The USPTO also provides an 80 percent (80%) reduction for those entities certifying micro entity status. The USPTO's regulations concerning the payment of reduced patent fees by small entities and micro entities are at 37 CFR §§ 1.27-1.29, and reduced fees for the petition filing fees in this information collection for applicants with either small entity or micro entity status are shown in 37 CFR § 1.17(g).

6. Describe the consequence to federal program or policy activities if the 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 respondent petitions the USPTO for permits to disclose, modify, or rescind secrecy orders; to grant general or group permits; to obtain foreign filing licenses, including retroactive foreign filing licenses; to expedite the handling of a license; and to change the scope of a license. It could not be conducted less frequently. If the collection of information were not collected, the USPTO could not comply with the requirements of 35 U.S.C. 181-186 and 37 CFR §§ 5.1-5.5, 5.11-5.15, 5.18-5.20, and 5.25.

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 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 USPTO published a 60-Day Notice in the *Federal Register* on November 19, 2025 (90 FR 52041).¹ The comment period ended on January 20, 2026. The USPTO received no public comments in response to the notice.

The USPTO published a 30-day notice in the *Federal Register* on April 22, 2026 (91 FRN 21449).² The comment period will close on May 22, 2026.

The USPTO has long-standing relationships with groups from whom patent application information 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. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have

¹ <https://www.govinfo.gov/content/pkg/FR-2025-11-19/pdf/2025-20246.pdf>.

² <https://www.govinfo.gov/content/pkg/FR-2026-04-22/pdf/2026-07831.pdf>.

been no comments or concerns expressed by these or similar organization concerning the time to provide the information required under this program.

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 collection requires a system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The USPTO collects this information under authority of 35 U.S.C. 181 to 183 and E.O. 9424 for patents. The confidentiality of patent applications is governed by statute 35 U.S.C. 122 and 181 and regulations 37 CFR §§ 1.11, 1.14, and 5.1-5.3. Records are maintained for referral to authorized government agencies under 35 U.S.C. 181 for determination of the requirement for a secrecy order, notification of the applicant or his or her duly appointed representative of such secrecy order, to prevent disclosure of information that might be detrimental to national security, and in accordance with agency rules.

This information collection contains information which is subject to the Privacy Act. This information is collected on secrecy and license to export. Privacy Act Statements are included on these forms. The following System of Records Notices (SORNs) provide privacy disclosures and information about USPTO's handling of personally identifiable information (PII) that is part of this information collection.

Secrecy Orders

Anyone wishing to view documents recorded under secrecy orders or view recorded documents in which the Federal government has an interest must submit authorization in writing before the USPTO will release the documents for inspection, according to 37 CFR § 3.58. Records are stored in paper in file folders and on magnetic storage media. Documents under secrecy orders cannot be filed electronically due to national security concerns.

Administrative controls are used to safeguard this information as appropriate. Records are stored in a locked vault in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Where information is retrievable by terminal, all safeguards appropriate to secure the ADP telecommunications system (hardware and software) are utilized.

SORN COMMERCE/PAT-TM-8 Patent Application Secrecy Order Files, published on

March 29, 2013 provides information about the USPTO's handling of personally identifiable information that is collected regarding patent applicants and their authorized representatives for applications that may fall under the secrecy provisions of 35 U.S.C. 181 through 183.³

Information in this system of record is derived from persons who have submitted applications for patent to the USPTO. Patents applications are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or issued as a patent.

The purpose of this system is to carry out the duties of the USPTO under 35 U.S.C. 181 through 183 regarding the disclosure or publication of applications or patents that may be detrimental to national security. Categories of individuals covered by this system include: applications including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent. Categories of records in this system includes: identification of patent application and application including application serial number, filing date, title of invention, applicant's or inventor's address or addresses of applicant's duly appointed representative.

License to File for Foreign Patents

SORN COMMERCE/PAT-TM-13 Petitioners to File for Foreign Patents, published on April 1, 2013 provides information about the USPTO's handling of information that is collected on patent applicants and their authorized representatives who request a license to file a patent application in a foreign country.⁴

Information in this system of records is derived from patent applicants and their authorized representatives who request a license to file a patent application in a foreign country. Patents applications are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or issued as a patent.

The purpose of this system is to carry out the duties of the USPTO to grant and issue patents, including the requirement for authorizing the filing of a patent application in a foreign country under 35 U.S.C. 184. Categories of individuals covered by this system include: petitions for license to file a patent application in any foreign country. Categories of records in this system include: petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant, application serial number, filing, date, title to invention, applicant's address and addresses of applicant's duly appointed representative.

Patent Application Files

³ <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07377.pdf>.

⁴ <https://www.govinfo.gov/content/pkg/FR-2013-04-01/pdf/2013-07393.pdf>.

SORN COMMERCE/PAT-TM-7 Patent Application Files, published on March 29, 2013 provides information about the USPTO's handling of information that is collected to examine patent applications and issue patents.⁵

Information in this system of records is derived from patent applicants and their authorized representatives. Patents applications are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or issued as a patent.

The purpose of this system is to carry out the duties of the USPTO to grant and issue patents, including the collection of the inventor's oath or declaration under 35 U.S.C. 115. Categories of individuals covered by this system include: applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent. Categories of records in this system include: oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which the patent is being sought; and statements containing various kinds of information with respect to inventors who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

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**

⁵ <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>.

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’.

- Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

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

- **Respondent Calculation Factors**

The USPTO estimates that it will receive approximately 7,318 responses per year from 7,318 respondents for this information collection, with approximately 20% of these responses submitted by small entities and 10% of these responses submitted by micro entities.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately 30 minutes (0.50 hours) to 4 hours, depending on the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the item to the USPTO. Using these burden factors, the USPTO estimates that the total respondent hourly burden for this information collection is 4,207 hours per year.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$550 per hour for respondent cost burden calculations, which is the median rate for intellectual property attorneys in private firms as shown in the *2025 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 \$2,313,850 per year.

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

Item No.	Item	Estimated Annual Respondents	Responses per Respondent	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Burden (hour/year)	Rate ⁶ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Petition for Recission of Secrecy Order	5	1	5	3	15	\$550	\$8,250
2	Petition for Disclosure or Modification of Secrecy Order	20	1	20	2	40	\$550	\$22,000

⁶ *2025 Report of the Economic Survey*, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association; pg. F–35. The USPTO uses the average billing rate for intellectual property work in all firms which is \$550 per hour (<https://www.aipla.org/detail/journal-issue/2025-report-of-the-economic-survey>). Since the publication of the 60-Day Notice in the *Federal Register*, the USPTO has updated its wage rates to reflect this more accurate estimate.

3	Petition for General and Group Permits	1	1	1	1	1	\$550	\$550
4	Petition for Expedited Handling of License (no corresponding application)	6,948	1	6,948	0.50 (30 minutes)	3,474	\$550	\$1,910,700
5	Petition for Expedited Handling of License (corresponding U.S. application)	199	1	199	0.50 (30 minutes)	100	\$550	\$55,000
6	Petition for Changing Scope of License	1	1	1	0.50 (30 minutes)	1	\$550	\$550
7	Petition for Retroactive License	144	1	144	4	576	\$550	\$316,800
	Totals	7,318	---	7,318	---	4,207	---	\$2,313,850

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.

This collection has non-hourly cost burdens in both fees paid by the public and associated postage costs for mailing items to the USPTO.

The total non-hour respondent cost burden for this collection is estimated to be \$1,623,052 per year, which includes \$1,622,158 in fees and \$894 in postage.

Filing Fees

There are fees associated with petitions, for a total of \$1,622,158 per year as outlined in Table 4 below.

Table 4: Filing Fees

Item No.	Fee Code(s)	Item	Estimated Annual Responses	Filing Fee (\$)	Non-hourly Cost Burden
			(a)	(b)	(a) x (b) = (c)
4	1463	Petition for Expedited Handling or License (no corresponding application) (undiscounted entity)	6,342	\$235	\$1,490,370
4	2463	Petition for Expedited Handling or License (no corresponding application) (small entity)	567	\$94	\$53,298
4	3463	Petition for Expedited Handling or License (no corresponding application) (micro entity)	39	\$47	\$1,833
5	1463	Petition for Expedited Handling of License (corresponding U.S. application) (undiscounted entity)	182	\$235	\$42,770
5	2463	Petition for Expedited Handling of License (corresponding U.S. application) (small entity)	16	\$94	\$1,504
5	3463	Petition for Expedited Handling of License (corresponding U.S. application) (micro entity)	1	\$47	\$47
6	1463	Petition for Changing Scope of License (undiscounted entity)	1	\$235	\$235
6	2463	Petition for Changing Scope of License (small entity)	1	\$94	\$94
6	3463	Petition for Changing Scope of License (micro entity)	1	\$47	\$47
7	1463	Petition for Retroactive License (undiscounted entity)	131	\$235	\$30,785
7	2463	Petition for Retroactive License (small entity)	12	\$94	\$1,128
7	3463	Petition for Retroactive License (micro entity)	1	\$47	\$47
		Totals	7,294	- - -	\$1,622,158

Postage Costs

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal

Service. The USPTO estimates that 1% of the 7,318 items will be submitted in the mail, resulting in 73 mailed items. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat-rate envelope, will be \$12.25. Therefore, the USPTO estimates that the total mailing costs for this information collection is \$894.

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 a GS-7 and a GS-13 to process the petitions associated with secrecy orders and licenses submitted as a part of this information collection.

The USPTO estimates that the cost of a GS-7, step 5 employee is \$42.71 per hour (GS hourly rate of \$31.35 with 36.25% (\$11.36) added for benefits and overhead).

The USPTO estimates that the cost of a GS-13, step 2 employee is \$82.16 per hour (GS hourly rate of \$60.30 with 36.25% (\$21.86) added for benefits and overhead).

The USPTO estimates that it takes an employee 30 minutes (0.50 hours) to 4 hours to process the petitions associated with secrecy orders and licenses submitted as a part of this information collection.

Table 5 calculates the burden hours and costs to the federal government for processing this information collection:

Table 4: Burden Hour/Cost to the Federal Government

Item No.	Item	Estimated Annual Responses (a)	Estimated Burden Hours (b)	Estimated Hourly Burden (a) x (b) = (c)	Rate ⁷ (\$/hr) (d)	Total Federal Government Cost (c) x (d) = (e)
1	Petition for Rescission of Secrecy Order	5	1	5	\$42.71	\$214
2	Petition for Disclosure or Modification of Secrecy Order	20	1	20	\$42.71	\$854
3	Petition for General and Group Permits	1	1	1	\$42.71	\$43
4	Petition for Expedited Handling of License (no corresponding application)	6,948	0.50 (30 minutes)	3,474	\$82.16	\$285,424
5	Petition for Expedited Handling of License (corresponding U.S. application)	199	0.50 (30 minutes)	100	\$82.16	\$8,216
6	Petition for Changing Scope of License	1	0.50 (30 minutes)	1	\$82.16	\$82
7	Petition for Retroactive License	144	4	576	\$82.16	\$47,324

⁷ https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB_h.pdf.

	Totals	7,318	- - -	4,177	- - -	\$342,157
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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	7,318	0	0	-206	0	7,524
Annual Time Burden (Hr)	4,207	0	0	-296	0	4,503
Annual Cost Burden (\$)	1,623,052	0	0	78,032	0	1,545,020

Changes Since the Publication of the 60-Day Notice

Since the publication of the 60-Day Notice in the *Federal Register*, the USPTO has updated its wage rates to reflect more accurate estimates. This results in an increase of \$433,321 in hourly burden, for a new estimated total annual respondent cost burden of \$2,313,850.

Additionally, the USPTO has updated the postage rate associated with this information collection. This results in an increase of \$76 in non-hourly burden, for a new estimated total annual non-hour respondent cost burden of \$1,623,052.

Changes Since the Previous Renewal

In November 2024, the USPTO updated the filing fees associated with this information collection as a part of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025). This resulted in the annual non-hourly burden cost increasing by \$98,574.

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

The total number of responses has decreased by 206 due to estimated fluctuations in the number of respondents in this information collection. This decrease in the number of respondents and responses results in a decrease of 296 hours in the annual time burden estimates.

Change 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 \$78,032 from the previous approval. This increase is due to estimated fluctuations in submissions for items that require a fee and an increase in postage costs.

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.

There are no forms in this information collection on which to 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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.