

SUPPORTING STATEMENT
United States Patent and Trademark Office
DOCX Submission Requirements
OMB CONTROL NUMBER 0651-0089
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.**

As specified in 37 CFR 1.16(u), the non-DOCX filing surcharge fee is due for any application filed under 35 U.S.C. 111 for an original patent—except design, plant, or provisional applications—where the specification, claims, and/or abstract do not conform to the USPTO requirements for submission in the DOCX format. Therefore, the fee is due for nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are not filed in the DOCX format.

The USPTO has taken many steps to ensure a fair and reasonable transition to the DOCX format. The USPTO conducted the eMod Text Pilot Program between August 2016 and September 2017. The USPTO then expanded the ability to file patent applications in the DOCX format in EFS-Web to all users in September 2017. In 2018, the USPTO launched Patent Center and conducted the Patent Center Text Pilot Program from June 2018 through April 2020. All applicants have been able to file applications in the DOCX format in Patent Center since April 2020. Information about Patent Center is available at www.uspto.gov/PatentCenter. In addition, the USPTO has, since April 2022, provided patent applicants with the option to submit a back-up applicant-generated PDF version of the application along with the DOCX file(s) when filing an application in Patent Center. See Extension of the Option for Submission of a PDF With a Patent Application Filed in DOCX Format, 88 FR 37036 (June 6, 2023).

The USPTO continues to provide several resources to help applicants submit their applications in the DOCX format. The Patent Center and DOCX webpages contain many resources for applicants, such as FAQs and a training mode through which applicants can file test submissions to practice filing in DOCX.¹ The USPTO also provides a Patent Center User Guide² and a DOCX Intake in Patent Center Quick Start Guide³ to assist applicants in navigating the Patent Center system. The USPTO additionally provides free training sessions and videos about how to file DOCX documents in Patent Center.⁴ For

¹ www.uspto.gov/patents/apply/patent-center and www.uspto.gov/patents/docx.

² www.uspto.gov/sites/default/files/documents/Patent_Center_User_Guide_November_2023.pdf.

³ www.uspto.gov/sites/default/files/documents/DOCX_QSG_Final.pdf.

⁴ www.uspto.gov/about-us/events/patents-docx-filing.

one-on-one assistance, the USPTO's Patent Center Help Desk provides step-by-step guidance for submitting applications to the USPTO.

The items in this information collection relate solely to the impacts of the § 1.16(u) non-DOCX filing surcharge fee on the filing of nonprovisional utility applications under 35 U.S.C. 111, including continuing applications. In particular, this information collection accounts for the § 1.16(u) non-DOCX filing surcharge fee itself, as well as an additional 30 minutes of time to accommodate (i) the extra review that some respondents may undertake as they start to become more familiar with the DOCX format and (ii) submission of the back-up applicant-generated PDF that some respondents will opt to submit.

The estimated volumes for the items in this information collection are based on the estimates for the corresponding nonprovisional utility applications filed under 35 U.S.C. 111, including continuing applications, that are covered under another information collection (OMB control number 0651-0032; Initial Patent Applications). Respondents for the items in this information collection will either take an extra 30 minutes to file their applications in DOCX format or they will pay the non-DOCX surcharge, they will not do both.

Overall, the USPTO has seen filers adopt the DOCX process which is reflected in the number of fees in this information collection decreasing due to more respondents filing in DOCX format and fewer respondents paying the non-DOCX filing surcharge fee. As a result, the number of respondents and responses filing DOCX submissions is increasing and results in an increase in the annual time burden estimates.

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	DOCX submission of Original New Utility Applications	35 U.S.C. 41 and 111	37 CFR 1.16(u) and 1.51
2	DOCX submission of Utility Continuation/Divisional of an International Application	35 U.S.C. 41 and 111	37 CFR 1.16(u) and 1.51
3	DOCX submission of Utility Continuation/Divisional Applications	35 U.S.C. 41 and 111	37 CFR 1.16(u) and 1.51
4	DOCX submission of Utility Continuation-in-Part Applications	35 U.S.C. 41 and 111	37 CFR 1.16(u) and 1.51

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.

The majority of the patent application process is covered under an existing information collection (control number 0651-0032; Initial Patent Applications). The public uses this

information collection only to file nonprovisional utility patent applications in the DOCX format or to pay the fee for not filing the applications in the DOCX format.

The information collected, maintained, and used in this information 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), OMB Circular A-130, and the USPTO and OMB's 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	DOCX submission of Original New Utility Applications	No Form Associated	<ul style="list-style-type: none"> Used by patent applicants to file an original new utility application with the USPTO in the DOCX format. Used by patent applicants to pay the non-DOCX filing surcharge fee when not filing an original new utility application with the USPTO in the DOCX format. Used by the USPTO to process an application for patent.
2	DOCX submission of Utility Continuation/Divisional of an International Application	No Form Associated	<ul style="list-style-type: none"> Used by patent applicants to file a utility continuation or divisional of an international application with the USPTO in the DOCX format. Used by patent applicants to pay the non-DOCX filing surcharge fee when not filing a utility continuation or divisional of an international application with the USPTO in the DOCX format. Used by the USPTO to process an application for patent.
3	DOCX submission of Utility Continuation/Divisional Applications	No Form Associated	<ul style="list-style-type: none"> Used by patent applicants to file a utility continuation or divisional application with the USPTO in the DOCX format. Used by patent applicants to pay the non-DOCX filing surcharge fee when not filing a utility continuation or divisional application with the USPTO in the DOCX format. Used by the USPTO to process an application for patent.
4	DOCX submission of Utility Continuation-in-Part Applications	No Form Associated	<ul style="list-style-type: none"> Used by patent applicants to file a utility continuation-in-part application with the USPTO in the DOCX format. Used by patent applicants to pay the non-DOCX filing surcharge fee when not filing a utility continuation-in-part application with the USPTO in the DOCX format. Used by the USPTO to process an application for patent.

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 to adopt this means of collection. Also describe any consideration of using information technology to reduce burden.

DOCX submission of the applications in this collection must be undertaken electronically through the USPTO patent electronic filing system (Patent Center), the USPTO's online filing and viewing system for patent applications and related documents. For those respondents who choose not to file the applications in this collection in the DOCX format and pay the non-DOCX filing surcharge fee, the applications and fee may be submitted electronically by Patent Center, mail, or hand delivery.

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.

The USPTO has adopted the DOCX format because it aligns with the USPTO's plans to expand automation of the patent application process, which will increase efficiencies and reduce costs for applicants and the USPTO.

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 an applicant (or representative) submits one of the following patent application types in DOCX format: an original new utility application; a utility continuation or divisional of an international application; a utility continuation or divisional application; and a utility continuation-in-part application. The items in this information collection are related to, and part of, the actions taken to submit patent applications under OMB control number 0651-0032 (Initial Patent Applications). This information collection covers any extra review applicants take in submitting DOCX files to USPTO, which is a review step not included within the burden estimates of OMB control number 0651-0032. Additionally, the submission of auxiliary PDFs, at the voluntary discretion of the applicant, is covered by this information collection. The auxiliary PDF serves as a safeguard for the application in the unlikely event that any correction is needed later in the process. This information collection also covers the fee for those applicants who do not file a DOCX application. Therefore, this information collection does not create a duplication of effort or collection of data.

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

USPTO estimates that approximately 25% of this information collection will be submitted by small businesses or other small entities (of which 3% are micro entities). Pursuant to section 10(b) of the Leahy-Smith America Invents Act (AIA), Pub. L. 112-29, as amended by the Unleashing American Innovators Act of 2022 (UAIA), Pub. L. 117-103, the USPTO provides a 60% reduction in the fees for certain patent filings by small entity applicants, such as persons, small businesses, and nonprofit organizations who meet the definition of a small entity provided at 37 CFR 1.27(a). Also pursuant to section 10(b) of the AIA, the USPTO provides an 80% reduction in the fees set or adjusted under section 10(a) of the Act for certain patent filings by applicants who meet the definition of a micro entity provided at 35 U.S.C. 123 and 37 CFR 1.29.

This information collection involves payment of fees by customers who may qualify as small entities or micro entities. No significant burden is placed on small or micro entities to establish their status and pay the discounted fee. Small entities must only make an

assertion of entitlement to small entity status in the manner set forth in 37 CFR 1.27(c)(1) or (c)(3). Micro entities must only provide a certification of micro entity status complying with the requirements of either 37 CFR 1.29(a) or (d).

6. Describe the consequences 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 collection relates solely to the impacts of filing nonprovisional utility applications under 35 U.S.C. 111, including continuing applications, in the DOCX format and the non-DOCX filing surcharge fee. Patent applicants will either take an extra 30 minutes to file their applications in DOCX format, or they will pay the non-DOCX surcharge, they will not do both. Furthermore, the USPTO provides the 30-minute estimate out of an abundance of caution. The USPTO expects to decrease the 30-minute estimate in a future renewal of this collection as the public more fully acclimates to filing in the DOCX format.

The DOCX format aligns with the USPTO's plans to expand automation of the patent application process, which will increase efficiencies and reduce costs for applicants and the USPTO. The non-DOCX filing surcharge fee is intended to encourage the filing of more applications in DOCX format. Not conducting this collection of information would slow the adoption of DOCX filing and thereby would impede applicants, the USPTO and the public from reaping its maximum benefit. More information on the benefits of submitting patent applications in DOCX format is available at www.uspto.gov/patents/docx.

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 60-Day Notice was published in the *Federal Register* on April 27, 2026 (91 FR 22526).⁵ The comment period ended on June 26, 2026.

The USPTO published a 30-day notice in the Federal Register on October 30, 2026 (91 FRN 68495).⁶ The comment period will close on November 30, 2026.

During the 60-day public comment period, the USPTO received feedback from ten commenters in response to the notice.⁷

Many of the comments addressed the same topics. Therefore, the USPTO is responding to these comments topically.

Burden of DOCX Filing Not Fairly Distributed

⁵ www.govinfo.gov/content/pkg/FR-2026-04-27/pdf/2026-08101.pdf.

⁶ <https://www.govinfo.gov/content/pkg/FR-2026-10-30/pdf/2026-22193.pdf>.

⁷ The USPTO received a total of 15 comments from 10 commenters. There were two identical comments from anonymous commenters. Another commenter made three separate comments and provided the same supporting documentation in two of those comments, including a comment that they had previously filed in May 2024 for the previous renewal of 0651-0032 (Initial Patent Applications). One comment was non-substantive and does not need to be addressed.

Comment: The burden of DOCX filings is not fairly or evenly distributed and can impose a greater burden on small or disadvantaged applicants. Additionally, commenters said that a DOCX submission requires a Microsoft Word subscription, which places a financial impact on small entity filers. Several commenters added that the PDF and PDF/A formats are more reliable than the DOCX format and that they should be permitted to file documents in whatever full-text form their word processors reliably produce (such as DOCX, PDF, and PDF/A).

Response: DOCX is a mainstream word-processing format used across businesses, law offices, universities, and households. Submitting a document in the DOCX format does not require a Microsoft Word subscription. There are a variety of products in the marketplace that can open, edit, and save files in the DOCX format without a subscription. Additionally, Patent Center allows customers to electronically file their applications in the DOCX format through their standard Web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes.

DOCX is also reliable. The USPTO's most recent data reveals that 93% of eligible applications are filed in the DOCX format. Moreover, the number of petitions filed to have the USPTO correct the record in view of an auxiliary PDF is exceedingly low. Only one such petition has been filed thus far in 2026. All submissions, whether PDF or DOCX, should be reviewed prior to submission.

The rule imposing the DOCX surcharge (37 CFR 1.16(u)) does not impose a greater burden on small or disadvantaged applicants. In fact, the rule reduces the surcharge by 60% and 80% for small and micro entities, respectively.

Submitting Documents in DOCX Format

Comment: Several commenters said that they had trouble when submitting documents to the USPTO in a DOCX format. Some commenters noted that foreign applicants and other small entity applicants often experience limitations where they can only provide documents in the PDF format. Several commenters also said that documents in both PDF and DOCX formats should be accepted with no surcharges.

Response: There are free PDF-to-DOCX converters that any applicant, including foreign and small entity applicants, can use to save their documents in the DOCX format.

For users who have difficulties submitting files in the DOCX format, the Patent Center webpage contains several resources for applicants, such as FAQs and training modules. The USPTO also provides a Patent Center User Guide⁹ and a DOCX Intake in Patent Center Quick Start Guide¹⁰ to assist applicants in navigating the Patent Center system.

⁸ www.uspto.gov/patents/apply/patent-center.

⁹ www.uspto.gov/sites/default/files/documents/Patent_Center_User_Guide_November_2023.pdf.

¹⁰ www.uspto.gov/sites/default/files/documents/DOCX_QSG_Final.pdf.

The USPTO additionally provides free training sessions about how to file DOCX documents in Patent Center.¹¹ For one-on-one assistance, the USPTO's Patent Center Help Desk provides step-by-step guidance for submitting applications to the USPTO.

USPTO's Estimated Time Burden is Too Low

Comment: The USPTO's estimated time burden of 30 minutes (0.50 hours) to submit a document in the DOCX format is too low and should be revised to account for the time required for applicants to file patent applications in the DOCX format. Multiple commenters stated that the USPTO does not account for correcting errors when reviewing documents in the DOCX format that have been uploaded into Patent Center. Commenters suggested that the time estimate should be increased from 30 minutes (0.50 hours) to somewhere between 1 hour and 5 hours.

Response: The USPTO appreciates the commenters' concern about the length of time to review an application in the DOCX format. However, based on the agency's tracking data for applicant submissions via PDF versus the DOCX format, applicants take approximately 17 minutes longer to file in the DOCX format than in PDF. As such, the USPTO will continue using 30 minutes (0.50 hours) as the estimated time that applicants need to review applications for the DOCX requirements. This estimate includes additional coverage for reviews conducted by applicants filing in the DOCX format prior to uploading applications into Patent Center. Therefore, the USPTO maintains that the estimated 30 minutes (0.50 hours) for extra review when filing in the DOCX format is accurate.

All other aspects of filing the items, including other reviews prior to submission, are accounted for in USPTO information collection 0651-0032 (Initial Patent Applications).

Moving From DOCX to an API Based System

Comment: The USPTO needs to move from DOCX to an API based system. An API based system would allow patent management software, IP systems, law firm platforms, and the USPTO to have a real-time status exchange of patent applications.

Response: The USPTO appreciates the input regarding an API-based approach and its potential benefits for interoperability and real-time status exchange. The USPTO will consider the suggestion as part of our ongoing evaluation of future improvements.

USPTO Partnership With NIST, NLM, and OSTIP

Comment: The USPTO needs to partner with National Institute of Standards and Technology (NIST), National Library of Medicine (NLM), and the White House's Office of Science and Technology and Policy (OSTIP) to create a national framework for structured, computable knowledge assets.

¹¹ www.uspto.gov/about-us/events/patents-docx-filing.

Response: The USPTO works with NIST and other agencies on innovation, modernization, and interoperability efforts where possible. However, the knowledge assets and goals supported by NIST, NLM, and OSTIP are different from those used by the USPTO and are designed for different purposes. The USPTO appreciates this suggestion and the perspective on protentional collaboration across agencies to advance structured, computable knowledge assets.

Appendix: Resubmitted Comment

Resubmitted Comment Originally Submitted in May 2024 (Renewal of Information Collection 0651-0032)

A commenter resubmitted comments that they and two others had submitted to the USPTO as part of information collection 0651-0032's 2024 renewal. The comment write-up and response that the USPTO used to address this comment at the time is available in 0651-0032's supporting statement, which was submitted as part of the collection's 2024 renewal. 0651-0032's 2024 supporting statement with the comment response can be found on RegInfo at: www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202304-0651-001.

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 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 (37 CFR 1.11(a) and 1.217).

Applications filed through Patent Center are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or issued as a patent. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through Patent Center are maintained using TLS or SSL protocols. The USPTO posts the file contents of issued patents and application publications on its website. The information covered under this information collection will not be released to

the public, unless it is part of an issued patent or application publication, or unless one or more specific conditions for power to inspect or access are met pursuant to 37 CFR 1.14(c)-(j). Patent applicants and/or their designated representatives can view the current status of their patent application through Patent Center.

The Privacy Act of 1974 (Pub. L. 93-579) requires that an applicant be given certain information in connection with the items covered under this information collection. The applicable Privacy Act System of Records Notice for this information collection is COMMERCE/PAT-TM-7 Patent Application Files (SORN 7), available at 78 FR 19243 (March 29, 2013).¹² The purpose of SORN 7 is to disclose how the USPTO intends to use, maintain, and protect the information that it has collected to carry out the duties of the USPTO to examine patent applications and issue patents. SORN 7 manages all applicant records including name, citizenship, residence, post office address, and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought or has been granted.

The information in SORN 7 is protected from disclosure to third parties in accordance with the Privacy Act until the application is published under 35 U.S.C. 122(b) or issued as a patent under 35 U.S.C. 153. Prior to application publication or patent issuance, the information in SORN 7 is protected from disclosure to third parties in accordance with the Privacy Act, except that disclosure is permitted for the following routine uses including, but not limited to: law enforcement in the event that the system of records indicates a violation or potential violation of law; a Federal, state, local, or international agency, in response to its request; an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law; non-federal personnel under contract to the agency; the Department of Justice for Freedom of Information Act (FOIA) assistance; a Member of Congress working on behalf of an individual to whom the record pertains, when the individual has requested the Member's assistance with respect to the subject matter of the record; the Office of Personnel Management (OPM) for personnel research purposes; and the Office of Management and Budget (OMB) for legislative coordination and clearance.

Categories of individuals covered by SORN 7 include applicants for patents, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Privacy Impact Assessment

The applicable Privacy Impact Assessment (PIA) for DOCX submissions is the Patent Center (June 26, 2025).¹³

Patent Center allows independent inventors, registered patent attorneys/agents, and

¹² www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf.

¹³ https://www.commerce.gov/sites/default/files/2025-06/PC-PIA%20FY25%20SAOP_Approved.pdf.

practitioner support individuals the ability to file and view patent applications electronically using a secure internet connection. Patent Center incorporates filing, retrieving, and managing patent applications within a single, unified interface to ease the process of tracking patents, patent applications, and follow-on documents.

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'.
- 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 respondents to this information collection include the private. The USPTO estimates that it will receive approximately 364,999 responses (including 27,156 responses from filing fees) per year from 364,999 respondents (including 27,156 respondents from filing fees) for this information collection.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately 30 minutes (0.50 hours) to submit the information to the USPTO in the DOCX format. Using these burden factors, the USPTO estimates that the total respondent hourly burden for this information collection is 168,922 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 \$92,907,100 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 ¹⁴ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	DOCX submission of Original New Utility Applications	198,077	1	198,077	0.50 (30 minutes)	99,039	\$550	\$54,471,450
2	DOCX submission of Utility Continuation/Divisional of an International Application	24,066	1	24,066	0.50 (30 minutes)	12,033	\$550	\$6,618,150
3	DOCX submission of Utility Continuation/Divisional Applications	105,518	1	105,518	0.50 (30 minutes)	52,759	\$550	\$29,017,450
4	DOCX submission of Utility Continuation-in-Part Applications	10,182	1	10,182	0.50 (30 minutes)	5,091	\$550	\$2,800,050
	Totals	337,843	- - -	337,843	- - -	168,922	- - -	\$92,907,100

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**

¹⁴ 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 (www.aipla.org/detail/journal-issue/2025-report-of-the-economic-survey).

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 fees paid by the public to USPTO. There are no additional maintenance costs, capital start-up costs, recordkeeping costs, or postage costs associated with this information collection, as these applicable associated costs are accounted for under OMB Control Number 0651-0032 (Initial Patent Applications).

The total non-hourly respondent cost burden for this collection is estimated to be \$8,472,290 per year in the form of filing fees.

Filing Fees

The filing fees are listed in Table 4 below.

Table 4: Filing Fees

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing Fee (\$) (b)	Estimated Non-hourly Cost Burden (a) x (b) = (c)
1-4	1054	Non-DOCX Filing Surcharge Fee (undiscounted entity)	15,167	\$430	\$6,521,810
1-4	2054	Non-DOCX Filing Surcharge Fee (small entity)	10,691	\$172	\$1,838,852
1-4	3054	Non-DOCX Filing Surcharge Fee (micro entity)	1,298	\$86	\$111,628

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing Fee (\$) (b)	Estimated Non-hourly Cost Burden (a) x (b) = (c)
		Totals	27,156	- - -	\$8,472,290

Postage Costs

There are no direct postage costs associated with this information collection. The actual submission of patent applications, and any postage cost burden, is covered by OMB Control Number 0651-0032 (Initial Patent Applications).

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.

There is no additional governmental processing cost associated with the items in this information collection. The actual submission of patent applications, and any associated government cost burden, is covered by OMB Control Number 0651-0032 (Initial Patent Applications).

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

Table 5: 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	364,999	0	0	-46,818	0	411,817
Annual Time Burden (Hr)	168,922	0	0	45,045	0	123,877
Annual Cost Burden (\$)	8,472,290	0	0	-44,834,982	0	53,307,272

Changes Since the Previous Renewal

In November 2024, the USPTO updated the filing fees paid to the agency as a part of RIN 0651-AD64 (Setting and Adjusting Patent Fees During Fiscal Year 2025). This rulemaking resulted in an increase to the non-hourly cost burden.¹⁵

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

The total number of responses has decreased by 46,818 due to more respondents filing in DOCX format and fewer respondents paying the non-DOCX filing surcharge fee. This increase in the number of respondents and responses filing DOCX submissions results in an increase of 45,045 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 decrease by \$44,834,982 from the previous approval. This decrease is due to fewer respondents paying the non-DOCX filing surcharge 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 publishes applications under 35 U.S.C. 122(b) and issues patents under 35 U.S.C. 153. Also, information regarding patent applications filed and patents granted is published weekly in the Official Gazette of the United States Patent and Trademark Office on the USPTO website.¹⁶

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

¹⁵ www.govinfo.gov/content/pkg/FR-2024-11-20/pdf/2024-26821.pdf.

¹⁶ www.uspto.gov/learning-and-resources/official-gazette.