

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Initial Patent Applications
OMB Control Number 0651-0032
2026

Background

The United States Patent and Trademark Office (USPTO) is required by Title 35 of the United States Code, including 35 U.S.C. 131, to examine applications for patents. The USPTO administers the patent statutes relating to examination through various rules in Chapter 37 of the Code of Federal Regulations (CFR), such as, for example, 37 CFR 1.16 through 1.84. Each patent applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the criteria set forth in the patent statutes and regulations for issuance as a patent. The patent statutes and regulations require that an application for patent include the following information:

- (1) A specification containing a description of the invention and at least one claim defining the property right sought by the applicant;
- (2) A drawing(s) or photograph(s), where necessary for an understanding of the invention;
- (3) An oath or declaration signed by the applicant (under 35 U.S.C. 115(f), the time for filing the oath or declaration is no later than the date on which the issue fee for the patent is paid); and
- (4) A filing fee.

Various types of patent applications are covered under this information collection:

- Noncontinuing, nonprovisional utility, plant and design applications,
- Provisional applications,
- Continuation/divisional applications of international applications,
- Continued prosecution applications (design), and
- Continuation/divisional and continuation-in-part applications of utility, plant, and design applications.

In addition, this information collection covers certain other papers filed by applicants, such as, for example, petitions to accept an unintentionally delayed priority or benefit claim, petitions to accept a filing by other than all of the inventors or a person not the inventor, and petitions requesting that applications filed under 37 CFR 1.495(b) be accorded a receipt date.

Rulemaking 0651-AD92

In RIN 0651-AD92 (Conditions for Additional Information and Fee in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay) published on June 24, 2026,¹ the United States Patent and Trademark Office (USPTO) is requiring additional information whenever the delay in taking certain actions in patent applications and patents

¹ <https://www.govinfo.gov/content/pkg/FR-2026-06-24/pdf/2026-12717.pdf>

is more than one year, instead of requiring additional information whenever the delay was more than two years. This action is being taken to increase certainty and predictability concerning patent rights, and to encourage the timely filing of grantable petitions to revive applications, accept delayed maintenance fee payments, accept delayed priority or benefit claims, and seek relief from time limits in connection with international design applications. In addition, the USPTO is changing the conditions for when the corresponding petition fee is required.

In support of RIN 0651-AD92 ,the USPTO is adjusting the estimated annual burden hours and non-hour costs in this information collection. The Rule increases the estimated time for response for Item 12 (Petition to Accept Unintentionally Delayed Priority or Benefit Claim) from 1 hour to 2.5 hours. The Rule changes the estimated number of fees paid associated with this item. Additionally, the USPTO is adding three fees that were not previously included in this information collection.

Itemized Changes

Table 1: Changes in Hourly Burden

Item No.	Item	Current Annual Hourly Burden	New Annual Hourly Burden	Change in Annual Hourly Burden
12	Petition to Accept Unintentionally Delayed Priority or Benefit Claim	1,100	2,750	+1,650
	Totals	1,100	2,750	+1,650

Table 2: Changes in Fee Responses

Item No.	Fee Code	Fee Amount	Item	Current Annual Fee Responses	New Annual Fee Responses	Change in Annual Fee Responses
12	1469	\$3,000	Petition for the delayed submission of a priority or benefit claim, delay greater than two years (undiscounted)	280	276	-4
12	2469	\$1,200	Petition for the delayed submission of a priority or benefit claim, delay greater than two years (small entity)	226	232	+6
12	3469	\$600	Petition for the delayed submission of a priority or benefit claim, delay greater than two years (micro entity)	46	44	-2
12	1454	\$2,260	Petition for the delayed submission of a priority or benefit claim, delay less than or equal to two years (undiscounted entity)	Not previously included in 0651-0032	320	+320
12	2454	\$904	Petition for the delayed submission of a priority or benefit claim, delay less than or equal to two years (small entity)	Not previously included in 0651-0032	270	+270
12	3454	\$452	Petition for the delayed submission of a priority or benefit claim, delay less than or equal to two years (micro entity)	Not previously included in 0651-0032	50	+50
			Totals	552	1,192	+640

Table 3: Changes in Non-hour Cost

Item No.	Fee Code	Fee Amount	Item	Current Cost (a)	New Cost (b)	Change in Non-hour Cost Burden (b) – (a) = (c)
12	1469	\$3,000	Petition for the delayed submission of a priority or benefit claim, delay greater than two years	\$840,000	\$828,000	-\$12,000

			(undiscounted)			
12	2469	\$1,200	Petition for the delayed submission of a priority or benefit claim, delay greater than two years (small entity)	\$271,200	\$278,400	+\$7,200
12	3469	\$600	Petition for the delayed submission of a priority or benefit claim, delay greater than two years (micro entity)	\$27,600	\$26,400	-\$1,200
12	1454	\$2,260	Petition for the delayed submission of a priority or benefit claim, delay less than or equal to two years (undiscounted entity)	Not previously included in 0651-0032	\$723,200	+\$723,200
12	2454	\$904	Petition for the delayed submission of a priority or benefit claim, delay less than or equal to two years (small entity)	Not previously included in 0651-0032	\$244,080	+\$244,080
12	3454	\$452	Petition for the delayed submission of a priority or benefit claim, delay less than or equal to two years (micro entity)	Not previously included in 0651-0032	\$22,600	+\$22,600
			Totals	\$1,138,800	\$2,122,680	+\$983,880

Summary of Changes

The aforementioned rulemaking and addition of three fees results in the increase of 1,650 annual burden hours and an increase of \$983,880 in annual non-hourly costs to collection 0651-0032.

Changes in Burden

Burden Type	Currently Approved	Proposed Change	New Estimate
Annual Number of Responses	588,255	0	588,255
Annual Time Burden (Hr)	12,543,215	+1,650	12,544,865
Annual Non-Hour Cost Burden (\$)	1,339,664,409	+983,880	1,340,648,289

0651-0032's revised burden is as follows:

- 588,255 annual responses (unchanged)
- 12,544,865 annual hourly burden
- \$1,340,648,289 in annual non-hourly burden costs