

SUPPORTING STATEMENT
United States Patent and Trademark Office
Rules for Patent Maintenance Fees
OMB CONTROL NUMBER 0651-0016
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.**

Under 35 U.S.C. 41 and 37 CFR 1.20(e)-(h), 1.362, 1.363, 1.366, 1.377, and 1.378, the USPTO charges fees for maintaining in force all patents based on applications filed on or after December 12, 1980, except for plant and design patents. Furthermore, maintenance fees are required for a reissue patent unless the patent being reissued did not require maintenance fees. Payment of these maintenance fees is due at 3-1/2, 7-1/2, and 11-1/2 years after the date the patent was granted. See section 2504 of the Manual of Patent Examining Procedure (MPEP) (9th Edition, Rev. 07.2022, February 2023) for more information.¹

If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of six months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time. After a patent expires, it is no longer enforceable. Payments of maintenance fees that are submitted during the 6-month grace period before patent expiration must include the appropriate surcharge as indicated by 37 CFR 1.20(h). Submissions of maintenance fee payments and surcharges must include the relevant patent number and the corresponding United States application number in order to identify the correct patent and ensure proper crediting of the fee being paid. See MPEP 2506, 2510, and 2515 for more information.

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director to accept and record the maintenance fee under 37 CFR 1.377. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 37 CFR 1.378(b). The Director may accept the payment of a maintenance fee after the expiration

¹ <https://rdms-mpep-vip.uspto.gov/RDMS/MPEP/current>.

of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unintentional. Petitions to accept unintentionally delayed payment must also be accompanied by the required maintenance fee and the petition fee as set forth in 37 CFR 1.17(m). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(d).

This information collection covers maintenance fee petition information, including the electronic interface and form provided by the USPTO to assist the public with maintenance fee petitions. To pay a maintenance fee after patent expiration, the maintenance fee payment and the petition fee, as set forth in 37 CFR 1.17(m), must be filed together with a petition to accept an unintentionally delayed payment of the maintenance fee in an expired patent under 37 CFR 1.378(b). The USPTO offers two different versions of the form for petitions to accept unintentionally delayed payments of maintenance fees: a web-based ePetition and form PTO/SB/66 (a fillable PDF). The USPTO recommends the use of the web-based ePetition. The USPTO does not offer forms for the petitions to review the refusal to accept the payment of a maintenance fee prior to the expiration of the patent under 37 CFR 1.377 or the petitions for the reconsideration of decisions on petitions refusing to accept the delayed payment of a maintenance fee in an expired patent under 37 CFR 1.378(d).

The fee address indication form (PTO/AIA/47 and PTO/SB/47) available at www.uspto.gov/patents/apply/forms was previously associated with this information collection. This item permits applicants, patentees, assignees, or their representatives of record to specify a “fee address” for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. This item is considered by OMB to be exempt from the PRA and therefore, though this item remains available on the USPTO website, it is no longer included in this information collection.

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

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulations
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	35 U.S.C. 41(c)	37 CFR 1.20(e)-(g), 1.362, 1.366, 1.378(a) and (b)
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	35 U.S.C. 41(b)	37 CFR 1.17(g), 1.181, and 1.377

3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	35 U.S.C. 41(c)	37 CFR 1.378(d)
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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.

This information collection is necessary to permit patent owners to petition the USPTO to: accept an unintentionally delayed payment of a maintenance fee after patent expiration; and review a refusal to accept a payment of a maintenance fee made prior to the expiration of the patent.

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), 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	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))	Web-based ePetition and PTO/SB/66	- Used by the petitioner to request that the patent be reinstated and to show that the delay in timely payment of the maintenance fee was unintentional. - Used by the petitioner to verify all of the identifying information, such as the patent number, patent date, application number, and filing date. - Used by the USPTO to determine whether the required elements for the petition have been submitted. - Used by the USPTO to consider reinstatement of a patent that has expired due to unintentionally delayed payment of a maintenance fee.
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	No Form Associated	- Used by the petitioner to request that the Director accept and record a maintenance fee that was filed prior to the expiration of the patent but was refused by the USPTO and to request a refund of the petition fee if the refusal was due to an error by the USPTO. - Used by the USPTO to consider a request to review a decision refusing to accept and record payment of a maintenance fee prior to the expiration of the patent and to refund the petition fee if the refusal is determined to be an error by the USPTO.
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	No Form Associated	- Used by the petitioner to request that the Director reconsider a decision to refuse a petition to accept and record an unintentionally delayed maintenance fee payment after expiration of the patent so that the expired patent is reinstated. - Used by the USPTO to consider a request to review a decision refusing to accept and record an unintentionally delayed payment of a maintenance fee after patent expiration.

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 information collection. Also, describe any consideration of using information technology to reduce burden.

The information in this collection may be submitted to the USPTO online through the USPTO patent electronic filing system (currently, Patent Center), the USPTO's online filing and viewing system for patent applications and related documents. 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. Typically, the customer will prepare the information to be submitted for this collection as standard PDF files and then upload them to the USPTO servers using the secure Patent Center interface. Patent Center offers many potential benefits to filers, including form validation to ensure that all required information has been included, immediate notification that a submission has been received, and avoidance of postage or other paper delivery costs.

The USPTO offers two different versions of the form for petitions to accept unintentionally delayed payments of maintenance fees: a web-based ePetition and form PTO/SB/66 (a fillable PDF). The USPTO recommends the use of the ePetition. The public can complete the ePetition on a computer using a web browser and then click a submit button to send the information to the USPTO over the internet. Web-based ePetitions are convenient for customers while allowing the USPTO to process the petition automatically and send a response back to the customer immediately. The USPTO does not offer a prescribed format for the petitions to review the refusal to accept the payment of a maintenance fee prior to the expiration of the patent under 37 CFR 1.377 or the petitions for the reconsideration of decisions on petitions refusing to accept the delayed payment of a maintenance fee in an expired patent under 37 CFR 1.378(d).

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.

The information collected is required for the USPTO to consider certain petitions related to maintenance fees. 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 for the USPTO to consider certain petitions related to maintenance fees. The required information, such as the statement that the delayed payment was unintentional, provides the USPTO with the information it needs for the Director to consider a request to reinstate a patent or review a refusal to accept the payment of a maintenance fee prior to the expiration of the patent. The same information is required from every customer and is not available from any other source.

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 one of the relevant petitions related to patent maintenance fees. If this information were not collected, the USPTO would not be able to: (1) determine whether a patentee is entitled to reinstatement of a patent after a delayed payment; or (2) determine whether a maintenance fee payment that was refused should have been accepted. 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 activity, 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 17, 2024, (89 FR 58138). The comment period ended on September 16, 2024. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, independent inventor groups, and users of its public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements and during the renewal of information collections. No views have been expressed affecting 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 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). The USPTO posts the file contents of

issued patents and application publications on its website. Patent applicants and/or their designated representatives can view the current status of their patent application through Patent Center.

The information covered under this information collection relates to certain petitions regarding patent maintenance fees. The information is necessarily submitted into the file of an issued patent. Accordingly, it will be available to the public on submission.

The applicable PIA for this information collection is the Privacy Impact Assessment for the Patent End to End (PE2E) System (May 2, 2024), which is available at the Department of Commerce's Office of Privacy and Open Government website.² PE2E is a Master system portfolio consisting of next generation Patents Automated Information Systems (AIS). The goal of PE2E is to make the interaction of USPTO's users as simple and efficient as possible in order to accomplish user goals. PE2E will be a single web-based examination tool providing users with a unified and robust set of tools. PE2E will overhaul the current patents examination baseline through the development of a new system that replaces the existing tools used in the examination process. The project stakeholders desire a simple, unified interface that does not require launching of separate applications in separate windows, and that supports new and improved IT advances. There are 14 sub-systems under PE2E, including 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), published March 29, 2013 (78 FR 19243).³ 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.

This SORN identifies the categories of individuals covered by the system containing 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 the system comprises the following: 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 a patent is sought.

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

² [PE2E-FY24-PIA_SAOP_Approval_Delegation.pdf \(commerce.gov\)](#)

³ <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>.

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 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 regarding personnel matters; 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 National Archives and Records Administration for inspection of records; to the Office of Management and Budget (OMB) for legislative coordination and clearance; to the Office of Personal Management (OPM) for personnel research purposes; to the General Services Administration for the inspection of records.

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 information collection is considered 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 USPTO estimates that it will receive approximately 2,616 total responses from 2,616 respondents per year for this information collection, with approximately 25% of these responses submitted by small entities.

The USPTO estimates that approximately 99% of the total annual responses for this information collection will be submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately 1 hour to 8 hours to submit the information in this information collection. This includes the time to gather the necessary information, prepare the appropriate form or petition, and submit the completed item to the USPTO. Using these burden factors, the USPTO estimates that the total respondent hourly burden for this information collection is 3,424 hours per year.

- **Cost Burden Calculation Factors**

The USPTO expects that the petitions included in this information collection will be prepared by attorneys. The USPTO uses a professional rate of \$447 per hour for respondent cost burden calculations, which is based on the 2023 *Report of the Economic Survey* from the Law Practice Management Committee of the American Intellectual Property Law Association (AIPPLA). Using these hourly rates, the USPTO estimates that the total respondent cost burden for this information collection is \$1,530,528 per year.

Table 3: Burden Hour/Burden Cost to Respondents for Rules for Patent Maintenance Fees (Private Sector)

Item No.	Item	Estimated Annual Respondents	Frequency	Estimated Annual Responses	Estimated Time for Response (hours)	Estimated Hourly Burden (hour/year)	Rate ⁴ (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (Web-based ePetition and PTO/SB/66)	2,500	1	2,500	1	2,500	\$447	\$1,117,500

⁴ 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPPLA); pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms which is \$447 per hour (<https://www.aippla.org/home/news-publications/economic-survey>).

Item No.	Item	Estimated Annual Respondents (a)	Frequency (b)	Estimated Annual Responses (a) x (b) = (c)	Estimated Time for Response (hours) (d)	Estimated Hourly Burden (hour/year) (c) x (d) = (e)	Rate (\$/hour) (f)	Estimated Annual Respondent Cost Burden (e) x (f) = (g)
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	1	1	1	4	4	\$447	\$1,788
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	115	1	115	8	920	\$447	\$411,240
	Totals	2,616		2,616	- - -	3,424	- - -	\$1,530,528

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 USPTO.

The total non-hour respondent cost burden for this collection is estimated to be \$2,577,316 per year, which includes \$2,577,052 in fees and \$264 in postage.

Filing Fees

There are fees associated with submitting the information of this collection for a total of \$2,577,052 per year.

Table 4: Filing Fees

Item No.	Fee Code(s)	Item	Estimated Annual Responses (a)	Filing Fee (\$) (b)	Non-hourly Cost Burden (a) x (b) = (c)
1	1558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (undiscounted entity)	530	\$2,100	\$1,113,000
1	2558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (small entity)	1,515	\$840	\$1,272,600
1	3558	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (micro entity)	455	\$420	\$191,100
2	1463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) (undiscounted entity)	1	\$220	\$220
2	2463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) (small entity)	1	\$88	\$88
2	3463	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377) (micro entity)	1	\$44	\$44
		Totals	2,503	- - -	\$2,577,052

Postage Costs

Although the USPTO prefers for the public to electronically submit the information of this collection, the public may submit the information of this collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be \$10.15. The USPTO estimates approximately 26 submissions per year may be mailed to the USPTO, for a total postage cost of \$264 per year.

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 estimates that a GS-7, step 1 employee will process the items included in this information collection. The USPTO estimates that the cost of a GS-7, step 1 employee is \$34.84 per hour (GS hourly rate of \$26.80 with 30% (\$8.04) added for benefits and overhead).

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

Table 5: Burden Hours/Burden Costs to the Federal Government

Item No.	Item	Estimated Annual Responses (year)	Estimated Time for Response (hours)	Estimated Annual Burden (hour/year)	Rate ⁵ (\$/hour)	Estimated Annual Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)
1	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b)) (PTO/SB/66)	2,500	0.50 (30 minutes)	1,250	\$34.84	\$43,550
2	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377)	1	0.50 (30 minutes)	1	\$34.84	\$35
3	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))	115	0.50 (30 minutes)	58	\$34.84	\$2,021
	Totals	2,616	---	1,309	---	\$45,606

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	2,616	0	-41,956	30	0	44,542

Annual Time Burden (Hr)	3,424	0	-3,356	-84	0	6,864
Annual Cost Burden (\$)	2,577,316	0	0	-174,748	0	2,752,064

Changes in Collection Since the Last Renewal

A nonsubstantive change request (change worksheet) was filed since the last renewal.

The change worksheet was submitted to OMB in March 2023. In this worksheet, the USPTO changed the fee amounts to comply with rulemaking RIN 0651-AD66, as part of the *Unleashing American Innovators Act of 2022*.

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

The number of responses has decreased by 41,956 due to the removal of the fee address indication form (PTO/SB/47), which accounted for most of the responses and roughly half of the hourly burden in the information collection. This form was declared exempt by OMB. The decrease in the number of responses results in a decrease of 3,356 hours in the annual time burden estimates.

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

The number of responses has increased by 30 due to the estimated fluctuations in submissions for the items in this collection, particularly Item 1 (Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(b))). Despite the slight increase in the number of responses, there will be a decrease of 84 hours in the annual time burden estimates. This decrease is due to the fewer number of estimated submissions for Item 3 (Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(d))), which has a higher estimated time per response than the other two items.

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

For this renewal, the USPTO estimates that the annual non-hour costs will decrease by \$174,748 from the previous approval. This decrease is due to estimated fluctuations 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 any special publication of patent numbers in which maintenance fees have been paid. However, the patent numbers, serial numbers, and issue dates of expired patents are published in the weekly *Official Gazette of the United States Patent and Trademark Office* and annually in a consolidated listing. The weekly *Official Gazette* also includes a listing of patent numbers, serial numbers, filing dates, issue dates, and grant dates for patents that have been reinstated due to the acceptance of a late maintenance fee. The *Official Gazette* is published in electronic format on the USPTO website.⁶

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.

⁶ <https://www.uspto.gov/learning-and-resources/official-gazette>.