

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Processing
OMB Control Number 0651-0031

Background

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

During the processing of an application for a patent, the applicant or applicant's representative may submit additional information to the USPTO concerning the examination of a specific application. For example, the applicant or applicant's representative may submit: information disclosure statements, petitions for extension of time, express abandonments of applications and petitions to revive abandoned applications, disclaimers, pre-appeal requests for review, petitions to make special, requests for expedited examination of design applications, requests for continued examination, requests to inspect, copy, and access patent applications, and certain transmittal forms.

The information in this collection is used by the USPTO to continue the processing of the patent or application to ensure that applicants are complying with the patent regulations and to aid in the prosecution of the application.

The USPTO is removing one form (PTO/SB/43 (Disclaimer in a Patent Under 37 CFR 1.321(a))) from this information collection. The USPTO will replace PTO/SB/43 with the following two forms that separately cover statutory disclaimers and terminal disclaimers:

- PTO/SB/43a (Statutory Disclaimer Filed in a Patent Under 37 CFR 1.321(a))
- PTO/SB/43b (Terminal Disclaimer Filed in a Patent Under 37 CFR 1.321(a))

These forms are available to the public on the USPTO's website. Once they have been filled out, applicants can then submit these forms to the USPTO through Patent Center.

Summary of Changes

The USPTO is replacing PTO/SB/43 with two forms (PTO/SB/43a and PTO/SB/43b). This change will not result in any changes to the time burden estimates or cost burdens to this information collection.

Changes in Burden

There are no changes in this information collection's burden.