

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent Trial and Appeal Board (PTAB) Appeals
OMB CONTROL NO. 0651-0063
2026

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.

The Patent Trial and Appeal Board (PTAB or Board) is established by statute under 35 U.S.C. 6 (American Inventor Protection Act of 1999).¹ This statute directs, in relevant part, that PTAB shall “on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a).” PTAB has the authority, under 35 U.S.C. 134 and 306, to decide appeals in applications and *ex parte* reexamination proceedings, and under pre-AIA sections of the Patent Act, i.e., 35 U.S.C. 134, 135 and 315, to decide appeals in *inter partes* reexamination proceedings and interferences. In addition, 35 U.S.C. 6 establishes the membership of PTAB as the Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the Administrative Patent Judges. Each appeal and interference is decided by a merits panel of at least three members of the Board.

The Board’s responsibilities under the statute include the review of *ex parte* appeals from adverse decisions of examiners in those situations where a written appeal is taken by a dissatisfied applicant or patent owner. In *inter partes* reexamination appeals, PTAB reviews an examiner’s decisions adverse to a patent owner or a third-party requester. PTAB’s opinions and decisions for publicly available files are published on the USPTO website.² The Board also conducts interference proceedings.

The items associated with this information collection include appeals in applications and *ex parte* reexamination proceedings, and appeals in *inter partes* reexamination proceedings and interference proceedings that are governed by the regulations in 37 CFR § 41. Failure to comply with the appropriate regulations may result in dismissal of the appeal or denial of entry of the submission.

Table 1: Information Requirements

Item No.	Requirement	Statute	Regulation
1	Notice of Appeal	35 U.S.C. 134	37 CFR § 41.31
2	Appeal Brief	35 U.S.C. 134	37 CFR § 41.37
3	Amendment to Cancel Claims	35 U.S.C. 134	37 CFR § 41.33
4	Reply Brief	35 U.S.C. 134	37 CFR § 41.41
5	Petitions to the Chief Administrative Patent Judge Under 37 CFR § 41.3	35 U.S.C. 134	37 CFR § 41.3

¹ <https://www.uspto.gov/patent/laws-and-regulations/american-inventors-protection-act-1999>.

² <https://www.uspto.gov/patents/ptab/decisions>.

6	Request for Oral Hearing	35 U.S.C. 134	37 CFR § 41.47
7	Request for Rehearing Before the PTAB	35 U.S.C. 134	37 CFR § 41.52
8	Statements, Motions, Oppositions, and Replies in Preliminary and Priority Phases of an Interference	35 U.S.C. 135 (pre-AIA)	37 CFR §§ 41.109, 41.110-41.122, 41.154, 41.204, 41.208
9	SPARK Pilot Program Petition to Make Special	35 U.S.C. 134	37 CFR § 41.3

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.

The information in this information collection can be submitted by mail, hand delivery, or facsimile when an applicant files a brief, petition, amendment to cancel claims during an appeal, or request. These papers can also be filed as attachments through the patent electronic filing system (Patent Center). For interferences, the information in this information collection is generally submitted through the Patent Trial and Appeal Case Tracking System (P-TACTS), a separate electronic filing system. Parties may seek authorization to submit a filing by means other than electronic filing pursuant to 37 CFR § 41.106(d)(2).

There are some forms associated with these items. All of the items are governed by rules in 37 CFR Part 41. Failure to comply with the appropriate rules may result in dismissal of the appeal or denial of entry of the paper.

The public uses this information collection to seek review of adverse decisions of examiners in applications for patents, *ex parte* reexaminations, *inter partes* reexaminations, and interferences. These submissions are typically done by attorneys on behalf of a variety of clients. The USPTO also permits individuals to submit these items directly on their own behalf. This is rarely done, and the USPTO advises respondents to obtain counsel.

Ex parte appeals from adverse decisions by patent examiners in applications for patents and in reexamination proceedings filed pursuant to Chapter 30 of 35 U.S.C. are provided for by 35 U.S.C. 134 and 306. The rules governing *ex parte* appeals are found at 37 CFR §§ 41.1 through 41.54. The rules governing *inter partes* reexamination appeals are found at 37 CFR §§ 41.60 through 41.81. The rules governing interference proceedings are found at 37 CFR §§ 41.100 through 41.208. Chapter 1200 of The Manual of Patent Examining Procedure sets forth the current procedures for appellants and patent examiners to follow in *ex parte* appeals.³ Sections 2273 through 2279 of *The Manual of Patent Examining Procedure* sets forth additional procedures for appellants and patent examiners to follow in *ex parte* appeals in a reexamination proceeding. Sections 2674 through 2683 of *The Manual of Patent Examining Procedure* sets forth additional procedures for appellants, respondents, and patent examiners to follow in an *inter partes* reexamination proceeding. Sections 2301 through 2308 of *The Manual of Patent Examining Procedure* sets forth additional procedures for applicants and patent examiners to follow regarding interference proceedings.

³ <https://www.uspto.gov/web/offices/pac/mpep/index.html>.

The PTAB disseminates certain information that it collects through various publications and databases. This information collection includes the filings of the parties and opinions, binding precedent, final decisions, and judgments in appeals.

Opinions authored by the Board have varying degrees of authority attached to them. There are precedential opinions, which when published, are binding and provide the criteria and authority that the Board will use to decide all other factually similar cases (until the opinion is overruled or changed by statute). There are informative opinions, which are non-precedential and illustrate the norms of Board decision-making for the public. The final type of Board opinion is the routine opinion. Routine opinions are also non-precedential and are publicly available opinions. Since public policy favors a widespread publication of opinions, the Board publishes all publicly available opinions, even if the opinions are not binding precedent upon the Board.

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/Function	Form No.	Needs and Uses
1	Notice of Appeal	PTO/AIA/31 PTO/SB/31	- Used by the applicant to notify the PTAB of the intent to appeal. - Used by the PTAB to manage schedules and dockets.
2	Appeal Brief	No Form Associated	- Used by the applicant to set forth the claims, issues, and arguments on appeal to the PTAB. - Used by the PTAB to aid in rendering a decision on the claims, issues, and arguments submitted by the applicant.
3	Amendment to Cancel Claims	No Form Associated	- Used by the applicant to cancel pending, rejected claims that applicant does not wish to be considered on appeal by the PTAB. - Used by the PTAB to determine which claims are on appeal.
4	Reply Brief	No Form Associated	- Used by the applicant to respond to the examiner's answer. - Used by the PTAB to aid in rendering a decision on the claims, issues, and arguments submitted by the applicant.
5	Petitions to the Chief Administrative Patent Judge Under 37 CFR 41.3	No Form Associated	- Permits parties to petition the Chief Administrative Patent Judge on matters pending before the PTAB. - Used by the PTAB to determine whether the necessary information has been provided to grant the petition.
6	Request for Oral Hearing	PTO/AIA/32 PTO/SB/32	- Used by applicant in circumstances when applicant deems it necessary for a proper presentation of the appeal. - Used by the PTAB to manage schedules and dockets.
7	Request for Rehearing Before the PTAB	No Form Associated	- Used by the applicant to request reconsideration of a PTAB decision. - Used by the PTAB to decide whether to grant or deny a request for reconsideration of a decision.
8	Statements, Motions, Oppositions, and Replies in Preliminary and priority Phases of an Interference	No Form Associated	- Used by parties to seek relief in a proceeding or change the presumption set forth in a declaration of interference. - Used by the opposing parties to file reasons why the Board should not grant the relief sought in a motion. - Used by the Board in issuing a decision with respect to the relief sought as well as the ultimate issue of priority of invention.

9	SPARK Pilot Program Petition to Make Special	PTO/SB/479b	• Used by eligible parties to file a petition to expedite an <i>ex parte</i> appeal to the PTAB. • Used by the PTAB to review petitions to expedite an <i>ex parte</i> appeal.
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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 collects the submissions in this information collection via P-TACTS, Patent Center, paper, by mail, facsimile, or hand delivery. The legal framework for this system outlines which types of patent applications and associated documents can and cannot be submitted electronically.⁴ As for facsimile submission, it is governed by 37 CFR § 1.6(d). The USPTO does not use any other automated, mechanical, or other technological collection techniques to collect the appeals related information in this information collection.

P-TACTS and Patent Center offer 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. After the document has been successfully submitted through Patent Center, customers will receive an acknowledgment receipt that lists the time and date stamp stating when the document was submitted to the USPTO, an application number, a confirmation number, and other critical information, such as the Patent Center ID, a listing of the files and documents associated with the submission, and page counts for the files and documents. This receipt is the legal equivalent of a postcard in the postcard receipt practice used for patent application documents that are filed in paper. The USPTO recommends that customers print the electronic acknowledgement receipt to keep with their records.

PTAB reviews the documents filed via the patent electronic filing system using an internal viewer known as DAV (Docket and Application Viewer) when appealed cases are in PTAB's jurisdiction.

The PTAB has deployed an electronic system known as P-TACTS to track the status of the patent appeal cases. P-TACTS allows the PTAB to track the status of the patent appeal cases and also provides relevant information pertaining to these cases.

Further all of the interference proceeding papers are generally filed electronically, unless otherwise authorized by the Board. The USPTO currently utilizes the P-TACTS, which allows parties to file proceedings electronically.

The PTAB disseminates interference opinions and decisions to the public through the USPTO's website and in the individual case locations in P-TACTS, which has a public

⁴ <https://www.uspto.gov/sites/default/files/documents/2025LegalFrameworkPES.pdf>.

portal. PTAB opinions and decisions are usually publicly available and published on the USPTO's website. Precedential and informative opinions are published on PTAB's home page through the USPTO's website.

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 a patent owner) submits information for an appeal before the PTAB or when parties file statements, motions or other associated papers for interference proceedings. This information is not collected elsewhere. Therefore, this information collection does not create a duplication of effort or collection of data. With respect to interferences, this information collection may, in part, solicit data already available at the USPTO, in that certain copies of evidence may have been submitted earlier as part of the patent examination process of the application that resulted in the interference proceeding. The duplication of effort is limited, however, and the USPTO considers it necessary for absolute clarity as to the evidence relied on in the proceeding to have a complete record, which outweighs the burden on the public.

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

The same information is required from every applicant, and this information is not available from any other source. This information collection involves items which require the payment of fees by customers who may qualify as small entities or micro entities.

Pursuant to section 10(b) of the Leahy-Smith America Invents Act (AIA)⁵ and the Consolidated Appropriations Act, 2023 which included the Unleashing American Innovators Act of 2022 (UAIA),⁶ the USPTO provides a 60% reduction in the fees for certain filings by small entity applicants, such as independent inventors, small businesses, and nonprofit organizations who meet the definition of a small entity provided at 37 CFR § 1.27. Also pursuant to section 10(b) of the AIA and the Consolidated Appropriations Act, 2023, the USPTO provides an 80% reduction in the fees set for certain filings by applicants who meet the definition of a micro entity provided at 35 U.S.C. 123 and 37 CFR § 1.29.

No significant burden is placed on small or micro entities, in that small entities must only identify themselves as such in order to obtain these benefits, and micro entities must only provide a certification of micro entity status. No formal statement is required. An assertion or certification of small or micro entity status, respectively, only needs to be filed once in an application or patent (although a fee may be paid in the micro entity amount only if the applicant or patentee is still entitled to micro entity status on the date the fee is paid).

⁵ https://www.uspto.gov/sites/default/files/aia_implementation/20110916-pub-l112-29.pdf.

⁶ <https://www.congress.gov/117/bills/s2773/BILLS-117s2773es.pdf>.

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 an applicant (or patent owner) files an amendment, a notice of appeal, an appeal brief, a reply brief, a request for oral hearing, a request for rehearing before the PTAB, or a petition to the Chief Administrative Patent Judge, or an interference is declared. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information was not collected, the PTAB could not ensure that an applicant (or patent owner) has submitted all of the information (and the applicable fees) necessary to initiate an appeal or to determine whether a request or a petition should be granted or to determine preliminary and priority issues in an interference proceeding. If this information was not collected, the USPTO could not comply with the requirements of 35 U.S.C. 134 or 135 (pre-AIA) and 37 CFR Part 41.

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.

On a case-by-case basis, administrative patent judges may require responses in fewer than 30 days.

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 April 20, 2026 (91 FR 20986).⁷ The public comment period ended on June 22, 2026. The USPTO received no public comments in response to the notice.

The USPTO published a 30-Day Notice in the *Federal Register* on August 27, 2026 (91 FR 55322).⁸ The comment period will close on September 28, 2026.

In addition, 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 our public facilities. Views expressed by these groups are considered in developing proposals for information collection requirements.

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. Response to this information collection is necessary to initiate appeal proceedings, to prepare the briefs, to request a rehearing before PTAB, to petition the Chief Administrative Patent Judge, and to determine preliminary and priority issues in an interference proceeding.

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

Confidentiality of records involved in appeal proceedings is governed by statute (35 U.S.C. 122) and regulation (37 CFR §§ 1.11 and 1.14). The PTAB publishes certain opinions and decisions concerning decided cases. Public availability to records involved in terminated and pending cases varies, depending upon statute and regulation.

⁷ <https://www.govinfo.gov/content/pkg/FR-2026-04-20/pdf/2026-07574.pdf>.

⁸ <https://www.govinfo.gov/content/pkg/FR-2026-08-27/pdf/2026-17524.pdf>.

To further define the boundaries of the confidentiality of patent applications in light of the 18-month publication of patent applications introduced under the American Inventors Protection Act of 1999, the USPTO amended 37 CFR § 1.14 to maintain the confidentiality of applications that have not been published as a U.S. patent application. As amended, 37 CFR § 1.14 provides that the public can obtain status information about the application, such as whether the application is pending, abandoned, or patented, whether the application has been published under 35 U.S.C. 122(b), and the application “numerical identifier.” This information can be supplied to the public under certain conditions. The public can also receive copies of an application-as-filed and the file wrapper, as long as it meets certain criteria. PTAB decisions relating to such applications can be published.

Applications filed through the Patent Center are maintained in confidence as required by 35 U.S.C. 122(a) until the application is published or a patent is issued. The confidentiality, security, integrity, authenticity, and non-repudiation of patent applications submitted electronically through the patent electronic filing system are maintained using PKI technology and digital certificates for registered users. Applications electronically-filed by non-registered users are protected using TLS or SSL protocols. The USPTO posts 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. Patent applicants and/or their designated representatives can view the current status of their patent application through the Patent Center system. Access to patent applications that are maintained in confidence under 35 U.S.C. 122(a) is restricted to the patent applicant and/or their designated representatives by the use of digital certificates, which maintain the confidentiality and integrity of the information transmitted over the Internet. The public can view the status and history information for published applications and granted patents via the Patent Center and Public Patent Search.

This information collection contains information that is subject to the Privacy Act. This information is collected on patent and PTAB forms. 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.

PTAB Records

PTAB records are covered by SORN COMMERCE/PAT-TM-6 Parties Involved in Patent Interference Proceedings; published on March 29, 2013 (78 FR 19247).⁹ This SORN covers all records relating to the declaration, conduct, and termination of interference proceedings, including, but not limited to: preliminary statements, motions, testimony, and settlement agreements. The data contained in the records may include information relating to an applicant's, a patentee's, or a witness's name, age, citizenship, residence, educational and work background, physical and mental health, activities relating to conception of the contested subject matter, and other matters which may arise during the

⁹ <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07340.pdf>.

conduct of the interference proceeding or in connection with any agreements made by the parties relative to the interference proceeding.

Patent Application Files

Patent application files may be involved in PTAB decisions and procedures and are also covered by SORN COMMERCE/PAT-TM-7 Patent Application Files; published on March 29, 2013 (78 FR 19243).¹⁰ This SORN identifies the categories of individuals in 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.

Privacy Impact Assessment

The applicable Privacy Impact Assessment (PIA) for this PTAB system is the Patent Trial and Appeal Case Tracking System (P-TACTS) (November 27, 2023).¹¹

Patent Trial and Appeal Case Tracking System (P-TACTS) supports the Board in managing cases. For the appeals the Board decides, the documents for the patent applications and appeals are stored in other patent systems, not in P-TACTS. P-TACTS stores status information about cases in a database, which is used by internal PTAB users and is not accessible to the public. For post-grant patent proceedings, P-TACTS stores the case documents. Some of those documents are filed by the parties to the proceedings, so there is an external portal for doing so and viewing case documents. To file documents, external users need to establish a user account.

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 to be of a sensitive nature.

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**

¹⁰ <https://www.govinfo.gov/content/pkg/FR-2013-03-29/pdf/2013-07341.pdf>.

¹¹ https://www.commerce.gov/sites/default/files/2024-01/PTACTS-FY24-PIA_SAOP_Approval_Delegation.pdf.

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'.

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 projects that 16,955 respondents to this information collection will submit 31,544 responses per year. Respondents will come predominately from the private sector. The USPTO estimates that approximately 24% (7,571) of these responses will be from small entities and an additional 3% (946) of these responses will be from micro entities. The USPTO also estimates that approximately 99% (31,229) of the responses will be filed electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public between 0.50 (30 minutes) to 120 hours to complete the items in this information collection, depending on the complexity of the request. This estimate includes the time to gather the necessary information, prepare the appropriate document(s), and submit the completed request to the USPTO. Using these burden factors, USPTO estimates that the total respondent hourly burden for this information collection is 337,712 hours per year.

- **Cost Burden Calculation Factors**

The USPTO expects that all of the information in this information collection will be prepared by an attorney. 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 this hourly rate, the USPTO estimates that the total respondent cost burden for this information collection is \$185,741,600 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 ¹² (\$/hour)	Estimated Annual Respondent Cost Burden
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)	(f)	(e) x (f) = (g)
1	Notice of Appeal	16,562	1	16,562	0.50 (30 minutes)	8,281	\$550	\$4,554,550
2	Appeal Brief	*	1	9,038	32	289,216	\$550	\$159,068,800
3	Amendment to Cancel Claims	*	1	112	2	224	\$550	\$123,200
4	Reply Brief	*	1	4,795	5	23,975	\$550	\$13,186,250
5	Petitions to the Chief Administrative Patent Judge Under 37 CFR § 41.3	*	1	35	4	140	\$550	\$77,000
6	Request for Oral Hearing	*	1	531	0.50 (30 minutes)	266	\$550	\$146,300
7	Request for Rehearing Before the PTAB	304	1	304	5	1,520	\$550	\$836,000
8	Statements, Motions, Oppositions, and Replies in Preliminary and Priority Phases of an Interference	39	3	117	120	14,040	\$550	\$7,722,000
9	SPARK Pilot Program Petition to Make Special	50	1	50	1	50	\$550	\$27,500
	Totals	16,955	- - -	31,544	- - -	337,712	- - -	\$185,741,600

*These lines (2-6) are subsets of the respondents from line 1, and not included in the total for this column. The USPTO includes these numbers to show how the values in column C are calculated.

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

¹² 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>).

economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital start-up costs, maintenance costs, or recordkeeping costs associated with this information collection. However, USPTO estimates that the total annual non-hourly cost burden for this information collection, in the form of filing fees (\$24,082,087) and postage (\$4,174), is \$24,086,261.

Filing Fees

The fees associated with submitting certain items in this information collection are outlined in Table 4 below:

Table 4: Filing Fees

Item No.	Fee Code	Item	Estimated Annual Responses (a)	Fee (\$) (b)	Total Cost (\$) (a) x (b) = (c)
1	1401	Notice of appeal (undiscounted)	12,176	\$905	\$11,019,280
1	2401	Notice of appeal (small)	3,978	\$362	\$1,440,036
1	3401	Notice of appeal (micro)	408	\$181	\$73,848
2	1404	Filing a brief in support of an appeal in an <i>inter partes</i> reexamination proceeding (undiscounted)	1	\$2,260	\$2,260
2	2404	Filing a brief in support of an appeal in an <i>inter partes</i> reexamination proceeding (small)	1	\$904	\$904
2	3404	Filing a brief in support of an appeal in an <i>inter partes</i> reexamination proceeding (micro)	1	\$452	\$452
4	1413	Forwarding an Appeal in an Application or <i>Ex Parte</i> Reexamination Proceeding to the Board (undiscounted)	3,908	\$2,535	\$9,906,780
4	2413	Forwarding an Appeal in an Application or <i>Ex Parte</i> Reexamination Proceeding to the Board (small)	920	\$1,014	\$932,880
4	3413	Forwarding an Appeal in an Application or <i>Ex Parte</i> Reexamination Proceeding to the Board (micro)	97	\$507	\$49,179
5	1405/ 2405/ 3405	Petitions to the Chief Administrative Patent Judge under 37 CFR § 41.3 (undiscounted)	35	\$452	\$15,820
7	1403	Request for oral hearing (undiscounted)	382	\$1,460	\$557,720
7	2403	Request for oral hearing (small)	135	\$584	\$78,840
7	3403	Request for oral hearing (micro)	14	\$292	\$4,088
		Totals	22,056	- - -	\$24,082,087

Postage

The briefs, petitions, amendments, and requests may be submitted by mail through the United States Postal Service. The USPTO expects that at most 1% of the responses in this information collection will be submitted by mail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate

envelope, will be \$13.25 The USPTO estimates approximately 315 submissions per year may be mailed to the USPTO, for an estimated total postage cost of \$4,174 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 expects that the amendments, notices of appeal, reply briefs, requests for oral hearing, and requests for rehearing before the PTAB will be processed by a GS-11, step 5 staff member. In the case of the appeal briefs, the USPTO expects that they will be processed by patent appeal specialists and a paralegal specialist in the GS-9, step 5 and GS-11, step 5 grades, respectively. For the petitions to the chief administrative patent judge under 37 CFR § 41.3 and interference filings, the USPTO expects that they will be processed by a GS-5, step 1 staff member. For petitions to make special under the SPARK Pilot Program, the USPTO expects that they will be processed by a GS-13, step 4 staff member.

The USPTO estimates that it takes a GS-11, step 5 staff member approximately 6 minutes (0.10 hours) to process the amendments, notices of appeal, reply briefs, requests for rehearing before the PTAB, and requests for oral hearing at an estimated cost of \$63.22 per hour (GS-11/5 hourly rate of \$46.40 with 36.25% (\$16.82) added for benefits and overhead).

The USPTO estimates that it takes a GS-9, step 5 (patent appeal specialist) and a GS-11, step 5 (paralegal specialist) approximately 18 minutes (0.30 hours) to process the appeal brief at an estimated average cost of \$57.74 per hour. This is calculated from the GS-9, step 5 hourly rate of \$52.25 (\$38.35 with 36.25% (\$13.90) added for benefits and overhead) and GS-11, step 5 rate of \$63.22 per hour (as detailed above), respectively.

The USPTO estimates that it takes a GS-5, step 1 staff member approximately 30 minutes (0.50 hours) to process the petitions to the chief administrative patent judge under 37 CFR 41.3, and approximately 10 minutes (0.17 hours) to process the interference-related filings at an estimated cost of \$34.48 per hour (GS-5/1 hourly rate of \$25.31 with 36.25% (\$9.17) added for benefits and overhead).

The USPTO estimates that it takes a GS-13, step 4 staff member approximately 15 minutes (0.25 hours) to process the petitions to make special under the SPARK Pilot Program at an estimated cost of \$87.46 per hour (GS-13/4 hourly rate of \$64.19 with 36.25% (\$23.27) 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 Hour/Cost to the Federal Government

Item No.	Item	Estimated Annual Responses	Estimated Burden Hours	Estimated Hourly Burden	Rate ¹³ (\$/hr)	Total Federal Government Cost
		(a)	(b)	(a) x (b) = (c)	(d)	(c) x (d) = (e)
1	Notice of Appeal	16,562	0.10 (6 minutes)	1,656	\$63.22	\$104,692
2	Appeal Brief	9,038	0.30 (18 minutes)	2,711	\$57.74	\$156,533
3	Amendment to cancel claims	112	0.10 (6 minutes)	11	\$63.22	\$695
4	Reply Brief	4,795	0.10 (6 minutes)	480	\$63.22	\$30,346
5	Petitions to the Chief Administrative Patent Judge Under 37 CFR § 41.3	35	0.50 (30 minutes)	18	\$34.48	\$621
6	Request for Oral Hearing	531	0.10 (6 minutes)	53	\$63.22	\$3,351
7	Request for Rehearing Before the PTAB	304	0.10 (6 minutes)	30	\$63.22	\$1,897
8	Statements, Motions, Oppositions, and Replies in Preliminary and Priority Phases of an Interference	39	0.17 (10 minutes)	20	\$34.48	\$690
9	SPARK Pilot Program Petition to Make Special	50	0.25 (15 minutes)	13	\$87.46	\$1,137
	Totals	31,554	---	4,992	---	\$299,962

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	31,544	0	0	9,345	0	22,199
Annual Time Burden (Hr)	337,712	0	0	98,663	0	239,049
Annual Cost Burden (\$)	\$24,086,261	0	0	5,545,584	0	18,540,677

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. Additionally, the USPTO has added the SPARK Pilot Program Petition to Make Special (Item 9) to this information collection. These changes result in an increase of \$34,806,686 in hourly cost burden, for a new estimated total annual respondent cost burden of \$185,741,600, and an increase of 50 to the estimated annual respondents, responses, and hourly burden.

Changes in Collection Since Last Renewal

¹³ [opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2026/DCB_h.pdf).

Since the renewal of this information collection in 2023, the USPTO has filed two nonsubstantive change requests (change worksheets) modifying this collection.

1) In November 2024, USPTO changed the amount of the fees to comply with rulemaking RIN 0651-AD65 (Setting and Adjusting Patent Fees During Fiscal Year 2025). This resulted in an increase in this collection's non-hourly cost burden.

2) In May 2026, USPTO added an item and corresponding form (Item 9) to account for the inclusion of the Petition to Make Special under the SPARK Pilot Program to this information collection. This resulted in an increase in responses and hourly burden.

Estimated Annual Responses and Hourly Burdens due to Adjustment in Agency Estimate

The increase in the number of responses (+9,345) and burden hours (+98,663) is due to the estimated increase in the number of respondents completing the items this information collection.

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

The USPTO estimates an increase (+\$5,545,584) for the total annual non-hour costs due to estimated increase in the number of respondents paying filing fees and 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.

There is no 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.

The forms in this information collection will display the OMB Control Number and the OMB expiration date.

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.