

## JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE TO 0651-0016

The United States Patent and Trademark Office (USPTO) is submitting this change worksheet to add an electronic version of an existing form into information collection 0651-0016 Rules for Patent Maintenance Fees, which was previously approved by OMB on 04/21/2006. The currently approved collection includes the existing Form PTO/SB/66 Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)). The USPTO is developing a new version of Form PTO/SB/66 that customers will be able to submit electronically through EFS-Web, the USPTO's latest electronic filing initiative. The proposed new form does not include any material changes in the information being collected.

EFS-Web is the USPTO's web-based patent application and document submission system that allows customers to file applications and associated documents through their standard web browser. EFS-Web offers many benefits to filers, including form validation to ensure that all required information has been included, immediate notification that a submission has been received, automated processing of requests, and avoidance of postage or other paper delivery costs.

### Change in Burden

The existing Form PTO/SB/66 is currently approved for 1,800 responses per year and 1 hour per response. After the proposed new version of Form PTO/SB/66 is implemented, the USPTO expects that it will receive 300 responses per year using the existing form and 1,500 responses per year using the new form, for no change in total responses for this collection. The USPTO estimates that it will take the public approximately 1 hour to complete and submit the new Form PTO/SB/66 electronically, resulting in no change in burden hours for this collection. The estimated 1,500 responses using the new form also will not change the current estimate that approximately 14% of the total responses for collection 0651-0016 will be collected electronically.

This collection is currently approved with a total of \$436,485,591 in annual (non-hour) costs in the form of recordkeeping costs, postage costs, and filing fees. The implementation of the new version of Form PTO/SB/66 will not change the estimated filing fees for this collection, but it will change the recordkeeping and postage costs. When submitting the new version of Form PTO/SB/66 electronically, the applicant is strongly urged to retain a copy of the acknowledgment receipt as evidence that the form was received by the USPTO on the date noted. The USPTO estimates that it will take 5 seconds (0.001 hours) to print and retain a copy of the acknowledgment receipt and that the 1,500 submissions per year will use this option, for a total of approximately 2 hours per year for printing this receipt. Using the paraprofessional rate of \$90 per hour, the USPTO estimates that the recordkeeping cost associated with this requirement will be \$180 per year. The USPTO also expects that the introduction of the new version of Form PTO/SB/66 will result in a decrease of approximately \$585 in postage costs since the form will be submitted electronically rather than through the mail. Therefore, this collection would have a net decrease of \$405 in annual (non-hour) costs due to the proposed new form.

Since the proposed new version of Form PTO/SB/66 will not have an impact on the total responses and burden hours for this collection, and since the impact on annual cost burden is extremely minimal, the USPTO is not requesting changes in burden for this collection at this time. The USPTO will fully consider any further burden changes in the next substantive submission or renewal of this information collection.

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(continued)**

Copies of the current version of Form PTO/SB/66 Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) and the proposed new EFS-Web version of Form PTO/SB/66 have been attached to this submission as supplementary documents.