

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Post Allowance and Refiling**  
**OMB CONTROL NUMBER 0651-0033**  
**October, 2016**

**A. Justification**

**1. Necessity of Information Collection**

This collection of information encompasses the action an applicant must take to submit an issue fee payment to the USPTO. The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C §§ 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. If the fees are not paid within the designated time period, the application is abandoned (applicant may petition the Director to accept a delayed payment and revive the applicant with a satisfactory showing that the delay was unintentional; the Petition for Revival of an Applicant for Patent Abandoned Unintentionally (Form PTO/SB/64) is approved under information collection 0651-0031). The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18 and 1.311-1.317.

This collection of information also encompasses several actions that may be taken after issuance of a patent, pursuant to Chapter 25 of Title 35 U.S.C. A certificate of correction may be requested to correct an error or errors in the patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction. For an original patent that is believed to be wholly or partly inoperative or invalid, the original patentee, or the current patent owner if there has been an assignment, may apply for reissue of the patent, which entails several formal requirements, including provision of an oath or declaration specifically identifying at least one error being relied upon as the basis for reissue and stating the reason for the belief that the original patent is wholly or partly inoperative or invalid (e.g., a defective specification or drawing, or claiming more or less than the patentee had the right to claim in the patent). The rules outlining these procedures are found at 37 CFR 1.171-1.178 and 1.322-1.325.

The information in this collection can be submitted using EFS-Web, the USPTO's online filing system for patent applications and related documents.

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

**Table 1: Information Requirements**

IC Number	Requirement	Statute	Rule
1	Certificate of Correction	35 U.S.C. §§ 254 and 255	37 CFR 1.322-1.324
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	35 U.S.C. § 255	37 CFR 1.17(i) and 3.81(b)
3	Reissue Documentation	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
4	Reissue Patent Application Transmittal	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
5	Reissue Application Declaration by the Inventor or the Assignee or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. § 115(d) and 37 CFR 1.64)	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175)	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, 1.67, and 1.171-1.179
7	Reissue Application: Consent of Assignee; Statement of Non-Assignment	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
8	Reissue Application Fee Transmittal Form	35 U.S.C. §§ 115, 251, and 252	37 CFR 1.47 (pre-AIA), 1.63-1.64, and 1.171-1.179
9	Issue Fee Transmittal	35 U.S.C. §§ 41(a)(4) and 151	37 CFR 1.18 and 1.311-1.317
10	Issue Fee Transmittal (electronic)	35 U.S.C. §§ 41(a)(4) and 151	37 CFR 1.18 and 1.311-1.317

## 2. Needs and Uses

The public uses this information collection to request corrections of errors in issued patents, to submit applications for reissue patents, and to submit issue fee payments.

The information in this collection can be submitted using EFS-Web, the USPTO's online filing system for patent applications and related documents.

The information collected, maintained, and used in this 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 OMB quality guidelines.

Table 2 outlines how this collection of information is used by the public and the USPTO:

**Table 2: Needs and Uses**

IC Number	Form and Function	Form #	Needs and Uses
1	Certificate of Correction	PTO/SB/44	<ul style="list-style-type: none"> <li>Used by the patentee to list the number of the patent to be corrected and the corrections to be made.</li> <li>Facilitates matching the patent or patent file with other identifying information in order to make the appropriate corrections.</li> <li>Used by the USPTO to determine whether the indicated corrections should be approved.</li> </ul>
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b))	PTO/SB/141	<ul style="list-style-type: none"> <li>Used by the public to request, after the date of payment of the issue fee, that an application be issued in the name of the assignee, where the assignment was submitted for recordation before issuance of the patent.</li> <li>Used by the public to request that a patent be corrected to state the name of the assignee, where the assignment was submitted for recordation before issuance of the patent.</li> <li>Used by the public to pay the appropriate fee.</li> <li>Used by the USPTO to determine whether the indicated requests should be granted.</li> </ul>
3	Reissue Documentation	No Form Associated	<ul style="list-style-type: none"> <li>Used by the patentee to submit to the USPTO the remainder of the documentation and information necessary for a reissue patent that is not collected on one of the existing forms.</li> <li>Used by the USPTO to finish processing a request for a reissue application.</li> </ul>
4	Reissue Patent Application Transmittal	PTO/SB/50 PTO/AIA/50	<ul style="list-style-type: none"> <li>Provides a checklist for the patentee to ensure that the requirements for a reissue application submission are met.</li> <li>Allows the USPTO to identify the type of patent and patent number in order to quickly associate the patent file with the reissue documents.</li> </ul>
5	Reissue Application Declaration by the Inventor or the Assignee or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. § 115(d) and 37 CFR 1.64)	PTO/SB/51/52 PTO/AIA/05/06 PTO/AIA/07	<ul style="list-style-type: none"> <li>Used by the inventor, assignee, or person executing a substitute statement to indicate why the reissue applicant believes the original patent to be wholly or partly inoperative or invalid, to identify at least one error being relied upon as the basis for reissue, and to identify a claim that the application seeks to broaden if the reissue application seeks to enlarge the scope of the claims of the patent.</li> <li>Used by the USPTO to ensure that the requirements of 37 CFR 1.63, 1.64, and 1.175 are met in order to reissue the patent.</li> </ul>
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175)	PTO/SB/51S	<ul style="list-style-type: none"> <li>Provides the inventor or assignee with the required language stating that all the errors in the original patent being corrected or any additional errors made during the reissue examination process occurred "without deceptive intent."</li> <li>Used by the USPTO to ensure that the requirements of 37 CFR 1.63 and 1.175 are met in order to reissue the patent.</li> </ul>
7	Reissue Application: Consent of Assignee; Statement of Non-Assignment	PTO/SB/53 PTO/AIA/53	<ul style="list-style-type: none"> <li>Enables the assignee(s) to consent to filing a reissue application.</li> <li>Used by the USPTO to confirm that all assignees and inventors owning an undivided interest in the original patent consent to the filing of the reissue application.</li> </ul>
8	Reissue Application Fee Transmittal Form	PTO/SB/56	<ul style="list-style-type: none"> <li>Used by the applicant or the applicant's representatives to calculate the reissue application fee.</li> <li>Used by the USPTO to determine whether the appropriate reissue application fee has been paid.</li> </ul>

9	Issue Fee Transmittal (physical and electronic)	PTOL-85B	<ul style="list-style-type: none"> <li>• Used by the public to submit an issue fee payment to the USPTO, on paper or electronically.</li> <li>• Used by the USPTO to determine whether all of the appropriate information is included at the time of payment of the issue fee, such as assignments, small entity status, method of payment, and certificate of mailing (if applicable).</li> </ul>
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### 3. Use of Information Technology

Customers may submit the items in this information collection electronically through EFS-Web, the USPTO's online filing system for patent applications and related documents. EFS-Web allows customers to file requests for certificates of correction, issue fee transmittals, reissue patent applications, and associated documents through their standard Web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may create their requests using the tools and processes that they already use and then convert those documents into standard PDF files that are submitted through EFS-Web to the USPTO. The fillable PDF forms, including the Issue Fee Transmittal form (PTOL-85B), that can be submitted through EFS-Web may be downloaded from the USPTO Web site and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web. The documents of registered users are protected using a Public Key Infrastructure (PKI) system and digital certificates, which provide authentication and encryption security. Even for filers who are not registered, the documents are submitted to EFS-Web using Transport Layer Security (TLS) or Secure Socket Layer (SSL) protocol.

EFS-Web offers 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. Users can access EFS-Web from any computer with an Internet connection. Since EFS-Web is hosted on the USPTO's secure servers and not on the individual's personal computer, USPTO staff can update EFS-Web without requiring any action from the user. Customers can submit fee payments and other requests in real time. The PDF forms can be passed around to multiple users for collaboration.

EFS-Web integrates with the Patent Application Information Retrieval (PAIR) system, the USPTO's online database that is available through the USPTO Web site. PAIR uses digital certificates to permit only authorized individuals to access information about pending patent applications and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Information for issued patents, certificates of correction, and reissue applications is available to the general public.

### 4. Efforts to Identify Duplication

This information is collected only when an applicant submits an issue fee payment for a patent application allowed by the USPTO, when the patentee or others apply for reissue of a patent, or when the patentee or others request a certificate of correction to correct

errors contained in the patent. This information is not collected elsewhere and does not result in a duplication of effort.

## **5. Minimizing Burden to Small Entities**

Pursuant to section 10(b) of the Leahy-Smith America Invents Act (AIA), the USPTO provides a 50% reduction in the fees for certain patent 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, the USPTO provides a 75% reduction in the fees set or adjusted under section 10(a) of the Act for certain patent filings by applicants who meet the definition of a micro entity provided at 35 U.S.C. § 123 and 37 CFR 1.29.

This information collection involves payment of fees by customers who may qualify as small entities or micro entities. 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. 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).

## **6. Consequences of Less Frequent Collection**

This information is collected only when the public submits a related request for a certificate of correction, a reissue patent application, or an issue fee payment. If the information were not collection, the USPTO would not be able to comply with the statutes and regulations governing the issuance of patents, issued patents, and reissue applications. This information could not be collected less frequently.

## **7. Special Circumstances in the Conduct of Information Collection**

There are no special circumstances associated with this collection of information.

## **8. Consultations Outside the Agency**

The 60-Day Notice was published in the *Federal Register* on 22 August, 2016 (81 Fed. Reg. 56610). The comment period ended on 21 October, 2016. *No public comments were received.*

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent.

## **10. Assurance of Confidentiality**

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. The entire file of a reissue application is available to the public.

## **11. Justification for Sensitive Questions**

None of the required information in this collection is considered to be sensitive.

## **12. Estimate of Hour and Cost Burden to Respondents**

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 379,600 responses per year for this collection, with approximately 25% of these responses submitted by small entities (22%) and micro entities (3%). Approximately 75% of the total responses for this collection will be submitted electronically, including 100% of the Petitions to Correct Assignee After Payment of Issue (37 CFR 3.81(b)) (PTO/SB/141).

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public from 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- **Cost Burden Calculation Factors**

The USPTO uses a professional rate of \$410 per hour for respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the 2015 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

The USPTO expects that the information in this collection will be prepared for by attorneys, except for the Issue Fee Transmittal, which will be prepared by paraprofessionals at an estimated rate of \$125 per hour.

**Table 3: Burden Hour/Burden Cost to Respondents**

Item #	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
1	Certificate of Correction (PTO/SB/44)	1.00	28,000	28,000.00	\$410.00	\$11,480,000.00
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	0.50	850	425.00	\$410.00	\$174,250.00
3	Reissue Documentation	5.00	950	4,750.00	\$410.00	\$1,947,500.00
4	Reissue Patent Application Transmittal (PTO/SB/50, PTO/AIA/50)	0.20	950	190.00	\$410.00	\$77,900.00
5	Reissue Application Declaration by the Inventor or the Assignee (PTO/SB/51/52, PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07)	0.50	1,350	675.00	\$410.00	\$276,750.00
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	0.30	250	75.00	\$410.00	\$30,750.00
7	Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53, PTO/AIA/53)	0.20	1,300	260.00	\$410.00	\$106,600.00
8	Reissue Application Fee Transmittal Form (PTO/SB/56)	0.20	950	190.00	\$410.00	\$77,900.00
9	Issue Fee Transmittal (PTOL-85B)	0.50	35,000	17,500.00	\$125.00	\$2,187,500.00
9	Issue Fee Transmittal (electronic) (PTOL-85B)	0.50	310,000	155,000.00	\$125.00	\$19,375,000.00
	<b>Totals</b>	-----	<b>379,6003796 00</b>	<b>207,065.00 207065</b>	-----	<b>\$35,734,150.00 35734150</b>

### 13. Total Annual (Non-hour) Cost Burden

The total annual (non-hour) cost burden for this collection is calculated in Table 4 below. Postage fees and filing fees are included in this ICR. This collection has no capital start-up, maintenance, or recordkeeping costs.

#### Postage

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141) and the electronic version of the Issue Fee Transmittal (PTOL-85B) are only submitted online. The USPTO expects that the non-electronic version of the Issue Fee Transmittal (PTOL-85B) and approximately 5% of the other

responses for this collection will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 94 cents (1-ounce flat 9"x12" envelope) and that approximately 1,690 submissions will be mailed to the USPTO per year.

## Fees

There are fees associated with the requirements of this collection, listed in the table below.

**Table 4: Annual (Non-hour) Costs to Respondents**

Item #	Type of cost	Estimated annual responses	Amount	Totals
1	Certificate of correction	12,200	\$100.00	\$1,220,000.00
3	Basic filing fee – Reissue (Large entity)	850	\$280.00	\$238,000.00
3	Basic filing fee – Reissue (Small entity)	250	\$140.00	\$35,000.00
3	Basic filing fee – Reissue (Micro entity)	10	\$70.00	\$700.00
3	Reissue Search Fee (Large entity)	850	\$600.00	\$510,000.00
3	Reissue Search Fee (Small entity)	250	\$300.00	\$75,000.00
3	Reissue Search Fee (Micro entity)	10	\$150.00	\$1,500.00
3	Reissue independent claims in excess of three (Large entity)	1,150	\$420.00	\$483,000.00
3	Reissue independent claims in excess of three (Small entity)	200	\$210.00	\$42,000.00
3	Reissue independent claims in excess of three (Micro entity)	15	\$105.00	\$1,575.00
3	Reissue claims in excess of 20 (Large entity)	7,535	\$80.00	\$602,800.00
3	Reissue claims in excess of 20 (Small entity)	2,030	\$40.00	\$81,200.00
3	Reissue claims in excess of 20 (Micro entity)	90	\$20.00	\$1,800.00
3	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Large entity)	25	\$400.00	\$10,000.00
3	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Small entity)	5	\$200.00	\$1,000.00
3	Reissue Application Size Fee – for each additional 50 sheets that exceeds 100 sheets (Micro entity) 610+	0	\$100.00	\$0.00
4	Reissue Examination Fee (Large entity)	840	\$2,160.00	\$1,814,400.00
4	Reissue Examination Fee (Small entity)	245	\$1,080.00	\$264,600.00
4	Reissue Examination Fee (Micro entity)	10	\$540.00	\$5,400.00
9	Utility issue fee (Large entity)	236,380	\$960.00	\$225,964,800.00
9	Utility issue fee (Small entity)	57,830	\$480.00	\$27,758,400.00
9	Utility issue fee (Micro entity)	5,625	\$240.00	\$1,350,000.00
9	Design issue fee (Large entity)	15,230	\$560.00	\$8,528,000.00

9	Design issue fee (Small entity)	11,150	\$280.00	\$3,122,000.00
9	Design issue fee (Micro entity)	2,210	\$140.00	\$309,400.00
9	Plant issue fee (Large entity)	610	\$760.00	\$463,900.00
9	Plant issue fee (Small entity)	655	\$380.00	\$248,900.00
9	Plant issue fee (Micro entity)	10	\$190.00	\$1,900.00
9	Reissue issue fee (Large entity)	265	\$960.00	\$254,400.00
9	Reissue issue fee (Small entity)	90	\$480.00	\$43,200.00
9	Reissue issue fee (Micro entity)	5	\$240.00	\$1,200.00
	<b>Total filing fees</b>	<b>355,625</b>	<b>.....</b>	<b>\$273,434,075.00</b>
9	Issue Fee Transmittal (PTOL-85B) – postage for mailed submissions	35,000	\$0.94	\$32,900.00
1, 3-8	Postage for all other mailed submissions (5% of 379,600 other responses that are not electronic only)	1,690	\$0.94	\$1,588.60
	<b>Total postage for mailed submissions</b>	<b>36,690</b>	<b>.....</b>	<b>\$34,488.60</b>
	<b>Total annual (non-hour) cost burden</b>	<b>.....</b>	<b>.....</b>	<b>\$273,468,563.60</b>

#### 14. Annual Cost to Federal Government

The USPTO estimates that it takes USPTO staff approximately 10 minutes (0.17 hours) to 1 hour to process the information in this collection, depending on the type and amount of information submitted. The information in this collection is processed by GS-5, step 1 employees at an estimated cost of \$21.97 per hour (GS-5/1 hourly rate of \$16.90 with 30% (\$5.07) added for benefits and overhead) and GS-7, step 1 employees at an estimated cost of \$27.21 per hour (GS-7/1 hourly rate of \$20.93 with 30% (\$6.28) added for benefits and overhead). The USPTO expects that the electronic version of the Issue Fee Transmittal form will be processed automatically without any direct staff time required.

Table 5 calculates the burden hours and costs to the Federal Government for processing this information collection:

**Table 5: Burden Hour/Burden Cost to the Federal Government**

Item #	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
1	Certificate of Correction (PTO/SB/44)	0.50	28,000	14,000	\$27.21	\$380,940.00
2	Petition to Correct Assignee After Payment of Issue Fee (37 CFR 3.81(b)) (PTO/SB/141)	0.30	850	255	\$27.21	\$6,938.55
3	Reissue Documentation	1.00	950	950	\$21.97	\$20,871.50
4	Reissue Patent Application Transmittal (PTO/SB/50, PTO/AIA/50)	1.00	950	950	\$21.97	\$20,871.50
5	Reissue Application Declaration by the Inventor or	0.30	1,350	405	\$21.97	\$8,897.85

Item #	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c x d)
	the Assignee (PTO/SB/51/52, PTO/AIA/05/06) or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/AIA/07)					
6	Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175) (PTO/SB/51S)	0.30	250	75	\$21.97	\$1,647.75
7	Reissue Application: Consent of Assignee; Statement of Non-assignment (PTO/SB/53, PTO/AIA/53)	0.30	1,300	390	\$21.97	\$8,568.30
8	Reissue Application Fee Transmittal Form (PTO/SB/56)	0.30	950	285	\$21.97	\$6,261.45
9	Issue Fee Transmittal (PTOL-85B)	0.17	35,000	5,950	\$21.97	\$130,721.50
10	Issue Fee Transmittal (electronic) (PTOL-85B)	0.00	310,000	0	N/A	\$0.00
	<b>Totals</b>	-----	<b>379,600</b>	<b>23,260</b>	-----	<b>\$585,718.40</b>

## 15. Reasons for Changes in Burden from the Current Inventory

### A. Changes in collection since previous OMB approval in 2013

OMB previously approved the renewal of this collection in October, 2013. This collection, approved, contains an estimated:

- 352,150 responses
- 191,690 burden hours
- \$31,276,990 in respondent hourly cost burden
- \$48,022 in annual (non-hour) costs

#### Changes due to rulemaking activity

There were no changes due to rulemaking activity.

#### Changes due to the implementation of new forms or pilots.

There were no changes due to the implementation of new forms or pilots.

#### Changes from the 60-Day *Federal Register* Notice

There were no changes from the 60-Day *Federal Register* Notice.

### B. Changes proposed in this request to OMB

The proposed collection, as outlined in the tables above, seek to modify the existing collection. The new collection, if approved, is estimated to contain:

- 379,600 responses
- 207,065 burden hours
- \$35,734,150 in respondent hourly cost burden
- \$273,468,563.60 in annual (non-hour) costs

#### Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$4,457,160 (from \$31,276,990 to \$35,734,150) from the previous renewal of this collection in October 2013:

- Increased in estimated hourly rates. The 2013 renewal used an estimated rate of \$246.50 to this collection, which was an average of the estimated attorney rate of \$371 per hour and the paraprofessional rate of \$122 per hour. For the current renewal, the USPTO is using updated hourly rates of \$410 for attorneys and \$125 for paraprofessionals, which yields a revised average estimated rate of \$267.50 per hour per respondent.
- Increases in estimated burden hours. The total estimated burden hours have increased from 191,690 in the 2013 renewal to 207,065 for the current renewal due to overall increases in the estimated annual responses for this collection.

#### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses will increase by 27,450 (from 352,150 to 379,600) and the total burden hours will increase by 15,375 (from 191,690 to 207,065) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- Increase of 2,000 responses for the Certificate of Correction from 26,000 to 28,000; a burden increase of 2,000 hours.
- Increase of 100 responses for the Petition to Correct Assignee After Payment to Issue Fee; a burden increase of 50 hours.
- Increase of 150 responses for the Reissue Documentation; a burden increase of 750 hours.
- Increase of 150 responses for the Reissue Patent Application Transmittal; a burden increase of 30 hours.

- Increase of 200 responses for the Reissue Application Declaration by the Inventor or the Assignee or Substitute Statement in Lieu of an Oath or Declaration for Reissue Patent Application; a burden increase of 100 hours.
- Decrease of 250 responses for the Supplemental Declaration for Reissue Patent Application to Correct “Errors” Statement; a burden decrease of 75 hours.
- Increase of 500 responses for the Reissue Application: Consent of Assignee; Statement of Non-assignment; a burden increase of 100 hours.
- Increase of 150 responses for the Reissue Application Fee Transmittal Form; a burden increase of 30 hours.
- Decrease of 15,000 responses for Issue Fee Transmittal; a burden decrease of 7,500 hours.
- Increase of 40,000 responses for Issue Fee Transmittal (electronic); a burden increase of 20,000 hours.

#### Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$273,420,541.60 (from \$48,022 to \$273,468,563.60), with an increase of \$273,420,541.60 due to program changes. Below is the list of program changes:

#### Program Changes:

- Increase of \$273,434,075 in fees. This collection was previously approved with a total of \$0.00 in fees associated with paper and online assignment submissions. For this renewal the USPTO estimates that the total fees will be \$273,434,075, primarily due to program changes.
- Decrease of \$13,533.40 in postage costs. The collection is currently approved with a total of \$48,022 in postage costs associated with mailing patent submissions. For this renewal, the USPTO that the postage costs for mailed items will decrease to \$13,533.40, primarily due to a decrease in the expected number of mailed submissions from 52,198 to 36,690 per year.

#### **16. Published Collections of Information**

No special publications of the items in this collection are planned. However, information regarding patents with certificates of correction, reissue applications filed, and reissue patents granted is published weekly in the *Official Gazette of the United States Patent and Trademark Office*. The *Official Gazette* is published in electronic format on the USPTO Web site.

#### **17. Display of Expiration Date of OMB Approval**

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

**18. Exceptions to the Certificate Statement**

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.