

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Reexaminations and Supplemental Examinations
OMB Control Number 0651-0064

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update the current inventory of information collection 0651-0064 Patent Reexamination and Supplemental Examinations. The fees in 0651-0064 had been moved into collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January, 2013). This request is to return these fees to 0651-0064 to provide appropriate accounting of the fees with the discontinuation of 0651-0072.

The request is only to return the affected fees to the annual (non-hour) cost burden. The table below details the fees that have been moved to 0651-0064 and are to be removed from 0651-0072, pending its discontinuation:

Fees for Respondents – Annual (Non-hour) Cost Burden

| Item | Responses | Cost |
|--|--------------|------------------------|
| 0064 Request for ex parte reexamination – granted | 620 | \$6,366,000.00 |
| 0064 Request for ex parte reexamination – refused | 70 | \$216,900.00 |
| 0064 Supplemental Examination Request | 1,720 | \$6,831,000.00 |
| 0064 Supplemental Examination Reexamination | 1,513 | \$17,762,800.00 |
| 0064 Supplemental Examination document size fees; 21-50 | 131 | \$23,175.00 |
| 0064 Supplemental examination document size fees; each additional 50 | 12 | \$3,360.00 |
| 0064 Reexamination independent claims in excess of three and also in excess of the number of such claims in the patent under reexamination | 506 | \$196,770.00 |
| 0064 Reexamination claims in excess of 20 and also in excess of the number of claims in the patent under reexamination | 4,240 | \$322,480.00 |
| 0064 Reexamination Petition | 832 | \$1,433,660.00 |
| Total | 9,644 | \$33,156,145.00 |

Summary of Changes

The addition of \$33,156,145 in fees to collection 0651-0064 is to account for these fees following the discontinuation of collection 0651-0072.

Changes in Burden

| Burden Type | Currently Approved | Proposed Change | New Estimate |
|--------------------|---------------------------|------------------------|---------------------|
| Responses | 0 | 9,644 | 9,644 |
| Fees | \$0.00 | \$33,156,145.00 | \$33,156,145.00 |

Adding these fees to 0651-0064 (that are currently accounted for in the discontinued 0651-0072) will increase the annual (non-hour) cost estimates originally reported for in the renewal.

Consequently, this collection takes a net burden increase of \$33,156,145 in annual (non-hour) costs as a program change.

The 0651-0064 revised total burden is as follows:

- 9,644 responses
- \$33,156,145 in annual (non-hour) fees