

SUPPORTING STATEMENT
United States Patent and Trademark Office
Initial Patent Applications
OMB CONTROL NO. 0651-0032
(January 30, 2014)

A. JUSTIFICATION

1. Necessity of Information Collection

The USPTO is required by Title 35 of the United States Code, including 35 U.S.C. § 131, to examine applications for patents. The USPTO administers the patent statutes through various rules in Chapter 37 of the Code of Federal Regulations, such as, for example, 37 CFR 1.16 through 1.84. Each patent applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the criteria set forth in the patent statutes and regulations for issuance as a patent. For example, the patent statutes and regulations require that an application for patent include the following information:

- (1) a specification containing a description of the invention and at least one claim defining the property right sought by the applicant;
- (2) a drawing(s) or photographs, where necessary, for an understanding of the invention;
- (3) an oath or declaration signed by the applicant; and
- (4) a filing fee.

Various types of patent applications are covered under the instant information collection:

- New original utility, plant, design, and provisional applications,
- Continuation/divisional applications of international applications,
- Continued prosecution applications (design), and
- Continuations/divisionals and continuation-in-part applications of utility, plant, and design applications

In addition to the foregoing types of patent applications, the instant collection also covers petitions to accept a filing by other than all of the inventors or a person not the inventor, and petitions requesting that applications filed under 37 CFR 1.495(b) be accorded a receipt date.

Most applications for patent, including new utility, design, and provisional applications, can be submitted to the USPTO through EFS-Web. EFS-Web is the USPTO's system for electronic filing of patent correspondence and is accessible via the Internet on the USPTO Web site. The Legal Framework for EFS-Web, available at <http://www.uspto.gov/patents/process/file/efs/guidance/Newlegalframework.jsp>, provides a listing of patent applications and documents permitted to be filed via EFS-Web and patent applications and documents not permitted to be filed via EFS-Web.

Table 1 provides the specific statutes and regulations requiring the USPTO to collect the patent application and petition information covered by the instant collection:

Table 1: Information Requirements to Determine Patentability

Requirement	Statute	Rule(s)
Specification and claim	35 U.S.C. §§ 111 and 112	37 CFR 1.51 through 1.53, 1.57 and 1.58, and 1.71 through 1.78
Drawing(s)	35 U.S.C. § 113	37 CFR 1.51 through 1.53, 1.58, and 1.81 through 1.84
Declaration	35 U.S.C. §§ 25, 115, 117, and 118	37 CFR 1.41 through 1.43, 1.45 through 1.48, 1.51 through 1.53, and 1.63 through 1.69
Filing Fee	35 U.S.C. §§ 41 and 111	37 CFR 1.16 and 1.53
Continued Prosecution Application – Design (Request Transmittal and Receipt)	35 U.S.C. §§ 111, 120, and 121	37 CFR 1.53(d) and 1.78
Petition to Accept Unintentionally Delayed Priority/Benefit Claim	35 U.S.C. §§ 119(b)(2), 119(e), and 120	37 CFR 1.55 and 1.78
Petition to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor	35 U.S.C. §§ 116 through 118	37 CFR 1.42, 1.43, and 1.47
Petition under 37 CFR 1.6(g) to Accord the Application Under 37 CFR 1.495(b) a Receipt Date	35 U.S.C. § 371	37 CFR 1.6(g) and 1.495(b)
Papers Filed Under 37 CFR 1.41 to Supply the Name or Names of the Inventor or Inventors after the Filing Date Without a Cover Sheet as Prescribed by 37 CFR 1.51(c)(1) in a Provisional Application	35 U.S.C. §§ 111(b) and 116	37 CFR 1.41(a)(2)
Papers Filed Under 37 CFR 1.48 for Correction of Inventorship in a Provisional Application	35 U.S.C. §§ 111(b) and 116	37 CFR 1.48
Papers Filed Under 37 CFR 1.53(c)(2) to Convert a Nonprovisional Application Filed Under 1.53(b) to a Provisional Application Filed Under 1.53(c)	35 U.S.C. § 111(a) and (b)	37 CFR 1.53(b) and 1.53(c)(2)

2. Needs and Uses

The public uses this information collection to: apply for utility, plant, and design patents; provide patent application data; request continuation, continuation-in-part, and divisional applications of international and nonprovisional patent applications; request continued prosecution of design patent applications; submit provisional patent applications; file certain petitions; to supply the name or names of the inventor or inventors after the filing date without a cover sheet in a provisional applications; identify and correct the

inventorship of provisional patent applications; and convert nonprovisional applications to provisional applications.

The information in this collection can be submitted by mail, electronically, facsimile (limited to petitions to accept unintentionally delayed priority/benefit claims, petitions to accept a filing by other than all the inventors or a person not the inventor, and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2)), and hand delivery.

There are 69 forms in this collection. This total includes versions of the inventor's oath and declaration forms that were created to comply with the changes resulting from the Leahy-Smith America Invents Act, e.g., forms AIA/01, AIA/02, etc., as well as pre-America Invents Act versions of the oath and declaration forms, e.g., forms SB/01, SB/02, etc., and foreign language translations of the oath and declaration forms, e.g., forms AIA/01CN, SB/02CN, etc. The petitions and the papers filed to supply the name or names of the inventor or inventors after the filing date without a cover sheet in a provisional application, to correct inventorship in a provisional application, and to convert a nonprovisional application to a provisional application do not have forms associated with them.

The Information Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for Fiscal Year 2001, apply to this information collection. This information collection and its supporting statement comply with all applicable information quality guidelines.

Table 2 outlines how these collections of information are used by the public and by the USPTO:

Table 2: Needs and Uses of Information Collected to Determine Patentability

Form and Function	Form #	Needs and Uses
Specification (includes at least one claim) and Drawing(s)	No Form Associated	<ul style="list-style-type: none"> • Used by the applicant to provide a description of the invention and of the property right sought by the applicant (the claim(s)). • Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.
Patent Application Fee Determination Record (Substitute for Form PTO-875) Multiple Dependent Claim Fee Calculation Sheet (Substitute for Form PTO-1360; For Use with Form PTO/SB/06)	PTO/SB/06 PTO/SB/07	<ul style="list-style-type: none"> • Used by the USPTO to determine the appropriate fees for small and non-small entities and for applications containing multiple dependent claims. NOTE: These forms are seldom used by applicants, but in the event that an applicant obtained these forms, their use would reduce fee calculation errors, especially in those applications containing multiple dependent claims.
Fee Transmittal Form	PTO/SB/17	<ul style="list-style-type: none"> • Used by applicants to determine fees. • Used by the USPTO to verify applicant fee determination and to process the fee.

Form and Function	Form #	Needs and Uses
Utility Patent Application Transmittal Design Patent Application Transmittal Plant Patent Application Transmittal	PTO/AIA/15 PTO/AIA/18 PTO/AIA/19	<ul style="list-style-type: none"> Used by the applicant as a checklist to highlight information which may otherwise have been overlooked at the time of filing. Used by the applicant to provide identifying information about the submitted papers and himself/herself. Used by the USPTO to determine whether the submitted papers constitute an application for patent, whether it is a utility, plant, or design application.
Declaration for Utility or Design Patent Application (37 CFR 1.63) Declaration (37 CFR 1.63) for Utility or Design Patent Application using an Application Data Sheet (37 CFR 1.76) Chinese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) German Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Spanish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) French Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Italian Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Japanese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76) Korean Language Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76) Dutch Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)	PTO/SB/01 PTO/SB/AIA01 PTO/AIA/01CN PTO/AIA/01DE PTO/AIA/01ES PTO/AIA/01FR PTO/AIA/01IT PTO/AIA/01JP PTO/AIA/01KR PTO/AIA/01NL	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.

Form and Function	Form #	Needs and Uses
<p>Russian Language Declaration (37 CFR 1.63) for Utility or Design Application Using An Application Data Sheet (37 CFR 1.76)</p> <p>Swedish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Declaration for Utility or Design Patent Application (37 CFR 1.63)</p> <p>Declaration (supplemental sheet for PTO/SB/AIA08)</p>	<p>PTO/AIA/01RU</p> <p>PTO/AIA/01SE</p> <p>PTO/SB/AIA08</p> <p>PTO/SB/AIA10</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.
<p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet</p> <p>Declaration – Additional Inventors – Supplemental Sheet</p> <p>Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64)</p> <p>Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA02)</p>	<p>PTO/SB/02</p> <p>PTO/SB/02A</p> <p>PTO/SB/AIA02</p> <p>PTO/SB/AIA11</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.
<p>Declaration – Supplemental Priority Data Sheet</p>	<p>PTO/SB/02B</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration
<p>Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (Chinese Language Declaration for Additional Inventors)</p> <p>Chinese (simplified) Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p>	<p>PTO/SB/02CN</p> <p>PTO/AIA/02CN</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.

Form and Function	Form #	Needs and Uses
<p>Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (German Language Declaration for Additional Inventors)</p> <p>German Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p>	<p>PTO/SB/02DE</p> <p>PTO/AIA/02DE</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.
<p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Spanish Language Declaration for Additional Inventors)</p> <p>Spanish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (French Language Declaration for Additional Inventors)</p> <p>French Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Italian Language Declaration for Additional Inventors)</p> <p>Italian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Japanese Language Declaration for Additional Inventors)</p> <p>Japanese Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Korean Language Declaration for Additional Inventors)</p>	<p>PTO/SB/02ES</p> <p>PTO/AIA/02ES</p> <p>PTO/SB/02FR</p> <p>PTO/AIA/02FR</p> <p>PTO/SB/02IT</p> <p>PTO/AIA/02IT</p> <p>PTO/SB/02JP</p> <p>PTO/AIA/02JP</p> <p>PTO/SB/02KR</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.

Form and Function	Form #	Needs and Uses
<p>Korean Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Dutch Language Declaration for Additional Inventors)</p> <p>Dutch Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR1.64)</p> <p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Russian Language Declaration for Additional Inventors)</p> <p>Russian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p>	<p>PTO/AIA/02KR</p> <p>PTO/SB/02NL</p> <p>PTO/AIA/02NL</p> <p>PTO/SB/02RU</p> <p>PTO/AIA/02RU</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.
<p>Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Swedish Language Declaration for Additional Inventors)</p> <p>Swedish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. §115(d) and 37 CFR 1.64)</p>	<p>PTO/SB/02SE</p> <p>PTO/AIA/02SE</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.
<p>Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. 117) on Behalf of a Deceased or Incapacitated Inventor</p> <p>Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.63)</p> <p>Declaration (37 CFR 1.63) for Plant Patent Application using an Application Data Sheet (37 CFR 1.76)</p> <p>Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.162)</p> <p>Supplemental Declaration for Utility or Design Patent Application (37 CFR 1.67)</p> <p>Substitute Statement in Lieu of an Oath or Declaration for Plant Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64)</p>	<p>PTO/SB/02LR</p> <p>PTO/SB/03</p> <p>PTO/SB/AIA03</p> <p>PTO/SB/AIA09</p> <p>PTO/SB/04</p> <p>PTO/SB/AIA04</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration

Form and Function	Form #	Needs and Uses
<p>Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA04)</p> <p>Declaration (supplemental sheet for PTO/SB/AIA09)</p>	<p>PTO/SB/AIA11</p> <p>PTO/SB/AIA10</p>	<ul style="list-style-type: none"> Assures that an applicant meets all of the requirements of 37 CFR 1.63 by providing the prerequisite language. Used by applicants to easily claim the benefit of an earlier application under 35 U.S.C. §§ 119 or 365. Enables the legal representative of a deceased inventor to file a patent application by signing the declaration on the behalf of a deceased or incapacitated inventor. Assures that an applicant will provide necessary information (most often overlooked). Used by the USPTO to determine whether the required information has been set forth in the declaration.
<p>Declaration and Power of Attorney for Patent Application (in various foreign languages)</p>	<p>PTO/SB/101 through 110</p>	<ul style="list-style-type: none"> Perform the same functions as SB/01, 03, and 04. Provide the applicant with a native (to the applicant) language version with English translation of the required declaration. Chinese, Dutch, German, Italian, French, Japanese, Russian, Swedish, Spanish, and Korean language declarations are available.
<p>Application Data Sheet Form</p> <p>Application Data Sheet 37 CFR 1.76</p> <p>Web-based Application Data Sheet Form</p>	<p>PTO/SB/14 EFS-Web</p> <p>PTO/AIA/14</p> <p>eADS</p>	<ul style="list-style-type: none"> Provides applicant with a convenient manner to provide bibliographic information concerning the applicant and application that the applicant is either required, or desires, to provide to the USPTO. Used by the USPTO to autoload data directly into USPTO databases, which reduce information capture errors caused by hand keying. Used by the USPTO to provide a quick acknowledgment of the application and the information in USPTO records concerning the applicant and application.
<p>Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76)</p> <p>Declaration (37 CFR 1.63) for Plant Application Using an Application Data Sheet (37 CFR 1.76)</p>	<p>PTO/SB/01A</p> <p>PTO/SB/03A</p>	<ul style="list-style-type: none"> Provides applicant with a convenient manner to provide a declaration containing the minimal information that must be in the oath or declaration if the application also contains an application data sheet. Used by the USPTO to process the declaration.
<p>For Design Applications Only: Continued Prosecution Application (CPA) Request Transmittal</p> <p>For Design Applications Only: Receipt for Facsimile Transmitted CPA</p>	<p>PTO/SB/29</p> <p>PTO/SB/29A</p>	<ul style="list-style-type: none"> Used by the applicant to request additional examination of a previously submitted design application. Used by the USPTO to process and initiate an additional examination of a previously submitted design application.
<p>Provisional Application for Patent Cover Sheet – Paper and Electronic Filing</p>	<p>PTO/SB/16 and EFS-Web</p>	<ul style="list-style-type: none"> Used by the applicant to file a provisional application with the USPTO. Used by the applicant to include filing fees. Used by the USPTO to identify provisional applications in order to promptly and properly process them. Used by the USPTO to prepare the filing receipt. Used by the USPTO to identify provisional applications that may require foreign filing licenses.
<p>Petition to Accept Unintentionally Delayed Priority/Benefit Claim</p>	<p>No Form Associated</p>	<ul style="list-style-type: none"> Used by the applicant to submit an unintentionally delayed priority claim to the USPTO. Used by the USPTO to determine whether the applicant has included the documentation and fees necessary for the USPTO to accept unintentionally delayed priority /benefit claim under 35 U.S.C. §§ 119, 120, or 365.

Form and Function	Form #	Needs and Uses
Petition to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor	No Form Associated	<ul style="list-style-type: none"> Enables inventors or assignees who cannot locate or obtain signatures from an inventor or a legal representative of a deceased inventor to submit a patent application. Used by the USPTO to ensure that the necessary information has been provided in support of the oath or declaration.
Petition under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date	No Form Associated	<ul style="list-style-type: none"> Used by applicants to request a receipt date for applications filed under 37 CFR 1.495(b). Used by the USPTO to assign applications filed under 37 CFR 1.495(b) a receipt date.
Electronic New Utility Patent Application	EFS-Web	<ul style="list-style-type: none"> Used by filers to electronically file a new original utility application with the USPTO and to include the necessary filing fees. Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.
Electronic New Design Application	EFS-Web	<ul style="list-style-type: none"> Used by filers to electronically file a new original design application with the USPTO and to include the necessary filing fees. Used by the USPTO to examine an application for patent, and when appropriate, issue the application as a patent.
Papers Filed under 37 CFR 1.41 to Supply the Name or Names of the Inventor or Inventors After the Filing Date Without a Cover Sheet as Prescribed by 37 CFR 1.51(c)(1) in a Provisional Application	No Form Associated	<ul style="list-style-type: none"> Used by filers to supply or change the name or names of the inventor or inventors of a provisional application filed without a cover sheet after the provisional application filing date. Used by the USPTO to change the name or names of the inventor or inventors of a provisional applications filed without a cover sheet after the provisional application filing date.
Papers Filed Under 37 CFR 1.48 for Correction of Inventorship in a Provisional Application	No Form Associated	<ul style="list-style-type: none"> Used by filers to request a correction of the inventorship of a provisional application. Used by the USPTO to determine whether the inventorship of a provisional application should be corrected.
Papers Filed Under 37 CFR 1.53(c)(2) to Convert a NonProvisional Application Filed Under 1.53(b) to a Provisional Application Filed Under 1.53(c)	No Form Associated	<ul style="list-style-type: none"> Used by filers to request that a nonprovisional application filed under 37 CFR 1.53(b) be converted to a provisional application filed under 37 CFR 1.53(c). Used by the USPTO to determine whether to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 37 CFR 1.53(c).

3. Use of Information Technology

In addition to paper submissions, the USPTO can collect some of the information in this collection electronically via EFS-Web or by facsimile submission. The Legal Framework for EFS-Web, available at http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp outlines which types of patent applications and associated documents can and cannot be submitted electronically. Facsimile submission is limited to the petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2). The USPTO does not use any other automated, mechanical, or other technological collection techniques to collect the information in this collection.

EFS-Web is a web-based document submission system that allows customers to file nearly all of the documents covered under this information collection through their standard web browser without downloading special software, changing their documentation preparation tools, or altering their workflow processes. Customers may

create their documents 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 Application Data Sheet form (PTO/SB/14) and the Provisional Application for Patent Cover Sheet (PTO/SB/16), that can be submitted through EFS-Web may be downloaded from the USPTO website and do not require special PDF creation software.

Registered and unregistered users can file documents securely through EFS-Web, which is hosted on secure servers. The documents of registered users are protected using a Public Key Infrastructure (PKI) system and digital certificates which provide authentication and encryption security. 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. After the document has been successfully submitted through EFS-Web, 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 EFS 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.

There are many additional benefits to filing through EFS-Web. 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 published patent applications, issued patents, certificates of correction, and reissue applications is made available to the general public.

In May 2010, the USPTO introduced EFS-Web Contingency Option, which permits users to file their patent documents even when the primary portal to EFS-Web is unavailable. EFS-Web Contingency Option has the same functionality as EFS-Web for unregistered users and provides an electronic acknowledgment receipt, performs file validation, and encrypts the applications using TLS. Of the documents covered under

this information collection, EFS-Web Contingency Option can be used only to file provisional patent applications, nonprovisional utility and design patent applications, and national stage applications under 35 U.S.C. § 371.

4. Efforts to Identify Duplication

This information is collected only when an applicant (or representative) submits a patent application, a petition to accept unintentionally delayed priority/benefit claim, a petition to accept a filing by other than all the inventors or a person not the inventor, a petition under 37 CFR 1.6(g) to accord the application under 37 CFR 1.495(b) a receipt date, and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2). This information is not collected elsewhere. Therefore, this collection does not create a duplication of effort or collection of data.

5. Minimizing Burden to Small Entities

This information collection involves items which require the 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).

The fee burden for items in this collection is covered by collection 0651-0072, however an explanation of the small entity burden of fees is provided here. 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(b) 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. In addition, the provisions of the Consolidated Appropriations Act of 2005 establish a filing fee of \$75 for small entities filing original utility applications electronically on or after December 8, 2004.

6. Consequences of Less Frequent Collection

This information is collected only when an applicant (or representative) submits a patent application, a petition to accept unintentionally delayed priority/benefit claim, a petition to accept a filing by other than all the inventors or a person not the inventor, a petition requesting that applications filed under 37 CFR 1.495(b) be assigned a receipt date, and a paper filed under 37 CFR 1.41, 1.48, and 1.53(c)(2). This information is not collected elsewhere. Therefore, this collection of information could not be conducted

less frequently and the USPTO could not examine an application or issue a patent as required by the patent statute (35 U.S.C. § 131) if this information was not collected.

7. Special Circumstances in the Conduct of Information Collection

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

8. Consultation Outside the Agency

A *Federal Register* Notice announcing the renewal of this collection and requesting public comments was published on October 1, 2013 (78 Fed Reg. 60256). The public comment period was originally scheduled to end on December 2, 2013, but the USPTO published a *Federal Register* Notice on November 12, 2013 (78 Fed Reg. 67339) extending the public comment period to December 16, 2013. No public comments were received in response to the October 1 *Federal Register* Notice.

In addition, the USPTO hosted a roundtable on December 11, 2013, at USPTO headquarters in Alexandria, Virginia. The roundtable was open to the public and available via Web cast. In light of the comments that were received during the roundtable, the USPTO adjusted the estimated response times for the utility, plant, design, and provisional patent application types in this collection.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary to obtain a patent.

10. Assurance of Confidentiality

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). Upon publication of an application or issuance of an application as a patent, the entire file contents of the application are available to the public (subject to the provisions for providing only a redacted copy of the filed contents). The disclosure of the invention in the application is the quid pro quo for the property right conferred by the patent grant, and the very means by which the patent statute achieves its constitutional object of “promot[ing] the progress of science and useful arts.” The prosecution history contained in the application file is critical to determining the scope of the property right conferred by a patent grant.

To further define the boundaries of the confidentiality of patent applications in light of the eighteen-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.

Applications filed through EFS-Web 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 EFS-Web 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 Web site. The information covered under this 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 Application Information Retrieval (PAIR) 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 PAIR.

11. Justification for Sensitive Questions

None of the required information is considered to be of a sensitive nature.

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 projects that it will receive 597,047 responses per year. The USPTO estimates that approximately 157,950 of these responses will be from small entities (this estimate reflects a 25% small entity response rate for all items in the collection except for design-related items in the collection, for which a 50% small entity response rate is estimated). The USPTO estimates that 577,624 of the responses will be filed electronically.

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 takes the public approximately 30 minutes (0.50 hours) to 40 hours to complete the applications, petitions, and additional papers in this collection, depending on the complexity of the request. This includes the time to gather the necessary information, prepare the application, petition, or other papers, and submit the completed request to the USPTO. The USPTO assumes that, on balance, it takes the same amount of time to gather the necessary information, prepare the application,

petition, or other paper, and submit it to the USPTO, whether the applicant submits it in paper form or electronically.

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. These estimates are also based on feedback received during the December 11, 2013, roundtable.

- **Cost Burden Calculation Factors**

The USPTO assumes that all of the information in this collection will be prepared by an attorney. The USPTO uses a professional rate of \$389 per hour for respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the 2013 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA).

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency estimates \$389 is an accurate estimate of the cost per hour to collect this information.

Table 3: Burden Hour/Burden Cost to Respondents

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Original New Utility Applications – No Application Data Sheet	40.0	800	32,000	\$389.00	\$12,448,000.00
1	Electronic Original New Utility Applications – No Application Data Sheet	40.0	26,500	1,060,000	\$389.00	\$412,340,000
2	Original New Plant Applications – No Application Data Sheet	9.0	100	900	\$389.00	\$350,100.00
3	Original New Design Applications – No Application Data Sheet	7.0	100	700	\$389.00	\$272,300.00
3	Electronic Original Design Applications – No Application Data Sheet	7.0	2,900	20,300	\$389.00	\$7,896,700.00
4	Original New Utility Applications – Application Data Sheet	40.0	7,500	300,000	\$389.00	\$116,700,000.00
4	Electronic Original New Utility Applications – Application Data Sheet	40.0	238,200	9,528,000	\$389.00	\$3,706,392,000.00
5	Original New Plant Applications – Application Data Sheet	9.0	1,200	10,800	\$389.00	\$4,201,200.00
6	Original New Design Applications – Application Data Sheet	7.0	800	5,600	\$389.00	\$2,178,400.00
6	Electronic New Design Applications – Application Data Sheet	7.0	26,500	185,500	\$389.00	\$72,159,500.00
7	Continuation/Divisional of an International Application	4.0	300	1,200	\$389.00	\$466,800.00
7	Electronic Continuation/Divisional of an International Application	4.0	10,200	40,800	\$389.00	\$15,871,200.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
8	Utility Continuation/Divisional Applications	4.0	2,200	8,800	\$389.00	\$3,423,200.00
8	Electronic Utility Continuation/Divisional Applications	4.0	71,600	286,400	\$389.00	\$111,409,600.00
9	Plant Continuation/Divisional Applications	3.0	200	600	\$389.00	\$233,400.00
10	Design Continuation/Divisional Applications	1.0	100	100	\$389.00	\$38,900.00
10	Electronic Design Continuation/Divisional Applications	1.0	2,700	2,700	\$389.00	\$1,050,300.00
11	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	1.0	25	25	\$389.00	\$9,725.00
11	Electronic Continued Prosecution Applications – Design (Request Transmittal and Receipt)	1.0	800	800	\$389.00	\$311,200.00
12	Utility Continuation-in-Part Applications	20.0	400	8,000	\$389.00	\$3,112,000.00
12	Electronic Utility Continuation-in-Part Applications	20.0	13,100	262,000	\$389.00	\$101,918,000.00
13	Plant Continuation-in-Part Applications	5.0	1	5	\$389.00	\$1,945.00
14	Design Continuation-in-Part Applications	3.0	20	60	\$389.00	\$23,340.00
14	Electronic Design Continuation-in-Part Applications	3.0	800	2,400	\$389.00	\$933,600.00
15	Provisional Application for Patent Cover Sheet	18.0	5,500	99,000	\$389.00	\$38,511,000.00
15	Electronic Provisional Application for Patent Cover Sheet	18	178,600	3,214,800	\$389.00	\$1,250,557,200.00
16	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	1.0	30	30	\$389.00	\$11,670.00
16	Electronic Petition to Accept Unintentionally Delayed Priority/Benefit Claims	1.0	970	970	\$389.00	\$377,330.00
17	Petition To Accept a Filing by Other Than All the Inventors or a Person not the Inventor	1.0	33	33	\$389.00	\$12,837.00
17	Electronic Petition to Accept a Filing by Other Than all the Inventors or a Person not the Inventor	1.0	1,067	1,067	\$389.00	\$415,063.00
18	Petition under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date	0.5	1	1	\$389.00	\$389.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
19	Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51 (c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	0.75	114	86	\$389.00	\$33,454.00
19	Electronic Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51 (c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	0.75	3,686	2,765	\$389.00	\$1,075,585.00
	Total	- - -	597,047	15,076,442	- - - -	\$5,864,735,938.00

13. Total Annual (Non-hour) Cost Burden

The total annual (non-hour) cost burden for this collection is calculated in Table 4 below. The postage and drawing costs are included in this information collection request. The filing, search, and examination fees for the patent applications, the filing fees for the petitions, the processing fees for the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2), the additional fees incurred when an application is filed with additional sheets or excess claims and the additional surcharges and fees incurred whenever an application, the search or examination fee, or the oath or declaration is filed late, when an application is filed with multiple dependent claims, or when an application is filed with a non-English specification, are covered under 0651-0072 America Invents Act Section 10 Patent Fee Adjustments.

This collection has no maintenance, operation, capital start-up, or recordkeeping costs.

Postage

The patent applications, the petitions, and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2) may be submitted by mail through the United States Postal Service. The

USPTO recommends that applicants file initial patent applications (which also include the continued prosecution, continuation and divisional, continuation-in-part, and provisional applications) by Express Mail to establish the filing date (otherwise the filing date of the application will be the date that it is received at the USPTO). The petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2) can be sent by first-class mail.

- For the patent applications, the USPTO estimates that the application package will weigh at least one pound. Using the Express Mail (Priority Mail Express) flat rate cost for mailing envelopes, the USPTO estimates that the average cost for sending an initial application by Express Mail will be \$19.99 and that up to 19,246 applications may be mailed by Express Mail to the USPTO.
- For the petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2), the USPTO estimates that these submissions will average two ounces, for an estimated postage rate of 70 cents. The USPTO estimates that up to 177 applications may be mailed by first-class postage to the USPTO.

Drawing Costs

Patent applicants can submit drawings with their utility, design, plant, and provisional applications. Applicants can prepare these drawings on their own or they can hire patent illustration services firms to create them. As a basis for estimating the drawing costs, the USPTO expects that all applicants will have their drawings prepared by a patent illustration firm.

Estimates for the patent drawings can vary greatly, depending on the number of figures to be produced, the total number of pages for the drawings, and the complexity of the drawings. Because there are many variables involved, the USPTO is using the average of the cost ranges found for the application drawings to derive the estimated cost per sheet that is then used to calculate the total drawing costs.

The utility, plant, and design continuation and divisional applications use the same drawings as the initial filings, so they are not included in these totals. The continuation-in-part applications may use some of the same drawings as the initial applications and some new drawings may be submitted, so those numbers are included in these estimates. The drawings for the continued prosecution applications are also included in the drawing cost totals. There are no continuation, divisional, or continuation-in-part provisional applications.

- Utility Drawings - The USPTO estimates that the costs to produce these drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the drawings and that on average, 9 sheets of drawings are submitted, for an average cost of \$1,035 to produce the utility drawings. Out of 286,500 utility applications submitted per year,

the USPTO estimates that 77%, or 220,605 applications, will be submitted with drawings.

- **Design Drawings** - The USPTO estimates that the costs to produce design drawings can range from \$35 to \$350 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$193 per sheet to produce design drawings. On average, 9 sheets of drawings are submitted, for an average cost of \$1,737 to produce the design drawings. Out of 31,945 design applications submitted per year, the USPTO estimates that all of them will be submitted with drawings.
- **Plant Drawings** – In general, photographs are submitted for the plant applications, although drawings can also be submitted. The USPTO estimates that the costs to produce the photographs or drawings for the plant applications can range from \$35 to \$100. Taking the average of this range, the USPTO estimates that it can cost \$68 per sheet to produce the photographs or drawings for the plant applications. On average, 9 sheets of drawings are submitted, for an average cost of \$612 to produce the photographs/drawings for the plant applications. Out of 1,301 plant applications submitted per year, the USPTO estimates that all of them will be submitted with drawings.
- **Provisional Drawings** - The USPTO estimates that the costs to produce the provisional drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the provisional drawings. On average, 9 sheets of drawings are submitted, for an average cost of \$1,035 to produce the provisional drawings. Out of 184,100 provisional applications submitted per year, the USPTO estimates that 77%, or 141,757, will be submitted with drawings.

Fees

The fee burden associated with the items in this collection is estimated and covered by information collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments. That collection was approved by OMB in January 2013 in conjunction with the USPTO rulemaking “Setting and Adjusting Patent Fees” (RIN 0651-AC54). These fees are now being deleted from the annual (non-hour) burden costs for 0651-0032 to avoid double-counting them in the USPTO’s inventory.

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

	Type of Cost	Estimated annual responses	Amount	Totals
	EXPRESS MAILING POSTAGE COSTS			
1	Original New Utility Applications – No Application Data Sheet Postage Costs	800	\$19.99	\$15,992.00
2	Original New Plant Applications – No Application Data Sheet Postage Costs	100	\$19.99	\$1,999.00

	Type of Cost	Estimated annual responses	Amount	Totals
3	Original New Design Applications – No Application Data Sheet Postage Costs	100	\$19.99	\$1,999.00
4	Original New Utility Applications – Application Data Sheet Postage Costs	7,500	\$19.99	\$149,925.00
5	Original New Plant Applications – Application Data Sheet Postage Costs	1,200	\$19.99	\$23,988.00
6	Original New Design Applications – Application Data Sheet Postage Costs	800	\$19.99	\$15,992.00
7	Continuation/Divisional of an International Application Postage Costs	300	\$19.99	\$5,997.00
8	Utility Continuation/Divisional Applications – Postage Costs	2,200	\$19.99	\$43,978.00
9	Plant Continuation/Divisional Applications – Postage Costs	200	\$19.99	\$3,998.00
10	Design Continuation/Divisional Applications – Postage Costs	100	\$19.99	\$1,999.00
11	Continued Prosecution Applications – Design (Request Transmittal and Receipt) Postage Costs	25	\$19.99	\$500.00
12	Utility Continuation-in-Part Applications Postage Costs	400	\$19.99	\$7,996.00
13	Plant Continuation-in-Part Applications Postage Costs	1	\$19.99	\$20.00
14	Design Continuation-in-Part Applications Postage Costs	20	\$19.99	\$400.00
15	Provisional Application for Patent Cover Sheet Postage Costs	5,500	\$19.99	\$109,945.00
	Total Express Postage Costs	-----	-----	\$384,728.00
	FIRST-CLASS POSTAGE COSTS			
16	Petition to Accept Unintentionally Delayed Priority/Benefit Claim Postage Costs	30	\$0.70	\$21.00
17	Petition to Accept a Filing by Other Than all the Inventors or a Person Not the Inventor Postage Costs	33	\$0.70	\$23.00
19	Papers Filed Under the Following (Postage Costs): 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application 1.48 – for correction of inventorship in a provisional application 1.53(c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	114	\$0.70	\$80.00
	Total First-Class Postage Costs	-----	-----	\$124.00
	Total Postage Costs	-----	-----	\$384,852.00
	DRAWING COSTS			
1, 4, 12	Utility Application Drawing Costs	220,605	\$1,035.00	\$228,326,175.00

	Type of Cost	Estimated annual responses	Amount	Totals
3, 6, 11, 14	Design Application Drawing Costs	31,945	\$1,737.00	\$55,488,465.00
2, 5, 13	Plant Application Drawing Costs (Photographs)	1,301	\$612.00	\$796,212.00
15	Provisional Application Drawing Costs	141,757	\$1,035.00	\$146,718,495.00
	Total Drawing Costs	-----	-----	\$431,329,347.00
	Total Fees	-----	-----	\$0.00
	Total annual (non-hour) Costs	-----	-----	\$431,714,199.00

14. Annual Cost to Federal Government

The USPTO estimates that it takes a GS-5, step 1 employee between 6 minutes (0.1 hours) and 1 hour to process the applications, petitions, and additional papers in this collection at an estimated cost of \$21.44 per hour (GS-5/1 hourly rate of \$16.49 with 30% (\$4.95) 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	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
1	Original New Utility Applications – No Application Data Sheet	1.0	800	800	\$21.44	\$17,152.00
1	Electronic Original New Utility Applications – No Application Data Sheet	1.0	26,500	26,500	\$21.44	\$568,160.00
2	Original New Plant Applications – No Application Data Sheet	1.0	100	100	\$21.44	\$2,144.00
3	Original New Design Applications – No Application Data Sheet	1.0	100	100	\$21.44	\$2,144.00
3	Electronic Original Design Applications – No Application Data Sheet	1.0	2,900	2,900	\$21.44	\$62,176.00
4	Original New Utility Applications – Application Data Sheet	1.0	7,500	7,500	\$21.44	\$160,800.00
4	Electronic Original New Utility Applications – Application Data Sheet	1.0	238,200	238,200	\$21.44	\$5,107,008.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
5	Original New Plant Applications – Application Data Sheet	1.0	1,200	1,200	\$21.44	\$25,728.00
6	Original New Design Applications – Application Data Sheet	1.0	800	800	\$21.44	\$17,152.00
6	Electronic New Design Applications – Application Data Sheet	1.0	26,500	26,500	\$21.44	\$568,160.00
7	Continuation/Divisional of an International Application	1.0	300	300	\$21.44	\$6,432.00
7	Electronic Continuation/Divisional of an International Application	1.0	10,200	10,200	\$21.44	\$218,688.00
8	Utility Continuation/Divisional Applications	1.0	2,200	2,200	\$21.44	\$47,168.00
8	Electronic Utility Continuation/Divisional Applications	1.0	71,600	71,600	\$21.44	\$1,535,104.00
9	Plant Continuation/Divisional Applications	1.0	200	200	\$21.44	\$4,288.00
10	Design Continuation/Divisional Applications	1.0	100	100	\$21.44	\$2,144.00
10	Electronic Design Continuation/Divisional Applications	1.0	2,700	2,700	\$21.44	\$57,888.00
11	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	0.6	25	15	\$21.44	\$322.00
11	Electronic Continued Prosecution Applications – Design (Request Transmittal and Receipt)	0.6	800	480	\$21.44	\$10,291.00
12	Utility Continuation-in-Part Applications	1.0	400	400	\$21.44	\$8,576.00
12	Electronic Utility Continuation-in-Part Applications	1.0	13,100	13,100	\$21.44	\$280,864.00
13	Plant Continuation-in-Part Applications	1.0	1	1	\$21.44	\$21.00
14	Design Continuation-in-Part Applications	1.0	20	20	\$21.44	\$429.00
14	Electronic Design Continuation-in-Part Applications	1.0	800	800	\$21.44	\$17,152.00
15	Provisional Application for Patent Cover Sheet	0.5	5,500	2,750	\$21.44	\$58,960.00
15	Electronic Provisional Application for Patent Cover Sheet	0.5	178,600	89,300	\$21.44	\$1,914,592.00
16	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	0.3	30	9	\$21.44	\$193.00
16	Electronic Petition to Accept Unintentionally Delayed Priority/Benefit Claim	0.3	970	291	\$21.44	\$6,239.00
17	Petition to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor	0.3	33	10	\$21.44	\$214.00
17	Electronic Petition to Accept a Filing by Other Than All the Inventors or a Person Not the Inventor	0.3	1,067	320	\$21.44	\$6,861.00
18	Petition Under 37 CFR 1.6(g) to Accord the Application under 37 CFR 1.495(b) a Receipt Date	0.1	1	1	\$21.44	\$21.00

	Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
19	Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	0.5	114	57	\$21.44	\$1,222.00
19	Electronic Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	0.5	3,686	1,843	\$21.44	\$39,514.00
	Total	- - - - -	597,047	501,297	- - - - -	\$10,747,807.00

15. Reasons for Changes in Burden from the Current Inventory

The USPTO is submitting the following changes for this renewal:

- Adjusting the estimated annual responses, times, and burden hours.
- Adding electronic options for the petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2)
- Removing the capital start-up costs associated with the compact disc copies of patent applications containing large computer program listings or mega tables.
- Adjusting the postage costs to reflect changes in the estimated number of mailed submissions and the postage rate. The postage cost adjustments also reflect the introduction of electronic filing options for the petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2) and the elimination of the oversized computer program listing/mega table CD submissions.
- Removing the recordkeeping costs associated with electronic filings and oversized computer program/mega table submissions.

- Adjusting the drawing costs to reflect changes in the estimated annual responses and estimated production costs.
- Removing the filing, search, examination, processing, and additional fee burden estimates to avoid double-counting those annual (non-hour) costs in the USPTO's inventory. The fee burden associated with the items in this collection is estimated and covered by information collection 0651-0072 America Invents Act Section 10 Patent Fee Adjustments. That collection was approved by OMB in January 2013 in conjunction with the USPTO rulemaking "Setting and Adjusting Patent Fees" (RIN 0651-AC54).

This collection has also been updated with two requests for nonsubstantive change since the previous renewal of this collection in January 2011:

- July 2012: Added eight new forms related to the inventor's oath or declaration:
 - Declaration (37 CFR 1.63) for Utility or Design Patent Application using an Application Data Sheet (37 CFR 1.76) (PTO/SB/AIA01)
 - Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/SB/AIA02), Declaration
 - Declaration (37 CFR 1.63) for Plant Patent Application using an Application Data Sheet (37 CFR 1.76) (PTO/SB/AIA03)
 - Substitute Statement in Lieu of an Oath or Declaration for Plant Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/SB/AIA04)
 - Declaration for Utility or Design Patent Application (37 CFR 1.63) (PTO/SB/AIA08)
 - Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.162) (PTO/SB/AIA09)
 - Declaration (supplemental sheet for PTO/SB/AIA08 or PTO/SB/AIA09) (PTO/SB/AIA10)
 - Substitute Statement Supplemental Sheet (supplemental sheet for PTO/SB/AIA02 or PTO/SB/AIA04) (PTO/SB/AIA11)
- September 2012: Added 21 new forms related to the inventor's oath or declaration and application data sheet:
 - Application Data Sheet 37 CFR 1.76
 - Declaration (37 CFR 1.63) for Utility or Design Patent Application using an Application Data Sheet (37 CFR 1.76) (PTO/SB/AIA01), translated into Chinese, Dutch, French, German, Italian, Japanese, Korean, Russian, Spanish, and Swedish (Forms 2 through 11)
 - Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64) (PTO/SB/AIA02), translated into Chinese, Dutch, French, German, Italian, Japanese, Korean, Russian, Spanish, and Swedish (Forms 12 through 21)

This information collection is currently approved with a total of 513,221 responses, 11,553,888 burden hours, and \$772,798,833 in annual (non-hour) costs.

Changes in Burden Estimates Since the 60-Day *Federal Register* Notice

In the 60-Day *Federal Register* Notice published on October 1, 2013, the USPTO estimated that the total annual respondent burden hours for this collection would be 12,522,680 hours and that the annual non-hour respondent cost burden for this collection would be \$431,933,422.

The total annual respondent burden hours is calculated in part by using the estimated response times for the items in the collection. On December 11, 2013, the USPTO held a public roundtable to obtain additional public input regarding the burden associated with this collection and ways to potentially reduce it. The USPTO received feedback from the public concerning the response times for the various patent applications. In light of this feedback, the USPTO decided to adjust the response times for the utility, plant, design, and provisional application types in this collection.

The annual non-hour respondent cost burden estimate included \$220,000 in filing fees for the petitions to accept a filing by other than all the inventors or a person not the inventor. The USPTO has since determined that these filing fees are accounted for in 0651-0072 America Invents Act Section 10 Patent Fee Adjustments (approved by OMB in January 2013). Accordingly, these fees have been removed to avoid double-counting them in the cost burden for this collection. With the removal of these fees, the annual non-hour respondent cost burden for this collection does not include any fee cost burden.

This estimate also included \$384,075 in postage costs, which were calculated using a flat-rate Express Mail rate of \$19.95 and a first-class postage rate of 66 cents. As of January 26, 2014, the United States Postal Service plans to adjust these rates to \$19.99 and 70 cents, respectively. Accordingly, the USPTO has adjusted its estimates to reflect these new rates, for an estimated postage fee of \$384,852.

The USPTO now estimates that the total annual respondent burden hours for this collection will be 15,076,442 and that the total annual non-hour respondent cost burden for this collection will be \$431,714,199.

Changes in Responses and Burden Hours from the Current Inventory

The USPTO estimates total annual responses of 597,047 and total annual burden hours of 15,076,442, which is an increase of 83,826 responses and 3,522,554 burden hours from the currently approved burden for this collection.

These changes are due to administrative adjustments from updated annual response and time estimates and program changes for the addition of electronic filing options for the petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2).

Table 6a: Changes in Responses from the Current Inventory

Item #	Item	Currently approved responses	Updated responses	Total change in responses	Change in responses (program)	Change in responses (admin.)
1	Original New Utility Applications – No Application Data Sheet	7,450	800	(6,650)	0	(6,650)
1	Electronic Original New Utility Applications – No Application Data Sheet	98,950	26,500	(72,450)	0	(72,450)
2	Original New Plant Applications – No Application Data Sheet	660	100	(560)	0	(560)
3	Original New Design Applications – No Application Data Sheet	795	100	(695)	0	(695)
3	Electronic Original Design Applications – No Application Data Sheet	10,545	2,900	(7,645)	0	(7,645)
4	Original New Utility Applications – Application Data Sheet	11,170	7,500	(3,670)	0	(3,670)
4	Electronic Original New Utility Applications – Application Data Sheet	148,430	238,200	89,770	0	89,770
5	Original New Plant Applications – Application Data Sheet	350	1,200	850	0	850
6	Original New Design Applications – Application Data Sheet	970	800	(170)	0	(170)
6	Electronic New Design Applications – Application Data Sheet	12,890	26,500	13,610	0	13,610
7	Continuation/Divisional of an International Application	740	300	(440)	0	(440)
7	Electronic Continuation/Divisional of an International Application	9,840	10,200	360	0	360
8	Utility Continuation/Divisional Applications	2,620	2,200	(420)	0	(420)
8	Electronic Utility Continuation/Divisional Applications	34,900	71,600	36,700	0	36,700
9	Plant Continuation/Divisional Applications	150	200	50	0	50
10	Design Continuation/Divisional Applications	155	100	(55)	0	(55)
10	Electronic Design Continuation/Divisional Applications	2,085	2,700	615	0	615
11	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	50	25	(25)	0	(25)
11	Electronic Continued Prosecution Applications – Design (Request Transmittal and Receipt)	665	800	135	0	135
12	Utility Continuation-in-Part Applications	780	400	(380)	0	(380)
12	Electronic Utility Continuation-in-Part Applications	10,340	13,100	2,760	0	2,760
13	Plant Continuation-in-Part Applications	35	1	(34)	0	(34)

Item #	Item	Currently approved responses	Updated responses	Total change in responses	Change in responses (program)	Change in responses (admin.)
14	Design Continuation-in-Part Applications	40	20	(20)	0	(20)
14	Electronic Design Continuation-in-Part Applications	520	800	280	0	280
15	Provisional Application for Patent Cover Sheet	10,330	5,500	(4,830)	0	(4,830)
15	Electronic Provisional Application for Patent Cover Sheet	137,220	178,600	41,380	0	41,380
16	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	1,090	30	(1,060)	(1,060)	0
16	Electronic Petition to Accept Unintentionally Delayed Priority/Benefit Claim	0	970	970	970	0
17	Petition to Accept a Filing by Other Than All the Inventors or a Person not the Inventor	1,950	33	(1,917)	(1,917)	0
17	Electronic Petition to Accept a Filing by Other Than All the Inventors or a Person not the Inventor	0	1,067	1,067	1,067	0
18	Petition Under 37 CFR 1.6(g) to Accord the Application Under 37 CFR 1.495(b) a Receipt Date	1	1	0	0	0
19	Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	7,500	114	(7,386)	(7,386)	0
19	Electronic Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	0	3,686	3,686	3,686	0
	Totals	513,221	597,047	83,826	(4,640)	88,466

Table 6b: Changes in Burden Hours from the Current Inventory

Item #	Item	Currently approved hours	Updated hours	Total change in hours	Change in hours (program)	Change in hours (admin.)
1	Original New Utility Applications – No Application Data Sheet	247,340	32,000	(215,340)	0	(215,340)
1	Electronic Original New Utility Applications – No Application Data Sheet	3,285,140	1,060,000	(2,225,140)	0	(2,225,140)
2	Original New Plant Applications – No Application Data Sheet	5,016	900	(4,116)	0	(4,116)
3	Original New Design Applications – No Application Data Sheet	4,611	700	(3,911)	0	(3,911)
3	Electronic Original Design Applications – No Application Data Sheet	61,161	20,300	(40,861)	0	(40,861)
4	Original New Utility Applications – Application Data Sheet	370,844	300,000	(70,844)	0	(70,844)
4	Electronic Original New Utility Applications – Application Data Sheet	4,927,876	9,528,000	4,600,124	0	4,600,124
5	Original New Plant Applications – Application Data Sheet	2,660	10,800	8,140	0	8,140
6	Original New Design Applications – Application Data Sheet	5,626	5,600	(26)	0	(26)
6	Electronic New Design Applications – Application Data Sheet	74,762	185,500	110,738	0	110,738
7	Continuation/Divisional of an International Application	2,442	1,200	(1,242)	0	(1,242)
7	Electronic Continuation/Divisional of an International Application	32,472	40,800	8,328	0	8,328
8	Utility Continuation/Divisional Applications	8,646	8,800	154	0	154
8	Electronic Utility Continuation/Divisional Applications	115,170	286,400	171,230	0	171,230
9	Plant Continuation/Divisional Applications	330	600	270	0	270
10	Design Continuation/Divisional Applications	171	100	(71)	0	(71)
10	Electronic Design Continuation/Divisional Applications	2,294	2,700	406	0	406
11	Continued Prosecution Applications – Design (Request Transmittal and Receipt)	20	25	5	0	5
11	Electronic Continued Prosecution Applications – Design (Request Transmittal and Receipt)	266	800	534	0	534
12	Utility Continuation-in-Part Applications	12,870	8,000	(4,870)	0	(4,870)
12	Electronic Utility Continuation-in-Part Applications	170,610	262,000	91,390	0	91,390
13	Plant Continuation-in-Part Applications	133	5	(128)	0	(128)
14	Design Continuation-in-Part Applications	108	60	(48)	0	(48)

Item #	Item	Currently approved hours	Updated hours	Total change in hours	Change in hours (program)	Change in hours (admin.)
14	Electronic Design Continuation-in-Part Applications	1,404	2,400	996	0	996
15	Provisional Application for Patent Cover Sheet	154,950	99,000	(55,950)	0	(55,950)
15	Electronic Provisional Application for Patent Cover Sheet	2,058,300	3,214,800	1,156,500	0	1,156,500
16	Petition to Accept Unintentionally Delayed Priority/Benefit Claim	1,090	30	(1,060)	(1,060)	0
16	Electronic Petition to Accept Unintentionally Delayed Priority/Benefit Claim	0	970	970	970	0
17	Petition to Accept a Filing by Other Than All the Inventors or a Person not the Inventor	1,950	33	(1,917)	(1,917)	0
17	Electronic Petition to Accept a Filing by Other Than All the Inventors or a Person not the Inventor	0	1,067	1,067	1,067	0
18	Petition Under 37 CFR 1.6(g) to Accord the Application Under 37 CFR 1.495(b) a Receipt Date	1	1	0	0	0
19	Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	5,625	86	(5,539)	(5,539)	0
19	Electronic Papers filed under the following: 37 CFR 1.41 – to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 37 CFR 1.48 – for correction of inventorship in a provisional application. 37 CFR 1.53 (c)(2) – to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c)	0	2,765	2,765	2,765	0
	Totals	11,553,888	15,076,442	3,522,554	(3,714)	3,526,268

Changes in Annual (Non-Hour) Costs from the Current Inventory

The total annual (non-hour) cost burden for this renewal submission of \$431,714,199 is a decrease of \$341,084,634 from the currently approved total of \$772,798,833. This decrease in annual costs is due to both program changes and administrative adjustments.

Program changes

- Capital Start-up: Removed costs associated with purchasing blank compact discs, cases and labels for the discs, and padded mailing envelopes for making disc copies of patent applications containing large computer program listings or mega tables. These costs were removed because they are usual and customary costs that are part of everyday business activities.
- Postage: Removed postage costs for the CD submissions of patent applications containing oversized program listings or mega tables because the USPTO projects that a negligible number of these applications will be submitted. Also adjusted the postage costs for the petitions and the papers filed under 37 CFR 1.41, 1.48, and 1.53(c)(2) because these submissions can also be submitted electronically.
- Recordkeeping: Removed costs associated with retaining copies of electronically-filed patent application files and acknowledgement receipts because the USPTO only suggests but does not require, that applicants keep copies of their electronically-filed applications. Also removed costs associated with retaining the printed copy of the application transmittal form and back-up copies of the CD submissions of applications containing oversized computer program listings or mega tables.
- Fees: Removed the fees in this collection because they have been moved into collection 0651-0072.

Administrative Adjustments

- Postage: Decrease due in part to estimated decreases in the number of mailed submissions as well as a change in how the postage rates for submissions using Express Mail were derived. In the current renewal, the Express Mail rate was calculated by averaging the postal rates for the United States Postal Service's eight mailing zones. A flat rate mailing envelope is now available and this rate was used to calculate the Express Mail costs.
- Drawings: Increase due in part to estimated increases for the production costs associated with the drawings due to updated estimates for the cost per sheet and the number of drawing sheets that are submitted. The increase is also due to an estimated overall increase in the annual responses for the collection, plus updated estimates for the percentage of utility and provisional applications filed with patent drawings.

Table 6c: Changes in Annual (Non-hour) Costs from the Current Inventory

Cost	Currently approved annual cost burden	Program changes	Administrative adjustments	Total change in costs	Updated annual cost burden
Capital Start-Up	\$22,441.00	(\$22,441.00)	0	(\$22,441.00)	\$0.00

Cost	Currently approved annual cost burden	Program changes	Administrative adjustments	Total change in costs	Updated annual cost burden
Postage	\$825,528.00	(\$6,589.00)	(\$434,087.00)	(\$440,676.00)	\$384,852.00
Recordkeeping	\$1,402,000.00	(\$1,402,000.00)	0	(\$1,402,000.00)	\$0.00
Drawings	\$321,102,827.00	0	\$110,226,520.00	\$110,226,520.00	\$431,329,347.00
Fees	\$449,446,037.00	(\$449,446,037.00)	0	(\$449,446,037.00)	\$0.00
Totals	\$772,798,833.00	(\$450,877,067.00)	\$109,792,433.00	(\$341,084,634.00)	\$431,714,199.00

16. Project Schedule

There is no plan to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

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

18. Exception to the Certificate Statement

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.