

EXHIBIT

25-b

Petitions under 37 CFR 1.17(h) include: Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	1.00	10,400	10,400	\$304.00	\$3,161,600.00
Request for Processing of Replacement Drawings to Include the Drawings in Any Patent Application Publication	1.00	50	50	\$90.00	\$4,500.00
Processing Fee Under 37 CFR 1.17(i) Transmittal	0.08	500	40	\$304.00	\$12,160.00
Petition Fee Under 37 CFR 1.17(f), (g) and (h) Transmittal	0.08	17,300	1,384	\$304.00	\$420,736.00
Request to Retrieve Electronic Priority Application(s) Under 37 CFR 1.55(d)	0.13	36,800	4,784	\$304.00	\$1,454,336.00
Authorization to Permit Access to Application by Participating Offices Under 37 CFR 1.14(h)	0.10	21,000	2,100	\$304.00	\$638,400.00
Petition for Express Abandonment to Obtain a Refund	0.20	3,000	600	\$304.00	\$182,400.00
Pre-Appeal Brief Request for Review	0.50	3,200	1,600	\$304.00	\$486,400.00
Request for Corrected Filing Receipt	0.08	25,000	2,000	\$90.00	\$180,000.00
Request for Corrected Filing Receipt (electronic)	0.08	2,050	164	\$90.00	\$14,760.00
Petition to Make Special Under Accelerated Examination Program	12.0	500	6,000	\$304.00	\$1,824,000.00
Examination Support Document Transmittal (examination support document filed in certain nonprovisional applications covering the independent claims and the designated dependent claims) SB/216	22.0	5,000	110,000	\$304.00	\$33,440,000.00
Examination Support Document Listing of References 37 CFR 1.265(c) (examination support document filed in certain nonprovisional applications covering the independent claims and the designated dependent claims) SB/211	2.00	5,000	10,000	\$304.00	\$3,040,000.00
Petition for a second continuation or continuation-in-part application showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the prior-filed application (proposed 37 CFR 1.78(d)(1)(iv))	4.00	1,000	4,000	\$304.00	\$1,216,000.00
Petition for a second request for continued examination showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the application (proposed 37 CFR 1.114(f))	4.00	1,000	4,000	\$304.00	\$1,216,000.00

Listing of Commonly Owned Applications and Patents 37 CFR 1.78(f) (explanations filed in certain nonprovisional applications of either how the claims are patentably distinct or why there are patentably indistinct claims filed in multiple applications) SB/206	1.00	10,000	10,000	\$304.00	\$3,040,000.00
Listing of Commonly Owned Applications and Patents 37 CFR 1.78(f) EFS-Web (explanations filed in certain nonprovisional applications of either how the claims are patentably distinct or why there are patentably indistinct claims filed in multiple applications) SB/206 EFS-Web	1.00	10,000	10,000	\$304.00	\$3,040,000.00
Request for First-Action Interview (Pilot Program)	2.50	1,000	2,500	\$304.00	\$760,000.00
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1) EFS-Web only	2.00	1,900	3,800	\$304.00	\$1,155,200.00
Request for Streamlined Docketing Procedure SB/201	0.20	3,000	600	\$304.00	\$182,400.00
Total	- - - - -	2,643,259	3,632,456	- - - - -	\$648,937,540.00

13. Total Annualized Cost Burden

There are no maintenance or capital start-up costs associated with this submission. There are, however, non-hour costs due to record keeping requirements, filing fees and mailing costs that need to be added into the total annual non-hour cost burden.

A record keeping cost of \$7,920 is being added into this collection for the EFS-Web submissions. The applicant is strongly urged to retain a copy of the file submitted to the USPTO as evidence of authenticity in addition to keeping the acknowledgment receipt as clear evidence of the date the file was received by the USPTO. The USPTO estimates that it will take 5 seconds (0.001 hours) to print and retain a copy of the EFS-Web submissions and that approximately 88,000 submissions per year will use this option, for a total of 88 hours per year for printing this receipt. Using the paraprofessional rate of \$90 per hour, the USPTO estimates that the record keeping cost associated with this collection will be \$7,920 per year.

The minimum total annual filing fee/non-hour cost burden to respondents is outlined in Table 4 below:

Table 4: Filing Fees – Non-hour cost burden for Patent Processing (Updating)

Item	Responses (a)	Filing Fees (b)	Total Cost (a) x (b) (c)
Submission of an Information Disclosure Statement (IDS) under 37 CFR 1.97(c) or (d)	470,000	None	\$0
Transmittal Forms	1,039,500	None	\$0

One-month extension of time under 37 CFR 1.136(a)	60,270	\$120.00	\$7,232,400.00
One-month extension of time under 37 CFR 1.136(a) (small entity)	23,503	\$60.00	\$1,410,180.00
Two-month extension of time under 37 CFR 1.136(a)	31,225	\$450.00	\$14,051,250.00
Two-month extension of time under 37 CFR 1.136(a) (small entity)	12,891	\$225.00	\$2,900,475.00
Three-month extension of time under 37 CFR 1.136(a)	32,724	\$1,020.00	\$33,378,480.00
Three-month extension of time under 37 CFR 1.136(a) (small entity)	16,413	\$510.00	\$8,370,630.00
Four-month extension of time under 37 CFR 1.136(a)	3,370	\$1,590.00	\$5,358,300.00
Four-month extension of time under 37 CFR 1.136(a) (small entity)	2,267	\$795.00	\$1,802,265.00
Five-month extension of time under 37 CFR 1.136(a)	2,163	\$2,160.00	\$4,672,080.00
Five-month extension of time under 37 CFR 1.136(a) (small entity)	4,174	\$1,080.00	\$4,507,920.00
Extension of time under 37 CFR 1.136(b)	54	None	\$0
Express abandonment under 37 CFR 1.138	13,825	None	\$0
Petition for express abandonment to avoid publication under 37 CFR 1.138(c)	500	\$130.00	\$65,000.00
Statutory Disclaimer	11,250	\$130.00	\$1,462,500.00
Statutory Disclaimer (small entity)	3,750	\$65.00	\$243,750.00
Request for expedited examination of a design application	130	\$900.00	\$117,000.00
Notice of Appeal	12,570	\$500.00	\$6,285,000.00
Notice of Appeal (small entity)	3,930	\$250.00	\$982,500.00
Information Disclosure Citations	1,830	None	\$0
Petition to Revive Unavoidably Abandoned Application	250	\$500.00	\$125,000.00
Petition to Revive Unavoidably Abandoned Application (small entity)	335	\$250.00	\$83,750.00
Petition to Revive Unintentionally Abandoned Application	3,700	\$1,500.00	\$5,550,000.00
Petition to Revive Unintentionally Abandoned Application (small entity)	3,250	\$750.00	\$2,437,500.00
Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing	1,440	\$1,300.00	\$1,872,000.00
Petition for revival of an application for patent abandoned for failure to notify the office of a foreign or international filing – small entity	960	\$650.00	\$624,000.00
Requests to Access, Inspect and Copy	18,650	None	\$0
Deposit Account Order Form	1,160	None	\$0
Certificates of Mailing/Transmission	590,000	None	\$0
Statement under 37 CFR 3.73(b)	19,450	None	\$0

Non-publication request	31,500	None	\$0
Rescission of Non-publication request	525	None	\$0
Electronic Filing System (EFS) Copy of Application for Publication	1,000	None	\$0
Copy of File Content Showing Redactions	12	None	\$0
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statement verifying whether the record is complete or not)	235	None	\$0
Request for Continued Examination (RCE) Transmittal	43,500	\$790.00	\$34,365,000.00
Request for Continued Examination (RCE) Transmittal (small entity)	10,800	\$395.00	\$4,266,000.00
Request for Continued Examination (RCE) Transmittal EFS-Web	1,300	\$790.00	\$1,027,000.00
Request for Continued Examination (RCE) Transmittal (small entity) EFS-Web	400	\$395.00	\$158,000.00
Request for an Oral Hearing	600	\$1,000.00	\$600,000.00
Request for an Oral Hearing (small entity)	150	\$500.00	\$75,000.00
Processing Fee for Deferral of Examination	53	\$430.00	\$22,790.00
Request for Voluntary Publication or Republication	1,400	\$130.00	\$182,000.00
Applicant Initiated Interview Request Form	1,600	None	\$0
Petition for request for documents in a form other than that provided by 1.19	50	\$130.00	\$6,500.00
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition to Accord a Filing Date under 1.57(a) Petition to Accord a Filing Date under 1.153(e) Petition for Decision on a Question Not Specifically Provided For Petition to Suspend the Rules	3,300	\$400.00	\$1,320,000.00
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	3,600	\$200.00	\$720,000.00
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	10,400	\$130.00	\$1,352,000.00
Request for processing of replacement drawings to include the drawings in any patent application publication	50	\$130.00	\$6,500.00
Processing Fee under 37 CFR 1.17(i) Transmittal	500	\$130.00	\$65,000.00
Processing Fee under 37 CFR 1.17(f), (g) and (h) Transmittal	17,300	None	\$0
Request to retrieve electronic priority application(s) under 37 CFR 1.55(d)	36,800	None	\$0
Authorization to permit access to application by participating offices under 37 CFR 1.17(h)	21,000	None	\$0

Petition for express abandonment to obtain a refund	3,000	None	\$0
Pre-Appeal Brief Request for Review (filed with the Notice of Appeal)	2,400	None	\$0
Pre-Appeal Brief Request for Review (filed later than the Notice of Appeal)	800	\$130.00	\$104,000.00
Correction Request Form	25,000	None	\$0
Correction Request Form (electronic)	2,050	None	\$0
Petition to Make Special Under Accelerated Examination Program	500	\$130.00	\$65,000.00
Examination Support Document Transmittal (examination support document filed in certain nonprovisional applications covering the independent claims and the designated dependent claims)	5,000	None	\$0
Examination Support Document Listing of References 37 CFR 1.265(c) (examination support document filed in certain non-provisional applications covering the independent claims and the designated dependent claims)	5,000	None	\$0
Petition for a second continuation or continuation-in-part application showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the prior-filed application (proposed 37 CFR 1.178(d)(1)(iv))	1,000	\$400.00	\$400,000.00
Petition for a second request for continued examination showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the application (proposed 37 CFR 1.114(f))	1,000	\$400.00	\$400,000.00
Listing of Commonly Owned Applications and Patents 37 CFR 1.78(f) (explanations filed in certain non-provisional applications of either how the claims are patentably distinct or why there are patentably indistinct claims filed in multiple applications)	10,000	None	\$0
Listing of Commonly Owned Applications and Patents 37 CFR 1.78(f) EFS-Web (explanations filed in certain non-provisional applications of either how the claims are patentably distinct or why there are patentably indistinct claims filed in multiple applications)	10,000	None	\$0
Request for First-Action Interview (Pilot Program)	1,000	None	\$0
Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	1,900	None	\$0
Request for Streamlined Docketing Procedure	3,000	None	\$0
Totals	2,643,259	-----	\$148,666,770.00

There are mailing costs in the way of postage fees that also need to be added into the total annual non-hour cost burden for this collection. The public may submit the paper forms and petitions in this collection to the USPTO by mail through the United States Postal Service. All correspondence may include a certificate of mailing for each piece of correspondence enclosed, stating the date of deposit or transmission to the USPTO in order to receive credit for timely filing. The USPTO estimates that the average first-class postage for a mailed submission may amount to 58 cents. Postage for the certificates of mailing themselves are not calculated into this estimate as they are included with the individual pieces of correspondence that are being deposited with the

United States Postal Service. The USPTO estimates that it will receive 1,965,259 responses per year subject to mailing costs, for a cost of \$1,139,850 annually in postage fees.

Therefore, the USPTO estimates that the total annualized cost burden for this collection from record keeping costs (\$7,920), filing fees (\$148,666,770), and mailing costs (\$1,139,850) amounts to \$149,814,540.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-5, step 1, between 1 minute 48 seconds (0.03 hours) and 4 hours to process the items in this collection. The hourly rate for a GS-5, step 1, is currently \$14.56 according to the U.S. Office of Personnel Management's (OPM's) wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-5, step 1, is \$18.43 (\$14.56 + \$4.37).

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

Table 6: Burden Hour/Burden Cost to the Federal Government for Patent Processing (Updating)

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (a) x (b) (c)	Rate (\$/hr) (d)	Total Cost (\$/hr) (c) x (d) (e)
Information Disclosure Statements and eIDS	0.30	470,000	141,000	\$18.43	\$2,598,630.00
Transmittal Form	0.10	1,039,500	103,950	\$18.43	\$1,915,799.00
Petition for Extension of Time under 37 CFR 1.136(a)	0.10	189,000	18,900	\$18.43	\$348,327.00
Petition for Extension of Time under 37 CFR 1.136(b)	0.20	54	11	\$18.43	\$203.00
Express Abandonment under 37 CFR 1.138	0.10	13,825	1,383	\$18.43	\$25,489.00
Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)	0.10	500	50	\$18.43	\$922.00
Disclaimers	0.20	15,000	3,000	\$18.43	\$55,290.00
Request for Expedited Examination of a Design Application	0.10	130	13	\$18.43	\$240.00
Notice of Appeal	0.10	16,500	1,650	\$18.43	\$30,410.00
Information Disclosure Citation in a Patent	0.10	1,830	183	\$18.43	\$3,373.00
Petition for Revival of an Application for Patent Abandoned Unavoidably or Unintentionally	0.30	7,535	2,261	\$18.43	\$41,670.00
Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing	0.30	2,400	720	\$18.43	\$13,270.00
Requests to Access, Inspect and Copy	0.10	18,650	1,865	\$18.43	\$34,372.00

Deposit Account Order Form	0.20	1,160	232	\$18.43	\$4,276.00
Certificates of Mailing/Transmission	0.10	590,000	59,000	\$18.43	\$1,087,370.00
Statement under 37 CFR 3.37(b)	0.10	19,450	1,945	\$18.43	\$35,846.00
Non-publication Request	0.50	31,500	15,750	\$18.43	\$290,273.00
Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))	0.50	525	263	\$18.43	\$4,847.00
Electronic Filing System (EFS) Copy of Application for Publication	0.25	1,000	250	\$18.43	\$4,608.00
Copy of File Content Showing Redactions	4.00	12	48	\$18.43	\$885.00
Copy of the Applicant or Patentee's Record of the Application (including copies of the correspondence, list of the correspondence, and statements verifying whether the record is complete or not)	1.00	235	235	\$18.43	\$4,331.00
Request for Continued Examination (RCE) Transmittal	0.60	54,300	32,580	\$18.43	\$600,449.00
Request for Continued Examination (RCE) Transmittal (small entity)	0.60	1,700	1,020	\$18.43	\$18,799.00
Request for Oral Hearing Before the Board of Patent Appeals and Interferences	0.10	750	75	\$18.43	\$1,382.00
Request for Deferral of Examination 37 CFR 1.103(d)	0.30	53	16	\$18.43	\$295.00
Request for Voluntary Publication or Republication	0.03	1,400	42	\$18.43	\$774.00
Applicant Initiated Interview Request Form	0.10	1,600	160	\$18.43	\$2,949.00
Petition for Request for Documents in a Form Other Than That Provided by 1.19	0.10	50	5	\$18.43	\$92.00
<u>Petitions under 37 CFR 1.17(f) include:</u> Petition to Accord a Filing Date under 1.57(a) Petition to Accord a Filing Date under 1.153(d) Petition for Decision on a Question Not Specifically Provided For Petition to Suspend the Rules	0.30	3,300	990	\$18.43	\$18,246.00
<u>Petitions under 37 CFR 1.17(g) include:</u> Petition to Access an Assignment Record Petition for Access to an Application Petition for Expungement and Return of Information Petition to Suspend Action in an Application	0.20	3,600	720	\$18.43	\$13,270.00
<u>Petitions under 37 CFR 1.17(h) include:</u> Petition for Accepting Color Drawings or Photographs Petition for Entry of a Model or Exhibit Petition to Withdraw an Application from Issue Petition to Defer Issuance of a Patent	0.10	10,400	1,040	\$18.43	\$19,167.00

Request for Processing of Replacement Drawings to Include the Drawings in Any Patent Application Publication	0.10	50	5	\$18.43	\$92.00
Processing Fee under 37 CFR 1.17(i) Transmittal	0.08	500	40	\$18.43	\$737.00
Petition Fee under 37 CFR 1.17(f), (g) and (h) Transmittal	0.08	17,300	1,384	\$18.43	\$25,507.00
Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)	0.05	36,800	1,840	\$18.43	\$33,911.00
Authorization for Permit Access to Application by Participating Offices under 37 CFR 1.14(h)	0.05	21,000	1,050	\$18.43	\$19,352.00
Petition for Express Abandonment to Obtain a Refund	0.10	3,000	300	\$18.43	\$5,529.00
Pre-Appeal Brief Request for Review	0.10	3,200	320	\$18.43	\$5,898.00
Request for Corrected Filing Receipt	0.08	25,000	2,000	\$18.43	\$36,860.00
Request for Corrected Filing Receipt (electronic)	0.08	2,050	164	\$18.43	\$3,023.00
Petition to Make Special under Accelerated Examination Program	0.50	500	250	\$18.43	\$4,608.00
Examination Support Document Transmittal (examination support document filed in certain non-provisional applications covering the independent claims and the designated dependent claims)	0.10	5,000	500	\$18.43	\$9,215.00
Examination Support Document Listing of References 37 CFR 1.265(c) (examination support document filed in certain non-provisional applications covering the independent claims and the designated dependent claims)	0.10	5,000	500	\$18.43	\$9,215.00
Petition for a second continuation or continuation-in-part application showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the prior-filed application (proposed 37 CFR 1.78(d)(1)(v))	0.10	1,000	100	\$18.43	\$1,843.00
Petition for a second request for continued examination showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the application (proposed 37 CFR 1.114(f))	0.10	1,000	100	\$18.43	\$1,843.00
Listing of Commonly Owned Applications and Patents 37 CFR 1.78(f) (explanation of either how the claims are patentably distinct or why there are patentably indistinct claims filed in multiple applications)	0.10	10,000	1,000	\$18.43	\$18,430.00
Listing of Commonly Owned Applications and Patents 37 CFR 1.78(f) EFS-Web (explanation of either how the claims are patentably distinct or why there are patentably indistinct claims filed in multiple applications)	0.10	10,000	1,000	\$18.43	\$18,430.00
Request for First-Action Interview (Pilot Program)	0.30	1,000	300	\$18.43	\$5,529.00

Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)	0.10	1,900	190	\$18.43	\$3,502.00
Request for Streamlined Docketing Procedure	0.10	3,000	300	\$18.43	\$5,529.00
Total	- - - - -	2,643,259	400,700	- - - - -	\$7,384,907.00

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

In the 2003 renewal of this collection the USPTO reported a total of 2,208,339 responses and 830,629 burden hours. Since that time, there have been numerous proposed additions due to rulemakings and change worksheets approved by OMB, along with an adjustment in responses and response times and the addition of new requirements into the collection, drastically affecting the response and burden hour totals.

The following changes have taken place since the previous renewal of this collection:

- July 2003 - Renewal approved by OMB with a total of 2,208,339 responses and 830,629 burden hours per year.
- December 2003 – OMB approved a proposed addition to the collection in conjunction with a proposed rulemaking, “Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan” (RIN 0651-AB64), that increased the responses by 7,450 and the burden hours by 22,600 annually.
- January 2004 – OMB approved a change worksheet that increased the time needed to complete the Transmittal Form, which in turn increased the burden by 1,871,100 hours.
- June 2004 – OMB approved a change worksheet adding 2 new fee transmittal forms into the collection, increasing the responses by 7,850 and the burden by 628 hours.
- October 2004 – OMB approved a proposed addition in conjunction with a proposed rulemaking, “Changes to Implement Priority Document Exchange between Intellectual Property Offices” (RIN 0651-AB75), that introduced two new forms into the collection, increasing the responses by 57,800 and the burden hours by 6,884 annually.
- August 2005 - OMB approved a proposed addition in conjunction with a proposed rulemaking, “Changes to Implement the Patent Search Fee Refund Provisions of the Consolidated Appropriations Act, 2005” (RIN 0651-AB79), that

introduced one new form into the collection, increasing the responses by 3,000 and the burden hours by 600 per year.

- September 2005 - OMB approved a change worksheet that approved the USPTO altering the IDS form to allow users to file initial applications and follow-on submissions using PDF filed through EFS-Web. No change to responses or burden hours.
- February 2006 – OMB approved a proposed addition in conjunction with two proposed rulemakings, “Changes to Practice for the Examination of Claims in Patent Applications” (RIN 0651-AB94) and “Changes to Practice for Continuing Applications, Requests for Continued Examination Practice, and Applications Containing Patentably Indistinct Claims” (RIN 0651-AB93), that increased the responses by 33,100 and the burden hours by 75,200 annually.
- February 2006 – OMB approved a change worksheet adding one new electronic form, Petition to Make Special Under Accelerated Examination Program, for an existing requirement, and increased the time from 1 hour to 12 hours. No change in the number of responses.
- March 2006 – OMB approved a change worksheet that changed the form numbers for the two priority document forms. No change in responses or burden hours.
- July 2006 – OMB approved a proposed addition in conjunction with a proposed rulemaking, “Changes to Information Disclosure Statement Requirements and Other Related Matters” (RIN 0651-AB95), increasing the responses by 190,700 and the burden hours by 714,850 per year.
- March 2007 - OMB approved a change worksheet revising the estimates for three of the items in the Claims/Continuations rules package based on public comments received in response to the proposed rulemakings and further study, decreasing the responses by 100 and adding 196,800 burden hours annually.

With this renewal, the USPTO estimates the annual responses to be 2,643,259, with the annual burden hours at 3,632,456, an increase of 135,120 responses and a decrease of 92,335 burden hours over the currently approved inventory.

The total annualized (non-hour) cost burden for this renewal of \$149,814,540 is an increase of \$35,091,284 from the currently approved total of \$114,723,256. The increase in costs is due to the various rulemakings and change worksheets in the past four years, along with an adjustment in responses and response times and the addition of new EFS-Web submissions, increasing the recordkeeping costs, filing fees and postage costs.

Changes from the 60-Day Notice

The 60-Day Federal Register Notice, published in May 2006, reported that the USPTO estimated it would receive 2,604,029 responses resulting in 3,157,840 burden hours per year. Since that publication, there have been additional rulemakings and change worksheets submitted to OMB, along with adjustments in responses and response times and additions of new requirements into the collection, increasing the responses by 39,230 and the burden hours by 474,616, resulting in the present 2,643,259 responses and 3,632,456 burden hours being reported for this submission.

The current annual (non-hour) cost proposed for this renewal of \$149,814,540 is a decrease of \$7,118,937 from the \$156,933,477 reported in the 60-Day Notice due to the adjustments mentioned above.

Change in Respondent Cost Burden

In 2003, the estimated hourly rate for attorneys was \$252. Using that rate, the reported burden hours yielded a respondent cost burden of \$153,236,424. For this renewal, the USPTO is using the current professional hourly rate of \$304. At this rate, the reported burden hours yield a respondent cost burden of \$648,937,540, which is an increase of \$495,701,116, due to the various rulemakings and change worksheets in the past four years, along with adjustments in responses and response times, and the addition of new requirements into the collection.

Changes in Response and Burden Hours

With this renewal, the number of responses increase by 135,120, from 2,508,139 to 2,643,259, and the burden hours decreased by 92,335, from 3,724,791 to the present 3,632,456 per year. The decrease in burden hours is due to a combination of the revised number of submissions, a re-estimation of the time it takes to complete some of the responses, and new requirements being added into this collection. This decrease is due to both program changes and administrative adjustments, as follows:

- The USPTO believes that the number of Petitions for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) submitted per year will increase by 150 responses, from 350 to 500. **Therefore, this submission takes a burden increase of 30 hours as an administrative adjustment.**
- The USPTO believes that the time it takes to complete the Requests for Expedited Examination of a Design Application submitted per year will decrease by 6 minutes, from 12 to 6 minutes. **Therefore, this submission takes a burden decrease of 13 hours as an administrative adjustment.**
- The USPTO believes that the number of Petitions to Revive Unavoidably Abandoned Applications submitted per year will increase by 180 responses, from

405 to 585. **Therefore, this submission takes a burden increase of 1,440 hours as an administrative adjustment.**

- The USPTO believes that the number of Petitions to Revive Unintentionally Abandoned Applications submitted per year will increase by 2,415 responses, from 4535 to 6950. **Therefore, this submission takes a burden increase of 2,415 hours as an administrative adjustment.**
- The USPTO believes that the number of Certificates of Mailing/Transmission submitted per year will increase by 47,000 responses, from 543,000 to 590,000. **Therefore, this submission takes a burden increase of 1,410 hours as an administrative adjustment.**
- The USPTO believes that the number of Notices of Rescission of Previous Non-publication Request (35 U.S.C. § 122 (b)(2)(B)(ii)) and, if applicable, Notices of Foreign Filing (35 U.S.C. § 122 (b)(2)(B)(iii)) submitted per year will decrease by 1,575 responses, from 2,100 to 525. **Therefore, this submission takes a burden decrease of 157 hours as an administrative adjustment.**
- The USPTO believes that the number of Requests for Continued Examination (RCE) Transmittal submitted per year will increase by 28,300 responses, from 26,000 to 54,300. **Therefore, this submission takes a burden increase of 5,660 hours as an administrative adjustment.**
- For the last renewal, the Request for Voluntary Publication or Republication was noted as an annualized cost only. Since that time, it has come to the attention of the USPTO that this is an actual information requirement. There is no form associated with it but it can be selected via a radio-button on EFS-Web, and is coming into the collection as an expanded valid information requirement. The USPTO estimates that it will take 12 minutes to complete this form and that it will receive 1,400 responses per year. **Therefore, this submission takes a burden increase of 280 hours as a program change.**
- The USPTO believes that the number of Petitions under 37 CFR 1.17(f) submitted per year will decrease by 1,500 responses, from 4,800 to 3,300. **Therefore, this submission takes a burden decrease of 6,000 hours as an administrative adjustment.**
- The USPTO believes that the number of Petitions under 37 CFR 1.17(g) submitted per year will increase by 2850 responses, from 750 to 3,600. **Therefore, this submission takes a burden increase of 5,700 hours as an administrative adjustment.**
- The USPTO believes that the number of Petitions under 37 CFR 1.17(h) submitted per year will increase by 8,600 responses, from 1,800 to 10,400.

Therefore, this submission takes a burden increase of 8,600 hours as an administrative adjustment.

- The USPTO believes that the number of Petition Fee under 37 CFR 1.17(f), (g) and (h) Transmittals submitted per year will increase by 9,950 responses, from 7,350 to 17,300. **Therefore, this submission takes a burden increase of 796 hours as an administrative adjustment.**
- A new electronic (EFS-Web) form is being added into the collection for the Requests for Continued Examination (RCE) Transmittal. The USPTO estimates that it will take 12 minutes to complete this form and it will receive 1,700 responses per year. **Therefore, this submission takes a burden increase of 340 hours as a program change.**
- A new form is being added in the collection entitled "Pre-Appeal Brief Request for Review." The USPTO estimates that it will take 30 minutes to complete this form and that it will receive 3,200 responses per year. **Therefore, this submission takes a burden increase of 1,600 hours as a program change.**
- A new requirement is being added in the collection entitled "Request for Corrected Filing Receipt." The USPTO estimates that it will take 5 minutes to complete this requirement and that it will receive 25,000 responses per year. **Therefore, this submission takes a burden increase of 2,000 hours as a program change.**
- A new requirement is being added in the collection entitled "Request for Corrected Filing Receipt (electronic)." The USPTO estimates that it will take 5 minutes to complete this requirement and that it will receive 2,050 responses per year. **Therefore, this submission takes a burden increase of 164 hours as a program change.**
- The USPTO believes that the number of Petitions to Make Special Under Accelerated Examination Program submitted per year will remain the same but the processing time will change, increasing the burden hours. **Therefore, this submission takes a burden increase of 500 hours as an administrative adjustment.**
- The USPTO has created two new forms for an existing requirement. These forms are "Examination Support Document Transmittal" and "Examination Support Document Listing of References 37 CFR 1.265(c)" as a result of a rulemaking. The 10,000 responses for the two forms were split evenly but the hours were not, so the burden has decreased by half. The USPTO estimates that it will take 22 hours to complete one form and 2 hours to complete the other. **Therefore, this submission takes a burden decrease of 120,000 hours as a program change.**

- The USPTO believes that the number of Petitions for a second continuation or continuation-in-part application showing why the amendment, argument, or evidence could not have been submitted prior to the close of prosecution in the prior-filed application (proposed 37 CFR 1.78(d)(1)(iv)) submitted per year will decrease by 1,000 responses as the result of a rulemaking, from 2,000 to 1,000. **Therefore, this submission takes a burden decrease of 4,000 hours as a program change.**
- A new form is being added in the collection entitled "Request for First Action Interview (Pilot Program)." The USPTO estimates that it will take 2 hours and 30 minutes to complete this form and that it will receive 1,000 responses per year. **Therefore, this submission takes a burden increase of 2,500 hours as a program change.**
- A new form is being added in the collection entitled "Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)." The USPTO estimates that it will take 2 hours to complete this form and that it will receive 1,900 responses per year. **Therefore, this submission takes a burden increase of 3,800 hours as a program change.**
- A new form is being added in the collection entitled "Request for Streamlined Docketing Procedure." The USPTO estimates that it will take 12 minutes to complete this form and that it will receive 3,000 responses per year. **Therefore, this submission takes a burden increase of 600 hours as a program change.**

A total of 112,716 burden hours have been reduced from this collection as a result of program changes. This decrease is offset by an increase of 20,381 burden hours due to administrative adjustments. This results in a total net burden hour decrease of 92,335 hours for this collection.

Changes in Annual (non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$35,091,284, from \$114,723,256 currently on the OMB inventory to the present \$149,814,540. The increase in costs is due to adjustments in responses and response times, the addition of new requirements into the collection and new EFS-Web submissions, and an adjustment for the current postage fees, increasing the recordkeeping costs, filing fees and postage costs. **Therefore, the cost burden increase of \$33,964,778 due to administrative adjustments and a net increase of \$1,126,506 due to program changes yield a total increase in annual (non-hour) cost burden of \$35,091,284 for the collection.**

16. Project Schedule

There is no plan to publish this information for statistical use. No special publication of the items discussed in this justification statement is planned. However, plant and utility patents granted are published weekly in the *Official Gazette of the United States Patent and Trademark Office*.

17. Display of Expiration Date of OMB Approval

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

References

- A. PTO/SB/08a/08b and EFS-Web Information Disclosure Statement by Applicant
- B. PTO/SB/21 Transmittal Form
- C. PTO/SB/22/23 Petitions for Extension of Time
- D. PTO/SB/24 Express Abandonment
- E. PTO/SB/24A Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)
- F. PTO/SB/25/26/43/62/63 Disclaimers
- G. PTO/SB/27 Request for Expedited Examination of a Design Application
- H. PTO/SB/31 Notice of Appeal
- I. PTO/SB/42 Information Disclosure Citation
- J. PTO/SB/61/64 Petitions to Revive Unintentionally or Unavoidably Abandoned Applications
- K. PTO/SB/64a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing
- L. PTO/SB/67/68 Requests to Access, Inspect and Copy
- M. PTO/SB/91 Deposit Account Order Form
- N. PTO/SB/92/97 Certificates of Mailing/Transmission
- O. PTO/SB/96 Statement under 37 CFR 3.73(b)
- P. PTO/SB/35 Non-publication Request
- Q. PTO/SB/36 Notice of Rescission of Previous Non-publication Request (35 U.S.C. § 122(b)(2)(B)(ii)) and, if applicable, Notice of Foreign Filing (35 U.S.C. § 122(b)(2)(B)(iii))
- R. Electronic form via EFS-Web Electronic filing system (EFS) copy of application for publication
- S. PTO-2053-A/B Notice Under 37 CFR 1.251-Pending Application
- T. PTO-2054-A/B Notice Under 37 CFR 1.251 – Abandoned Application
- U. PTO-2055-A/B Notice under 37 CFR 1.152 – Patent
- V. PTO/SB/30 Request for Continued Examination (RCE)
- W. PTO/SB/30EFS Request for Continued Examination (RCE) EFS-Web
- X. PTO/SB/32 Request for Oral Hearing Before the Board of Patent Appeals and Interferences
- Y. PTO/SB/37 Request for Deferral of Examination 37 CFR 1.103(d)
- Z. PTOL/413A Applicant Initiated Interview Request Form
- AA. PTO/SB/17i Processing Fee under 37 CFR 1.17i) Transmittal
- BB. PTO/SB/17P Petition Fee under 37 CFR 1.17(f), (g) and (h) Transmittal
- CC. PTO/SB/38 Request to Retrieve Electronic Priority Application(s) under 37 CFR 1.55(d)
- DD. PTO/SB/39 Authorization for Permit Access to Application by Participating Offices under 37 CFR 1.14(h)
- EE. PTO/SB/24B Petition for Express Abandonment to Obtain a Refund
- FF. PTO/SB/33 Pre-Appeal Brief Request for Review
- GG. PTO/SB/28 EFS-Web Petition to Make Special under Accelerated Examination Program
- HH. PTO/SB/216 Examination Support Document Transmittal
- II. PTO/SB/211 Examination Support Document Listing of References 37 CFR 1.265(c)
- JJ. PTO/SB/206 Listing of Commonly Owned Applications and Patent 37 CFR 1.78(f)
- KK. PTO/SB/206 EFS-Web Listing of Commonly Owned Applications and Patent 37 CFR 1.78(f)
- LL. PTOL-413C EFS-Web Only Request for First-Action Interview (Pilot Program)

- MM. PTO/SB/130 EFS-Web Only Petition to Make Special Based on Age for Advancement of Examination under 37 CFR 1.102(c)(1)**
- NN. PTO/SB/201 Request for Streamlining Docketing Procedure**