

EXHIBIT 26

PART 3 OF 4

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.