

Item No.	Item/type of cost	Estimated annual responses	Amount	Totals
	Total Postage/Packaging .....	.....	.....	448,236.65
	Total Annual (Non-Hour) Cost Burden .....	.....	.....	2,823,236.65

Therefore, the USPTO estimates that the total (non-hour) respondent cost burden for this collection in the form of capital start-up costs and postage costs is \$2,823,236.

IV. Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

USPTO invites public comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, e.g., including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Marcie Lovett,

*Records and Information Governance Branch,
Office of the Chief Administrative Officer,
USPTO.*

[FR Doc. 2019-24951 Filed 11-18-19; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Term Extension

ACTION: Notice of renewal of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension of an existing information collection: 0651-0020 (Patent Term Extension).

DATES: Written comments must be submitted on or before January 21, 2020.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:* InformationCollection@uspto.gov. Include "0651-0020 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Marcie Lovett, Records and Information Governance Branch, Office of the Chief Administration Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email to Raul.Tamayo@uspto.gov with "0651-0020 comment" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:

I. Abstract

The patent term restoration portion of the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417), which is codified at 35 U.S.C. 156, permits the United States Patent and Trademark Office (USPTO) to extend the term of protection under a patent to compensate for delay during regulatory review and approval by the Food and Drug Administration (FDA) or Department of Agriculture. Only patents for drug products, medical devices, food additives, or color additives are potentially eligible for extension. The maximum length that a patent may be extended under 35 U.S.C. 156 is five years. The USPTO administers 35 U.S.C. 156 through 37 CFR 1.710-1.791.

This collection covers information gathered in patent term extension applications submitted under 35 U.S.C. 156(d). Under this provision, an application for patent term extension must identify the approved product; the patent to be extended; and the claims included in the patent that cover the approved product, a method of using the approved product, or a method of manufacturing the approved product. 35

U.S.C. 156(d) also requires the application for patent term extension to provide a brief description of the activities undertaken by the applicant during the regulatory review period with respect to the approved product and the significant dates of these activities.

This collection also covers information gathered in requests for interim extensions pursuant to 35 U.S.C. 156(e). Under this provision an interim extension may be granted if the term of an eligible patent for which an application for patent term extension has been submitted would expire before a certificate of extension is issued. Under 35 U.S.C. 156(d)(5), an interim extension may be granted if the applicable regulatory review period that began for a product is reasonably expected to extend beyond the expiration of the patent term in effect. In addition, this collection covers requests for review of final eligibility decisions, and to withdraw an application requesting a patent term extension after it is submitted.

Separate from the extension provisions of 35 U.S.C. 156, the USPTO may in some cases extend the term of an original patent under the provisions at 35 U.S.C. 154 due to certain delays in the prosecution of the patent application, including delays caused by interference proceedings, secrecy orders, or appellate review by the Patent Trial and Appeal Board or a Federal court in which the patent is issued pursuant to a decision reversing an adverse determination of patentability. The USPTO administers 35 U.S.C. 154 through 37 CFR 1.701-1.705. The patent term provisions of 35 U.S.C. 154(b), as amended by Title IV, Subtitle D of the Intellectual Property and Communications Omnibus Reform Act of 1999, allow the applicant an opportunity to request reconsideration of the USPTO's patent term adjustment determination. This collection covers information gathered in such a request. In addition, this collection covers instances when the USPTO may reduce the amount of patent term adjustment granted if delays were caused by an applicant's failure to make a reasonable effort to respond within three months of the mailing date of a communication from the USPTO. Applicants may

petition for reinstatement of a reduction in patent term adjustment with a showing that, in spite of all due care, the applicant was unable to respond to a communication from the USPTO within the three-month period.

The information in this collection is used by the USPTO to consider whether an applicant is eligible for a patent term extension or reconsideration of a patent term adjustment and, if so, to determine the length of the patent term extension or adjustment.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651-0020.

IC Instruments and Forms: There are no forms associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Estimated Number of Respondents: 620 responses per year. The USPTO estimates that approximately 25% (155) of these responses will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take the public from 1 to 25 hours, depending on the complexity of the situation, to gather the necessary information, prepare the

appropriate documents, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 4,102 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: \$1,796,676.00. The USPTO expects that attorneys will complete these applications. The professional hourly rate for intellectual property attorneys is \$438. The attorney rates are found in the 2017 Report of the Economic Survey of the American Intellectual Property Law Association (AIPLA). Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is \$1,796,676.00 per year.

No.	Item	Estimated time for response (hours)	Estimated annual responses	Estimated annual burden hours	Rate (\$/hr)	Total hourly cost burden (\$/hr)
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)
1	Application to Extend Patent Term Under 35 U.S.C. 156.	25	100	2,500	\$438.00	\$1,095,000.00
2	Request for Interim Extension Under 35 U.S.C. 156(e)(2).	1	10	10	438.00	4,380.00
3	Petition to Review Final Eligibility Decision Under 37 CFR 1.750.	25	4	100	438.00	43,800.00
4	Initial Application for Interim Extension Under 37 CFR 1.790.	20	2	40	438.00	17,520.00
5	Subsequent Application for Interim Extension Under 37 CFR 1.790.	1	1	1	438.00	438.00
6	Response to Requirement to Elect	1	35	35	438.00	15,330.00
7	Response to Request to Identify Holder of Regulatory Approval.	2	1	2	438.00	876.00
8	Declaration to Withdraw an Application to Extend Patent Term.	2	1	2	438.00	876.00
9	Petition for Reconsideration of Patent Term Adjustment Determination.	3	450	1,350	438.00	591,300.00
10	Petition for Reinstatement of Reduced Patent Term Adjustment.	4	15	60	438.00	26,280.00
11	Petition to Accord a Filing Date to an Application Under 37 CFR 1.740 for Extension of a Patent Term.	2	1	2	438.00	876.00
Total .....	.....	.....	620	4,102	.....	1,796,676.00

Estimated Total Annual (Non-hour) Respondent Cost Burden: \$209,488. There are no capital startup, maintenance, or operating fees

associated with this collection. There are, however, annual (non-hour) costs in the form of postage costs and fees.

Filing Fees

There are filing fees associated with this collection. The items with filing fees are listed in the table below.

No.	Item	Estimated annual responses	Filing fee (\$)	Total non-hour cost burden (\$)
		(a)	(b)	(a) × (b) = (c)
1	Filing an application for patent term adjustment	450	\$200	\$90,000.00
2	Request for reinstatement of term reduced	15	400	6,000.00
3	Extension of term of patent	100	1,120	112,000.00
4	Initial application for interim extension (see 37 CFR 1.790)	2	420	840.00
5	Subsequent application for interim extension (see 37 CFR 1.790)	1	220	220.00
Total .....	.....	.....	2,360.00	209,060.00

Postage Costs

Customers may incur postage costs when submitting some of the items covered by this collection to the USPTO by mail. The applications to extend patent term under 35 U.S.C. 156 and the initial applications for interim extension under 37 CFR 1.790 cannot be filed electronically. The USPTO expects that 50 percent of these responses will be submitted by mail, resulting in 51 mailed submissions. (The remainder of the submission, in this category will be hand carried to USPTO.) The USPTO expects that approximately 99 percent of the remaining responses in this collection will be submitted electronically. Of the remaining 1 percent, the vast majority will be submitted by mail, resulting in 5 additional mailed submissions. Overall for this collection, 56 mailed submissions are expected per year. The average USPS Priority Mail postage cost for a legal flat rate envelope is estimated to be \$7.65. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total \$428. Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of postage costs and fees is \$209,488 per year.

IV. Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

USPTO invites public comments on:

- (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (b) Accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (d) Ways to minimize the burden of the collection of information on respondents, *e.g.*, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Marcie Lovett,

*Records and Information Governance Branch,
Office of the Chief Administrative Officer,
USPTO.*

[FR Doc. 2019-24953 Filed 11-18-19; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Law Treaty

ACTION: Notice of renewal of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension of an existing information collection: 0651-0073 (Patent Law Treaty).

DATES: Written comments must be submitted on or before January 21, 2020.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:* InformationCollection@uspto.gov. Include "0651-0073 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Marcie Lovett, Records and Information Governance Branch, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email at Raul.Tamayo.uspto.gov with "0651-0073 comment" in the subject line. Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent Law Treaties Implementation Act of 2012 (PLTIA) amended the patent laws to implement the provisions of the Patent Law Treaty (PLT) in title II. PLT Article 13 provides for the restoration of the right of priority where there is a failure to timely claim priority to the prior application, and also where there is a failure to file the

subsequent application within twelve months of the filing date of the priority application. Section 201(c) of the PLTIA amended 35 U.S.C. 119 to provide that the twelve month periods set forth in 35 U.S.C. 119(a) and (e) may be extended by an additional two months if the delay in filing an application claiming priority to a foreign application or the benefit of a provisional application within that twelve-month period was unintentional. In December 2013, the USPTO revised its rules of practice for consistency with the PLT and title II of the PLTIA.

The information in this collection is necessary so that patent applicants and/or patentees may seek restoration of the right of priority to a prior-filed foreign application or of the right to the benefit of a prior-filed provisional application. The USPTO will use the petition to restore the right of priority to a prior-filed foreign application or the right to the benefit of a prior-filed provisional application to determine whether the applicant has satisfied the conditions of the applicable statute (35 U.S.C. 119) and regulation (37 CFR 1.55(c) or 1.78(b)).

The information in this collection can be submitted electronically through EFS-Web, the USPTO's Web-based electronic filing system, as well as on paper. The USPTO is therefore accounting for both electronic and paper submissions in this collection.

II. Method of Collection

Electronically if applicants submit the information using EFS-Web. By mail or hand delivery in paper form.

III. Data

OMB Number: 0651-0073.

Form Number(s): None.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 650 responses per year. The USPTO estimates that 120 responses will be received from small entities.

Estimated Time per Response: Approximately 99% of the total responses for this collection will be submitted electronically. The USPTO estimates it will take approximately 60 minutes (1 hour) to complete the information in this collection, including the time it takes for reading the instructions for the forms, gathering the necessary information, completing the forms, and submitting them to the USPTO. The time per response, estimated annual responses, and estimated annual hour burden