

TABLE 3—FILING FEES—NON-HOUR COST BURDEN FOR RULES FOR PATENT MAINTENANCE FEES

Item No.	Item	Responses	Filing fee	Burden \$
		(a)	(b)	(a) × (b) = (c)
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (undiscounted entity)	220,200	\$2,000	\$440,400,000
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (small entity)	49,000	1,000	49,000,000
1	For Maintaining an Original or Any Reissue Patent, Due at 3.5 Years (micro entity)	4,500	500	2,250,000
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (undiscounted entity)	134,500	3,760	505,720,000
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (small entity)	26,600	1,880	50,008,000
1	For Maintaining an Original or Any Reissue Patent, Due at 7.5 Years (micro entity)	1,500	940	1,410,000
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (undiscounted entity)	63,800	7,700	491,260,000
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (small entity)	9,200	3,850	35,420,000
1	For Maintaining an Original or Any Reissue Patent, Due at 11.5 Years (micro entity)	600	1,925	1,155,000
1	Surcharge—3.5 year—Late Payment Within 6 Months (undiscounted entity)	3,600	500	1,800,000
1	Surcharge—3.5 year—Late Payment Within 6 Months (small entity)	6,450	250	1,612,500
1	Surcharge—3.5 year—Late Payment Within 6 Months (micro entity)	1,200	125	150,000
1	Surcharge—7.5 year—Late Payment Within 6 Months (undiscounted entity)	2,550	500	1,275,000
1	Surcharge—7.5 year—Late Payment Within 6 Months (small entity)	3,550	250	887,500
1	Surcharge—7.5 year—Late Payment Within 6 Months (micro entity)	450	125	56,250
1	Surcharge—11.5 year—Late Payment Within 6 Months (undiscounted entity)	1,450	500	725,000
1	Surcharge—11.5 year—Late Payment Within 6 Months (small entity)	1,500	250	375,000
1	Surcharge—11.5 year—Late Payment Within 6 Months (micro entity)	250	125	31,250
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (undiscounted entity)	650	2,100	1,365,000
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (small entity)	1,500	1,050	1,575,000
3	Petition for the Delayed Payment of the Fee for Maintaining a Patent in Force (micro entity)	300	525	157,500
Totals				1,586,633,000

The public may submit the forms and petitions in this information collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be \$8.05. The USPTO estimates approximately 129 submissions per year may be mailed to the USPTO, for a total postage cost of \$1,038 per year.

*Respondent's Obligation:* Required to obtain or retain benefits.

#### IV. Request for Comments

The USPTO is soliciting public comments to:

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

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(d) Minimize the burden of the collection of information on those who are to respond, 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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personal identifying information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, USPTO cannot guarantee that it will be able to do so.

#### Kimberly Hardy,

*Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.*

[FR Doc. 2021-09035 Filed 4-29-21; 8:45 am]

**BILLING CODE 3510-16-P**

#### DEPARTMENT OF COMMERCE

#### United States Patent and Trademark Office

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Third-Party Submissions and Protests

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO), in accordance with the Paperwork Reduction Act of 1995, invites

comments on the extension and revision of an existing information collection: 0651-0062 (Third-Party Submissions and Protests). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

**DATES:** To ensure consideration, comments regarding this information collection must be received on or before June 29, 2021.

**ADDRESSES:** Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0062 comment" in the subject line of the message.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

- *Mail:* Kimberly Hardy, 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 Parikha Mehta, Patent Examination Policy Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-3248; or by email to [Parikha.Mehta@uspto.gov](mailto:Parikha.Mehta@uspto.gov) with "0651-0062 comment" in the subject line. Additional information about this information collection is also available at <http://www.regulations.gov>.

www.reginfo.gov under “Information Collection Review.”

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 131 *et seq.* to examine an application for patent and, when appropriate, issue a patent. The provisions of 35 U.S.C. 122(c), 122(e), 131, and 151, as well as 37 CFR 1.290 and 1.291, limit the ability of a third-party to have information entered and

considered in, or to protest, a patent application pending before the USPTO.

37 CFR 1.290 provides a mechanism for third parties to submit to the USPTO, for consideration and inclusion in the record of a patent application, any patents, published patent applications, or other printed publications of potential relevance to the examination of the application.

A third-party submission under 37 CFR 1.290 may be made in any nonprovisional utility, design, and plant application, as well as in any continuing application. A third-party submission

under 37 CFR 1.290 must include a concise description of the asserted relevance of each document submitted, and must be submitted within a certain statutorily specified time period.

37 CFR 1.291 permits a member of the public to file a protest against a pending application. Protests pursuant to 37 CFR 1.291 are supported by a separated statutory provision from third-party submissions under 37 CFR 1.290. As a result, there are several differences between protests and third-party submissions, as explained in the table below.

**TABLE 1—COMPARISON OF THIRD-PARTY SUBMISSION AND PROTESTS**

Comparison	Third-party submission	Protest
Statute/Regulation .....	35 U.S.C. 122(e), 37 CFR 1.290 .....	35 U.S.C. 122(c), 37 CFR 1.291.
Content .....	Printed publications .....	Printing publications and any facts or information adverse to patentability.
Remarks .....	Concise description of relevance (limited to a concise description of each document's relevance).	Concise explanation of the relevance (allows for arguments against patentability).
Timing .....	Prior to Allowance and prior to later of: 6 months after Pre-Grant Publication or first rejection of any claim.	Prior to Allowance and prior to Pre-Grant Publication OR Prior to Allowance and after and after Pre-Grant Publication with application consent.

This information collection covers the items needed to provide the public the means to submit information and protests regarding patent applications to the USPTO. This information collection is necessary so that the public may contribute to the quality of issued patents. The USPTO will use this information, as appropriate, to assist in evaluating the patent application as it moves through the patent examination process.

**II. Method of Collection**

OMB Control Number: 0651-0062.

Form Number:

- PTO/SB/429 (Third-Party Submission Under 37 CFR 1.290)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Estimated Number of Respondents: 880 per year.

Estimated Number of Responses: 880 per year.

Estimated Time per Response: The USPTO estimates that it takes the public approximately 10 hours to complete this information, depending upon the application. This includes the time to gather the necessary information, prepare and maintain the documents, and submit the items to the USPTO.

Estimated Total Annual Hour Burden: 8,800 hours.

Estimated Total Annual Cost Burden (Hourly): \$3,520,000.

**TABLE 2—BURDEN HOUR/BURDEN COST TO RESPONDENTS FOR PRIVATE SECTOR**

Item No.	Item	Estimated annual respondents	Estimated annual responses (year)	Estimated time for response (hours)	Estimated annual burden (hour/year)	Rate <sup>1</sup> (\$/hour)	Estimated annual respondent cost burden
			(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)
1 .....	Third-Party Submissions in Nonissued Applications.	800	800	10	8,000	\$400	\$3,200,000
2 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291.	19	19	10	190	400	76,000
Total .....	.....	819	819	.....	8,190	.....	3,276,000

<sup>1</sup> 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour.

**TABLE 3—BURDEN HOUR/BURDEN COST TO RESPONDENTS FOR INDIVIDUALS OR HOUSEHOLDS**

Item No.	Item	Estimated annual respondents	Estimated annual responses (year)	Estimated time for response (hours)	Estimated annual burden (hour/year)	Rate <sup>2</sup> (\$/hour)	Estimated annual respondent cost burden
			(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)
1 .....	Third-Party Submissions in Nonissued Applications.	60	60	10	600	\$400	\$240,000

TABLE 3—BURDEN HOUR/BURDEN COST TO RESPONDENTS FOR INDIVIDUALS OR HOUSEHOLDS—Continued

Item No.	Item	Estimated annual respondents	Estimated annual responses (year) (a)	Estimated time for response (hours) (b)	Estimated annual burden (hour/year) (a) × (b) = (c)	Rate <sup>2</sup> (\$/hour) (d)	Estimated annual respondent cost burden (c) × (d) = (e)
2 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291.	1	1	10	10	400	4,000
Total .....	.....	61	61	.....	610	.....	244,000

<sup>2</sup> 2019 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); <https://www.aipla.org/detail/journal-issue/2019-report-of-the-economic-survey>. The USPTO uses the mean rate for attorneys in private firms which is \$400 per hour.

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$80,456. This information collection has no capital start-up, maintenance, or operating fees. However, there are postage costs and filing fees. The total non-hour respondent cost burden for this information collection in the form of filing fees (\$80,335) and postage costs (\$121) is approximately \$80,456.

In particular, 37 CFR 1.290 requires payment of the fee set forth in 37 CFR 1.17(o) for every ten documents, or

fraction thereof, listed in each third-party submission.

The USPTO provides an exemption from the 1.17(o) fee requirement where a third-party submission listing three or fewer total documents is the first third-party submission submitted in an application by the third-party, or a party in privity with the third-party. The effect of this is that the first three documents submitted by a third-party are exempt from the fee requirement. However, the submission of four or

more documents by a third-party triggers the collection of the fee.

There is no fee for filing protests under 37 CFR 1.291 unless the filed protest is the second or subsequent protest by the same real party in interest, in which case the 37 CFR 1.17(i) fee must be included. The USPTO estimates that only 1 out of every 10 protests filed per year will require this fee.

TABLE 4—FILING FEES

Item No.	Item	Estimated annual responses (a)	Filing fee (\$) (b)	Total non-hour cost burden (\$) (a) × (b) = (c)
1 .....	Third-Party Submissions in Nonissued Applications (undiscounted entities).	390	\$180	\$70,200
1 .....	Third-Party Submissions in Nonissued Applications (small and micro entities).	110	90	9,900
2 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291—second or subsequent protest by the same real party in interest (undiscounted entities).	1	130	130
2 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291—second or subsequent protest by the same real party in interest (small entities).	1	70	70
2 .....	Protests by the Public Against Pending Applications Under 37 CFR 1.291—second or subsequent protest by the same real party in interest (micro entities).	1	35	35
Total .....	.....	.....	.....	80,335

Although the USPTO prefers that the items in this information collection be submitted electronically, responses may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail 2-day flat rate legal envelope, will be \$8.05. The USPTO estimates that 15 submissions may be mailed to the USPTO, for a total postage cost of \$121 per year.

*Respondent's Obligation:* Required to obtain or retain benefits.

**IV. Request for Comments**

The USPTO is soliciting public comments to:

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

(b) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(d) Minimize the burden of the collection of information on those who are to respond, 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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information

collection. Before including an address, phone number, email address, or other personal identifying information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, USPTO cannot guarantee that it will be able to do so.

**Kimberly Hardy,**

*Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.*

[FR Doc. 2021-09037 Filed 4-29-21; 8:45 am]

**BILLING CODE 3510-16-P**

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List; Proposed Additions and Deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Additions to and Deletions from the Procurement List.

**SUMMARY:** The Committee is proposing to add product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) previously furnished by such agencies.

**DATES:** Comments must be received on or before: May 30, 2021.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603-2117, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

**Additions**

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) are proposed for addition to the Procurement List for

production by the nonprofit agencies listed:

*Product(s)*

*NSN(s)—Product Name(s):* MR 1194—Cleaning Cloth, DuraFresh, 2 Pack  
*Designated Source of Supply:* Alphapointe, Kansas City, MO  
*Contracting Activity:* Military Resale-Defense Commissary Agency  
*NSN(s)—Product Name(s):* 1095-01-577-1801—Knife, Combat, Tanto Point, Automatic, 3.6" Blade  
*Designated Source of Supply:* DePaul Industries, Portland, OR  
*Contracting Activity:* DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME

**Deletions**

The following product(s) are proposed for deletion from the Procurement List:

*Product(s)*

*NSN(s)—Product Name(s):* 8530-00-080-7630—Toothbrush, Child  
*Contracting Activity:* DLA TROOP SUPPORT, PHILADELPHIA, PA  
*NSN(s)—Product Name(s):* 8530-01-293-1388—Toothbrush, Child's (Multituft)  
8520-01-303-6438—Toothpaste, 1.4 oz., Non-Fluoride  
*Contracting Activity:* GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

**Michael R. Jurkowski,**

*Deputy Director, Business & PL Operations.*

[FR Doc. 2021-09087 Filed 4-29-21; 8:45 am]

**BILLING CODE 6353-01-P**

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List; Additions and Deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to and Deletions from the Procurement List.

**SUMMARY:** This action adds service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

**DATES:** *Date added to and deleted from the Procurement List:* May 30, 2021.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Jurkowski, Telephone: (703)

603-2117, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:**

**Additions**

On 11/27/2020 and 3/5/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

**Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service(s) to the Government.
2. The action will result in authorizing small entities to furnish the service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the service(s) proposed for addition to the Procurement List.

**End of Certification**

Accordingly, the following service(s) are added to the Procurement List:

*Service(s)*

*Service Type:* Contractor Operated Civil Engineer Supply Store  
*Mandatory for:* US Air Force, Whiteman AFB, MO

*Designated Source of Supply:* South Texas Lighthouse for the Blind, Corpus Christi, TX

*Contracting Activity:* DEPT OF THE AIR FORCE, FA4625 509 CONS CC

One (1) public comment was received in response to the **Federal Register** notice of November 27, 2020 (85 FR 229) regarding the proposed addition to the Procurement List of the requirement to operate a Contractor Operated Civil Engineer Supply Store (COCESS) for the U.S. Air Force at Whiteman AFB, MO. The commenter stated that the proposed service was not suitable for performance under the AbilityOne Program. The