

is found in the previous documents referenced above. The data inputs and methods of estimating take are identical to those used in the initial IHA. NMFS has reviewed recent Stock Assessment Reports (SAR), information on relevant Unusual Mortality Events, and recent scientific literature. NMFS determined that no new information is available that affects our original analysis of impacts or take estimate under the initial IHA.

We refer to the documents related to the previously issued IHA, which include the **Federal Register** notice of the issuance of the initial 2024 IHA for Haines Borough's construction work (89 FR 12306, February 16, 2024), Haines Borough's application, the **Federal Register** notice of the proposed IHA (88 FR 78310, November 15, 2023), and all associated references and documents.

### Determinations

Haines Borough will conduct activities as analyzed in the initial 2024 IHA. As described above, the number of authorized takes of the same species and stocks of marine mammals are identical to the numbers that were found to meet the negligible impact small numbers standards and authorized under the initial IHA and no new information has emerged that would change those findings. The reissued 2024 IHA includes identical required mitigation, monitoring, and reporting measures as the initial IHA, and there is no new information suggesting that our analyses or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) Haines Borough's activities will not have an unmitigable adverse impact on taking for subsistence purposes.

### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action with respect to environmental consequences on the human environment.

Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has

determined that the application of this categorical exclusion remains appropriate for this reissued IHA.

### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the Alaska Regional Office, whenever we propose to authorize take for endangered or threatened species.

The effects of this proposed Federal action were adequately analyzed in NMFS' Biological Opinion for the Port of Nome Modification Project, dated February 6, 2024, which concluded that the take NMFS proposed to authorize through this IHA would not jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat.

### Authorization

NMFS has issued an IHA to Haines Borough for in-water construction activities associated with the specified activity from June 1, 2025 through May 31, 2026. All previously described mitigation, monitoring, and reporting requirements from the initial 2024 IHA are incorporated.

Dated: May 15, 2025.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2025-09073 Filed 5-20-25; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Patent Review and Derivation Proceedings

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of

1995, invites comments on the extension and revision of an existing information collection: 0651-0069 (Patent Review and Derivation Proceedings). The purpose of this notice is to allow 60 days for public comments preceding submission of the information collection to the Office of Management and Budget (OMB).

**DATES:** To ensure consideration, you must submit comments regarding this information collection on or before July 21, 2025.

**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 "0651-0069 comment" in the subject line of the message.

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

- **Mail:** Justin Isaac, 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 Michael P. Tierney, Vice Chief Administrative Patent Judge, at: Patent Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; 571-272-4676; or [Michael.Tierney@uspto.gov](mailto:Michael.Tierney@uspto.gov) with "0651-0069 comment" in the subject line. Additional information about this information collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Leahy-Smith America Invents Act, which was enacted into law on September 16, 2011, changed the procedures of the Patent Trial and Appeal Board ("PTAB" or "Board," formerly the Board of Patent Appeals and Interferences). These changes included the introduction of *inter partes* review, post-grant review, derivation proceedings, and the transitional program for covered business method patents. Under these administrative trial proceedings, third parties may file a petition with the PTAB challenging the validity of issued patents, with each proceeding having different requirements regarding timing restrictions, grounds for challenging validity, and who may request review.

*Inter partes* review is a trial proceeding conducted at the Board to

review the patentability of one or more claims in a patent but only on a ground that could be raised under 35 U.S.C. 102 or 103, and only on the basis of prior art consisting of patents or printed publications. Post-grant review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent on any ground that could be raised under section 282(b)(2) or (3). A derivation proceeding is a trial proceeding conducted at the Board to determine whether: (1) an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner's application, and (2) the earlier application claiming such invention was filed without authorization. The transitional program for covered business method patents is a trial proceeding conducted at the Board to review the patentability of one or more claims in a covered business method patent. The covered business method program expired on September 16, 2020, and the Board no longer accepts new petitions related to this program, but continues to accept papers in previously-instituted proceedings.

The USPTO's projections are based on data from the past year. The USPTO recognizes that the numbers may fluctuate given interim changes to the institution process. The USPTO has adjusted the estimated burden hours and the number of estimated filings based on recent changes to these proceedings.

This collection covers information submitted by the public to petition the Board to initiate an *inter partes* review, post-grant review, derivation proceeding, and the transitional program for covered business method patents, as well as any responses to such petitions, and the filing of any motions, replies, oppositions, and other actions, after a review/proceeding has been instituted.

**II. Method of Collection**

Applicants must submit the information electronically using Patent Trial and Appeal Case Tracking System filing system. Parties may seek authorization to submit a filing by means other than electronic filing pursuant to 42 CFR 42.6(b)(2).

**III. Data**

OMB Control Number: 0651-0069.

Forms: None.

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

Affected Public: Private sector.

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

Frequency: On occasion.

Estimated Number of Annual Respondents: 7,897 respondents.

Estimated Number of Annual Responses: 11,947 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately 18 minutes (0.3 hours) to 170 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO.

Estimated Total Annual Respondent Burden Hours: 590,630 hours.

Estimated Total Annual Respondent Hourly Cost Burden: \$264,011,610.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses	Estimated time for response (hours)	Estimated burden (hour/year)	Rate <sup>1</sup> (\$/hour)	Estimated annual respondent cost burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1	Petition for <i>Inter Partes</i> Review	1,300	1	1,300	120	156,000	\$447	\$69,732,000
2	Petition for Post-Grant Review or Covered Business Method Patent Review.	50	1	50	170	8,500	447	3,799,500
3	Petition for Derivation	10	1	10	170	1,700	447	759,900
4	Patent Owner Preliminary Response to Petition for Initial <i>Inter Partes</i> Review.	975	1	975	90	87,750	447	39,224,250
5	Patent Owner Preliminary Response to Petition for Initial Post-Grant Review or Covered Business Method Patent Review.	50	1	50	90	4,500	447	2,011,500
6	Request for Rehearing	50	1	50	80	4,000	447	1,788,000
7	Request for Director Review	150	1	150	80	12,000	447	5,364,000
8	Response to a Request for Director Review.	150	1	150	40	6,000	447	2,682,000
9	Other Motions, Replies, Surreplies, and Oppositions in <i>Inter Partes</i> Review.	2,600	2.5	6,500	40	260,000	447	116,220,000
10	Other Motions, Replies, Surreplies, and Oppositions in Post-Grant Review or Covered Business Method Review.	100	2.5	250	40	10,000	447	4,470,000
11	Other Motions, Replies, Surreplies, and Oppositions in Derivation Proceedings.	10	1	10	40	400	447	178,800
12	<i>Pro Hac Vice</i> Motion	450	1	450	0.5 (30 minutes)	225	447	100,575
13	Notice of intent to designate provisionally recognized PTAB attorney as counsel.	500	1	500	0.3 (18 minutes)	150	447	67,050
14	Request for Oral Hearing	400	1	400	2	800	447	357,600
15	Request to Treat a Settlement as Business Confidential.	375	1	375	2	750	447	335,250
16	Settlement	375	1	375	100	37,500	447	16,762,500
17	Arbitration Agreement and Award	1	1	1	4	4	447	1,788

<sup>1</sup> 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law

Association; pg. F-41. The USPTO uses the average billing rate for intellectual property work in all firms which is \$447 per hour (<https://>

[www.aipla.org/home/news-publications/economic-survey](http://www.aipla.org/home/news-publications/economic-survey)).

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS—Continued

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate <sup>1</sup> (\$/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
18 .....	Request to Make a Settlement Agreement Available.	1	1	1	1 .....	1	447	447
19 .....	Notice of Judicial Review of a Board Decision (e.g., Notice of Appeal Under 35 U.S.C. 142).	350	1	350	1 .....	350	447	156,450
	Totals .....	7,897	.....	11,947	.....	590,630	.....	264,011,610

*Estimated Total Annual Respondent Non-hourly Cost Burden:* \$76,099,956. There are no capital start-up costs, maintenance costs, recordkeeping costs, or postage costs associated with this

information collection. However, the USPTO estimates that the total annual non-hour cost burden for this information collection, in the form of filing fees, is \$76,099,956.

*Filing Fees*

The filing fees for this information collection are listed in the table below.

TABLE 2—FILING FEES

Item No.	Fee code(s)	Item	Estimated annual responses (a)	Filing fee (\$) (b)	Estimated non-hourly cost burden (a) × (b) = (c)
1 .....	1406	<i>Inter Partes</i> Review Request Fee—Up to 20 Claims .....	1,300	\$23,750	\$30,875,000
	1414	<i>Inter Partes</i> Review Post-Institution Fee—Up to 20 Claims .....	1,300	28,125	36,562,500
	1407	<i>Inter Partes</i> Review Request of Each Claim in Excess of 20 .....	3,700	470	1,739,000
	1415	<i>Inter Partes</i> Post-Institution Request of Each Claim in Excess of 20 .....	3,700	940	3,478,000
2 .....	1408	Post-Grant or Covered Business Method Review Request Fee—Up to 20 Claims.	50	25,000	1,250,000
	1416	Post-Grant or Covered Business Method Review Post-Institution Fee—Up to 20 Claims.	50	34,375	1,718,750
	1409	Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20.	150	595	89,250
	1417	Post-Grant or Covered Business Method Review Post-Institution Request of Each Claim in Excess of 20.	150	1,315	197,250
3 .....	1412	Petition for a Derivation Proceeding .....	2	452	904
7 .....	1419	Request for Director Review .....	150	452	67,800
	1420				
	1421				
12 .....	1418	<i>Pro Hac Vice</i> Admission Fee .....	450	269	121,050
16 .....	1411	Request to Make a Settlement Agreement Available and Other Requests Filed in a Patent Trial Proceeding.	1	452	452
		Totals .....	11,003	.....	76,099,956

**IV. Request for Comments**

The USPTO is soliciting public comments to:

- (a) Evaluate 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) Evaluate the accuracy of the agency’s estimate of the burden of the 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. The 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 personally identifiable 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, the

USPTO cannot guarantee that it will be able to do so.

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

[FR Doc. 2025–09145 Filed 5–20–25; 8:45 am]

**BILLING CODE 3510–16–P**