

website at www.uspto.gov/patents/initiatives/PublicEngagementPartnership. Those interested in attending the meeting can register on the same web page.

Katherine Kelly Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

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BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Initial Patent Applications

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

ACTION: Notice 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 and revision of an existing information collection: 0651-0032 Initial Patent Applications. 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 March 11, 2024.

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. Include "0651-0032 comment" in the subject line of the message.
- *Federal Rulemaking 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 Raul Tamayo, Senior Legal Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email at raul.tamayo@uspto.gov with "0651-0032 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 United States Patent and Trademark Office (USPTO) is required by title 35 of the United States Code, including 35 U.S.C. 131, to examine applications for patents. The USPTO administers the patent statutes relating to examination through various rules in chapter 37 of the Code of Federal Regulations (CFR), such as, for example, 37 CFR 1.16 through 1.84. Each patent applicant must provide sufficient information to allow the USPTO to properly examine the application to determine whether it meets the criteria set forth in the patent statutes and regulations for issuance as a patent. The patent statutes and regulations require that an application for patent include the following information:

- (1) A specification containing a description of the invention and at least one claim defining the property right sought by the applicant;
- (2) A drawing(s) or photograph(s), where necessary for an understanding of the invention;
- (3) An oath or declaration signed by the applicant (under 35 U.S.C. 115(f), the time for filing the oath or declaration is no later than the date on which the issue fee for the patent is paid); and
- (4) A filing fee.

Various types of patent applications are covered under this information collection:

- Noncontinuing, nonprovisional utility, plant and design applications,
- Provisional applications,
- Continuation/divisional applications of international applications,
- Continued prosecution applications (design), and
- Continuation/divisional and continuation-in-part applications of utility, plant, and design applications.

In addition, this information collection covers certain other papers filed by applicants, such as, for example, petitions to accept an unintentionally delayed priority or benefit claim, petitions to accept a filing by other than all of the inventors or a person not the inventor, and petitions requesting that applications filed under 37 CFR 1.495(b) be accorded a receipt date.

Furthermore, this information collection incorporates the lone item in 0651-0073 (Patent Law Treaty): petitions to restore the right of priority

to a foreign application under 37 CFR 1.55(c) or the benefit of a prior-filed provisional application under 37 CFR 1.78(b). The petitions are used to extend the 12-month periods set forth in 35 U.S.C. 119(a) and (e) by an additional 2 months where there is an unintentional delay in filing an application claiming priority to a foreign application or the benefit of a provisional application. Once this information collection is renewed, and the petitions are added, 0651-0073 will be discontinued.

II. Method of Collection

The items in this information collection can be submitted through the USPTO patent electronic filing system (Patent Center), the USPTO's online filing and viewing system for patent applications and related documents. The USPTO also will accept submissions by mail, hand delivery, and facsimile, except that facsimile submission of the information in this collection is limited to certain items in accordance with 37 CFR 1.6(d).

III. Data

OMB Control Number: 0651-0032.
Forms: (AIA = America Invents Act; SB = Specimen Book)

- PTO/AIA/01 (Declaration (37 CFR 1.63) for Utility or Design Patent Application using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01CN (Chinese (simplified) Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01DE (German Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01ES (Spanish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01FR (French Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01IT (Italian Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01JP (Japanese Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01KR (Korean Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01NL (Dutch Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))

- PTO/AIA/01RU (Russian Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/01SE (Swedish Language Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/02 (Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02CN (Chinese (Simplified) Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02DE (German Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02ES (Spanish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02FR (French Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02IT (Italian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02JP (Japanese Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02KR (Korean Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02NL (Dutch Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02RU (Russian Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/02SE (Swedish Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/03 (Declaration (37 CFR 1.63) for Plant Patent Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/AIA/04 (Substitute Statement in Lieu of an Oath or Declaration for Plant Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/AIA/08 (Declaration for Utility or Design Patent Application (37 CFR 1.63))
- PTO/AIA/09 (Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.162))
- PTO/AIA/10 (Supplemental Sheet for Declaration (Additional Inventor(s), Supplemental Sheet for PTO/AIA/08, 09))
- PTO/AIA/11 (Substitute Statement Supplemental Sheet (Inventor(s), Supplemental Sheet for PTO/AIA/02, 04, 07))
- PTO/AIA/14 (Application Data Sheet (37 CFR 1.76))
- PTO/AIA/15 (Utility Patent Application Transmittal)
- PTO/AIA/18 (Design Patent Application Transmittal)
- PTO/AIA/19 (Plant Patent Application Transmittal)
- PTO/SB/01 (Declaration for Utility or Design Patent Application (37 CFR 1.63))
- PTO/SB/01A (Declaration (37 CFR 1.63) for Utility or Design Application Using an Application Data Sheet (37 CFR 1.76))
- PTO/SB/02 consisting of PTO/SB/02A (Declaration (Additional Inventor(s), Supplemental Sheet)) and PTO/SB/02B (Declaration—Supplemental Priority Data Sheet)
- PTO/SB/02CN (Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (Chinese Language Declaration for Additional Inventors))
- PTO/SB/02DE (Declaration (Additional Inventors) and Supplemental Priority Data Sheets [2 pages] (German Language Declaration for Additional Inventors))
- PTO/SB/02ES (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Spanish Language Declaration for Additional Inventors))
- PTO/SB/02FR (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (French Language Declaration for Additional Inventors))
- PTO/SB/02IT (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Italian Language Declaration for Additional Inventors))
- PTO/SB/02JP (Japanese Language Substitute Statement in Lieu of an Oath or Declaration for Utility or Design Patent Application (35 U.S.C. 115(d) and 37 CFR 1.64))
- PTO/SB/02KR (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Korean Language Declaration for Additional Inventors))
- PTO/SB/02NL (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Dutch Language Declaration for Additional Inventors))
- PTO/SB/02RU (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Russian Language Declaration for Additional Inventors))
- PTO/SB/02SE (Declaration (Additional Inventors) and Supplemental Priority Data Sheet [2 pages] (Swedish Language Declaration for Additional Inventors))
- PTO/SB/02LR (Declaration Supplemental Sheet for Legal Representatives (35 U.S.C. 117) on Behalf of a Deceased or Incapacitated Inventor)
- PTO/SB/03 (Plant Patent Application (35 U.S.C. 161) Declaration (37 CFR 1.63))
- PTO/SB/04 (Supplemental Declaration for Utility or Design Patent Application (37 CFR 1.67))
- PTO/SB/05 (Utility Plant Application Transmittal)
- PTO/SB/06 (Patent Application Fee Determination Record (Substitute for Form PTO–875))
- PTO/SB/07 (Multiple Dependent Claim Fee Calculation Sheet (Substitute for Form PTO–1360; For Use With Form PTO/SB/06))
- PTO/SB/16 (Provisional Application for Patent Cover Sheet)
- PTO/SB/17 (Fee Transmittal)
- PTO/SB/29 (For Design Applications Only: Continued Prosecution Application (CPA) Request Transmittal)
- PTO/SB/29A (For Design Applications Only: Receipt for Facsimile Transmitted CPA)
- PTO/SB/101 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Chinese Language Declaration))
- PTO/SB/102 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Dutch Language Declaration))
- PTO/SB/103 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (German Language Declaration))
- PTO/SB/104 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Italian Language Declaration))
- PTO/SB/105 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (French Language Declaration))
- PTO/SB/106 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Japanese Language Declaration))
- PTO/SB/107 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Russian Language Declaration))

- PTO/SB/108 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Swedish Language Declaration))
- PTO/SB/109 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Spanish Language Declaration))
- PTO/SB/110 (Declaration for Utility or Design Patent Application (37 CFR 1.63) (Korean Language Declaration))
- PTO/SB/445 (Petition To Accept an Unintentionally Delayed Claim Under 35 U.S.C. 119(e) (37 CFR 1.78(c)) and/or To Accept an Unintentionally Delayed Claim Under 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) for the Benefit of a Prior-Filed Application)

- PTO/SB/458 (Petition To Accept an Unintentionally Delayed Claim Under 35 U.S.C. 119(a)–(d) or (f), 365(a) or (b), or 386(a) or (b) for the Right of Priority to a Prior-Filed Foreign Application (37 CFR 1.55(e))
- PTO/SB/459 (Petition To Restore the Benefit of a Provisional Application (37 CFR 1.78(b)) or To Restore the Priority to a Foreign Application (37 CFR 1.55(c))
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.

Estimated Number of Annual Respondents: 588,255 respondents.
Estimated Number of Annual Responses: 588,255 responses.
Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 45 minutes (0.75 hours) and 40 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.
Estimated Total Annual Respondent Burden Hours: 12,543,215 hours.
Estimated Total Annual Respondent Hourly Cost Burden: \$5,606,817,105.

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

Item No.	Item	Estimated annual respondents	Responses per respondent	Estimated annual responses (year)	Estimated time for response (hours)	Estimated annual burden (hour/year)	Rate ¹ (\$/hour)	Estimated annual burden
		(a)	(b)	(a) × (b) = (c)	(d)	(c) × (d) = (e)	(f)	(e) × (f) = (g)
1	Noncontinuing, Nonprovisional Utility Applications.	214,000	1	214,000	40	8,560,000	447	3,826,320,000
2	Noncontinuing, Nonprovisional Plant Applications.	1,000	1	1,000	9	9,000	447	4,023,000
3	Noncontinuing, Nonprovisional Design Applications.	42,000	1	42,000	7	294,000	447	131,418,000
4	Continuation/Divisional of an International Application.	26,000	1	26,000	4	104,000	447	46,488,000
5	Utility Continuation/Divisional Applications.	114,000	1	114,000	4	456,000	447	203,832,000
6	Plant Continuation/Divisional Application.	5	1	5	3	15	447	6,705
7	Design Continuation/Divisional Application.	6,000	1	6,000	1	6,000	447	2,682,000
8	Continued Prosecution Applications—Design (Request Transmittal and Receipt).	1,500	1	1,500	1	1,500	447	670,500
9	Utility Continuation-in-Part Applications.	11,000	1	11,000	20	220,000	447	98,340,000
10	Design Continuation-in-Part Applications.	850	1	850	3	2,550	447	1,139,850
11	Provisional Application for Patent Cover Sheet.	160,000	1	160,000	18	2,880,000	447	1,287,360,000
12	Petition To Accept Unintentionally Delayed Priority or Benefit Claim.	1,100	1	1,100	1	1,100	447	491,700
13	Petition to be the applicant under 37 CFR 1.46(b) by a person who otherwise shows a sufficient proprietary interest in the matter.	3,000	1	3,000	1	3,000	447	1,341,000
14	Papers filed under the following: 1.41(c) or 1.41(a)(2) (pre-AIA)—to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by 37 CFR 1.51(c)(1) in a provisional application. 1.48(d)—for correction of inventorship in a provisional application.	7,000	1	7,000	.75	5,250	447	2,346,750

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 (year) (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated annual burden (hour/year) (c) × (d) = (e)	Rate ¹ (\$/hour) (f)	Estimated annual burden (e) × (f) = (g)
15	1.53 (c)(2) or 1.53(c)(2) (pre-PLT (AIA))—to convert a nonprovisional application filed under 1.53(b) to a provisional application filed under 1.53(c). Petition To Restore the Right of Priority under 37 CFR 1.55(c). Or Petition To Restore the Benefit of a Prior-Filed Provisional Application under 37 CFR 1.78(b).	800	1	800	1	800	447	357,600
Totals		588,255		588,255		12,543,215		5,606,817,105

¹ 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); 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>).

Estimated Total Annual Respondent Non-hourly Cost Burden:
\$1,156,494,847 per year.

There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, there is non-hour

cost burden in the way of filing fees, drawing costs, and postage costs.

The total annual (non-hour) respondent cost burden for this collection is estimated to be \$1,156,494,847, which includes \$672,189,140 in filing fees,

\$484,123,750 in drawing costs, and \$181,957 in postage.

Fees

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

TABLE 2—FILING FEE COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Fee code	Item	Estimated annual responses (a)	Amount (b)	Totals (a) × (b) = (c)
1, 4	1011	Basic Filing Fee—Utility (Paper Filing—Also Requires Non-Electronic Filing Fee Under 1.16(t)) (undiscounted entity).	250,450	\$320	\$80,144,000
1, 4	2011	Basic Filing Fee—Utility (Paper Filing—Also Requires Non-Electronic Filing Fee Under 1.16(t)) (small entity).	260	128	33,280
1, 4	3011	Basic Filing Fee—Utility (Paper Filing—Also Requires Non-Electronic Filing Fee Under 1.16(t)) (micro entity).	14,520	64	929,280
1, 4	4011	Basic Filing Fee—Utility (electronic filing for small entities)	84,760	64	5,424,640
1, 4	1081	Utility Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (undiscounted entity).	20,640	420	8,668,800
1, 4	2081	Utility Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (small entity).	11,630	168	1,953,840
1, 4	3081	Utility Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity).	220	84	18,480
1, 4	1111	Utility Search Fee (undiscounted entity)	248,740	700	174,118,000
1, 4	2111	Utility Search Fee (small entity)	83,900	280	23,492,000
1, 4	3111	Utility Search Fee (micro entity)	14,330	140	2,006,200
1, 4	1311	Utility Examination Fee (undiscounted entity)	249,600	800	199,680,000
1, 4	2311	Utility Examination Fee (small entity)	84,100	320	26,912,000
1, 4	3311	Utility Examination Fee (micro entity)	14,360	160	2,297,600
1,2 4–6, and 9.	1201	Each Independent Claim in Excess of Three (undiscounted entity).	42,020	480	20,169,600
1,2 4–6, and 9.	2201	Each Independent Claim in Excess of Three (small entity)	14,500	192	2,784,000
1,2 4–6, and 9.	3201	Each Independent Claim in Excess of Three (micro entity)	1,400	96	134,400
1,2 4–6, and 9.	1202	Each Claim in Excess of 20 (undiscounted entity)	304,230	100	30,423,000
1,2 4–6, and 9.	2202	Each Claim in Excess of 20 (small entity)	158,280	40	6,331,200
1,2 4–6, and 9.	3202	Each Claim in Excess of 20 (micro entity)	7,790	20	155,800

TABLE 2—FILING FEE COSTS TO PRIVATE SECTOR RESPONDENTS—Continued

Item No.	Fee code	Item	Estimated annual responses	Amount	Totals
			(a)	(b)	(a) × (b) = (c)
1,2 4–6, and 9.	1203	Multiple Dependent Claim (undiscounted entity)	730	860	627,800
1,2 4–6, and 9.	2203	Multiple Dependent Claim (small entity)	470	344	161,680
1,2 4–6, and 9.	3203	Multiple Dependent Claim (micro entity)	70	172	12,040
2, 5	1313	Plant Examination Fee (undiscounted entity)	490	660	323,400
2, 5	2313	Plant Examination Fee (small entity)	480	264	126,720
2, 5	3313	Plant Examination Fee (micro entity)	10	132	1,320
2, 5	1013	Basic Filing Fee—Plant (undiscounted entity)	490	220	107,800
2, 5	2013	Basic Filing Fee—Plant (small entity)	480	88	42,240
2, 5	3013	Basic Filing Fee—Plant (micro entity)	10	44	440
2, 5	1113	Plant Search Fee (undiscounted entity)	490	440	215,600
2, 5	2113	Plant Search Fee (small entity)	480	176	84,480
2, 5	3113	Plant Search Fee (micro entity)	10	88	880
2, 5	1083	Plant Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (undiscounted entity).	1	420	420
2, 5	2083	Plant Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (small entity).	1	168	168
2, 5	3083	Plant Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity).	1	84	84
3, 6	1012	Basic Filing Fee—Design (undiscounted entity)	20,0200	220	4,404,400
3, 6	2012	Basic Filing Fee—Design (small entity)	19,480	88	1,714,240
3, 6	3012	Basic Filing Fee—Design (micro entity)	15,890	44	699,160
3, 6	1017	Basic Filing Fee—Design (CPA) (undiscounted entity)	920	220	202,400
3, 6	2017	Basic Filing Fee—Design (CPA) (small entity)	500	88	44,000
3, 6	3017	Basic Filing Fee—Design (CPA) (micro entity)	85	44	3,740
3, 6	1082	Design Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (undiscounted entity).	170	420	71,400
3, 6	2082	Design Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (small entity).	90	168	15,120
3, 6	3082	Design Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity).	30	84	2,520
3, 6	1112	Design Search Fee (undiscounted entity)	20,660	160	3,305,600
3, 6	2112	Design Search Fee (small entity)	19,690	64	1,260,160
3, 6	3112	Design Search Fee (micro entity)	15,880	32	508,160
3, 6	1312	Design Examination Fee (undiscounted entity)	20,670	640	13,228,800
3, 6	2312	Design Examination Fee (small entity)	19,710	256	5,045,760
3, 6	3312	Design Examination Fee (micro entity)	15,880	128	2,032,640
11	1085	Provisional Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (undiscounted entity).	11,180	420	4,695,600
11	2085	Provisional Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (small entity).	11,360	168	1,908,480
11	3085	Provisional Application Size Fee—For Each Additional 50 Sheets That Exceeds 100 Sheets (micro entity).	110	84	9,240
11	1005	Provisional Application Filing Fee (undiscounted entity)	63,710	300	19,113,000
11	2005	Provisional Application Filing Fee (small entity)	69,250	120	8,310,000
11	3005	Provisional Application Filing Fee (micro entity)	23,150	60	1,389,000
1–11	1051	Surcharge—Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (undiscounted entity).	78,200	160	12,512,000
1–11	2051	Surcharge—Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (small entity).	33,010	64	2,112,640
1–11	3051	Surcharge—Late Filing Fee, Search Fee, Examination Fee, Inventor's Oath or Declaration, or Application Filed Without at least One Claim or by Reference (micro entity).	3,370	32	107,840
1–11	1052	Surcharge—Late Provisional Filing Fee or Cover Sheet (undiscounted entity).	1,700	60	102,000
1–11	2052	Surcharge—Late Provisional Filing Fee or Cover Sheet (small entity).	2,440	24	58,560
1–11	3052	Surcharge—Late Provisional Filing Fee or Cover Sheet (micro entity).	2,574	12	30,888
13	1463	Electronic Petition To Be the Applicant Under 37 CFR 1.46 by a Person Who Otherwise Shows Sufficient Proprietary Interest in the Matter (undiscounted entity).	1,800	220	396,000

TABLE 2—FILING FEE COSTS TO PRIVATE SECTOR RESPONDENTS—Continued

Item No.	Fee code	Item	Estimated annual responses (a)	Amount (b)	Totals (a) × (b) = (c)
13	2463	Electronic Petition To Be the Applicant Under 37 CFR 1.46 by a Person Who Otherwise Shows Sufficient Proprietary Interest in the Matter (small entity).	900	88	79,200
13	3463	Electronic Petition To Be the Applicant Under 37 CFR 1.46 by a Person Who Otherwise Shows Sufficient Proprietary Interest in the Matter (micro entity).	300	44	13,200
15	1454	Grantable Petition To Restore the Right of Priority Under 37 CFR 1.55(c) (undiscounted entity).	310	2,100	651,000
15	2454	Grantable Petition To Restore the Right of Priority Under 37 CFR 1.55(c) (small entity).	65	840	54,600
15	3454	Grantable Petition To Restore the Right of Priority Under 37 CFR 1.55(c) (micro entity).	25	420	10,500
15	1454	Grantable Petition To Restore the Benefit of a Prior-Filed Provisional Application Under 37 CFR 1.78(b) (undiscounted entity).	310	2,100	651,000
15	2454	Grantable Petition To Restore the Benefit of a Prior-Filed Provisional Application Under 37 CFR 1.78(b) (small entity).	65	840	54,600
15	3454	Grantable Petition To Restore the Benefit of a Prior-Filed Provisional Application Under 37 CFR 1.78(b) (micro entity).	25	420	10,500
Total Filing Fees			2,083,472	672,189,140

Drawing Costs

Patent applicants can submit drawings with their utility, design, plant, and provisional applications. Applicants can prepare these drawings on their own or they can hire patent illustration services firms to create them. As a basis for estimating the drawing costs, the USPTO expects that all applicants will have their drawings prepared by a patent illustration firm.

Estimates for the patent drawing can vary greatly, depending on the number of figures to be produced, the total number of pages for the drawings, and the complexity of the drawings. Because there are many variables involved, the USPTO is using the average of the estimated cost ranges for the application drawings to derive the estimated cost per sheet that is then used to calculate the total drawing costs seen the table below.

The utility, plant, and design continuation and divisional applications use the same drawings as the initial filings, so they are not included in these totals. New drawings may be submitted in the continuation-in-part applications, so those numbers are included in these estimates. The drawings for the continued prosecution applications also are included in the

drawing cost totals for designs. There are no continuation, divisional, or continuation-in-part provisional applications.

- **Utility Application Drawings**—The USPTO estimates that the costs to produce these drawings can range from \$50 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$125 per sheet to produce the drawings and that, on average, 10 sheets of drawings are submitted for an average cost of \$1,250 to produce the utility drawings. Out of 339,000 utility applications submitted, the USPTO estimates that 68% (or 230,520) applications will be submitted with drawings.

- **Plant Application Drawings**—In general, photographs are submitted for the plant applications, although drawings can also be submitted. The USPTO estimates that the cost to produce the photographs or drawings for the plant applications can range from \$50 to \$100. Taking the average of this range, the USPTO estimates that it can cost \$75 per sheet to produce the photographs or drawings for the plant applications. On average, 10 sheets of drawings are submitted for an average cost of \$750 to produce the photographs/drawings for the plant

applications. Out of 1,005 plant applications submitted per year, the USPTO estimates that all of them will be submitted with drawings.

- **Design Application Drawings**—The USPTO estimates that the costs to produce design drawings can range from \$50 to \$350 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$200 per sheet to produce design drawings. On average, 10 sheets of drawings are submitted for an average cost of \$2,000 to produce the design drawings. Out of 48,850 design applicants submitted per year, the USPTO estimates that all of them will be submitted with drawings.

- **Provisional Application Drawings**—The USPTO estimates that the cost to produce the provisional drawings can range from \$30 to \$200 per sheet. Taking the average of this range, the USPTO estimates that it can cost \$115 per sheet to produce the provisional drawings. On average, 10 sheets of drawings are submitted for an average cost of \$1,150 to produce the provisional drawings. Out of 160,000 provisional applications submitted per year, the USPTO estimates that 53% (or 84,800) applications will be submitted with drawings.

TABLE 3—DRAWING COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual responses (a)	Estimated drawing costs amount (\$) (b)	Drawing cost totals (a) × (b) = (c)
1	Utility Application Drawings	230,520	\$1,250	\$288,150,000
2	Plant Application Drawings (Photographs)	1,005	750	753,750
3	Design Applications Drawings	48,850	2,000	97,700,000
11	Provisional Application Drawings	84,800	1,150	97,520,000
Total Drawing Costs			365,175	484,123,750

Postage

Although the USPTO prefers that the items in this information collection be submitted electronically, the items may be submitted by mail through the United States Postal Service (USPS). The USPTO estimates the following:

- If an applicant decides to file a patent application covered under this information collection by mail, the USPTO recommends that the patent application be filed by Priority Mail Express® in accordance with 37 CFR 1.10 to establish the date of deposit with the USPS as the filing date (otherwise the filing date of the application will be the date that it is received at the USPTO). The USPTO estimates that about 1.5% of patent applicants (lines 1–10) will be filed by mail resulting in 6,245 mailed applications. Using the Priority Mail Express® flat rate cost for mailing envelopes, the USPTO estimates that the average cost for sending a patent application by Priority Mail Express® will be \$28.95; resulting in a cost of \$180,793.

- If an applicant decides to file a petition or a paper filed under 37 CFR 1.41(c), 1.41(a)(2) (pre-AIA), 1.48(d), 1.53(c)(2), 1.53(c)(2) (pre-PLT (AIA)), 1.55(c), or 1.78(b) by mail, the USPTO estimates that the petition or paper will be sent by Priority Mail. The USPTO estimates that about 1.5% of these petitions (lines 14 and 15) will be filed by mail resulting in 117 mailed items. Using the Priority Mail USPTO further estimates that the average cost for a Priority Mail legal flat rate envelope shipped via USPS is \$9.95; resulting in an cost of \$1,164.

Therefore, the total estimated postage cost for this collection is \$181,957.

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. 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, 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. 2024–00268 Filed 1–9–24; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2023–0013]

Guidelines for Assessing Enablement in Utility Applications and Patents in View of the Supreme Court Decision in Amgen Inc. et al. v. Sanofi et al.

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

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) is publishing guidelines for USPTO employees to use, regardless of the technology, for ascertaining compliance with the enablement requirement of the patent laws during the examination of utility patent applications and the review of utility patents in light of the recent U.S. Supreme Court decision in *Amgen Inc. et al. v. Sanofi et al.* These guidelines, which also inform the public of the USPTO’s practices, provide that when considering whether claims in a utility patent application or patent are enabled, USPTO personnel will continue to use the *In re Wands* factors to ascertain whether the amount of experimentation required to enable the full scope of the claimed invention is reasonable. Publishing these guidelines will promote consistent analysis of the enablement requirement of the patent laws by USPTO employees and will result in clearer USPTO communications to applicants, patentees, and relevant third parties concerning any deficiencies in enablement compliance. These guidelines will also promote the consistent treatment of enablement, both by the patent examining corps in patent applications and reexamination proceedings and by the Patent Trial and Appeal Board (PTAB) in ex parte appeals and post-patent issuance proceedings.

DATES: These guidelines are effective January 10, 2024.

FOR FURTHER INFORMATION CONTACT: Mary C. Till, Senior Legal Advisor, Office of Patent Legal Administration, at *Mary.Till@uspto.gov* or 571–272–7755; or Andrea S. Grossman, Legal Advisor, Office of Patent Legal Administration, at *Andrea.Grossman@uspto.gov* or 571–270–3314.

SUPPLEMENTARY INFORMATION: These guidelines are intended to inform USPTO personnel and the public on the USPTO’s implementation of the Supreme Court decision in *Amgen Inc. et al. v. Sanofi et al.*, 143 S. Ct. 1243 (2023) (hereafter *Amgen*). These