

impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The changes proposed in this notice primarily implement corresponding changes required to conform United States rules for international applications to the amendments to the PCT Regulations which become effective on January 1, 2004. The amendments to the PCT Regulations will simplify the PCT application process and fee structure, and as such, will benefit all patent applicants (including small entities) using the PCT system.

The proposed changes to the PCT international stage fees are to adjust these fees to be in alignment with the actual average costs of conducting a PCT search and international preliminary examination under the new process. This realignment does result in a proposed increase in the search fee for applicants who do not have a corresponding U.S. application under 35 U.S.C. 111(a) in which the filing fee was paid, a proposed increase in the supplemental search fee, and a proposed increase in the preliminary examination fee. However, as PCT Article 22 was amended (effective April 1, 2002) to extend its time limit for entering the national stage to 30 months from the priority date of the PCT application, PCT applicants are no longer required to file a Demand for preliminary examination under PCT Article 31 (and pay the preliminary examination fee) in order to delay commencement of the national stage until 30 months from the priority date. *See Revision of the Time Limit for National Stage Commencement in the United States for Patent Cooperation Treaty Applications*, 67 FR 520 (Jan. 4, 2002), 1254 *Off. Gaz. Pat. Office* 204 (Jan. 29, 2002). In addition, the International Searching Authority will now be providing a written opinion as part of the PCT Chapter I processing. Thus, any PCT applicant (including a small entity) with a corresponding U.S. application under 35 U.S.C. 111(a) in which the filing fee was paid will pay as little as \$600 (a transmittal fee of \$300 and a search fee of \$300) to obtain the benefits for which it was previously necessary to pay \$1,180 (a transmittal fee of \$240 and a search fee of \$450, and a preliminary examination fee of \$490), and any PCT applicant (including a small entity) without a corresponding U.S. application under 35 U.S.C. 111(a) (e.g., an applicant with no corresponding U.S. application, or only a corresponding U.S. provisional application under 35 U.S.C. 111(b)) will still pay only \$1,300 (a transmittal fee

of \$300 and a search fee of \$1,000) to obtain the benefits for which it was previously necessary to pay \$1,430 (a transmittal fee of \$240 and a search fee of \$700, and a preliminary examination fee of \$490).

Some PCT applicants will still file a Demand for preliminary examination under the revised PCT system to obtain a positive "International Preliminary Report on Patentability (Chapter II of the Patent Cooperation Treaty)" by the IPEA and thus expedite the national examination process. A PCT applicant (including a small entity) without a corresponding U.S. application under 35 U.S.C. 111(a) who still wishes to file a Demand for preliminary examination under the revised PCT system will pay \$1,900 (a transmittal fee of \$300, a search fee of \$1,000, and a preliminary examination fee of \$600), where it was previously necessary to pay only \$1,430 (a transmittal fee of \$240 and a search fee of \$700, and a preliminary examination fee of \$490), for an increase of \$470 in fees. This increase is insignificant in comparison to the cost (for any business entity) of obtaining foreign patent protection. *See International Trade: Federal Action Needed to help Small Businesses Address Foreign Patent Challenges*, GAO-02-789 at 2 (July 2002) (noting that extending patent protection to nine other countries could cost between \$160,000 and \$330,000).

Executive Order 13132: This rule making does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866: This rule making has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act: This proposed rule involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information involved in this proposed rule have been reviewed and previously approved by OMB under the following control numbers: 0651-0021 and 0651-0031. The United States Patent and Trademark Office is not resubmitting any information collection package to OMB for its review and approval because the changes in this notice do not affect the information collection requirements associated with the information collection under these OMB control numbers.

The title, description and respondent description of the information collection

is shown below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB Number: 0651-0021.

Title: Patent Cooperation Treaty.

Form Numbers: PCT/RO/101, ANNEX/134/144, PTO-1382, PCT/IPEA/401, PCT/IB/328.

Type of Review: Approved through December of 2003.

Affected Public: Individuals or households, business or other for-profit institutions, Federal agencies or employees, not-for-profit institutions, small businesses or organizations.

Estimated Number of Respondents: 331,288.

Estimated Time Per Response: Between 15 minutes and 4 hours.

Estimated Total Annual Burden Hours: 401,083.

Needs and Uses: The information collected is required by the Patent Cooperation Treaty (PCT). The general purpose of the PCT is to simplify the filing of patent applications on the same invention in different countries. It provides for a centralized filing procedure and a standardized application format.

OMB Number: 0651-0031.

Title: Patent Processing (Updating).

Form Numbers: PTO/SB/08A/08B/21/22/23/24/25/26/27/30/31/32/35/37/36/42/43/61 61/PCT/62/63/64 64/PCT/67/68/91/92/96/97, PTO-2053-A/B, PTO-2054-A/B, PTO-2055-A/B.

Type of Review: Currently under review.

Affected Public: Individuals or households, State or local governments, farms, business or other for-profit institutions, not-for-profit institutions, small businesses or organizations, and Federal government.

Estimated Number of Respondents: 2,208,339.

Estimated Time Per Response: 1 minute 48 seconds to 8 hours.

Estimated Total Annual Burden Hours: 830,629 hours.

Needs and Uses: During the processing of an application for a patent, the applicant/agent may be required or desire to submit additional information to the Office concerning the examination of a specific application. The specific information required or which may be submitted includes: Information Disclosure Statements; Terminal Disclaimers; Petitions to Revive; Express Abandonments; Appeal Notices; Petitions for Access; Powers to Inspect; Certificates of Mailing or Transmission; Statements under