

net increase in filings for the items covered under this collection.

The USPTO also recently submitted this collection in conjunction with a notice of proposed rulemaking entitled "Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan" (RIN 0651-AB64), which was published in the **Federal Register** on September 12, 2003 (Vol. 68, No. 177). The proposed rulemaking would eliminate the requirement in 37 CFR 1.178 for a ribbon copy of the patent grant to be surrendered in a reissue application and consequently delete Form PTO/SB/55 Reissue Patent Application Statement as to Loss of Original Patent from this collection. The rulemaking would also allow applicants to use electronic signatures to sign patent and examination proceeding documents that have been created electronically with a word processor or obtained from the USPTO website as fillable forms. The information collection package for 0651-0033 associated with this proposed rulemaking is currently under review at OMB.

## II. Method of Collection

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

## III. Data

*OMB Number:* 0651-0033.

*Form Number(s):* PTO/SB/44/50/51/51S/52/53/56/57/58 and PTOL-85B.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

*Estimated Number of Respondents:* 223,411 responses per year. This estimate includes the decrease of 95 responses per year that would result from the deletion of Form PTO/SB/55 Reissue Patent Application Statement as to Loss of Original Patent, which is currently under review at OMB.

*Estimated Time Per Response:* The USPTO estimates that it will take the public from 1.8 minutes (0.03 hours) to 2 hours to gather the necessary information, prepare the appropriate form or other document, and submit the information to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 67,261 hours per year.

This estimate includes the decrease of 5 hours per year that would result from the deletion of Form PTO/SB/55 Reissue Patent Application Statement as to Loss of Original Patent, which is currently under review at OMB.

*Estimated Total Annual Respondent Cost Burden:* \$8,380,572 per year. The USPTO expects that the information in this collection will be prepared by attorneys, except for the Issue Fee Transmittal, which will be prepared by paraprofessionals. Using the professional rate of \$252 per hour for associate attorneys in private firms, the USPTO estimates that the respondent cost burden for attorneys submitting the information in this collection will be \$7,222,572 per year. Using the paraprofessional rate of \$30 per hour, the USPTO expects that the respondent cost burden for submitting the Issue Fee Transmittal form will be \$1,158,000 per year. These estimates exclude the respondent cost burden for Form PTO/SB/55 Reissue Patent Application Statement as to Loss of Original Patent due to the pending deletion of this form in the 0651-0033 information collection submission that is currently under review at OMB.

Item	Form number	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Certificate of Correction .....	PTO/SB/44 .....	1 hour .....	25,000	25,000
Reissue Documentation .....	None .....	2 hours .....	870	1,740
Reissue Patent Application Transmittal .....	PTO/SB/50 .....	12 minutes .....	870	174
Reissue Application Declaration by the Inventor or the Assignee .....	PTO/SB/51/52 ..	30 minutes .....	870	435
Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175).	PTO/SB/51S .....	1.8 minutes .....	550	17
Reissue Application: Consent of Assignee; Statement of Non-assignment.	PTO/SB/53 .....	6 minutes .....	850	85
Reissue Application Fee Transmittal Form .....	PTO/SB/56 .....	12 minutes .....	870	174
Request for Ex Parte Reexamination Transmittal Form .....	PTO/SB/57 .....	2 hours .....	330	660
Request for Inter Partes Reexamination Transmittal Form .....	PTO/SB/58 .....	2 hours .....	175	350
Petition to Review Refusal to Grant Ex Parte Reexamination .....	None .....	1 hour .....	25	25
Petition to Review Refusal to Grant Inter Partes Reexamination .....	None .....	1 hour .....	1	1
Issue Fee Transmittal .....	PTOL-85B .....	12 minutes .....	193,000	38,600
Total .....			223,411	67,261

*Estimated Total Annual Non-hour Respondent Cost Burden:* \$257,516,601 per year. There are no capital start-up costs, maintenance costs, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

The total estimated annual filing fees for this collection are calculated in the accompanying chart. The fees listed correspond to the USPTO Fee Schedule effective October 1, 2003. The Reissue Fee Transmittal Form includes the filing

fees for the reissue application (including small entities) and covers all parts of the application, including reissue documentation, reissue application transmittal, reissue application declarations, and consent of assignee or statement of non-assignment. There is no fee for the supplemental declaration for a reissue patent application to correct an "errors" statement.

Additionally, there are several different issue fees under 37 CFR 1.18 depending on the type of patent being issued, whether a publication fee is

required, and whether the inventor is entitled to the discounted small entity fee. The additional publication fee may not be owed at the time of patent issue for any of the following reasons: (1) The application requested non-publication under 35 U.S.C. 122(b)(2)(B)(i); (2) the application will not be published due to national security concerns as provided in 35 U.S.C. 122(d); (3) the applicant has paid the publication fee prior to issue due to a request for early or amended publication under 37 CFR 1.219; or (4) the application was filed prior to November 29, 2000 and therefore not