

International Bureau as long as the secrecy order is in effect. The USPTO collects information to determine whether the patent laws and rules have been complied with, and to grant or revoke licenses to file abroad when appropriate. This collection of information is required by 35 U.S.C. 181–188 and administered through 37 CFR chapter 1, part 5, 5.1–5.33.

On November 29, 2001 OMB approved a Change Worksheet to adjust the burden estimates for this collection. The USPTO received more submissions than originally estimated; consequently, the responses increased by 332 and the total burden hours for this collection increased by 225 as an administrative adjustment.

In September 2003 the USPTO submitted an information collection package to OMB for review in support of a proposed rulemaking, “Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan” (RIN 0651–AB64). This proposed rulemaking would increase the filing fees for petitions related to foreign licenses in order to more accurately reflect the USPTO’s actual cost of processing these petitions. An existing petition, the Petition for Changing the Scope of a License, was not previously covered in this collection as a separate item, but

was added to this rulemaking package with its proposed filing fee.

There are no forms associated with this collection of information.

## II. Method of Collection

By mail, facsimile, or hand carry when the applicant or agent files a patent application with the USPTO, submits subsequent papers during the prosecution of the application to the USPTO, or submits a request for a foreign filing license for a patent application to be filed abroad before the filing of a United States patent application.

## III. Data

OMB Number: 0651–0034.

Form Number(s): N/A.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households; business or other for profit; not-for-profit institutions; farms; Federal Government; and state, local or tribal Government.

Estimated Number of Respondents: 1,669 total responses per year. Of this total, 6 per year for petitions for rescission of secrecy order; 3 per year for petitions for permits to disclose or modification of secrecy order; 1 per year for general and group permits; 1,402 per year for petitions for foreign filing

license without a corresponding application on file; 126 per year for petitions for foreign filing license with a corresponding United States application on file; 130 per year for petitions for retroactive license; and 1 per year for petitions for changing the scope of a license.

*Estimated Time Per Response:* The USPTO estimates that it will take approximately 3 hours for petitions for rescission of secrecy order; 2 hours petitions for permits to disclose or modification of secrecy order; 1 hour for general and group permits; 0.5 hours each for petitions for foreign filing licenses without a corresponding application and petitions for licenses with a corresponding U.S. patent application; 4 hours for petitions for retroactive licenses; and 1 hour for petitions for changing the scope of a license to gather, prepare and submit this information, depending upon the complexity of the situation.

*Estimated Total Annual Respondent Burden Hours:* 1,310 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$374,660. Using the professional hourly rate of \$286 for associate attorneys in private firms, the USPTO estimates \$374,660 per year for salary costs associated with respondents.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Petition for rescission of secrecy order .....	3 hours .....	6	18
Petition for permit to disclose or modification of secrecy order .....	2 hours .....	3	6
Petition for general and group permits .....	1 hour .....	1	1
Petition for License; no corresponding application .....	0.5 hours .....	1,402	701
Petition for License; corresponding U.S. application .....	0.5 hours .....	126	63
Petition for retroactive license .....	4 hours .....	130	520
Petition for changing the scope of a license .....	1 hour .....	1	1
Totals .....	.....	1,669	1,310

*Estimated Total Annual Non-Hour Respondent Cost Burden:* \$215,732. There are no capital start-up or maintenance costs associated with this information collection. There are, however, filing fees and postage costs.

There is a proposed rulemaking information collection currently at OMB under review which, if approved, would add \$437,000 in filing fees to this collection for the petitions for the licenses to export. However, since the information collection currently at OMB

under review is a proposed rulemaking, the USPTO is using the current filing fee rate of \$130 for this submission, for a total of \$215,670 in filing fees for the licenses to export. No fees are associated with the secrecy order petitions.

Item	Responses (a)	Filing Fee (\$ (b))	Total Filing Fee Cost Burden (c) (a × b)
Petition for rescission of secrecy order .....	6	0	0.00
Petition for permit to disclose or modification of secrecy order .....	3	0	0.00
Petition for general and group permits .....	1	0	0.00
Petition for License, no corresponding application .....	1,402	130.00	182,260.00
Petition for License, corresponding U.S. application .....	126	130.00	16,380.00