



## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### **Submission for OMB Review; comment request; “Fee Deficiency Submissions”**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

*Agency:* United States Patent and Trademark Office, Commerce.

*Title:* Fee Deficiency Submissions.

*OMB Control Number:* 0651-0070.

*Form Number(s):* None.

*Type of Request:* Regular.

*Number of Respondents:* 2,500 responses per year.

*Average Hours Per Response:* 2 hours per response.

*Burden Hours:* 5,000 hours annually.

*Cost Burden:* \$335.00

*Needs and Uses:* The Leahy-Smith America Invents Act (“Act”) was enacted into law on September 16, 2011. See Public Law 112-29, 125 Stat. 283 (2011). Under section 10(b) of the Act, eligible small entities shall receive a 50 percent fee reduction from the undiscounted fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents. The Act further provides that micro entities shall receive a 75 percent fee reduction from the undiscounted fees for filing, searching, examining, issuing, appealing, and maintaining patent applications and patents.

This information collection covers the submissions made by patent applicants and patentees to excuse small and micro entity fee payment errors, in accordance with the procedures set forth in 37 CFR 1.28(c) and 1.29(k). Specifically, 37 CFR 1.28(c) provides a procedure by which patent applicants and patentees may be excused for erroneous payments of fees in the small entity amount. 37 CFR 1.29(k) provides a procedure by which patent applicants and patentees may be excused for erroneous payments of fees in the micro entity amount.

This information collection is necessary so that patent applicants and patentees may pay the balance of fees due (i.e., make a fee deficiency payment) when a fee was previously paid in error in a micro or small entity amount. The USPTO needs the information to be able to process and properly record a fee deficiency payment to avoid questions arising later either for the USPTO or for the applicant or patentee as to whether the proper fees have been paid in the application or patent. This renewal seeks to extend the authority of USPTO to collect the balance of fees due from those who may have such an outstanding balance (i.e., a fee deficiency).

*Affected Public:* Businesses or other for-profits; not-for-profit institutions.

*Frequency:* On occasion.

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

*OMB Desk Officer:* Nicholas A. Fraser, e-mail: Nicholas\_A.\_Fraser@omb.eop.gov.

Once submitted, the request will be publicly available in electronic format through [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- E-mail: [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0070" in the subject line of the message.
- Mail: Marcie Lovett, Director, Records and Information Governance Division, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER] to Nicholas A. Fraser, OMB Desk Officer, via e-mail to [Nicholas\\_A.\\_Fraser@omb.eop.gov](mailto:Nicholas_A._Fraser@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

Marcie Lovett,

Director, Records and Information Governance Division,

OCTO, United States Patent and Trademark Office.

**BILLING CODE 3510-16-P**

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