

support workers as found in the May 2017 National Occupational Employment and Wage Estimates of the

U.S Bureau of Labor Statistics (occupation code 43-1011). Using this blended hourly rate, the USPTO

estimates that the total respondent cost burden for this collection is \$2,716,133.33 per year.

IC No.	Information collection item	Estimated time for response (minutes) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b) = (c)	Rate (S/hr)
1 .....	Surveys .....	8	100,000	13,333.33	\$203.71
Total (Three-Year Period) .....		.....	100,000 (300,000)	13,333.33 (40,000)	\$2,716,133.33 (\$8,148,400.00)

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$0. There are no capital start-up, maintenance, postage, or recordkeeping costs associated with this information collection.

**IV. Request for Comments**

Comments are invited on:

- (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;
- (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;
- (c) ways to enhance the quality, utility, and clarity of the information to be collected; and
- (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Marcie Lovett,**

Director, Records and Information Governance Division, Office of the Chief Information Officer, United States Patent and Trademark Office.

[FR Doc. 2018-14383 Filed 7-3-18; 8:45 am]

BILLING CODE 3510-16-P

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Patent Reexaminations and Supplemental Examinations**

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995

invites comments on a proposed extension of an existing information collection: 0651-0064 (Patent Reexaminations and Supplemental Examinations).

**DATES:** Written comments must be submitted on or before September 4, 2018.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0064 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *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.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of the Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7728; or by email to [Raul.Tamayo@uspto.gov](mailto:Raul.Tamayo@uspto.gov) with "0651-0064 comment" in the subject line. Additional information about this 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 35 U.S.C. 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. Chapter 30 of Title 35 U.S.C. provides that any person at any time may file a request for reexamination by the USPTO of any claim of a patent on the basis of prior art patents or printed publications. Once initiated, the reexamination proceedings under Chapter 30 are substantially *ex parte*

and do not permit input from third parties. The rules outlining *ex parte* reexaminations are found at 37 CFR 1.510-1.570.

35 U.S.C. 257 permits a patent owner to request supplemental examination of a patent by the USPTO to consider, reconsider, or correct information believed to be relevant to the patent. The rules outlining supplemental examination are found at 37 CFR 1.601-1.625.

The Leahy-Smith America Invents Act terminated *inter partes* reexamination effective September 16, 2012. However, *inter partes* reexamination proceedings based on *inter partes* reexamination requests filed before September 16, 2012, continue to be prosecuted. Therefore, this collection continues to include items related to the prosecution of *inter partes* reexamination proceedings. The rules outlining *inter partes* reexamination are found at 37 CFR 1.903-1.931.

Thus, the items included in this collection cover: (1) Requests for *ex parte* reexamination, (2) requests for supplemental examination, and (3) information that may be submitted by patent owners and third-party requesters in relation to the prosecution of an *ex parte* or *inter partes* reexamination proceeding. The transmittal forms are used by a requester (patent owner or third party) as a checklist to ensure compliance with the requirements of the statutes and rules for *ex parte* reexaminations and supplemental examinations. The public uses this information collection to request *ex parte* reexamination and supplemental examination, to prosecute reexamination proceedings, and to ensure that the associated documentation is submitted to the USPTO.

**II. Method of Collection**

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

**III. Data**

*OMB Number:* 0651–0064.  
*IC Instruments and Forms:* PTO/SB/57 and PTO/SB/59.  
*Type of Review:* Renewal of an existing collection.  
*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.  
*Estimated Number of Respondents:* 1,540 responses per year.  
*Estimated Time per Response:* The USPTO estimates that it will take the

public approximately between 18 minutes (0.30 hours) to 55 hours to gather the necessary information, prepare the appropriate form or other document, and submit the information to the USPTO.  
*Estimated Total Annual Hour Burden:* 32,962.50 hours.  
*Estimated Total Annual Respondent (Hourly) Cost Burden:* \$14,437,575.00 per year. The USPTO expects that the information in this collection will be prepared by intellectual property

attorneys. The professional hourly rate for intellectual property attorneys in private firms is \$438, as estimated in the 2017 Report on the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is \$14,437,575.00.

IC No.	Item	Estimated time for response (hours) (a)	Estimated respondents (b)	Estimated burden hours (c) (a) × (b)	Rate (d)	Total cost (e) (c) × (d)
1	Request for Supplemental Examination Transmittal Form	0.30 (18 minutes)	75	22.50	\$438.00	\$9,855.00
2	Request for Supplemental Examination	25	75	1,875.00	438.00	821,250.00
3	Request for <i>Ex Parte</i> Reexamination Transmittal Form	0.30 (18 minutes)	200	60.00	438.00	26,280.00
4	Request for <i>Ex Parte</i> Reexamination	55	200	11,000.00	438.00	4,818,000.00
5	Petition in a Reexamination Proceeding (except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d)).	23	200	4,600.00	438.00	2,014,800.00
6	Patent Owner's 37 CFR 1.530 Statement	8	85	680.00	438.00	297,840.00
7	Third Party Requester's 37 CFR 1.535 Reply	8	25	200.00	438.00	84,600.00
8	Amendment in <i>Ex Parte</i> or <i>Inter Partes</i> Reexamination	33	310	10,230.00	438.00	4,480,740.00
9	Third Party Requester's 37 CFR 1.947 Comments in <i>Inter Partes</i> Reexamination.	41	5	205.00	438.00	89,790.00
10	Response to Final Rejection in <i>Ex Parte</i> Reexamination	17	200	3,400.00	438.00	1,489,200.00
11	Patent Owner's 37 CFR 1.951 Resposne in <i>Inter Partes</i> Reexamination.	41	10	410.00	438.00	179,580.00
12	Third Party Requester's 37 CFR 1.951 Comments in <i>Inter Partes</i> Reexamination.	41	5	205.00	438.00	89,790.00
13	Petition to Request Extension of Time in <i>Ex Parte</i> or <i>Inter Partes</i> Reexamination.	0.50 (30 minutes)	150	75.00	438.00	32,520.00
Total			1,540	32,962.50		14,437,575.00

*Estimated Total Annual Respondent (Non-Hourly) Cost Burden:* \$2,750,186.50 per year. There are no capital start-up, recordkeeping, or maintenance costs associated with this collection. However, the collection does have annual (non-hour) costs in the form of postage costs and filing fees.

**Postage Costs**

The USPTO expects that most of the responses in this collection will be submitted electronically. However, it is

estimated that roughly 18 mailed submissions will be submitted for Petitions to Request Extension of Time. In addition, the documentation for requests for supplemental examination and requests for *ex parte* reexamination will typically be mailed to the USPTO with the appropriate transmittal form, resulting in 550 unique mailings. The USPTO estimates that the average postage cost for a mailed submission will be \$0.50 for Petitions to Request

Extension of Time and \$5.75 for all other mailed submissions. Therefore, the USPTO estimates that the total postage costs is approximately \$3,171.50 per year.

**Filing Fees**

There are nine filing fees associated with this collection, which are broken down by large entity, small entity, and micro entity. These fees are listed in the table below:

IC No.	Item	Estimated annual responses (a)	Filing fee (b)	Total cost (c) (a) × (b)
2	Supplemental Examination Request (large entity)	55	\$4,400.00	\$242,000.00
2	Supplemental Examination Request (small entity)	15	2,200.00	33,000.00
2	Supplemental Examination Request (micro entity)	5	1,100.00	5,500.00
2	Supplemental Examination Reexamination (large entity)	35	12,100.00	423,500.00
2	Supplemental Examination Reexamination (small entity)	10	6,050.00	60,500.00
2	Supplemental Examination Reexamination (micro entity)	1	3,025.00	3,025.00
2	Supplemental Examination document size fees, 21–50 documents (large entity)	10	180.00	1,800.00
2	Supplemental Examination document size fees, 21–50 documents (small entity)	5	90.00	450.00
2	Supplemental Examination document size fees, 21–50 documents (micro entity)	1	45.00	45.00
2	Supplemental examination document size fees, each additional 50 documents (large entity).	10	280.00	2,800.00
2	Supplemental examination document size fees, each additional 50 documents (small entity).	1	140.00	140.00

IC No.	Item	Estimated annual responses	Filing fee	Total cost
		(a)	(b)	(c) (a) × (b)
2	Supplemental examination document size fees, each additional 50 documents (micro entity).	1	70.00	70.00
2	Reexamination independent claims in excess of three and also in excess of the number of such claims in the patent under reexamination (large entity).	35	460.00	16,100.00
2	Reexamination independent claims in excess of three and also in excess of the number of such claims in the patent under reexamination (small entity).	10	230.00	2,300.00
2	Reexamination independent claims in excess of three and also in excess of the number of such claims in the patent under reexamination (micro entity).	5	115.00	575.00
2	Reexamination claims in excess of 20 and also in excess of the number of claims in the patent under reexamination (large entity).	55	100.00	5,500.00
2	Reexamination claims in excess of 20 and also in excess of the number of claims in the patent under reexamination (small entity).	20	50.00	1,000.00
2	Reexamination claims in excess of 20 and also in excess of the number of claims in the patent under reexamination (micro entity).	5	25.00	125.00
4	<i>Ex Parte</i> Reexamination (§ 1.510(a)) Streamlined (large entity)	42	6,000.00	252,000.00
4	<i>Ex Parte</i> Reexamination (§ 1.510(a)) Streamlined (small entity)	27	3,000.00	81,000.00
4	<i>Ex Parte</i> Reexamination (§ 1.510(a)) Streamlined (micro entity)	1	1,500.00	1,500.00
4	<i>Ex Parte</i> Reexamination (§ 1.510(a)) Non-Streamlined (large entity)	78	12,000.00	936.00
4	<i>Ex Parte</i> Reexamination (§ 1.510(a)) Non-Streamlined (small entity)	51	6,000.00	306,000.00
4	<i>Ex Parte</i> Reexamination (§ 1.510(a)) Non-Streamlined (micro entity)	1	3,000.00	3,000.00
5	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) (large entity).	180	1,940.00	349,200.00
5	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) (small entity).	20	970.00	19,400.00
5	Petitions in a reexamination proceeding, except for those specifically enumerated in 37 CFR 1.550(i) and 1.937(d) (micro entity).	1	485.00	485.00
Total		680		2,747,015.00

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection, in the form of postage costs (\$3,171.5) and filing fees (\$2,747,015), is \$2,750,186.50 per year.

**IV. Request for Comment**

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection. They also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, e.g., the use of automated

collection techniques or other forms of information technology.

**Marcie Lovett,**  
Director, Records and Information Governance Division, OCTO, United States Patent and Trademark Office.

[FR Doc. 2018-14385 Filed 7-3-18; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**Submission for OMB Review; Comment Request; "Trademark Petitions"**

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the 1995 Paperwork Reduction Act.

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

*Title:* Trademark Petitions.

*OMB Control Number:* 0651-0061.

*Form Number(s):* N/A.

*Type of Request:* Regular.

*Number of Respondents:* 4,768 responses per year.

*Average Hours per Response:* The USPTO estimates that it will take

approximately between 35 minutes (0.58 hours) to 75 minutes (1.25 hours) to complete the items in this collection. This includes the time to gather the necessary information, create the documents, and submit the completed request to the USPTO.

*Burden Hours:* 4,333.63 hours per year.

*Cost Burden:* \$53,507.84 per year.

*Needs and Uses:* The public uses this information collection for a variety of private business purposes related to establishing and enforcing trademark rights. The USPTO uses the information described in this collection to process letters of protest, requests to make special, responses to petition inquiry letters, petitions to make special, requests to restore a filing date, and requests for reinstatement. Information relating to the registration of a trademark is made publicly available by the USPTO. The release of information in a letter of protest is controlled and may be available upon request only.

*Affected Public:* Individuals or households; business or other for-profit organizations; not-for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.