

| IC No.      | Item   | Estimated response time (hours) | Estimated responses | Estimated burden hours | Rate   | Estimated cost burden |
|-------------|--|---------------------------------|---------------------|------------------------|--------|-----------------------|
|             |  | (a)                             | (b)                 | (a) × (b) = (c)        | (d)    | (c) × (d) = (e)       |
| 15 .....    | Notice of Judicial Review of a Board Decision ( <i>e.g.</i> , Notice of Appeal Under 35 U.S.C. 142). | 0.10                            | 440                 | 44.00                  | 438.00 | 19,272.00             |
| Total ..... | .....  | .....                           | 11,994              | 1,474,449.30           | .....  | 645,808,793.40        |

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$54,307,175. There are no capital start-up, maintenance, or postage associated with

this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees.

#### Filing Fees

The filing fees associated with this information collection are listed in the table below:

| IC No.      | Item   | Responses | Filing fees | Total cost      |
|-------------|--|-----------|-------------|-----------------|
|             |  | (a)       | (b)         | (a) × (b) = (c) |
| 1 .....     | <i>Inter Partes</i> Review Request Fee .....   | 1,560     | \$15,500.00 | \$24,180,000.00 |
| 1 .....     | <i>Inter Partes</i> Post-Institution Fee .....   | 1,569     | 15,000.00   | 23,535,000.00   |
| 1 .....     | <i>Inter Partes</i> Review Request of Each Claim in Excess of 20 .....                           | 3,390     | 300.00      | 1,017,000.00    |
| 1 .....     | <i>Inter Partes</i> Post-Institution Request of Each Claim in Excess of 15 .....                 | 1,786     | 600.00      | 1,071,600.00    |
| 2 .....     | Post-Grant or Covered Business Method Review Request Fee—Up to 20 Claims.                        | 92        | 16,000.00   | 1,472,000.00    |
| 2 .....     | Post-Grant or Covered Business Method Review Post-Institution Fee—Up to 15 Claims.               | 92        | 22,000.00   | 2,024,000.00    |
| 2 .....     | Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20.              | 638       | 375.00      | 239,250.00      |
| 2 .....     | Post-Grant or Covered Business Method Review Post-Institution Fee of Each Claim in Excess of 15. | 925       | 825.00      | 763,125.00      |
| 3 .....     | Petition for Derivation .....  | 12        | 400.00      | 4,800.00        |
| 14 .....    | Request to Make a Settlement Agreement Available .....   | 1         | 400.00      | 400.00          |
| Total ..... | .....  | .....     | .....       | 54,307,175.00   |

#### IV. Request for Comments

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,**

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

[FR Doc. 2018–19202 Filed 9–4–18; 8:45 am]

**BILLING CODE 3510–16–P**

#### DEPARTMENT OF COMMERCE

##### Patent and Trademark Office

##### Matters Related to First Inventor To File

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act, invites comments on a proposed extension of an existing information collection: 0651–0069 (Matters Relating to First Inventor to File).

**DATES:** Written comments must be submitted on or before November 5, 2018.

**ADDRESSES:** Written comments may be submitted by any of the following methods:

- **Email:** [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include “0651–0071 comment” in the subject line of the message.
- **Federal Rulemaking Portal:** <http://www.regulations.gov>.

• **Mail:** Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, 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 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 “0651–0071 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 System uses a 'first to file' system, as introduced by the Leahy-Smith America Invents Act (AIA) in 2011. To determine the first inventor to file, information is needed in order to identify the inventorship and ownership, or obligation to assign ownership, of each claimed invention on its effective filing date.

This collection covers information gathered on various forms or submissions used by the USPTO to determine the first inventor to file. One form, required by 37 CFR 1.55(k), 1.78(a)(6) and 1.78(d)(6) provides information needed to assist the USPTO in determining whether an application is subject to 35 U.S.C. 102 and 103 as amended by Section 3 of the AIA, or 35 U.S.C. 102 and 103 as was in effect on March 15, 2013. Additional information provided to USPTO (37 CFR 1.110) identifies the inventorship and ownership, or obligation to assign ownership, of each claimed invention on its effective filing date (as defined in § 1.109) or on its date of invention, as applicable, in an application or patent naming one or more joint inventors, when necessary for purposes of a USPTO proceeding.

Applications may also need to submit additional affidavits or declarations (37 CFR 1.130, 1.131, and 1.132) for several possible situations:

(i) To show that a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor (1.130),

(ii) to show that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor (1.130),

(iii) to establish prior invention or to disqualify a commonly owned patent or published application as prior art (1.131), or

(iv) to submit evidence to traverse a rejection or objection on a basis not otherwise provided for (1.132).

**II. Method of Collection**

The USPTO anticipates both electronic and paper submissions in this collection; electronically when using the USPTO online filing system EFS-Web, or by mail, facsimile, or hand delivery.

**III. Data**

OMB Number: 0651-0071.

*IC Instruments and Forms:* The individual instruments in this collection, as well as any associated forms, are listed in the hourly cost burden table below.

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

*Affected Public:* Individuals or households; businesses or other for-profits; and not-for-profit institutions.

*Estimated Number of Respondents:* The USPTO estimates that it will receive a total of approximately 23,681 responses per year for this collection. The USPTO estimates that approximately 20,975 of the responses for this collection will be submitted electronically via EFS-Web.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

*Estimated Time per Response:* The USPTO estimates that the responses in this collection will take the public from 2 to 10 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, create the document, and submit it to the USPTO, whether the applicant submits the information in paper form or electronically.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

*Estimated Total Annual Respondent Burden Hours:* 207,362 hours.

*Estimated Total Annual Respondent (Hourly) Cost Burden:* \$90,824,556.00. The USPTO expects that attorneys will complete the instruments associated with this information collection. The professional hourly rate for attorneys is \$438, based upon the 2017 Report of the Economic Survey published by AIPLA. Using this hourly rate, the USPTO estimates \$90,824,556.00 per year for the total hourly costs associated with respondents.

| IC No.      | Information collection instrument  | Estimated time for response (hours) | Estimated annual responses | Estimated annual burden hours | Rate (\$/hr) | Total           |
|-------------|--|-------------------------------------|----------------------------|-------------------------------|--------------|-----------------|
|             |  | (a)                                 | (b)                        | (a) × (b) = (c)               | (d)          | (c) × (d) = (e) |
| 1 .....     | Electronic Submissions Under 37 CFR 1.55(k).   | 2                                   | 1,700                      | 3,400                         | \$438.00     | \$1,489,200.00  |
| 1 .....     | Submissions Under 37 CFR 1.55(k) ...   | 2                                   | 50                         | 100                           | 438.00       | 43,800.00       |
| 2 .....     | Electronic Submissions Under 37 CFR 1.78(a)(6).  | 2                                   | 1,375                      | 2,750                         | 438.00       | 1,204,500.00    |
| 2 .....     | Submissions Under 37 CFR 1.78(a)(6)  | 2                                   | 25                         | 50                            | 438.00       | 21,900.00       |
| 3 .....     | Electronic Submissions Under 37 CFR 1.78(d)(6).  | 2                                   | 340                        | 680                           | 438.00       | 297,840.00      |
| 3 .....     | Submissions Under 37 CFR 1.78(d)(6)  | 2                                   | 10                         | 20                            | 438.00       | 8,760.00        |
| 4 .....     | Electronic Identification of Inventorship and Ownership of the Subject Matter of Individual Claims under 37 CFR 1.110. | 2                                   | 147                        | 294                           | 438.00       | 128,772.00      |
| 4 .....     | Identification of Inventorship and Ownership of the Subject Matter of Individual Claims under 37 CFR 1.110.            | 2                                   | 3                          | 68                            | 438.00       | 29,784.00       |
| 5 .....     | Electronic Rule 1.130, 1.131, and 1.132 Affidavits or Declarations.  | 10                                  | 19,600                     | 196,000                       | 438.00       | 85,848,000.00   |
| 5 .....     | Rule 1.130, 1.131, and 1.132 Affidavits or Declarations.   | 10                                  | 400                        | 4,000                         | 438.00       | 1,752,000.00    |
| Total ..... | .....  | .....                               | 23,681                     | 207,362                       | .....        | 90,824,556.00   |

*Estimated Total Annual (Non-hour) Cost Burden:* \$80.40. The USPTO estimates that the total annualized (non-hour) cost burden for this collection is due to postage costs. Customers may incur postage costs when submitting some of the items covered by this collection to the USPTO by mail. The USPTO expects that approximately 98 percent of the responses in this collection will be submitted electronically. Of the remaining 2 percent, the vast majority—98 percent—will be submitted by mail, for a total of 12 mailed submissions. The average first-class USPS postage cost for these items is estimated at \$6.70; the cost of a one pound mailed submission in a flat rate envelope. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total \$80.40.

#### 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, including the validity of the methodology and assumptions used;

(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, including through the use of automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

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

**Marcie Lovett,**

*Director, Records and Information Governance Division, Office of the Chief Technology Officer, USPTO.*

[FR Doc. 2018-19203 Filed 9-4-18; 8:45 am]

**BILLING CODE 3510-16-P**

#### DEPARTMENT OF COMMERCE

##### Patent and Trademark Office

##### Patents for Humanity Program

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

**SUMMARY:** The United States Patent and Trademark Office (USPTO) as part of its

continuing effort to reduce paperwork and respondent burden and as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection: 0651-0066 (Patents for Humanity Program).

**DATES:** Written comments must be submitted on or before November 5, 2018.

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

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0066 comment" in the subject line of the message.
- *Federal Rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Edward Elliott, Records and Information Governance Division Director, 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 Edward Elliott, Attorney Advisor, Office of Policy and International Affairs, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7024; or by email to [Edward.Elliott@uspto.gov](mailto:Edward.Elliott@uspto.gov) with "0651-0066 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

Since 2012, the United States Patent and Trademark Office (USPTO) has conducted the Patents for Humanity Program, an annual award program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The program is open to any patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees. USPTO collects information from applicants that describe what actions they have taken with their patented technology to address the welfare of impoverished populations, or how they furthered research by others on technologies for humanitarian purposes. Currently, there are five categories of awards: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards.

This collection covers information gathered on two application forms for the Patents for Humanity Program. The first application covers the humanitarian uses of technologies or

products, and the second application covers humanitarian research. In both, applicants are required to describe how their technology or product satisfies the program criteria to address humanitarian issues. Additionally, applicants must provide non-public contact information in order for USPTO to notify them about their award status. Applicants may optionally provide contact information for the public to reach them with any inquiries. Applications must be submitted via email and will be posted on USPTO's website. Qualified judges from outside USPTO will review and score the applications. USPTO will then forward the top-scoring applications to reviewers from participating Federal agencies to recommend award recipients.

Those applications that are chosen for an award will receive a certificate redeemable to accelerate select matters before USPTO. The certificates can be redeemed to accelerate one of the following matters: An *ex parte* reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which generated the appeal. This collection covers the information gathered for petitions to extend an acceleration certificate redemption beyond 12 months. Winners also are invited to participate in an awards ceremony at USPTO.

##### II. Method of Collection

Electronically through the <http://www.uspto.gov/patentsforhumanity> website.

##### III. Data

*OMB Number:* 0651-0066.

*IC Instruments and Forms:* PTO/PFH/001, PTO/PFH/002, PTO/SB/431.

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

*Affected Public:* Businesses or other for-profits; not-for-profit businesses; individuals and households.

*Estimated Number of Respondents:* 55 responses per year.

*Estimated Time per Response:* USPTO estimates that it will take the public approximately four hours to complete the humanitarian program application. Those selected as winners (about 5 to 10 per year) may additionally require one hour to complete a petition to extend their acceleration certificate redemption