



UNITED STATES PATENT AND TRADEMARK OFFICE

Timeline for Section 10 Fee Setting Under America Invents Act

Step 1: Prepare a notice of proposed rulemaking containing the proposed fee change, including the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed fee change.

Step 2 (concurrent with step 1): Prepare an initial regulatory flexibility analysis for the notice of proposed rulemaking.

Step 3: Submit the notice of proposed rulemaking to the Patent Public Advisory Committee (PPAC) not less than 45 days before publishing it in the Federal Register.

Step 4 (concurrent with step 3): Provide the PPAC with a 30-day period to deliberate, consider and comment on the proposed fee change.

Step 5 (concurrent with step 3): Require that the PPAC hold a public hearing on the proposed fee change within this 30-day period, and assist the PPAC in carrying out such public hearing, including by offering the use of USPTO resources to notify and promote the hearing to the public and interested stakeholders.

Step 6 (possibly concurrent with step 3): Submit the notice of proposed rulemaking to the Department of Commerce (DOC) and to the Office of Management and Budget (OMB) and prepare an economic impact analysis for the notice of proposed rulemaking (if it is expected to have an annual effect on the economy of more than 100 million dollars).

Step 7: Notify Congress and publish the notice of proposed rulemaking in the Federal Register, and provide a comment period of not less than 45 days and up to 60 days per Executive Order.

Step 8 (concurrent with steps 3, 6, and possibly a portion of 7): Require the PPAC to prepare and make available to the public a written report detailing the comments, advice, and recommendations of the PPAC regarding the proposed fee change.

Step 9: Consider and analyze any comments, advice, or recommendations received from the PPAC before adopting any fee change.

Step 10 (concurrent with step 9): Consider and analyze any public comments before adopting any fee change.

Step 11 (concurrent with step 9): Prepare a final rule containing the USPTO's final decision regarding the proposed fee change (the fee change), including the specific

rationale and purpose for the change, including the possible expectations or benefits resulting from the fee change.

Step 12 (concurrent with step 9): Prepare a final regulatory flexibility analysis for the final rule.

Step 13: Submit the final rule to the PPAC before publishing it in the Federal Register.

Step 14 (concurrent with step 13): Submit the final rule to DOC and to OMB and prepare an economic impact analysis for the final rule (if it is expected to have an annual effect on the economy of more than 100 million dollars).

Step 15: Publish the final rule in the Federal Register at least 30 days before the fee change is effective.

Step 16 (concurrent with step 15): Publish the final rule in the Official Gazette at least 30 days before the fee change is effective.

Step 17 (concurrent with step 15): Notify Congress of the final rule at least 45 days before the fee change is effective for Congress to consider and comment on the fee change (60 days before the fee change is effective if it is expected to have an annual effect on the economy of more than 100 million dollars).