

**OMB Clearance Request
for the
First-Action Interview Applicant Survey**

A. Survey Purpose

The United States Patent and Trademark Office (USPTO) is conducting this survey to gather feedback from participants in the recently completed First-Action Interview Pilot Program. In the pilot program, a patent applicant who complied with certain requirements received the results from a prior art search conducted by the examiner via a condensed Pre-Interview Communication. The applicant could then conduct an interview with the examiner to discuss the cited prior art references prior to the first Office action on the merits of the new application.

The pilot program provided a procedure which, if followed, made the granting of an interview non-discretionary. Interviews under the program were intended to advance prosecution of the application by enhancing the interactions between the applicant and the examiner, providing the applicant the opportunity to resolve patentability issues one-on-one with the examiner at the beginning of the prosecution process, and facilitating possible early allowance. Under the current examination procedures, granting an interview before the first action on the merits of a new application is within the discretion of the examiner who has not yet searched the case; and a showing may be required to justify the granting of the interview.

There are no statutes or regulations requiring the USPTO to conduct this usage and satisfaction measurement. The USPTO plans to survey the participants in the pilot program to obtain their feedback, which will be used to assess the effectiveness of the pilot program and to determine if the First-Action Interview program is a beneficial patent examination tool. The USPTO may also use the data collected from the survey in any future expansion of the program to additional technology areas.

B. Survey Design

The First-Action Interview Applicant Survey is an electronic survey. This survey is wholly electronic, in keeping with the fact that requests for participating in the First-Action Interview Pilot Program must have been filed through EFS-Web.

E-mail invitations containing a link to the survey will be sent to everyone who participated in the pilot program. After clicking on the link, the participant will be sent to a third-party website (Survey Monkey) to complete the survey. The survey data will then be sent to USPTO staff. All survey results will be confidential and survey results will not be linked to the individual respondent.

This is a voluntary survey. The survey contains 12 questions and permits respondents to provide additional suggestions. There will be no pre-notification sent concerning the survey.

C. Respondent Pool

The respondent pool for this survey is all of the applicants who participated in the pilot program. There were 493 participants in the pilot program.

D. Sampling Method

The sample for this survey is the same as the respondent pool. The survey will be available to the applicants who participated in the pilot program. The USPTO will send an e-mail containing a link to the survey to everyone who participated in the pilot program.

E. Collection Procedures

The First-Action Interview Applicant Survey will only be available online. Participants can access the survey through the URL which will be provided via an e-mail invitation. This e-mail invitation will provide an introduction to the survey and explain the purpose of the survey. The e-mail will also explain that the First-Action Interview Applicant Survey is a voluntary survey and that all responses will remain confidential. The First-Action Interview Applicant Survey will be self-explanatory; instructions for the survey will not be provided.

F. Expected Response Rate

The USPTO anticipates that out of the possible 493 pilot participants that can take the survey, approximately half of them will actually take the survey, for an estimated 247 completed surveys. Since the survey is completed electronically, the USPTO estimates that it will take approximately 15 minutes (0.25 hours) to complete the survey. Because these users will be familiar with the topics queried in the survey and since the actual request to participate in the pilot program must be filed through the Internet via EFS-Web, respondents should be able to answer the proposed questions with ease. Therefore, the USPTO believes that it has minimized the burden on respondents in responding to the survey.

The USPTO believes that professionals will be the ones completing the surveys. The professional hourly rate of \$310 used to calculate the respondent cost burden for this survey is the median rate for attorneys in private firms as published in the 2007 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). This report summarized the results of a survey with data on hourly billing rates. This is a fully-loaded rate.

Based on the estimated number of responses and the completion time for these surveys, the USPTO estimates that a total of 62 burden hours per year will be associated with this survey (0.25 hours x 247 responses = 62 hours). Multiplying that against the hourly rate of \$310 gives a total annual respondent cost burden of \$19,220 (62 hours x \$310 = \$19,220).

G. Follow-up Procedures Employed

The USPTO does not plan to use any follow-up procedures for this survey. The participants from the pilot program will not get any pre-notification concerning the survey. There are no plans to have a contact available in case the participants have questions concerning the survey. The USPTO does not plan to contact participants who complete their surveys with any questions concerning their answers. The USPTO will not send thank-you notes or other similar forms of encouragement to the participants. However, the e-mail will state that any suggestions/comments provided in the survey may be considered in any future phase of the pilot program.

H. Assurance of Confidentiality

Data collected from this survey will be confidential and will only be available to USPTO staff. This is a voluntary survey and all responses will be kept confidential. The USPTO will not track the data, nor will the data be linked to the respondent and contact information used to send out the e-mail invitations. The contact information will be maintained in a separate file from the quantitative data. Respondents are not required to provide any identifying information such as their name, address, or Social Security Number.

In order to access the First-Action Interview Applicant Survey, participants will need the URL which is provided in the e-mail invitation. The electronic version of the survey will be in HTML format and will reside in a secured folder on the contractor's (Survey Monkey) website.

I. Analysis Plan

There is no plan to publish this information for statistical use. The information will be used to ensure that customer usage patterns, needs, and satisfaction levels are known should program changes be desired. The survey results will be reviewed to determine whether any of the future pilot program phases may be improved from a customer service standpoint.