

**OMB Clearance Request
for the
USPTO – 2008 e-Commerce Satisfaction Measurement**

A. Background

This survey was originally submitted to the Office of Management and Budget (OMB) for review on June 22, 2007. On September 21, 2007, OMB returned the survey to the USPTO, stating that it was outside of the generic clearance. The OMB had the following concerns about the survey:

1. A survey that purports to be a statistical representation of a population cannot be open to the public at large nor can it be open for multiple completions.
2. The program hasn't adequately identified:
 - the universe that it wants to sample,
 - a sampling frame that makes sense with the universe, and
 - a method for randomly sampling from the sample frame.
3. A blast e-mail of over 20,000 doesn't make sense on any of these fronts.
4. The instrument seems to focus attention on firms and organizations, not practitioners.
5. The distribution method means that some firms will have several people completing the survey on its behalf, many of which will be sure to be contradictory.

The United States Patent and Trademark Office (USPTO) has addressed OMB's concerns about the survey and has incorporated their responses into this revised justification statement.

B. Survey Purpose

This survey is being conducted by the USPTO's Search and Information Resources Administration (SIRA). SIRA is involved in the development of e-Commerce initiatives, particularly the electronic filing of patent applications at the USPTO. Currently, the USPTO estimates that nearly 50% of patent applications are being filed electronically. The USPTO wants to increase the number of patent applications filed electronically to 100% within the next two years. The target audience for this survey is pro se, corporate, and IP firm applicants who are individual users of the USPTO's e-Commerce products, such as Private PAIR and EFS-Web.

This survey has been designed to measure the experience and satisfaction levels of individual users of the USPTO's e-Commerce tools, such as EFS-Web and Private

PAIR. The USPTO will use the data collected from the 2008 e-Commerce Satisfaction Measurement to better understand user perception of these tools and issues that may help drive higher adoption rates of each product. The USPTO will also use this information for strategic planning, allocation of resources, the establishment of service standards and performance goals, to tailor efficient and cost-effective customer satisfaction improvement strategies, to assess customer priorities in service characteristics, and to identify areas where service offerings differ from customer needs and expectations.

There are no statutes or regulations requiring the USPTO to conduct this customer satisfaction measurement. The USPTO uses the questionnaire to implement Executive Order 12862 of September 11, 1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (Vol. 58, No. 176). This customer satisfaction measurement also supports various strategic plan initiatives developed by the USPTO to fulfill customer service and performance goals in response to the Presidential Electronic Filing Goals.

C. Survey Design

The 2008 e-Commerce Satisfaction Measurement is a voluntary, electronic survey that will be not available in a paper format. The USPTO is moving to an electronic environment and therefore prefers to administer the survey via the web to coincide with other e-government initiatives. Customers access EFS-Web through the Internet and prefer to complete the survey quickly online. The USPTO believes that this proposed data collection effort will be a one-time assessment of electronic filers' activities, needs, and satisfaction levels.

The survey will be handled by Vovici Corporation, a survey contractor. Customers will take the survey through Vovici's website. The survey will be designed to reflect only the USPTO's branding; Vovici's logos will not appear on the survey.

This questionnaire will only be administered online, since the user base for EFS-Web and other e-Commerce initiatives are assumed to have access to the Internet. Instructions for using the online survey will be provided in an e-mail invitation sent out to users of the system. Customers will access the survey through the URL provided in the e-mail. The survey will reside in a secured folder on the Vovici and USPTO websites. Usernames, passwords, and access codes will not be needed to access the e-Commerce Survey.

The survey contains approximately 32 questions and asks about a variety of concerns with electronic filings, Private PAIR and other online tools, such as overall experience, ease of use, improvements to the system, staff responsiveness, questions concerning the information technology, the number of applications filed and the type filed, who files the applications, etc.

D. Respondent Pool

At this time, the USPTO estimates approximately 22,000 potential respondents based upon those who have voluntarily opted-in to receive information on and communication about the USPTO's e-Commerce initiatives. The USPTO has a list of over 22,000 names of applicants who will receive this information and communications. The names have been gathered over the past year and a half from a variety of forums, including the filings through EFS-Web, attendance at small webinars, attendance at large webcasts, attendance at in-person as well as web-based training, and attendance at conferences. This list contains names of pro se filers and applicants from firms and corporations.

The list contains names of pro se filers and applicants from law firms and corporations of all sizes. The USPTO believes that this diversity will accurately portray customer requirements and the quality of the service.

E. Sampling Method

The USPTO proposes to randomly sample 25% of the list of pro se filers and applicants from law firms and corporations. This will yield a sample size of approximately 5,500 applicants. The sample will be generated using the native randomization capabilities of an automated feedback tool. Out of the sample of 5,500 applicants, the USPTO believes that 1,018 survey responses will be received. By attaining this level of response, it is anticipated that the survey will be able to achieve a confidence interval of 95% and a margin of error of +/- 3%.

F. Collection Procedures

The 2008 e-Commerce Satisfaction Measurement will only be available online and can be accessed through the URL that will be provided to users via e-mail. This e-mail will be distributed using the mail manager function available with the automated feedback tool. The e-mail invitation will provide an introduction to the survey and will also explain its purpose. Instructions with the survey will explain that the USPTO is sponsoring the voluntary survey and that all responses will remain confidential. Users will receive pre-notification of the survey via a newsletter.

There is only one version of the survey, so users will only be responding once. A survey hyperlink will be generated that is unique to each recipient. Through this approach, the system will automatically track which survey invitations have been delivered, which survey invitation recipients have completed the survey and which have not. Once the respondent clicks on the survey link, data from the survey link will be populated into the online survey's database. Upon completion of a survey, the system will deactivate the survey link provided to the individual recipient and will prevent the recipient from completing the survey more than once. The USPTO believes that this approach will limit multiple responses from individual respondents. Users can direct any questions they have concerning the survey to the Electronic Business Center.

Those who are invited to take the survey will be asked to provide their answers as individual users in order to allow the USPTO to obtain valid and reliable data on user perceptions of the e-Commerce products. Because the USPTO is attempting to obtain attitudinal data from a cross-section of e-Commerce product users, regardless of their affiliation with a law firm, corporation, or pro se status, the survey results will be valid even if multiple users from the same corporation or law firm provide responses that may not reflect the overall firm's consensus view of the products.

The USPTO will not run a data-matching program to look for identical responses across submissions. It may be rerouted to the appropriate individual if the recipient is not able to answer the questions.

G. Expected Response Rate

The USPTO anticipates that 18.5% of those surveyed will respond, for an estimated 1,018 completed surveys. Since the survey is completed electronically, the USPTO estimates that it will take approximately 10 minutes (0.17 hours) to complete the survey. Because users often receive information by e-mail, they are familiar with the available products and can answer the proposed questions with ease. By addressing only familiar topics and using a brief survey instrument, the USPTO believes that it has minimized the burden on any small entities responding to the survey.

The USPTO believes that both professionals and para-professionals will respond to the survey. Based on recent focus groups, the USPTO is calculating the burden hours and costs using a rate that is 30% professional and 70% para-professional. The professional hourly rate of \$304 used to calculate the rate for this survey is the median rate for associate attorneys in private firms as published in the 2005 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. The para-professional hourly rate (\$90) used for this survey comes from the 2004 National Utilization and Compensation Survey, published in October 2004 by the National Association of Legal Assistants (NALA). The hourly rate for professionals, calculating 30% of \$304, is \$91.20, while the hourly rate for the para-professionals, calculating 70% of \$90, is \$63. Adding these two rates together provides the total hourly rate of \$154.20 that is used to determine the burden hour costs to the public for this information collection. These are fully loaded hourly rates.

Based on the estimated number of responses and the completion time for these surveys, the USPTO estimates that a total of 173 burden hours per year will be associated with this survey (0.17 hours X 1,018 responses = 173 hours). Multiplying that against the hourly rate of \$154.20, gives a total respondent cost burden of \$26,677 (173 hours X \$154.20 = \$26,677) for the 2008 e-Commerce Satisfaction Measurement.

H. Follow-up Procedures Employed

Since the survey is applicable to a wide group of USPTO customers, contact with this group is typically impersonal and infrequent. The SIRA team will provide advance notification of the survey through normal communication methods, such as the newsletter and e-mails. The USPTO will track responses on a count basis, not

individual responses. The count will be based on the number of completed surveys that are received.

The main incentive for users to respond to the survey is the fact that all responses, suggestions, and comments will be taken into consideration by the SIRA development team. Throughout the Beta phase and in early development focus groups, the EFS-Web development team communicated with users on a frequent and personal basis. As a result, users have seen their requests and requirements built into the previous releases of the system. Detailed results from the survey will not be posted on the website, but users will be notified of upcoming system requirements and changes which are based on their feedback.

I. Assurance of Confidentiality

Data collected from this survey will be confidential and will not be linked to the respondent. All user information that is used for distributing the e-mail invitations to the survey 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.

The 2008 e-Commerce Satisfaction Measurement is completed online. Respondents will need the URL for the survey site to enter the survey; the URL will be provided in an e-mail to the respondent. The online survey will not record or collect any identifying information. Survey findings will be released in summary format only.

The electronic version of the survey will be in HTML format and will be hosted on the contractor's website. The survey will reside in a secured folder on the contractor's and the USPTO's website. There will be no links to the survey instrument or communication of the survey link provided outside of the e-mail sent to desired respondents. This will ensure that the desired respondents are the only ones who accessed the survey.

J. 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 enumeration period for the survey is expected to run for approximately one year. The SIRA Development Team may choose to share particular findings with users through normal communication vehicles, but there are no plans for a formal report to be distributed to respondents. The results of the survey will not be posted on the website.