

SUPPORTING STATEMENT
United States Patent and Trademark Office
Admittance to Practice and Roster of Registered Patent
Attorneys and Agents Admitted to Practice Before the
United States Patent and Trademark Office (USPTO)
OMB CONTROL NUMBER 0651-0012

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by 35 U.S.C. § 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and have the necessary qualifications to assist applicants with the patent process and to represent them before the USPTO.

The USPTO administers the statute through 37 CFR 1.21, 10.14 and 11.5 through 11.11. These rules address the requirements to apply for the examination for registration and to demonstrate eligibility to be a registered attorney or agent before the USPTO. The Office of Enrollment and Discipline (OED) collects information to determine the qualifications of individuals entitled to represent applicants before the USPTO in the preparation and prosecution of applications for a patent. The OED also collects information to administer and maintain the roster of attorneys and agents registered to practice before the USPTO. Information concerning registered attorneys and agents is published by the OED in a public roster that can be accessed through the USPTO website.

The information in this collection is used by the USPTO to review applications for the examination for registration and to determine whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

There are five forms, two petitions, and a request for reconsideration currently in this collection. Fourteen new requirements and three new forms are being introduced into this collection. The three new forms are PTO-2126 Annual Practitioner Registration Fee, PTO-2149 Sponsor Application for USPTO CLE Course Approval, and PTO-2150 Certification of Attendance at USPTO Approved CLE Training.

Table 1 identifies the proposed statutory and regulatory provisions that require the USPTO to collect this information:

Table 1: Information Requirements for Attorneys and Agents Registered to Practice Before the USPTO

Requirement	Statute	Rule
Registration to Practice Before the United States Patent and Trademark Office	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.6 and 11.7
Registration for Foreign Residents to Practice Before the United States Patent and Trademark Office	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.6(c) and 11.7
Undertakings Completed by Former USPTO Employees who Served in the Patent Examining Corps Who Desire to Register to Practice Before the United States Patent and Trademark Office	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.10(b)
Data Sheet Completed by Patent Attorneys and Agents Registering to Practice Before the United States Patent and Trademark Office	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.5 and 11.11
Oath or Affirmation	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.8
Registration Examination to Become a Registered Practitioner	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.7(b)(1)(ii)
Petitions to the Director of the Office of Enrollment and Discipline	35 U.S.C. § 2(b)(2)(D)	37 CFR 10.170
Written Request for Reconsideration and Further Review of Disapproval Notice of Application	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.2(c) and (d)
Petition for Reinstatement after Disciplinary Removal	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.7(h)
Reinstatement to the Register	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.11
Annual Fee, Limited Recognition	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.9
Voluntary Inactive Status	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.11
Request for Restoration to Active Status from Voluntary Inactive Status	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.11
Delinquency Fee	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.8
Reinstatement Fee (fee required to be paid after the due date of the required annual fee)	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.11
Sponsor Application for USPTO Continuing Legal Education (CLE)	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.13
Certification of Attendance at USPTO-approved CLE Training	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.13
Practitioner Request for Paper Version of CLE	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.13
On-Line Version of the CLE	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.12
Paper Version of the CLE	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.13
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	35 U.S.C. § 2(b)(2)(D)	37 CFR 11.28

2. Needs and Uses

This information in this collection is used by the Director of OED to determine whether the applicant for registration is of good moral character and repute; has the necessary legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of applications for patent grants.

The information supplied by an applicant seeking to apply for the examination for registration and/or to request that they be included on the Register of Patent Attorneys and Agents is used by the USPTO to review applicants for the examination and to determine whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

The Information Quality Guidelines from Section 515 of Public Law 106-554, Treasury and General Government Appropriations Act for fiscal year 2001, apply to this information collection and comply with all applicable information quality guidelines, *i.e.*, OMB and specific operating unit guidelines.

This proposed collection of information would result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and USPTO Information Quality Guidelines.

Table 2 outlines how this information is used by the public and by the USPTO. There are eight forms associated with this collection.

Table 2: Needs and Uses of Information Collected from Registering Attorneys and Agents

Form and Function	Form #	Needs and Uses
Application for Registration to Practice Before the United States Patent and Trademark Office (Ref. A)	Form PTO-158	<ul style="list-style-type: none"> • Used by domestic applicants to apply for registration. • Used by practitioners to ensure that all of the necessary information is provided to the USPTO. • Used by practitioners to show they have met all of the necessary requirements. • Used by the USPTO to determine whether the applicant meets all of the necessary requirements. • Used by the USPTO to determine whether the applicant possesses good moral character. • Used by the USPTO to register applicants.
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 10.6(c) by a Foreign Resident (Ref. B)	Form PTO-158A	<ul style="list-style-type: none"> • Used by foreign applicants to apply for registration. • Used by practitioners to ensure that all of the necessary information is provided to the USPTO. • Used by practitioners to show they have met all of the necessary requirements. • Used by the USPTO to determine whether the applicant meets all of the necessary requirements. • Used by the USPTO to determine whether the applicant possesses good moral character. • Used by the USPTO to register applicants.

Undertaking Under 37 CFR 11.10(b) Ref. (C)	Form PTO/275	<ul style="list-style-type: none"> • Used by applicants who are former employees of the USPTO to agree in writing that they will not aid in the prosecution or preparation of any papers or applications associated with applications reviewed while in the employ of the USPTO. • Used by applicants who are former employees of the USPTO to apply for a waiver in the scope of the undertaking to specify areas where they may not aid in the prosecution or preparation of any papers or applications associated with applications reviewed while in the employ of the USPTO. • Used by the USPTO to determine whether the applicant is a former USPTO employee.
Data Sheet – Register of Patent Attorneys and Agents (Ref. D)	Form PTO-107A	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Oath or Affirmation (Ref. E)	Form PTO-1209	<ul style="list-style-type: none"> • Used by all applicants requesting to be admitted to practice before the USPTO. • Used by the USPTO to admit an applicant to practice before the USPTO.
Registration Examination to Become a Registered Practitioner	No Form Associated	<ul style="list-style-type: none"> • Used by domestic applicants to apply for registration. • Used by domestic applicants to ensure that all of the necessary information is provided to the USPTO. • Used by the USPTO to determine whether the applicant meets all of the necessary requirements. • Used by the USPTO to determine whether the applicant possesses good moral character. • Used by the USPTO to register applicants.
Reinstatement to the Register (Ref. D)	Form PTO-107A	<ul style="list-style-type: none"> • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Petitions to the Director of the Office of Enrollment and Discipline	No Form Associated	<ul style="list-style-type: none"> • Used by the public to request in writing that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived by the Director in an extraordinary situation, when justice requires. • Used by the USPTO to determine whether a request that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived by the Director in an extraordinary situation, when justice requires, should be granted.

Written Request for Reconsideration and Further Review of Disapproval Notice of Application	No Form Associated	<ul style="list-style-type: none"> • Used by the public to submit a written request for reconsideration of a disapproval notice for admission to the registration examination. • Used by the public to request further review or consideration of their application. • Used by the applicant to appeal to the Director of the USPTO for admission to the registration examination. • Used by the USPTO to reconsider a disapproval notice for admission to the registration examination. • Used by the USPTO to grant admission to the registration examination after further review and reconsideration.
Petition for Reinstatement after Disciplinary Removal	No Form Associated	<ul style="list-style-type: none"> • Used by a practitioners or agents to apply for recognition or registration after disbarment, suspension on ethical grounds, or resignation pending disciplinary proceedings in any other jurisdiction; for asserting rehabilitation following denial of a previous application on moral character grounds, or on application for recognition of registration after conviction of a felony or a crime involving moral turpitude or breach of fiduciary duty; and on petition for reinstatement after exclusion or suspension on ethical grounds, or exclusion on consent from practice before the USPTO. • Used by the USPTO to process requests for reinstatement after disciplinary removal.
Annual Practitioner Registration Fee (Ref. F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Annual Fee, Limited Recognition (Ref. F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Voluntary Inactive Status (Ref. F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.

Request for Restoration to Active Status from Voluntary Inactive Status (Ref. F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Balance Due on Restoration to Active Status from Voluntary Inactive Status (Ref. F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Delinquency Fee (Attachment F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Reinstatement Fee (fee required to be paid after the due date of the required annual fee) (Ref. F)	Form PTO-2126	<ul style="list-style-type: none"> • Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents. • Used by applicants and registered practitioners to provide updated information such as addresses. • Used by registered practitioners to respond to periodic surveys to verify current address and status. • Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents. • Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents. • Used by the USPTO to update current address and/or status of applicants and registered practitioners.
Sponsor Application for USPTO Continuing Legal Education (CLE) (Ref. G)	Form PTO-2149	<ul style="list-style-type: none"> • Used by practitioners to show they have met all of the necessary requirements. • Used by the USPTO to determine whether the applicant meets all of the necessary requirements.

Certification of Attendance at USPTO-approved CLE Training (Ref. H)	Form PTO-2150	<ul style="list-style-type: none"> Used by practitioners to show they have met all of the necessary requirements. Used by the USPTO to determine whether the applicant meets all of the necessary requirements.
Practitioner Request for Paper Version of CLE	No Form Associated	<ul style="list-style-type: none"> Used by practitioners to show they have met all of the necessary requirements. Used by the USPTO to determine whether the applicant meets all of the necessary requirements.
On-Line Version of the Seminar CLE	No Form Associated	<ul style="list-style-type: none"> Used by practitioners to show they have met all of the necessary requirements. Used by the USPTO to determine whether the applicant meets all of the necessary requirements.
Paper Version of the CLE	No Form Associated	<ul style="list-style-type: none"> Used by practitioners to show they have met all of the necessary requirements. Used by the USPTO to determine whether the applicant meets all of the necessary requirements.
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	No Form Associated	<ul style="list-style-type: none"> Used by a practitioners or agents to apply for a motion to be held in abeyance after a disciplinary proceeding because of a current disability or addiction. Used by the USPTO to process requests for holding a disciplinary proceeding in abeyance because of a current disability or addiction.

3. Use of Information Technology

The USPTO does not use automated, electronic, mechanical, or other technological collection techniques for the collection of this information. The USPTO currently accepts the electronic filing of some patent applications and certain related documents through the Electronic Filing System (EFS-Web). New features and capabilities are being added to EFS-Web as it undergoes further development, and customers will eventually be able to file all applications and related documents electronically through EFS-Web. As the USPTO expands the use of electronic filing, the USPTO will reevaluate whether it is feasible for this information to be filed electronically as well, and will submit the associated electronic forms to the Office of Management and Budget (OMB) for review, as necessary.

At the present time, the USPTO does provide the option of fillable forms for the Application Form (PTO-158) and the Undertaking Form (PTO-275). This means that the respondent may type directly into the form on the computer. After typing the information into the form, the form will have to be printed locally, signed, and then submitted to the USPTO in accordance with the instructions in the General Requirements Bulletin. It is possible that the USPTO may provide this capability for all of the forms in this collection as it moves toward full electronic filing.

The information that is collected by the USPTO to include the attorneys and agents recognized to practice before the USPTO on the register can be accessed by the public through the USPTO's website. When the applicant clicks on the link to the Roster of Patent Attorneys and Agents, the "Patent Attorneys and Agents Registered to Practice before the USPTO" page will open. From this page, the applicant can search for registered patent attorneys and agents through a search engine, by geographical

region, or by searching through the entire list of registered patent attorneys and agents. The actual attorney names are all formatted in the same manner, regardless of the search conducted: last name, first name, street address, city, state, zip code, telephone number (optional), registration number, and an indication of attorney/agent/government employee status.

If the USPTO is notified by the patent office of another country that a registered patent agent is no longer registered or no longer in good standing before the patent office of that country, and does not show good cause why his or her name should not be removed from the register, the Director of OED shall promptly remove the name from the register and publish that the name has been removed. The Director of OED will also remove the names of patent agents who are no longer living in the country in which they are registered and publish that the names have been removed.

The Director of OED can publish on the Internet the names and business addresses of all individuals seeking registration or recognition who pass the examination or for whom examination has been waived, in addition to publishing a notice in the *Official Gazette of the United States Patent and Trademark Office* to solicit information bearing on their moral character and reputation. The Director of OED also publishes notices of administrative suspensions.

4. Efforts to Identify Duplication

The information in this collection is received prior to any other use by the USPTO. The business address of the applicant for registration may be duplicated on individual patent applications. For example, an address to which correspondence should be mailed is required with each application for a patent, and in some cases may, in fact, consist of the same information required by this collection. Furthermore, the address required on each patent application is specific to each applicant for the patent and not necessarily to the attorney or agent.

5. Minimizing the Burden to Small Entities

This collection of information does not impose a significant economic impact on small entities or small businesses.

6. Consequences of Less Frequent Collection

This information is collected only at the time of filing for recognition to practice before the USPTO or to update the roster of registered practitioners as needed (attorneys or agents can submit updates to their roster information by letter). It could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not be able to admit registered practitioners to practice before the USPTO or keep the roster of registered practitioners updated.

7. Special Circumstances in the Conduct of Information Collection

There are no special circumstances associated with this collection of information.

8. Consultation Outside the Agency

The 60-Day Notice was published in the *Federal Register* on June 27, 2006 (71 Fed Reg. 36520). The comment period ended on August 28, 2006. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, inventor groups, and users of our public facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time required to provide the information under this program.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary to be recognized by the USPTO as a registered attorney or agent.

10. Assurance of Confidentiality

Confidentiality is governed by statute 35 U.S.C. § 122 and regulations 37 CFR 1.11 and 1.14. This collection contains information of a confidential (personal) nature, which is subject to the Privacy Act. This information is collected on Form PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office, Form PTO/275 Undertaking Under 37 CFR 11.10(b), and Form PTO-107A Data Sheet – Register of Patent Attorneys and Agents. Privacy Act Statements are included on all three of these forms. A Systems of Records Notice was published in the *Federal Register* on November 16, 2005 (70 Fed Reg. 69520). Administrative controls, such as storage of records in lockable metal file cabinets or in metal file cabinets in secured rooms or premises, or electronic files stored in secure premises with access limited to those whose official duties require access, are used to safeguard this information as appropriate.

11. Justification for Sensitive Questions

The USPTO does request information of a sensitive nature on Form PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office, Form PTO-158A Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) By a Foreign Resident, and Form PTO-107A Data Sheet – Register of Patent Attorneys and Agents.

35 U.S.C. § 31 requires that attorneys, agents, and others possess good moral character and reputation before they are allowed to represent applicants. The information requested is used in making a determination of the suitability of the applicant as a potential registered patent attorney or agent. On the application forms and on the data sheet, the USPTO informs the applicant that candor and truthfulness are considered to be significant elements of fitness relevant to practicing before the USPTO, and that they should provide all information, even if it is unfavorable. If the applicant answers “Yes” to any of the questions, the USPTO also requests that the applicant provide a written statement detailing all of the facts of the situation and any associated documentation. The USPTO also warns the applicant on the form that failure to disclose any of the requested information may result in either denial of registration or disciplinary proceedings under 37 CFR 11.22 if the applicant becomes a registered patent attorney or agent. The applicant also certifies by his or her signature that all of the information provided in the application is true and correct. The applicant is additionally warned that any willfully false statement or certification is considered to be a criminal offense and is punishable by law under 18 U.S.C. § 1001.

12. Estimate of Hour and Cost Burden to Respondents

Table 3 calculates the anticipated burden hours and costs of this information collection to the public, based on the following factors:

- **Respondent Calculation Factors**

The USPTO estimates that it receives approximately 72,122 responses annually.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public between 5 minutes (0.08 hours) and 40 hours, depending upon the complexity of the situation, to gather the necessary information, prepare, and submit the various forms and requirements in this collection.

- **Cost Burden Calculation Factors**

The cost to respondents for taking the registration examination is estimated to be at the rate of \$39 per hour. The USPTO estimates that the remaining items in this collection will primarily be supplied by professionals (patent attorneys and agents). The cost of providing the requested information by each individual respondent is realistically projected to be \$50.00. However, one could consider the time spent in providing this information as billable hours lost to any attorney. To arrive at a high-end figure, the cost burden would be derived by multiplying the burden hours by \$304 per hour, which is the median rate for associate attorneys in private forms as published in a report by the 2005 Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This information, however, is not billable, in that it is not related to any specific application, but rather to the overall practice of the attorney or agent. This is a fully-loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondents

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) Form PTO-158	0.50	3,500	1,750	\$304.00	\$532,000.00
Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived) Form PTO-158	0.50	100	50	\$304.00	\$15,200.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (applicant does not take the exam) Form PTO-158A	0.50	100	50	\$304.00	\$15,200.00
Registration Examination to Become a Registered Practitioner	7.00	3,500	24,500	\$39.00	\$955,500.00
Undertaking under 37 CFR 11.10(b) PTO/275	0.33	520	172	\$304.00	\$52,288.00
Data Sheet – Register of Patent Attorneys and Agents (individuals passing the registration exam) PTO-107A	0.17	1,995	339	\$304.00	\$103,056.00
Data Sheet – Register of Patent Attorneys and Agents (foreign applicants) PTO-107A	0.17	100	17	\$304.00	\$5,168.00
Data Sheet – Register of Patent Attorneys and Agents (former examiners seeking registration) PTO-107A	0.17	100	17	\$304.00	\$5,168.00
Oath or Affirmation PTO-1209	0.08	2,195	176	\$304.00	\$53,504.00
Reinstatement to the Register PTO-107A	0.17	60	10	\$304.00	\$3,040.00
Written Request for Reconsideration and Further Review of Disapproval Notice of Application	1.50	5	8	\$304.00	\$2,432.00
Petition to the Director of the Office of Enrollment and Discipline	0.75	2	2	\$304.00	\$608.00
Petition for Reinstatement after Disciplinary Removal	40.00	4	160	\$304.00	\$48,640.00
Annual Practitioner Registration Fee Form PTO-2126	0.17	24,920	4,236	\$304.00	\$1,287,744.00
Annual Fee, Limited Recognition Form PTO-2126	0.17	200	34	\$304.00	\$10,336.00
Voluntary Inactive Status Form PTO-2126	0.17	2,000	340	\$304.00	\$103,360.00

Request for Restoration to Active Status from Voluntary Inactive Status Form PTO-2126	0.17	700	119	\$304.00	\$36,176.00
Balance Due on Restoration to Active Status from Voluntary Inactive Status Form PTO-2126	0.17	700	119	\$304.00	\$36,176.00
Delinquency Fee Form PTO-2126	0.17	2,100	357	\$304.00	\$108,528.00
Reinstatement Fee (fee required to be paid after the due date of the required annual fee) Form PTO-2126	0.17	420	71	\$304.00	\$21,584.00
Sponsor Application for USPTO Continuing Legal Education (CLE) Form PTO-2149	1.00	350	350	\$304.00	\$106,400.00
Certification of Attendance at USPTO-approved CLE Training Form PTO-2150	1.00	350	350	\$304.00	\$106,400.00
Practitioner Request for Paper Version of CLE	0.08	100	8	\$304.00	\$2,432.00
On-Line Version of the Seminar CLE	2.00	28,000	56,000	\$304.00	\$17,024,000.00
Paper Version of the CLE	2.00	100	200	\$304.00	\$60,800.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	40.00	1	40	\$304.00	\$12,160.00
Total	- - - - -	72,122	89,475	- - - - -	\$20,707,900.00

13. Total Annualized Cost Burden

There are no capital start-up or maintenance costs associated with this information collection. There are, however, non-hour costs due to record keeping requirements, filing fees, and mailing costs.

There are record keeping costs for this collection as a result of the Oath, which includes a notary public requirement. The average fee for having a document notarized is \$2. The USPTO estimates that it will receive 2,195 responses to this information collection per year as a result of this notary requirement, for a total cost of \$4,390 per year.

The application fees are broken out to demonstrate that the one application form can cover any one of four different categories: as applicable when used for the registration examination fee for the USPTO-administered exam and the computerized exam administered by a commercial entity; as applicable when used for registration fees only (former examiners; examination waived); and as applicable when used for registration fees by a foreign resident (examination waived).

The total annual non-hour cost burden associated with filing fees is \$3,919,900, as outlined in Table 4 below:

Table 4: Filing Fees – Non-hour Cost Burden

Item	Responses (a)	Filing fee (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
Application for Registration to Practice Before the United States Patent and Trademark Office	3,500	\$40.00	\$140,000.00
Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by the USPTO (USPTO-administered exam)	25	\$450.00	\$11,250.00
Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam)	3,475	\$200.00	\$695,000.00
Application for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners, examination waived)	100	\$40.00	\$4,000.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (as applicable when used for registration fees only (examination waived)	100	\$40.00	\$4,000.00
Undertaking under 37 CFR 11.10(b)	520	\$0.00	\$0.00
Data Sheets – Register of Patent Attorneys and Agents (includes applicants that passed the examination, former examiners, and foreign applicants)	2,195	\$100	\$219,500.00
Oath or Affirmation	2,195	\$0.00	\$0.00
Written Request for Reconsideration and Further Review of Disapproval Notice of Application	5	\$130.00	\$650.00
Petition to the Director of the Office of Enrollment and Discipline	2	\$130.00	\$260.00
Petition for Reinstatement after Disciplinary Removal	4	\$1,600.00	\$6,400.00
Reinstatement to the Register	60	\$40.00	\$2,400.00
Annual Practitioner Registration Fee	24,920	\$100.00	\$2,492,000.00
Annual Fee, Limited Recognition	200	\$100.00	\$20,000.00
Voluntary Inactive Status	2,000	\$25.00	\$50,000.00
Request for Restoration to Active from Voluntary Inactive Status	700	\$50.00	\$35,000.00
Balance Due on Restoration to Active from Voluntary Inactive Status	700	\$75.00	\$52,500.00
Delinquency Fee (fee paid after the due date and for CLE)	2,100	\$50.00	\$105,000.00
Reinstatement Fee (required to be paid after the due date of the required annual fee or CLE)	420	\$100.00	\$42,000.00
Sponsor Application for USPTO CLE	350	\$60.00	\$21,000.00
Certification of Attendance at USPTO-approved CLE Training	350	\$0.00	\$0.00

Practitioner Request for Paper Version of CLE Program and Furnished Narrative	100	\$75.00	\$7,500.00
On-line Version of the Seminar CLE	28,000	\$0.00	\$0.00
Paper Version of the CLE	100	\$0.00	\$0.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	1	\$11,440.00	\$11,440.00
Total	72,122	- - - - -	\$3,919,900.00

There are mailing costs from postage fees that also need to be added into this collection. The General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases Before the USPTO states that all business with the USPTO should be transacted in writing. Personal attendance is unnecessary. The actions of the OED will be based exclusively on the written record in the USPTO (37 CFR 1.2). All documents may be submitted to the USPTO by first-class mail through the United States Postal Service. All correspondence may include a certificate of mailing for each piece of correspondence enclosed, stating the date of deposit or transmission to the USPTO. Postage costs will range from \$0.41 to \$4.60.

Consequently, the USPTO estimates that it will receive 37,807 responses to this information collection per year subject to mailing costs, for a total cost of \$16,634 per year in postage fees.

Table 5: Postage Fees – Non-hour Cost Burden

Item	Responses (a)	Postage Fee (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	3,500	\$0.58	\$2,030.00
Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived)	100	\$0.58	\$58.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (applicant does not take the exam)	100	\$0.58	\$58.00
Registration Examination to become a Registered Practitioner	3,500	\$0.00	\$0.00
Undertaking under 37 CFR 11.10(b)	520	\$0.00	\$0.00
Data Sheet – Register of Patent Attorneys and Agents (includes applicants that passed the examination, former examiners, and foreign applicants)	2,195	\$0.41	\$900.00
Oath or Affirmation	2,195	\$0.00	\$0.00
Written Request for Reconsideration and Further Review of Disapproval Notice of Application	5	\$0.58	\$3.00

Petition to the Director of the Office of Enrollment and Discipline	2	\$1.65	\$3.00
Petition for Reinstatement after Disciplinary Removal	4	\$0.92	\$4.00
Reinstatement to the Register	60	\$0.41	\$25.00
Annual Practitioner Registration Fee	24,920	\$0.41	\$10,217.00
Annual Fee, Limited Recognition	200	\$0.41	\$82.00
Voluntary Inactive Status	2,000	\$0.41	\$820.00
Request for Restoration to Active from Voluntary Inactive Status	700	\$0.41	\$287.00
Balance Due on Restoration to Active from Voluntary Inactive Status	700	\$0.41	\$287.00
Delinquency Fee (fee paid after the due date and for CLE)	2,100	\$0.41	\$861.00
Reinstatement Fee (required to be paid after the due date of the required annual fee or CLE)	420	\$0.41	\$172.00
Sponsor Application for USPTO CLE	350	\$1.65	\$578.00
Certification of Attendance at USPTO-Approved CLE Training	350	\$0.58	\$203.00
Practitioner Request for Paper Version of CLE Program and Furnished Narrative	100	\$0.41	\$41.00
On-line Version of the Seminar CLE	28,000	\$0.00	\$0.00
Paper Version of the CLE	100	\$0.00	\$0.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	1	\$4.60	\$5.00
Total	72,122	- - - - -	\$16,634.00

Therefore, the total annualized (non-hour) cost burden for this collection from record keeping requirements (\$4,390), filing fees (\$3,919,900), and mailing costs (\$16,634) amounts to \$3,940,924.

14. Annual Cost to the Federal Government

The burden hours for relevant items are broken out below (and rounded off to arrive at a total) to take into account the different efforts required of the USPTO for handling the files and related tasks, along with any required follow-up activities to process the various components. The USPTO estimates that it takes a GS-9, step 5 and a GS-15, step 5 between 5 minutes (0.08 hours) and 40 hours to process the information in this collection. The hourly rate for a GS-9, step 5, is currently \$25.00. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is \$25.00 + \$7.50, for a rate of \$32.50. The hourly rate for a GS-15, step 5, is currently \$59.93. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is \$59.93 + \$17.98, for a rate of \$77.91.

The USPTO estimates that it will take a GS-15, step 5, 1,500 hours develop and maintain a data bank of 2,000 questions and answers for the registration examination to become a registered practitioner. The hourly rate for a GS-15, step 5, is currently \$59.93. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is \$59.93 + \$17.98, for a rate of \$77.91.

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

Table 6: Burden Hour/Burden Cost to the Federal Government

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Application for Registration to Practice Before the United States Patent and Trademark Office	0.25	3,600	900	\$32.50	\$29,250.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 10.6(c) by a Foreign Resident	0.25	100	25	\$32.50	\$813.00
Registration Examination to Become a Registered Practitioner	7.00	3,500	24,500	\$32.50	\$796,250.00
Undertaking under 37 CFR 10.10(b)	0.25	520	130	\$32.50	\$4,225.00
Data Sheet – Register of Patent Attorneys and Agents	0.25	2,195	549	\$32.50	\$17,843.00
Oath or Affirmation	0.08	2,195	176	\$32.50	\$5,720.00
Written Request for Reconsideration and Further Review of Disapproval Notice of Application		5			
GS-15, step 5	8.00		40	\$77.91	\$3,116.00
GS-9, step 5	1.50		8	\$32.50	\$260.00
Petition to the Director of the Office of Enrollment and Discipline		2			
GS-15, step 5	16.00		32	\$77.91	\$2,493.00
GS-9, step 5	3.00		6	\$32.50	\$195.00
Petition for Reinstatement after Disciplinary Removal	40.00	4	160	\$77.91	\$12,466.00
Reinstatement to the Register		60			
GS-15, step 5	40.00		2,400	\$77.91	\$186,984.00
GS-9, step 5	0.50		30	\$32.50	\$975.00
Annual Practitioner Registration Fee	0.50	24,920	12,460	\$32.50	\$404,950.00
Annual Fee, Limited Recognition	0.50	200	100	\$32.50	\$3,250.00
Voluntary Inactive Status	0.50	2,000	1,000	\$32.50	\$32,500.00
Request for Restoration to Active from Voluntary Inactive Status		700			
GS-15, step 5	4.00		2,800	\$77.91	\$218,148.00
GS-9, step 5	0.50		350	\$32.50	\$11,375.00
Balance Due on Restoration to Active from Voluntary Inactive Status	0.50	700	350	\$32.50	\$11,375.00

Delinquency Fee	0.50	2,100	1,050	\$32.50	\$34,125.00
Reinstatement Fee		420			
GS-15, step 5	4.00		1,680	\$77.91	\$130,889.00
GS-9, step 5	0.50		210	\$32.50	\$6,825.00
Sponsor Application for USPTO CLE		350			
GS-15, step 5	20.00		7,000	\$77.91	\$545,370.00
GS-9, step 5	0.50		175	\$32.50	\$5,688.00
Certification of Attendance at USPTO-approved CLE Training	1.00	350	350	\$32.50	\$11,375.00
Practitioner request for paper version of CLE program and furnished narrative	4.00	100	400	\$32.50	\$13,000.00
On-line version of the Seminar CLE		28,000			
GS-15, step 5	0.02		560	\$77.91	\$43,630.00
GS-9, step 5	0.04		1,120	\$32.50	\$36,400.00
Paper version of the CLE		100			
GS-15, step 5	0.52		52	\$77.91	\$4,051.00
GS-9, step 5	1.04		104	\$32.50	\$3,380.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction		1			
GS-15, step 5	40.00		40	\$77.91	\$3,116.00
GS-9, step 5	0.50		1	\$32.50	\$33.00
Registration examination program development cost to the Federal Government to develop and maintain a question and answer data bank for the registration examination	1,500.00	60	90,000	\$77.91	\$7,011,900.00
Total	- - - - -	72,182	148,758	- - - - -	\$9,591,970.00

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

In the 2003 submission of this collection the USPTO reported a total of 24,042 responses and 6,078 burden hours. On 10/12/04 OMB approved a notice of proposed rulemaking, "Changes to Representation of Others Before the United States Patent and Trademark Office" (RIN 0651-AB55), increasing the responses to 30,035 and the burden hours to 48,227. Since that time, the USPTO submitted a change worksheet, approved on 8/31/05, which decreased the number of responses to 20,231 and the burden hours to 46,567. With this renewal, the USPTO estimates that the annual responses will be 72,122, with the annual burden hours at 89,475, which is an increase of 51,891 responses and 42,908 burden hours over the previously approved burden for this collection. This increase is due to both administrative adjustments and program changes.

The total annualized (non-hour) cost burden for this renewal of \$3,940,924 is an increase of \$1,763,141 from the currently approved total of \$2,177,783. The increase in costs for the current renewal is due to an adjustment in responses, the addition of

fourteen new requirements into the collection, and an increase in postage costs, due to both administrative adjustments and program changes.

Changes from the 60-Day Notice

There have been no changes in the responses, burden hours or respondent cost burden since the publication of the 60-Day Notice for this collection.

The 60-Day Notice reported total (non-hour) cost burden in the amount of \$3,940,412. Annual non-hour costs are being increased in this submission by \$512 due to new postage rates, for a total (non-hour) cost burden of \$3,940,924.

Changes in Respondent Cost Burden

When this collection was approved by OMB in September 2003, the estimated hourly rate for attorneys was \$252. Using that rate, the reported burden hours yielded a respondent cost burden of \$1,531,656.

For this renewal, the USPTO is using the current professional hourly rate of \$304. At this rate, the reported burden hours yield a respondent cost burden of \$20,707,900, which is an increase of \$19,176,244. This increase in respondent cost burden is due to the increase in the estimated hourly professional rate, an adjustment in responses, and the addition of fourteen new requirements into the collection.

Changes in Responses and Burden Hours

With this renewal, a total of 42,908 burden hours have been added to the currently approved burden hour total. This increases the total number of burden hours from 46,567 to 89,475 burden hours per year as a result of both administrative adjustments and program changes. The increase in burden hours is due to a combination of the revised number of submissions, a re-estimation of the time it takes to complete some of the responses, and 14 requirements being added into this collection as a result of recent rulemaking activities.

The estimate of the burden hours in this submission differs from the currently approved information collection in the following ways:

- The USPTO believes that the number of Applications for Registration to Practice Before the USPTO submitted per year will decrease by 3,000 responses, from 6,600 to 3,600 responses per year. **Therefore, this submission takes a total burden decrease of 1,500 hours as an administrative adjustment.**
- The USPTO expects that the number of Data Sheets that are submitted will decrease by 1,305, from 3,500 to 2,195 responses per year. **Therefore, this submission takes a total burden decrease of 222 hours as an administrative adjustment.**

- The USPTO expects that the number of Oaths that are submitted will decrease by 1,305, from 3,500 to 2,195 responses per year. **Therefore, this submission takes a total burden decrease of 104 hours as an administrative adjustment.**
- The USPTO expects that the number of Registration Examinations to Become a Registered Practitioner submitted per year will decrease by 2,500 responses, from 6,000 to 3,500 responses per year. **Therefore, this submission takes a total burden decrease of 17,500 hours as an administrative adjustment.**
- The USPTO is adding the Reinstatement to the Register into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 60 responses per year. **Therefore, this submission takes a total burden increase of 10 hours as a program change.**
- The USPTO is adding the Annual Practitioner Registration Fee into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 24,920 responses per year. **Therefore, this submission takes a total burden increase of 4,236 hours as a program change.**
- The USPTO is adding the Annual Fee, Limited Recognition into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 200 responses per year. **Therefore, this submission takes a total burden increase of 34 hours as a program change.**
- The USPTO is adding the requirement Voluntary Inactive Status into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 2,000 responses per year. **Therefore, this submission takes a total burden increase of 340 hours as a program change.**
- The USPTO is adding the Request for Restoration to Active Status from Voluntary Inactive Status into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete the request and that it will receive 700 responses per year. **Therefore, this submission takes a total burden increase of 119 hours as a program change.**
- The USPTO is adding the Balance Due on Restoration to Active Status from Voluntary Inactive Status into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 700 responses per year.

Therefore, this submission takes a total burden increase of 119 hours as a program change.

- The USPTO is adding the Delinquency Fee into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 2,100 responses per year. **Therefore, this submission takes a total burden increase of 357 hours as a program change.**
- The USPTO is adding the Reinstatement Fee (fee to be paid after the due date of the required annual fee) into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 10 minutes to complete this requirement and that it will receive 420 responses per year. **Therefore, this submission takes a total burden increase of 71 hours as a program change.**
- The USPTO is adding the Sponsor Application for USPTO Continuing Legal Education (CLE) into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 1 hour to complete this application and that it will receive 350 responses per year. **Therefore, this submission takes a total burden increase of 350 hours as a program change.**
- The USPTO is adding the Certification of Attendance at USPTO-approved CLE Training into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 1 hour to complete this certification and that it will receive 350 responses per year. **Therefore, this submission takes a total burden increase of 350 hours as a program change.**
- The USPTO is adding the Practitioner Request for Paper Version of CLE into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 5 minutes to complete this request and that it will receive 100 responses per year. **Therefore, this submission takes a total burden increase of 8 hours as a program change.**
- The USPTO is adding the On-line Version of the Seminar CLE into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 2 hours to complete this requirement and that it will receive 28,000 responses per year. **Therefore, this submission takes a total burden increase of 56,000 hours as a program change.**
- The USPTO is adding the Paper Version of the CLE into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 2 hours to complete this requirement and that it will receive 100 responses per year. **Therefore, this submission takes a total burden increase of 200 hours as a program change.**

- The USPTO is adding the Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction into the collection as a result of various recent rulemaking activities. The USPTO estimates that it will take 40 hours to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 40 hours as a program change.**

A total of 19,326 burden hours have been reduced from this collection as a result of administrative adjustments. This reduction is offset by an increase of 62,234 burden hours as a result of program changes. This results in a total net burden hour increase of 42,908 hours for this collection.

Changes in Annual (non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$1,763,141, from \$2,177,783 currently on the OMB inventory to the present \$3,940,924. An increase of \$2,852,418 in new items added to the collection is partially offset by a decrease of \$1,089,277 primarily due to expected decreases in filings from existing items. **Therefore, this collection has a net burden increase of \$1,763,141, with an increase of \$2,852,418 due to program changes and a decrease of \$1,089,277 due to administrative adjustments.**

16. Project Schedule

There is no plan to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

The forms in this information collection will display the OMB Control Number and expiration date.

18. Exception to the Certificate Statement

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

References

- A. Form PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office
- B. Form PTO-158A Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 10.6(c) by a Foreign Resident
- C. Form PTO/275 Undertaking Under 37 CFR 10.10(b)
- D. Form PTO-107A Data Sheet – Register of Patent Attorneys and Agents; Reinstatement to the Register

- E. Form PTO-1209 Oath or Affirmation
- F. Form PTO-2126 Annual Practitioner Registration Fee; Annual Fee, Limited Recognition; Voluntary Inactive Status; Request for Restoration to Active Status from Voluntary Inactive Status; Balance Due on Restoration to Active Status from Voluntary Inactive Status; Delinquency Fee; Reinstatement Fee
- G. Form PTO-2149 Sponsor Application for USPTO Continuing Legal Education (CLE)
- H. Form PTO-2150 Certification of Attendance at USPTO Approved CLE Training