

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Representative and Address Provisions**  
**OMB CONTROL NUMBER 0651-0035**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

Under 35 U.S.C. § 2 and 37 CFR 1.31-1.36, a patent applicant or assignee of record may grant power of attorney to a person who is registered to practice before the United States Patent and Trademark Office (USPTO) to act for them in a patent or application. A power of attorney may also be revoked, and a registered practitioner may also withdraw as attorney or agent of record under 37 CFR 1.36. The rules of practice (37 CFR 1.33) also provide for the applicant, assignee, or practitioner of record to supply a correspondence address and daytime telephone number for receiving notices, official letters, and other communications from the USPTO. Maintaining a correct and updated correspondence address is necessary so that official correspondence from the USPTO related to a patent or application will be properly received by the applicant, assignee, or practitioner.

The USPTO's Customer Number practice permits applicants, assignees, and practitioners of record to change the correspondence address or representatives of record for a number of patents or applications with one change request instead of filing separate requests for each patent or application. Customers may request a Customer Number from the USPTO and associate this Customer Number with a correspondence address or a list of registered practitioners. Any changes to the address or practitioner information associated with a Customer Number will be applied to all patents and applications associated with that Customer Number.

The Customer Number practice is optional, in that changes of correspondence address or power of attorney may be filed separately for each patent or application without using a Customer Number. However, a Customer Number associated with the correspondence address for a patent application is required in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO web site. The PAIR system allows authorized individuals secure online access to application status information, but only for patent applications that are linked to a Customer Number. Customer Numbers may be associated with U.S. patent applications as well as international Patent Cooperation Treaty (PCT) applications. The use of a Customer Number is also required in order to grant power of attorney to more than ten practitioners or to establish a separate "fee address" for maintenance fee purposes that is different from the correspondence address for a patent or application.

In addition to the forms offered by the USPTO to assist customers with providing the information in this collection, customers may also format requests using a Customer Number Upload Spreadsheet to designate or change the correspondence address or fee

address for a list of patents or applications by associating them with a Customer Number. The Customer Number Upload Spreadsheet must be submitted to the USPTO on a computer-readable diskette or compact disc (CD), accompanied by a signed cover letter requesting entry of the address changes for the listed patents and applications. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO web site to assist them in preparing the spreadsheet in the proper format. The Customer Number Upload Spreadsheet may not be used to change the power of attorney for patents or applications.

This information collection includes the information necessary to submit a request to grant or revoke power of attorney for a patent application and for a registered practitioner to withdraw as attorney or agent of record for a patent application. This collection also includes the information necessary to request a Customer Number and associate a correspondence address or list of practitioners with this Customer Number, to change the correspondence address or practitioners associated with a Customer Number, and to designate or change the correspondence address or fee address for one or more patents or applications by using a Customer Number.

The USPTO is revising the Power of Attorney and Correspondence Address Indication Form (PTO/SB/81) to include revocations of power of attorney and to eliminate the need for the separate form Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (PTO/SB/82). Consequently, Form PTO/SB/81 will be renamed "Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address" and Form PTO/SB/82 will be deleted from this collection.

The USPTO is revising another form in this collection, Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83), to allow the practitioner requesting withdrawal to certify that proper notice has been given to the client and that all papers and property to which the client is entitled have been delivered.

The USPTO is deleting two additional items from this collection. The Electronic Power of Attorney Forms (EFS) that were previously included in this collection are being deleted due to the retirement of the USPTO's previous electronic filing system (EFS) software in favor of a new web-based online submission system (EFS-Web). Instead of having to install and use the separate EFS software, forms and other documents may be uploaded and submitted online directly through the USPTO web site. In addition, the Customer Number Upload Spreadsheet for PCT Applications is being deleted from this collection because it is no longer in use. Applicants must instead submit a Request to Update a PCT Application With a Customer Number (PTO-2248) for each PCT application to be associated with a Customer Number.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information for designating representatives and correspondence addresses:

**Table 1: Information Requirements for Representative and Address Provisions**

Requirement	Statute	Rule
Power of Attorney	35 U.S.C. § 2	37 CFR 1.31 and 1.32
Revocation of Power of Attorney	35 U.S.C. § 2	37 CFR 1.36(a)
Withdrawal as Attorney or Agent	35 U.S.C. § 2	37 CFR 1.36(b)
Authorization to Act in a Representative Capacity	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.34
Petition to Grant or Revoke Power of Attorney by Fewer than All the Applicants	35 U.S.C. § 2	37 CFR 1.32(b)(4), 1.36(a), 1.17(h)
Change of Correspondence Address	35 U.S.C. § 2	37 CFR 1.33
Request for Customer Number or Customer Number Data Change	35 U.S.C. § 2	37 CFR 1.32 and 1.33
Customer Number Upload Spreadsheet	35 U.S.C. § 2	37 CFR 1.33 and 1.363
Request to Update a PCT Application with a Customer Number	35 U.S.C. § 2	37 CFR 1.33

## 2. Needs and Uses

The public uses this information collection to grant or revoke power of attorney in a patent application, to withdraw as attorney or agent of record, to authorize a practitioner to act in a representative capacity, to change a correspondence address for one or more applications or patents, to request a Customer Number, to designate or change the correspondence address or list of practitioners associated with a Customer Number, and to associate a patent application with a Customer Number. This collection is necessary so that the USPTO knows who is authorized to take action in an application or patent on behalf of the applicant or assignee and where to send correspondence regarding an application or patent.

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 will 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 collection of information for representative and address provisions is used by the public and the USPTO:

**Table 2: Needs and Uses of Information Collection for Representative and Address Provisions**

Form and Function	Form #	Needs and Uses
Power of Attorney to Prosecute Applications Before the USPTO	PTO/SB/80	<ul style="list-style-type: none"> <li>• Used by an assignee to appoint an attorney or agent in all applications in which the assignee is the assignee of record of the entire interest and to change the correspondence address for the applications.</li> <li>• Used by the USPTO to determine who is authorized to act on behalf of the assignee and to change the correspondence address for the applications.</li> </ul>
Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81	<ul style="list-style-type: none"> <li>• Used by an applicant or assignee of record of the entire interest in an application to appoint an attorney or agent and to change the correspondence address for the identified application.</li> <li>• Used by an applicant or assignee of record of the entire interest in an application to revoke all previous powers of attorney in an application, to grant a new power of attorney, and to change the correspondence address for the identified application.</li> <li>• Used by the USPTO to determine who is authorized to act on behalf of the applicant or assignee, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified application.</li> </ul>
Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	PTO/SB/83	<ul style="list-style-type: none"> <li>• Used by a practitioner to withdraw as the attorney or agent of record for an application and to change the correspondence address for the identified application.</li> <li>• Used by the USPTO to process the withdrawal request and to change the correspondence address for the identified application.</li> </ul>
Authorization to Act in a Representative Capacity	PTO/SB/84	<ul style="list-style-type: none"> <li>• Used by a practitioner of record to indicate that another registered practitioner has authority to take action in an application without granting a power of attorney to the named practitioner.</li> <li>• Used by the USPTO to determine who is authorized to take action in an application.</li> </ul>
Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> <li>• Used by an applicant or assignee to request that power of attorney in an application be allowed to be revoked by fewer than all the applicants or assignees of the entire interest.</li> <li>• Used by the USPTO to determine whether the request to revoke power of attorney should be granted.</li> </ul>
Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> <li>• Used by an applicant or assignee to request that power of attorney in an application be allowed to be granted by fewer than all the applicants or assignees of the entire interest.</li> <li>• Used by the USPTO to determine whether the request to grant power of attorney should be granted.</li> </ul>
<p>Change of Correspondence Address - Application</p> <p>Change of Correspondence Address - Patent</p>	<p>PTO/SB/122</p> <p>PTO/SB/123</p>	<ul style="list-style-type: none"> <li>• Used by an applicant, assignee, or practitioner of record to change the correspondence address of a single application to either a specified correspondence address or the correspondence address associated with a specified Customer Number.</li> <li>• Used by a patentee, assignee, or practitioner of record to change the correspondence address of a single patent to either a specified correspondence address or the correspondence address associated with a specified Customer Number.</li> <li>• Used by the USPTO to process a request to change the correspondence address for an application or patent.</li> </ul>
Request for Customer Number Data Change	PTO/SB/124	<ul style="list-style-type: none"> <li>• Used by the applicant, assignee, or practitioner of record to change the correspondence address or list of registered practitioners associated with an existing Customer Number.</li> <li>• Used by the USPTO to process a request for a Customer Number data change.</li> </ul>

Request for Customer Number	PTO/SB/125	<ul style="list-style-type: none"> <li>Used by the public to request a Customer Number and associate a correspondence address or list of registered practitioners with that Customer Number.</li> <li>Used by the USPTO to assign new Customer Numbers and associate a specified address and a list of registered practitioners with a new Customer Number.</li> </ul>
Customer Number Upload Spreadsheet	None	<ul style="list-style-type: none"> <li>Used by an applicant, assignee, or practitioner of record to change the correspondence address or fee address for a list of applications and/or patents by using a Customer Number.</li> <li>Used by the USPTO to process a request to change the correspondence address or fee address for a list of applications and/or patents.</li> </ul>
Request to Update a PCT Application with a Customer Number	PTO-2248	<ul style="list-style-type: none"> <li>Used by an applicant to associate an already established PCT paper application with an existing Customer Number.</li> <li>Used by the USPTO to process a request to associate an existing PCT application with a Customer Number.</li> </ul>

### 3. Use of Information Technology

Customers may submit the information in this collection to the USPTO using several methods, including forms, spreadsheet files, and electronic filing online through the USPTO web site. The forms associated with this collection may be downloaded from the USPTO web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online to the USPTO.

Except for the Customer Number Upload Spreadsheet, the items in this collection may be submitted to the USPTO online through EFS-Web. EFS-Web is the USPTO's web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard web browser. Typically, the customer will prepare the forms or documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. EFS-Web offers many benefits to filers, including form validation to ensure that all required information has been included, immediate notification that a submission has been received, automated processing of requests, and avoidance of postage or other paper delivery costs.

Customers may submit a batch request in spreadsheet format (Customer Number Upload Spreadsheet) to designate or change the correspondence address or fee address for a list of patents or applications by associating them with a Customer Number. The Customer Number Upload Spreadsheet file must be submitted to the USPTO on a computer-readable diskette or compact disc (CD) with a signed cover letter requesting entry of the address changes for the listed patents and applications. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO web site to assist them in preparing the spreadsheet in the proper format. At this time, the USPTO has no plans to allow electronic submission of the Customer Number Upload Spreadsheets. Use of the Customer Number Upload Spreadsheet reduces the chance of errors and ensures that the USPTO avoids changing the address data for the wrong patent or application.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO web site. PAIR provides an interface for searching the electronic records in the Patent Application Location and Monitoring (PALM) database in order to respond directly to USPTO customer requests. PAIR allows authorized individuals secure and immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the EFS server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgment receipt that is immediately returned to the customer.

#### **4. Efforts to Identify Duplication**

This information is collected only when a respondent grants or revokes power of attorney in an application, withdraws as attorney of record, changes a correspondence address or fee address, requests a Customer Number, or changes data associated with a Customer Number. This information is not collected elsewhere. However, if a customer submits Customer Number forms containing a large amount of data, such as associating Customer Number data with a large number of patents or applications, the USPTO may in some cases contact the customer and request that the data be resubmitted using the Customer Number Upload Spreadsheet format in order to facilitate accurate uploading of the data into PALM.

Additionally, the Customer Number Upload Spreadsheet instructs the user to provide both the Customer Number and the correspondence address associated with the Customer Number. This correspondence address is already on file with the Customer Number, but the USPTO requests this information in order to verify that the Customer Number submitted is correct for associating the patents and applications listed on the spreadsheet.

#### **5. Minimizing Burden to Small Entities**

This collection of information does not impose a significant economic impact on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

## **6. Consequences of Less Frequent Collection**

This information is collected only when an applicant, assignee, or practitioner of record submits an application, designates or changes their representative or correspondence address, or requests a Customer Number. This information collection could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not know who is authorized to take action in an application or patent and could not communicate with the applicant, assignee, practitioner of record, or authorized representative concerning the application or patent.

## **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 24, 2008 (73 Fed. Reg. 35663). The comment period ended on August 25, 2008. 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, independent 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 to provide the information required under this program.

## **9. Payment or Gifts to Respondents**

This information collection does not involve a payment or gift to any respondent.

## **10. Assurance of Confidentiality**

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Upon publication of an application or issuance of a patent, the entire file contents of the patent application is made available to the public, subject to provisions for providing only a redacted copy of the file contents.

The disclosure of the invention in the application is the quid pro quo for the property right conferred by the patent grant, and the very means by which the patent statute achieves its

constitutional objective of "promot[ing] the progress of science and useful arts." The prosecution history contained in the application file is critical to determining the scope of the property right conferred by the patent grant.

## 11. Justification for Sensitive Questions

None of the required information in this collection is considered to be of a sensitive nature.

## 12. Estimate of Hour and Cost Burden to Respondents

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

- Respondent Calculation Factors**  
The USPTO estimates that it will receive approximately 568,902 responses per year for this collection, as outlined in Table 3 below.
- Burden Hour Calculation Factors**  
The USPTO estimates that it will take the public approximately 3 minutes (0.05 hours) to 1.5 hours to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or document, and submit the completed request.
- Cost Burden Calculation Factors**  
In 2007 the Committee on Economics of Legal Practice of the American Intellectual Property Law Association published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$310 per hour is the median rate for associate attorneys in private firms as published in that report. The USPTO expects that Requests for Withdrawal as Attorney or Agent (PTO/SB/83) and the petitions in this collection will be prepared by attorneys, while the other items in this collection will be prepared by paraprofessionals at an estimated rate of \$90 per hour. These are fully-loaded hourly rates.

**Table 3: Burden Hour/Burden Cost to Respondents for Representative and Address Provisions**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)	0.05	3,500	175	\$90.00	\$15,750.00
Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81)	0.05	427,550	21,378	\$90.00	\$1,924,020.00
Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83)	0.20	750	150	\$310.00	\$46,500.00
Authorization to Act in a Representative Capacity (PTO/SB/84)	0.05	1,350	68	\$90.00	\$6,120.00



Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	1.00	15	15	\$310.00	\$4,650.00
Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	1.00	10	10	\$310.00	\$3,100.00
Change of Correspondence Address for Application or Patent (PTO/SB/122/123)	0.05	121,727	6,086	\$90.00	\$547,740.00
Request for Customer Number Data Change (PTO/SB/124)	0.20	2,000	400	\$90.00	\$36,000.00
Request for Customer Number (PTO/SB/125)	0.20	8,500	1,700	\$90.00	\$153,000.00
Customer Number Upload Spreadsheet	1.50	2,000	3,000	\$90.00	\$270,000.00
Request to Update a PCT Application with a Customer Number (PTO-2248)	0.25	1,500	375	\$90.00	\$33,750.00
<b>Totals</b>	.....	<b>568,902</b>	<b>33,357</b>	.....	<b>\$3,040,630.00</b>

### 13. Total Annualized (Non-hour) Cost Burden

There are no maintenance costs associated with this information collection. However, this collection does have annual (non-hour) cost burden in the form of filing fees, recordkeeping costs, capital start-up costs, and postage costs.

The two petitions in this collection have associated filing fees. The filing fee for both the Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants and the Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants is currently \$400 (37 CFR 1.17(f)). Using the \$400 fee for these petitions, the USPTO estimates that the total filing fees for this collection would be \$10,000 per year.

There are recordkeeping costs associated with submitting forms in this collection electronically through EFS-Web, the USPTO's online filing system. When submitting forms through EFS-Web, the USPTO recommends that customers print and retain a copy of the acknowledgment receipt as evidence of the successful submission. The USPTO estimates that it will take 5 seconds (0.001 hours) to print a copy of the acknowledgment receipt and that approximately 311,796 of the submissions in this collection will be filed online, for a total of approximately 312 hours per year. The USPTO expects that these receipts will be printed by paraprofessionals at an estimated rate of \$90 per hour, for a total recordkeeping cost of \$28,080 per year.

This collection has capital start-up costs associated with the Customer Number Upload Spreadsheet, which must be submitted to the USPTO on a diskette or CD. This process requires additional supplies, including blank diskettes or recordable CD media and padded envelopes for shipping. The USPTO estimates that the cost of these supplies will be approximately \$2 per submission and that 2,000 spreadsheets will be received annually, for a total capital start-up cost of \$4,000 per year.

The public may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the first-class postage cost for a mailed submission will be 83 cents for all items except for the Customer Number Upload Spreadsheet and that approximately 255,106 of the non-spreadsheet items will be submitted to the USPTO by mail. Due to the additional materials required for Customer Number Upload Spreadsheet submissions, including the diskette or CD and cover letter, the USPTO estimates that the average first-class postage cost for a spreadsheet submission will be \$1.68. The total estimated postage cost for this collection is \$215,098 per year.

*255,106 mailed responses (not including Customer Number Upload Spreadsheets) multiplied by \$0.83 postage = \$211,738.*

*2,000 Customer Number Upload Spreadsheets multiplied by \$1.68 postage = \$3,360.*

*Total postage costs are \$211,738 + \$3,360 = \$215,098.*

**The total (non-hour) respondent cost burden for this collection in the form of filing fees (\$10,000), recordkeeping costs(\$28,080), capital start-up costs(\$4,000), and postage costs (\$215,098) is estimated to be \$257,178 per year.**

#### **14. Annual Cost to the Federal Government**

The USPTO estimates that it takes a GS-5, step 1 employee approximately 3 minutes (0.05 hours) to process a power of attorney, revocation of power of attorney, request to withdraw as an attorney or agent, authorization to act in a representative capacity, change of correspondence address, or a request to update a PCT application with a Customer Number. The USPTO estimates that it takes a GS-5, step 1 employee approximately 12 minutes (0.20 hours) to process the petitions related to power of attorney, requests for Customer Numbers, and Customer Number data changes. The current hourly rate for a GS-5, step 1 employee is \$15.21. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-5, step 1 employee is \$19.77 (\$15.21 + \$4.56).

The USPTO estimates that it takes approximately 25 minutes (0.42 hours) on average to process a Customer Number Upload Spreadsheet. The spreadsheets are processed by two employees with hourly rates of \$18.23 and \$25.52, for an average hourly rate of \$21.88. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for processing the spreadsheets is \$28.44 (\$21.88 + \$6.56).

Table 4 calculates the burden hours and costs to the Federal Government for processing this information collection:

**Table 4: Burden Hour/Cost to the Federal Government for Representative and Address Provisions**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)	0.05	3,500	175	\$19.77	\$3,460.00
Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81)	0.05	427,550	21,378	\$19.77	\$422,643.00
Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83)	0.05	750	38	\$19.77	\$751.00
Authorization to Act in a Representative Capacity (PTO/SB/84)	0.05	1,350	68	\$19.77	\$1,344.00
Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	0.20	15	3	\$19.77	\$59.00
Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	0.20	10	2	\$19.77	\$40.00
Change of Correspondence Address for Application or Patent (PTO/SB/122/123)	0.05	121,727	6,086	\$19.77	\$120,320.00
Request for Customer Number Data Change (PTO/SB/124)	0.20	2,000	400	\$19.77	\$7,908.00
Request for Customer Number (PTO/SB/125)	0.20	8,500	1,700	\$19.77	\$33,609.00
Customer Number Upload Spreadsheet	0.42	2,000	840	\$28.44	\$23,890.00
Request to Update a PCT Application with a Customer Number (PTO-2248)	0.05	1,500	75	\$19.77	\$1,483.00
<b>Totals</b>	.....	<b>568,902</b>	<b>30,765</b>	.....	<b>\$615,507.00</b>

## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

- December 2005: Renewal approved by OMB with a total of 370,766 responses and 23,668 burden hours per year.
- January 2007: OMB approved a change worksheet that increased the total burden by 24,500 responses and 7,625 burden hours due to the addition of the Request to Update a PCT Application with a Customer Number (PTO-2248) and the Customer Number Upload Spreadsheet for PCT Applications, which are used to associate USPTO Customer Numbers with international PCT applications.

- Currently: Approved with a total of 395,266 responses and 31,293 burden hours per year.

For this renewal, the USPTO estimates that the total annual responses will be 568,902 and the total annual burden hours will be 33,357, which is a net increase of 173,636 responses and 2,064 hours from the currently approved burden for this collection. The net increase in burden hours is due to both program changes and administrative adjustments.

The total annual (non-hour) cost burden for this renewal of \$257,178 is an increase of \$53,663 over the current approved total of \$203,515 in annual (non-hour) costs for this collection. This increase in annual costs for the current renewal is due to both program changes and administrative adjustments.

#### Changes from the 60-Day Notice

The 60-Day Notice for this renewal included the Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (PTO/SB/82) as an item in this collection. Since the 60-Day Notice was published, the USPTO has decided to revise Form PTO/SB/81 to accommodate revocations of power of attorney and to delete Form PTO/SB/82 in order to reduce confusion among customers as to which form to use for a particular purpose. Consequently, Form PTO/SB/81 is being revised and renamed as Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address, and the burden associated with PTO/SB/82 is being added to the burden for PTO/SB/81. There is no change in the total burden for the renewal of this collection as reported in the 60-Day Notice.

#### Change in Respondent Cost Burden

The total respondent cost burden for providing this information to the USPTO has increased by \$1,103,432 from the previous renewal of this collection in December 2005. The 2005 renewal used an estimated rate of \$286 per hour for associate attorneys to prepare the Request for Withdrawal as Attorney or Agent (PTO/SB/83) and the petitions, and an estimated rate of \$81 per hour for paraprofessionals to prepare the other items in the collection. For the current renewal, the USPTO is using an updated rate of \$310 per hour for associate attorneys for the Request for Withdrawal as Attorney Agent and the petitions, and an updated rate of \$90 per hour for paraprofessionals. The total burden hours for the collection have also increased from 23,668 for the 2005 renewal to 33,357 for the current renewal due to expected increases in filings and the addition of the Request to Update a PCT Application with a Customer Number in January 2007. The increase in estimated hourly rates for attorneys and paraprofessionals and the increase in total burden hours have resulted in an increase of the total respondent cost burden for this collection from \$1,937,198 to \$3,040,630 per year.

## Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses for this collection will increase by 173,636, from 395,266 to 568,902, and the total annual burden hours will increase by 2,064, from 31,293 to 33,357. This net increase in burden hours is due to both program changes and administrative adjustments. The changes in burden for the requirements in this collection are as follows:

- The USPTO estimates that the annual responses for the Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80) will increase by 1,400, from 2,100 to 3,500, due to expected increases in filings. **Therefore, this collection takes a burden increase of 70 hours as an administrative adjustment.**
- The USPTO estimates that the annual responses for the Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81) will increase by 84,000, from 343,550 to 427,550, due to expected increases in filings and the revision of the form to include revocations of power of attorney. **Therefore, this collection takes a burden increase of 4,200 hours, with increases of 4,145 hours as an administrative adjustment and 55 hours as a program change.**
- The Electronic Power of Attorney Forms (EFS) are being deleted from this collection due to the retirement of the USPTO's previous EFS software. **Therefore, this collection takes a burden decrease of 124 hours as a program change.**
- The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (PTO/SB/82) is being deleted from this collection due to the revision of Form PTO/SB/81 to include revocations. **Therefore, this collection takes a burden decrease of 33 hours as a program change.**
- The USPTO estimates that the annual responses for the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) will increase by 275, from 475 to 750, due to expected increases in filings. **Therefore, this collection takes a burden increase of 55 hours as an administrative adjustment.**
- The USPTO estimates that the annual responses for the Authorization to Act in a Representative Capacity (PTO/SB/84) will increase by 550, from 800 to 1,350, due to expected increases in filings. **Therefore, this collection takes a burden increase of 28 hours as an administrative adjustment.**
- The USPTO estimates that the annual responses for the Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants will increase by 13, from 2 to 15, due to expected increases in filings. **Therefore, this collection takes a burden increase of 13 hours as an administrative adjustment.**

- The USPTO estimates that the annual responses for the Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants will increase by 9, from 1 to 10, due to expected increases in filings. **Therefore, this collection takes a burden increase of 9 hours as an administrative adjustment.**
- The USPTO estimates that the annual responses for the Change of Correspondence Address forms for Applications and Patents (PTO/SB/122 and PTO/SB/123) will increase by 108,727, from 13,000 to 121,727, due to expected increases in filings. **Therefore, this collection takes a burden increase of 5,436 hours as an administrative adjustment.**
- The USPTO estimates that the annual responses for the Request for Customer Number Data Change (PTO/SB/124A/124B) will increase by 1,400, from 600 to 2,000, due to expected increases in filings. **Therefore, this collection takes a burden increase of 280 hours due to an administrative adjustment.**
- The USPTO estimates that the annual responses for the Request for Customer Number (PTO/SB/125A/125B) will increase by 4,400, from 4,100 to 8,500, due to expected increases in filings. **Therefore, this collection takes a burden increase of 880 hours due to an administrative adjustment.**
- The USPTO estimates that the annual responses for the Customer Number Upload Spreadsheet will decrease by 1,000, from 3,000 to 2,000, due to expected decreases in filings. **Therefore, this collection takes a burden decrease of 1,500 hours due to an administrative adjustment.**
- The USPTO estimates that the annual responses for the Request to Update a PCT Application with a Customer Number (PTO-2248) will decrease by 21,000, from 22,500 to 1,500, due to expected decreases in filings. **Therefore, this collection takes a burden decrease of 5,250 hours due to an administrative adjustment.**
- The Customer Number Upload Spreadsheet for PCT Applications is being deleted from this collection because it is no longer in use. **Therefore, this collection takes a burden decrease of 2,000 hours as a program change.**

**In sum, this information collection has a total net burden increase of 2,064 hours, including a net decrease of 2,102 hours due to program changes that is offset by a net increase of 4,166 hours due to administrative adjustments.**

#### Changes in Annual (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs for this collection will increase by \$53,663, from \$203,515 to \$257,178 per year. The increase in total annual (non-hour) costs is due to both program changes and administrative adjustments, as follows:

- The total filing fees will increase from \$1,200 to \$10,000 due to expected increases in filings for the petitions included in this collection. **Therefore, this collection takes a burden increase of \$8,800 in filing fees as an administrative adjustment.**
- The recordkeeping costs will increase from \$162 to \$28,080 primarily due to the further development of EFS-Web as a method for customers to submit the information in this collection online and the recommendation that customers print and retain a copy of the acknowledgement receipt generated for electronic submissions. **Therefore, this collection takes a burden increase of \$27,918 in recordkeeping costs as a program change.**
- The capital start-up costs will decrease from \$10,000 to \$4,000 due to the elimination of the Customer Number Upload Spreadsheet for PCT Applications and an expected decrease in filings using the Customer Number Upload Spreadsheet, which must be submitted to the USPTO on diskette or CD. **Therefore, this collection takes a burden decrease of \$6,000 in capital start-up costs, including decreases of \$4,000 as a program change and \$2,000 as an administrative adjustment.**
- This collection is currently approved with a total of \$191,991 in postage costs. For this renewal, the USPTO estimates that the total postage cost will increase to \$215,098 based on several factors. The deletion of the Customer Number Upload Spreadsheet for PCT Applications removes \$1,740 in postage costs from this collection. The deletion of the Revocation of Power of Attorney (PTO/SB/82) removes \$319 in postage costs but the corresponding revision of Form PTO/SB/81 to include revocations results in an increase of \$411 in postage costs due to that change, for a net increase of \$92. Although the USPTO expects more customers to submit information online, expected increases in total filings and estimated postage rates for the rest of the items in this collection will result in an estimated increase of \$24,755 in postage costs. **Therefore, this collection takes a burden increase of \$23,107 in postage costs, with a decrease of \$1,648 as a program change being offset by an increase of \$24,755 as an administrative adjustment.**
- When the legacy data for this collection was imported into the current inventory system, the previously approved annual cost burden of \$188,838 was listed in round numbers as \$189,000. **In order to reconcile the current annual costs for this collection with the legacy data, this collection takes a decrease of \$162 as an administrative adjustment.**

**In sum, this collection has a total increase in annual (non-hour) cost burden of \$53,663, with \$22,270 due to program changes and \$31,393 due to administrative adjustments.**

**16. Project Schedule**

The USPTO does not 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 the expiration date.

**18. Exception to the Certificate Statement**

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

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.



## REFERENCES

- A. The USPTO Information Quality Guidelines
- B. Form PTO/SB/80 Power of Attorney to Prosecute Applications Before the USPTO
- C. Form PTO/SB/81 Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address
- D. Form PTO/SB/83 Request for Withdrawal as Attorney or Agent and Change of Correspondence Address
- E. Form PTO/SB/84 Authorization to Act in a Representative Capacity
- F. Form PTO/SB/122 Change of Correspondence Address - Application
- G. Form PTO/SB/123 Change of Correspondence Address - Patent
- H. Form PTO/SB/124 Request for Customer Number Data Change
- I. Form PTO/SB/125 Request for Customer Number
- J. Customer Number Upload Spreadsheet
- K. Request to Update a PCT Application with a Customer Number (PTO-2248)
- L. 60-Day Notice published in the *Federal Register* on June 24, 2008 (73 Fed. Reg. 35663)