

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE TO 0651-0035

The United States Patent and Trademark Office (USPTO) is submitting this change worksheet to add supplemental forms associated with power of attorney and change of correspondence address into information collection 0651-0035 Representative and Address Provisions, which was previously approved by OMB on 11/12/2008. The proposed new forms are closely derived from forms already approved in the collection and are intended to assist the public in filing power of attorney and change of correspondence requests in specific circumstances. The proposed addition of these forms will not result in a substantive change in the burden for this collection.

Purpose of Proposed New Forms

An inventor or patent owner requesting to appoint an attorney or agent and to change the correspondence address for a patent, or requesting to revoke all previous powers of attorney in a patent, to grant a new power of attorney in the patent, and to change the correspondence address for the patent, may use the form Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81). The form is not specifically tailored to the particular circumstances of an inventor or patent owner and an issued patent. The USPTO has decided to add the form Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A) to better accommodate a request by an inventor or patent owner to appoint an attorney or agent and to change the correspondence address for a patent, or to revoke all previous powers of attorney in a patent, to grant a new power of attorney in the patent, and to change the correspondence address for the patent.

A patent owner or third party requester requesting to appoint an attorney or agent and to change the correspondence address in a reexamination proceeding, or requesting to revoke all previous powers of attorney in a reexamination proceeding, to grant a new power of attorney in the reexamination proceeding, and to change the correspondence address in the reexamination proceeding, may use the form Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81). The form is not specifically tailored to the particular circumstances of a patent owner or third party requester in a reexamination proceeding. The USPTO has decided to add the form Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B) and the form Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C) to better accommodate a request by a patent owner or third party requester, respectively, to appoint an attorney or agent and to change the correspondence address in a reexamination proceeding, or to revoke all previous powers of attorney in a reexamination proceeding, to grant a new power of attorney in the reexamination proceeding, and to change the correspondence address in the reexamination proceeding.

A patent owner or third party requester requesting to change a correspondence address in a reexamination proceeding may use the form for Change of Correspondence Address – Application (PTO/SB/122) or Change of Correspondence Address – Patent (PTO/SB/123). Neither form is specifically tailored to the particular circumstances of a patent owner or third party requester in a reexamination proceeding. The USPTO has decided to add the form Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A) and the form Third Party Requester Change of Correspondence Address – Reexamination

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(continued)**

Proceeding (PTO/SB/123B) to better accommodate a request by a patent owner or third party requester, respectively, to change a correspondence address in a reexamination proceeding.

Change in Burden

The USPTO believes that the addition of the proposed new forms will not change the total estimated annual responses for this collection.

The Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81) is currently approved with an estimated 427,550 responses and 21,378 burden hours per year. The USPTO estimates that the proposed new power of attorney forms designed for patent owners and reexamination proceedings (PTO/SB/81A/81B/81C) will reduce the responses for PTO/SB/81 by 1,950, down to 425,600 per year. The USPTO estimates that the number of annual filings for PTO/SB/81A, SB/81B, and SB/81C will be 750, 650, and 550 respectively, for a corresponding increase of 1,950 responses per year. Although there is no net change in the estimated total number of responses or time per response for these power of attorney forms related to PTO/SB/81, calculating the burden hours for the separated items results in an increase of 1 total burden hour for this collection due to mathematical rounding.

The Change of Correspondence Address for Application or Patent (PTO/SB/122/123) is currently approved with an estimated 121,727 responses and 6,086 burden hours per year. The USPTO estimates that the proposed new change of correspondence address forms designed for patent owners and third party requesters in reexamination proceedings (PTO/SB/123A/123B) will reduce the responses for PTO/SB/122/123 by 1,400, down to 120,327 per year. The USPTO estimates that the number of annual filings for PTO/SB/123A and SB/123B will be 750 and 650 respectively, for a corresponding increase of 1,400 responses per year. Although there is no net change in the estimated total number of responses or time per response for these change of correspondence address forms related to PTO/SB/122/123, calculating the burden hours for the separated items results in an increase of 1 total burden hour for this collection due to mathematical rounding.

Therefore, although the addition of the proposed new forms will not impact the total number of responses expected for this collection, there is an increase of 2 burden hours for this collection as a program change due to mathematical rounding.

The currently approved power of attorney and change of address forms have associated annual (non-hour) costs in the form of postage costs for mailed submissions and recordkeeping costs for online submissions. The proposed new forms being added to this collection will not change the total number of responses for these items or the cost per response, and therefore they will not impact the total annual costs for this collection.

Copies of the proposed new power of attorney (PTO/SB/81A/81B/81C) and change of correspondence address (PTO/SB/123A/123B) forms have been attached to this submission.