SUPPORTING STATEMENT
United States Patent and Trademark Office
Public User ID Badging
OMB CONTROL NUMBER 0651-0041

A.   JUSTIFICATION

1.   Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. § 41(i)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers. The USPTO also offers training courses to assist the public with using the advanced electronic search systems available at the facility.

By statute the USPTO must maintain the collections arranged to permit searching and retrieval of information. The security and integrity of the files as complete and accurate collections is critical. Destroying, misfiling, or removing documents or subclasses of documents so that others cannot access them seriously damages the integrity of the collection and is a direct violation of 18 U.S.C. § 2071.

In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access cards to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access card by completing the application at the Public Search Facility reference desk and providing proper identification. The plastic online access cards include a bar-coded user number and an expiration date. Users may renew their cards by validating and updating the required information and may obtain a replacement for a lost card by providing proper identification.

Under the authority provided in 41 CFR Part 102-81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with photograph. The security badges include a color photograph of the user and must be worn at all times while at the USPTO facilities. The security badges must be renewed annually and there is no fee.

The USPTO has recently eliminated the $25 fee for the public training courses offered for the online search systems available at the Public Search Facility. There is still a $120 fee for users who request private instruction. The public training fee is being deleted from this collection. The estimated time for completing the user training registration forms has also been reduced from ten minutes to five minutes due to the removal of the payment information from the forms.
2.   Needs and Uses

The public uses this information collection to obtain online access cards and security identification badges for the Public Search Facility and other office areas at the USPTO, or to sign up for user training classes. The applications for online access cards and security identification badges are completed on site and handed to a USPTO staff member for entry into the system and issuance of the card or badge. Renewal or replacement of online access cards or security badges requires the user's information to be verified and updated as necessary. User training registration forms may be mailed, faxed, or hand delivered to the USPTO.

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 1 outlines how this collection of information is used by the public and the USPTO:

Table 1: Needs and Uses of Information Collection for Public User ID Badging

Form and Function	Form #	Needs and Uses
Application for Public User ID (Online Access Card) Conduct in Public Information Facilities	PTO-2030	• Used by the public to request an online access card. • Used by the public to learn the rules of conduct and to agree to follow them. • Used by the USPTO to identify the status of any existing online access cards for the user.
Issue Online Access Card	PTO-2030	• Used by the public to access the search facility and its online systems. • Used by the USPTO to manage the use of the facility and its services.
Renew Online Access Card	PTO-2030	• Used by the public to renew an online access card. • Used by the USPTO to update the user record.
Replace Online Access Card	PTO-2030	• Used by the public to replace a lost or forgotten online access card. • Used by the USPTO to update the user record and issue a replacement online access card.
User Training Registration Forms	No Form Numbers	• Used by the public to register for classes in using the online search systems. • Used by the USPTO to collect registrations for user training classes.
Security Identification Badges for Public Users	PTO-2224	• Used by the public to request a security identification badge for access to USPTO public facilities. • Used by the USPTO to process requests for security identification badges and issue the badge to the user.

Renew Security Identification Badges for Public Users	PTO-2224	• Used by the public to renew a security identification badge for access to USPTO public facilities. • Used by the USPTO to process requests to renew security identification badges for public users.
Replace Security Identification Badge	PTO-2224	• Used by the public to replace a lost security identification badge. • Used by the USPTO to update the user record and issue a replacement security identification badge.

3. Use of Information Technology

Currently, the USPTO does not use automated, electronic, mechanical, or other technologies to collect the information in this collection. The paper applications for the online access cards and the security identification badges are completed on site and handed to a USPTO staff member to enter into the electronic systems and issue the plastic access card or security badge. Users must present proper identification and sign the application form. The electronic database permits lost or replacement access cards and badges to be quickly reissued upon confirming the identity of the requestor and updating any changed information as necessary. The online access cards include a user number and corresponding bar code.

For the security identification badges, the USPTO also takes color digital photographs of the users to allow USPTO staff to verify the badge wearer's identity on sight. These digital photographs are stored in the electronic badging database to facilitate the replacement of security badges as needed without retaking the photograph.

Since the information collected for the online access cards and security identification badges must be verified in person, the USPTO does not plan to collect this information electronically. The USPTO has no plans to disseminate this information electronically or otherwise. Customers may download user training registration forms from the USPTO web site, but at this time the USPTO is not collecting the completed class registration forms electronically. If the USPTO later develops a means for electronic class registration, the USPTO will develop the associated forms and submit them to OMB for review and approval as necessary.

4. Efforts to Identify Duplication

This information is collected only when a customer requests an online access card, security identification badge, or registers for a training class. Customers must provide standard identifying information when making these requests, but these requests may only be filed in the USPTO and are not collected elsewhere. Safeguards within the database software discourage the issuing of multiple online access cards or security badges to the same person. Replacement online access cards and security identification badges may be issued upon verifying the user's personal information and updating the database as necessary.

5.   Minimizing Burden to Small Entities

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

6.   Consequences of Less Frequent Collection

This information is collected only when the public user accesses the public facilities at the USPTO or when the user registers for a training class. The information for the online access cards and security identification badges is collected only once, on the first visit, and allows subsequent visits while the user's card and badge are valid. Obtaining a security identification badge will allow users to access the public facilities without having to manually sign in each time they enter. Annual renewal of the access card or security badge, or replacement when necessary, requires validating and updating the minimum information as necessary in order to maintain the user records.

If the information for online access cards and security identification badges were not collected, public access to accurate and complete search collections would be at risk and the USPTO would not be able to identify and contact users who abuse their search privileges. Therefore, this collection of information could not be conducted less frequently.

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 December 23, 2008 (73 Fed. Reg. 78726). The public comment period ended on February 23, 2009. 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 required to provide the information required under this program.

9.   Payments or Gifts to Respondents

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

10.   Assurance of Confidentiality

Due to the fact that personal information, such as personal addresses and telephone numbers, is collected, and that a digital photograph of the user is taken and stored in a database, this information collection has been examined under the Privacy Act. An amended Privacy Act System of Records Notice entitled "PAT/TM-14 Users of Public Facilities of the Patent and Trademark Office" for the public user identification system was published in the *Federal Register* on December 28, 1999 (64 Fed. Reg. 72640). An additional Privacy Act System of Records Notice entitled "PAT/TM-18 USPTO Identification and Security Access Control Systems" for security identification badges for individuals who access USPTO facilities was published in the *Federal Register* on December 14, 2004 (69 Fed. Reg. 74502).

Records for public users are kept in secured premises with physical and electronic access to the information limited to staff members whose official duties require it. The information is available to the extent required by law and as allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Personal addresses, personal telephone numbers, and the digital photographs are kept confidential; business addresses or telephone numbers could be provided in response to a FOIA request. Completed user training forms are retained and organized by class date, not by name or other personal identifier.

11.   Justification for Sensitive Questions

The identifying information being collected is necessary in order to issue a unique online access card for public search facility users and a photo identification badge for access to the public facilities of the USPTO. The photograph of the user is considered essential for visually confirming that the security badge is being used by the individual to whom it was issued. Digitally-stored photographs have become a basic part of all identification badges and have been used for several years in similar systems such as the Reader Identification Card at the Library of Congress. The online access cards issued by the Public Search Facility and the identification badges issued by the Office of Security at the USPTO are necessary in order to protect the integrity of the patent and trademark collections and maintain proper physical security at the USPTO facilities.

12.   Estimate of Hour and Cost Burden to Respondents

Table 2 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 10,500 responses per year for this collection, as shown in Table 2 below.

- **Burden Hour Calculation Factors**
  The USPTO estimates that it will take the public approximately five to ten minutes (0.08 to 0.17 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting 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 attorneys in private firms as published in that report. In addition to attorneys, the USPTO also expects paraprofessionals with an estimated rate of $100 per hour to respond to this collection. The USPTO estimates that approximately 1/3 of the users responding to this collection are attorneys and 2/3 are paraprofessionals. Using 1/3 of the professional rate of $310 per hour for attorneys and 2/3 of the paraprofessional rate of $100 per hour, the estimated rate for respondents to this collection is approximately $170 per hour. This is a fully-loaded hourly rate.

Table 2: Burden Hour/Burden Cost to Respondents for Public User ID Badging

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate ($/hr) (d)	Total Cost ($/yr) (e) (c) x (d)
Application for Public User ID (Online Access Card) (PTO-2030)	0.08	2,553	204	$170.00	$34,680.00
Issue Online Access Card	0.17	2,282	388	$170.00	$65,960.00
Renew Online Access Card	0.08	1,126	90	$170.00	$15,300.00
Replace Online Access Card	0.08	165	13	$170.00	$2,210.00
User Training Registration Forms	0.08	74	6	$170.00	$1,020.00
Security Identification Badges for Public Users (PTO-2224)	0.08	1,000	80	$170.00	$13,600.00
Renew Security Identification Badges for Public Users	0.08	3,200	256	$170.00	$43,520.00
Replace Security Identification Badge	0.08	100	8	$170.00	$1,360.00
Totals	. . . . .	**10,500**	**1,045**	. . . . .	**$177,650.00**

13.   Total Annualized Cost Burden

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

There are no application or renewal fees for online access cards or security identification badges. However, there is a $15 fee for issuing a replacement security identification badge. The USPTO estimates that it will reissue approximately 100 security badges annually for those that have been lost or need to be replaced, for a total of $1,500 per year in replacement fees.

The public training course fee is being deleted from this collection. However, there is a $120 fee for users who request private instruction for the online search systems available at the Public Search Facility. The USPTO estimates that it will receive four registrations for individual instruction per year, for a total of $480 in training fees. Therefore, this collection has a total of $1,980 per year in fees in the form of security badge replacement fees and training registration fees.

Users may incur postage costs when submitting a user training registration form to the USPTO by mail. The USPTO expects that approximately four of the estimated 74 training forms received per year will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed training form will be 42 cents, for a total postage cost of approximately $2 per year for this collection.

The total annual (non-hour) respondent cost burden for this collection in the form of fees ($1,980) and postage costs ($2) is estimated to be $1,982 per year.

14.   Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-8, step 1 employee approximately five minutes (0.08 hours) to process an application for an online access card, to issue the online access card, to process a renewal or replacement card, or to process a user training registration form. The current hourly rate for a GS-8, step 1 employee is $21.87. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-6, step 6 employee is $28.43 ($21.87 + $6.56).

The USPTO estimates that it takes a GS-6, step 3 employee approximately five minutes (0.08 hours) to process and issue a new security identification badge for public users. Processing a renewal or replacement badge takes approximately one minute (0.02 hours). The current hourly rate for a GS-6, step 3 employee is $18.95. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-6, step 3 employee is $24.64 ($18.95 + $5.69).

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

Table 4: Burden Hours/Burden Costs to the Federal Government for Public User ID Badging

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate ($/hr) (d)	Total Cost ($/yr) (e) (c) x (d)
Application for Public User ID (Online Access Card)	0.08	2,553	204	$28.43	$5,800.00
Issue Online Access Card	0.08	2,282	183	$28.43	$5,203.00
Renew Online Access Card	0.08	1,126	90	$28.43	$2,559.00
Replace Online Access Card	0.08	165	13	$28.43	$370.00
User Training Registration Forms	0.08	74	6	$28.43	$171.00
Security Identification Badges for Public Users	0.08	1,000	80	$24.64	$1,971.00
Renew Security Identification Badges for Public Users	0.02	3,200	64	$24.64	$1,577.00
Replace Security Identification Badge	0.02	100	2	$24.64	$49.00
Total	- - - - -	**10,500**	**642**	- - - - -	**$17,700.00**

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

This collection was approved by OMB in June 2006 with a total of 11,369 responses and 1,097 burden hours per year. For this renewal, the USPTO estimates that the total annual responses will be 10,500 and the total annual burden hours will be 1,045, which is a decrease of 869 responses and 52 hours from the currently approved burden for this collection. This net decrease in burden hours is due to program changes and administrative adjustments.

This collection was previously approved with a total annual (non-hour) cost burden of $4,152. The USPTO estimates that the proposed changes to this collection will result in a decrease of $2,170 in total annual (non-hour) costs, from $4,152 to $1,982. The net decrease in annual costs is due to program changes and administrative adjustments.

Change in Respondent Cost Burden

This collection was approved by OMB in June 2006 with an estimated total respondent cost burden of $163,453 per year. That submission used an estimated rate of $149 per hour for respondents based on 1/3 of respondents as attorneys at $286 per hour and 2/3 of respondents as paraprofessionals at $81 per hour. For this renewal, the USPTO has updated the estimated rates to $310 per hour for attorneys and $100 per hour for paraprofessionals, resulting in a weighted average of $170 per hour for respondents using the same ratio of attorneys and paraprofessionals from the previous submission. Despite the decrease in total burden hours for this collection from 1,097 to 1,045, the increased hourly rate leads to an increase of $14,197 in total respondent cost burden to $177,650.

Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the annual responses for this collection will decrease by 869, from 11,369 to 10,500 responses per year. Consequently, the USPTO estimates that the total annual burden hours will decrease by 52, from 1,097 to 1,045 hours per year. This net decrease in burden hours is due to program changes and administrative adjustments, as follows:

- The USPTO is adjusting the estimated annual responses for Applications for Public User IDs (Online Access Cards) to 2,553, a decrease of 398 from the previous estimate of 2,951. **Therefore, this collection takes a burden decrease of 32 hours as an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for Issuing Online Access Cards to 2,282, an increase of 307 from the previous estimate of 1,975. **Therefore, this collection takes a burden increase of 52 hours as an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for Renewing Online Access Cards to 1,126, a decrease of 849 from the previous estimate of 1,975. **Therefore, this collection takes a burden decrease of 68 hours as an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for Replacing Online Access Cards to 165, an increase of 95 from the previous estimate of 70. **Therefore, this collection takes a burden increase of 7 hours as an administrative adjustment.**

- The USPTO is adjusting the estimated annual responses for User Training Registration Forms to 74, a decrease of 24 from the previous estimate of 98. The estimated time per response has also been reduced from ten to five minutes due to the elimination of payment information from the forms. As a result, the total estimated burden hours for this item has decreased from 17 hours to 6 hours, primarily due to the reduced time per response. **Therefore, this collection takes a burden decrease of 11 hours as a program change.**

- The USPTO is maintaining the previous estimated annual responses and burden hours for new Security Identification Badges for Public Users, Renewals of Security Identification Badges, and Replacement Security Identification Badges for this collection renewal. Therefore, there is no change in burden for these items.

In sum, this information collection has a net decrease of 52 hours, with a decrease of 11 hours due to program changes and a decrease of 41 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 decrease by $2,170, from $4,152 to $1,982 per year. The net decrease in total annual (non-hour) costs is due to program changes and administrative adjustments, as follows:

- This collection is currently approved with $1,500 in fees for replacement security badges. The USPTO estimates that total fees for replacement badges will remain approximately the same for this renewal.

- This collection is currently approved with $2,640 in fees for user training registration, which includes a total of $2,400 in fees for public courses and $240 for private instruction. The USPTO has eliminated the fee for public courses and estimates that total fees for private instruction will be $480 per year, an increase of $240 over the previous estimate. **Therefore, this collection takes a burden decrease of $2,400 as a program change and an increase of $240 as an administrative adjustment.**

- This collection is currently approved with $12 in postage costs from customers submitting user training registration forms. Due primarily to the decrease in the estimated number of training registrations submitted by mail, the USPTO estimates that total postage costs for user training forms will decrease to $2 per year. **Therefore, this collection takes a burden decrease of $10 in postage costs as an administrative adjustment.**

In sum, this information collection has an annual (non-hour) cost burden of $1,982, with $1,980 in fees and $2 in postage costs. **Therefore, this collection has a net decrease of $2,170 in annual (non-hour) cost burden, with a decrease of $2,400 due to program changes partially offset by a net increase of $230 due to administrative adjustments.**

[Note: The previously approved estimate of $4,152 in annual costs for this collection is listed as $4,000 in the current inventory system. The $152 difference is due to rounding the estimate to the nearest thousand dollars in order to accommodate the legacy inventory system. This rounded figure was carried over when the legacy data was migrated to the current inventory system. Consequently, the net annual cost burden decrease of $2,170 for this collection is displayed as a decrease of $2,018 in the current inventory system in order to compensate for the previously rounded figure and to result in the new annual cost burden of $1,982 for this collection as described above.]

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

REFERENCES

A. The USPTO Information Quality Guidelines
B. Application for Public User ID (Online Access Card) (PTO-2030) and Conduct in Public Information Facilities
C. User Training Registration Forms for EAST/WEST and X-Search
D. Security Identification Badges for Public Users (PTO-2224)