

**SUPPORTING STATEMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
Customer Panel Quality Survey
OMB Control Number 0651-0057**

A. JUSTIFICATION

1. Necessity of Information Collection

For the past 10 years, the United States Patent and Trademark Office (USPTO) has used surveys to obtain customer feedback regarding the products, services, and related service standards of the USPTO. The USPTO has used the results from these surveys to measure how well the agency is meeting established customer service standards, to identify any disjoints between customer expectations and USPTO performance, and to develop improvement strategies. Typically, these surveys asked customers to express their satisfaction with the USPTO's products and services based upon their interactions with the agency as a whole over a 12-month period.

In order to obtain further data concerning customer ratings of the USPTO's services, service standards, and performance, the USPTO developed the Customer Panel Quality Survey. This survey narrows the focus of customer satisfaction to examination quality. The USPTO partners with Westat, an independent research firm, to administer the Customer Panel Quality Survey.

This survey uses a longitudinal, rotating panel design to assess changes in customer perceptions and to identify key areas for examiner training and opportunities for improvement. All patent agents and attorneys who have been registered to practice before the USPTO for longer than one year and who belong to a firm that has filed more than six patents in the past year will be eligible for the study. The study will also include independent inventors who have filed six or more patents in the past year. The USPTO will draw a random sample of these customers from their database. Due to the rotating panel design, some sample members will be surveyed twice in order to measure change over a period of time. Each year of the survey will include two waves of data collection.

The USPTO plans to survey individuals from large domestic corporations (including those with 500+ employees), small and medium-size businesses, universities and other non-profit research organizations, and independent inventors. The USPTO does not plan to survey foreign entities.

This is a voluntary survey and all responses will remain confidential. The collected data will not be linked to the respondent and contact information that is used for sampling purposes will be maintained in a separate file from the quantitative data. Respondents are not required to provide any identifying information such as their name, address, or Social Security Number.

There are no statutes or regulations requiring the USPTO to conduct these customer surveys. The USPTO uses surveys to implement Executive Order 12862 of September 11, 1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (Volume 58, Number 176).

2. Needs and Uses

The Customer Panel Quality Survey is primarily a mail survey, although respondents also have the option to complete the survey electronically on the web. The content of the two versions of the survey will be identical. Respondents can choose whether to mail the completed survey back to the USPTO's survey contractor (Westat) or respond to the survey online through Westat's secure website.

A pre-notification letter describing the study and asking for participation will be sent to all sample members. An example of this pre-notification letter is provided in this submission (Ref. A). This letter will be followed in 2-3 business days by a survey packet containing the questionnaire, a separate cover letter prepared by the Commissioner of Patents that explains the purpose of the survey, and a postage-paid, pre-addressed return envelope. Instructions for completing the survey electronically will also be included in the packet. These instructions will include details for accessing the survey online through Westat's website and provide a username, password and 5-digit survey ID number that respondents will need to access the electronic survey. One week after the survey mailing, a reminder/thank you postcard will also be mailed to all sample members. An example of this card is provided in this submission (Ref. B).

One week after the reminder/thank you postcard is sent, all sample members who have not completed the survey will receive a follow-up nonresponse prompting telephone call. The primary purpose of these phone calls is to remind nonrespondents of the survey date and to answer any questions that they may have concerning the survey. Because these calls are intended as prompting calls, messages will be left if respondents are not available. Westat will not make repeated phone calls if a message was left on an answering machine or with a receptionist/secretary, etc. The Westat telephone staff will encourage survey nonrespondents to complete the survey using the web option in order to expedite completion of the survey. The survey nonrespondents will not be asked to complete the survey over the telephone with the Westat telephone staff since this survey is not intended to be administered over the telephone. A suggested script has been developed to ensure that all of the staff conducting the follow-up phone calls ask the same questions, in the same manner (Ref. C).

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 (See Ref. D, the USPTO Information Quality 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. The mail and online versions of the survey are exactly the same, so a separate copy of the online version has not been included in this submission.

Table 1: Needs and Uses of Information Collected from the Customer Panel Quality Survey

Form and Function	Form #	Needs and Uses
Customer Panel Quality Survey (paper and electronic survey) (Ref. E)	No Form Associated	<ul style="list-style-type: none"> • Used by individuals who work at firms that file more than 6 patent applications a year to provide the USPTO with their perceptions of examination quality. • Used by the USPTO to gather feedback to assist them in targeting key areas for examination quality improvement and identify important areas for examiner training.

3. Use of Information Technology

Currently, the USPTO does not generally use mechanical or other technological collection techniques to collect responses to surveys. However, those respondents who choose to respond to the Customer Panel Quality Survey can do so electronically. Although the Customer Panel Quality Survey is primarily a mail survey, the USPTO has expanded it to be a combined paper and Internet format. Respondents can choose to mail their survey to Westat, or they can provide their responses electronically over the Internet. The cover letter that accompanies the survey provides the web survey URL, instructions for completing the survey online through the survey contractor's (Westat's) secure website, and the username and password for the survey.

At this time, the USPTO does not plan to disseminate any of the information collected from the surveys electronically. As more of these surveys are conducted, the USPTO will reevaluate whether this would be beneficial. The USPTO may choose to share particular findings with customers through normal communication vehicles such as lectures and general office publications, but there are no plans for a survey-specific formal report to be distributed to respondents or the public at large.

4. Efforts to Identify Duplication

This information is collected only when sampled respondents at organizations who file more than six patents a year respond to the Customer Panel Quality Survey. Currently, there are no available methods to gather the type of information proposed by this survey directly from USPTO customers. The survey questions relate directly to customers' perceptions of examination quality, as well as information about the customers' frequency of contact with the USPTO. This information is not generally available from other sources and is not collected elsewhere. Therefore, this collection does not create a duplication of effort.

5. Minimizing the Burden to Small Entities

In an effort to minimize burden, the number of questions are limited to the minimum required to obtain useful information. All sizes of businesses and individual customers will participate in these various surveys to accurately portray customer requirements and service quality.

It is important to include small businesses in these surveys because the USPTO wants to encourage their use of the patent systems. However, as the sample selection is designed to include individuals located at top-filing firms, small businesses will only be included in the sample if they submit more than six patent applications a year. Furthermore, the sampling rate for individuals working at businesses submitting a higher number of patent applications per year (i.e., more than 40) is greater than for individuals working at businesses who submit a lower number of patent applications a year. Under this sampling design, the Customer Panel Quality Survey sample will primarily concentrate upon individuals at large, top-filing organizations.

6. Consequences of Less Frequent Collection

The information collected from the Customer Panel Quality Survey is needed on a semi-annual basis so that the USPTO can identify problems with examination quality and work to resolve these issues in a timely manner. Timely, valid information on customer assessment of the USPTO's performance is needed in order for the USPTO to accomplish these measures. While the survey was initially conducted on a quarterly basis, in order to reduce costs to the Federal Government, and based on the current use of the survey data and ability of the USPTO to implement changes, a semi-annual collection was adopted for this clearance submission. If this information was collected less frequently, the USPTO would not be able to generate a reliable measure of examination quality on a continuing basis.

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 Federal Register Notice was published on March 27, 2009 (74 Fed Reg. 13421). The public comment period ended on May 26, 2009. No comments from the public were received.

In addition, there have been no comments from the corporations/businesses, law firms, educational institutions, and independent inventors frequently interviewed through these types of surveys concerning the time required to provide the information requested in the Customer Panel Quality Survey.

Finally, no specific feedback was solicited from the Patent Public Advisory Committee, but they were briefed on the USPTO's intentions with the Customer Panel Quality Survey. No objections were raised by the Committee. Experts contracted to assist the agency in strategic planning efforts commented on the survey plan as it relates to addressing the USPTO's quality initiatives, and the agency made some minor adjustments to the survey plan to reflect those comments.

9. Payment or Gifts to Respondents

This information collection does not involve a payment or gift to any respondent. This survey is voluntary, so the respondent is not required to answer the questions.

10. Assurance of Confidentiality

Data collected from the surveys will not be linked to the respondents in any way. All contact information collected from the questionnaire will be maintained in a separate electronic file from the quantitative and qualitative data. At the end of the data collection, three files will be maintained by the survey contractor (Westat). One file will contain respondent contact information and will establish a current and continuous sample file for use in future survey administrations. The second file will contain the aggregate quantitative data and will be delivered to the USPTO. The third file will contain the qualitative data generated from the one open-ended survey item: this data will consist of verbatim text written by the survey respondent. Once the three files are created, respondent information will not be realigned with the data collected.

Applicants can also choose to complete their survey online through Westat's website. A generic username and password is needed to access the survey. Additionally, each respondent is assigned a unique 5-digit identification number. The username, password, and survey ID numbers are generated by Westat and provided to the respondent in the prenotification letter and the cover letter that is sent with the mail survey.

The web survey will operate on a Windows server 2003 running Internet Information Servicer version 6.0 with an underlying SQL server 2000 database. The survey will be protected with Secure Sockets Layer (SSL0, which allows respondents to submit survey responses privately and securely.

Respondents will have the option of providing Westat with their e-mail address upon completion of both the mail and online versions of the survey. Respondents may be selected no more than twice to participate in the survey during the field period. Due to the panel design of the Customer Panel Quality Survey, respondents may be selected to complete this survey more than once. If respondents choose to provide Westat with their e-mail address, they will receive future survey mailings by e-mail, should they be selected in a subsequent wave of data collection. This e-mail address will be appended to the file of respondent contact information.

The Customer Panel Quality Survey is protected under the Confidential Information Protection and Statistical Efficiency Act of 2002. All survey data will be destroyed at the end of the project.

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 2 displays the burden hours and costs of this information collection to the public for each year of the study, based on the following calculation factors:

- **Respondent Calculation Factors**

Out of a sample size of 2,842 for each wave of data collection, the USPTO estimates that 1,193 completed surveys will be received, for a response rate of 42%. This estimate was based on the response rates of the previous survey waves that the USPTO has conducted. Each year of the survey will include two waves of data collection with an estimated 2,386 completed surveys received annually (1,193 completed surveys x 2 waves of the survey). Of this total, the USPTO estimates that 30% (716) of the surveys will be returned by mail and that 70% (1,670) of the surveys will be completed using the online option.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes approximately ten minutes (0.17 hours) to complete either the paper or online version of this survey. This includes the time to gather the necessary information, respond to the survey, and submit it to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO believes that patent attorneys will complete these surveys. The professional rate of \$310 per hour used in this submission to calculate the respondent cost burden is the median rate for attorneys in private firms as published in the 2007 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). This report summarized the results of a survey with data on hourly billing rates. This is a fully-loaded rate.

Table 2: Burden Hour/Burden Cost to Respondents (Year One)

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Customer Panel Quality Survey	0.17	716	122	\$310.00	\$37,820.00
Electronic Customer Panel Quality Survey	0.17	1,670	284	\$310.00	\$88,040.00
Total	- - - -	2,386	406	- - - -	\$125,860.00

13. Total Annualized Cost Burden

There are no capital start-up, maintenance, operation, or recordkeeping costs associated with this information collection. Respondents do not need to submit filing fees with these surveys. The USPTO provides postage-paid, pre-addressed return envelopes for the completed mail surveys so there are no postage costs associated with this information collection. Therefore, this information collection does not impose any additional annual (non-hour) costs on the respondent.

14. Annual Cost to the Federal Government

The USPTO has hired a contractor to conduct the Customer Panel Quality Survey, so this survey is not conducted or processed by USPTO personnel. The USPTO estimates that the contractor (Westat) will spend about \$131,468 per wave of data collection, or \$262,936 per year. These costs include developing, conducting, and processing the survey. This estimate includes various tasks such as processing the related survey correspondence, performing data entry tasks, sampling, analyzing the data gathered, and preparing reports on the findings. This estimate also includes all labor costs and other direct costs. This is a significant cost reduction from the initial two years of data collection. In addition to cutting the survey down from 4 waves per year to 2, per wave costs have been reduced by 40% since many of the start-up tasks, such as web site and analysis programming, are already developed and functional.

15. Reason for Change in Burden

Summary of Changes Since the Previous Submission

The OMB approved this information collection on October 2, 2006 with 3,168 responses and 539 burden hours. There are no annualized (non-hour) costs for this collection. With this renewal, the USPTO estimates that the total burden for this collection will be 2,386 responses and 406 burden hours. This is a decrease of 782 responses and 133 burden hours over the currently approved burden for this collection. The decreases in the responses and burden hours are due to program changes.

Changes in Burden Estimates Since the 60-Day Federal Register Notice

In the 60-Day Federal Register Notice published on March 27, 2009 for this renewal, the USPTO reported that this collection would have an estimated 3,168 responses and 539 burden hours. The USPTO did not expect that the burden for this collection would change from the last submission. However, since the publication of the notice, the USPTO reviewed the survey particulars and decided to change the frequency of this survey. In the currently approved collection, the Customer Panel Quality Survey is conducted on a quarterly basis. With this renewal, however, the USPTO has decided to conduct the survey semi-annually. This change is based on how the USPTO uses the survey data and on the agency's ability to implement changes suggested by the survey

results. Conducting the survey semi-annually will also reduce the costs to the Federal Government.

The USPTO now estimates that the responses and burden hours for this renewal will be 2,386 and 406, respectively, which is a reduction of 782 responses and 133 burden hours per year.

Changes in Respondent Cost Burden

Although the estimated hourly rates used to calculate the respondent cost burden have actually increased since the last submission, the overall respondent cost burden has decreased since the USPTO will not be conducting this survey quarterly. The USPTO believes that the Customer Panel Quality Survey will be completed by attorneys. In the previous submission, the hourly rate used was \$304. Based on the median rate published in the 2007 report of the Committee on Economics of Legal Practice of the AIPPLA, this rate has increased to \$310 per hour. The total respondent cost burden for the currently approved collection is \$163,856. With this renewal, the USPTO estimates that the total respondent cost burden will decrease by \$37,996, to \$125,860 per year.

Changes in Responses and Burden Hours

The USPTO estimates that the number of surveys submitted for this collection will decrease by 782, from 3,168 to 2,386 responses. As a result, the USPTO believes that the total burden hours for this collection will decrease by 133 hours, from 539 to 406 burden hours. These decreases are the result of program changes:

- Originally, the Customer Panel Quality Survey was conducted on a quarterly basis. However, based on the USPTO's current use of the survey data, the agency's ability to implement changes based on the survey responses, and to reduce costs to the Federal Government, the USPTO has decided to conduct the survey semi-annually. Additionally, the USPTO believes that fewer individuals will decide to complete the mail survey than was previously estimated. In the currently approved collection, the USPTO estimates that 70% of the surveys will be returned by mail; for this renewal, the USPTO now estimates that only 30% will be returned by mail. Based on these factors, the USPTO estimates that the number of surveys returned by mail will decrease by 1,502 responses, from 2,218 to 716 responses per year. This in turn will reduce the burden by 255 burden hours, from 377 to 122 burden hours per year. **Therefore, this collection takes a burden decrease of 255 hours as a program change.**
- The USPTO believes that the number of surveys completed electronically will increase, despite the overall decrease in the survey submissions. In the currently approved collection, the USPTO estimated that 30% of the surveys would be completed electronically. For the renewal, the USPTO believes that 70% of the surveys will be completed electronically. Since the USPTO believes that more of the surveys will be submitted electronically, the agency estimates that the

electronic submissions will increase by 720 responses, from 950 to 1,670 responses per year. In turn, the USPTO estimates that the burden hours will increase by 122 hours, from 162 to 284 burden hours per year. **Therefore, this collection takes a burden increase of 122 hours as a program change.**

The USPTO estimates that the total burden for this collection will be reduced by 133 hours, from 539 to 406 burden hours per year. The USPTO estimates that this collection will have an increase of 122 hours and a reduction of 255 hours resulting from program changes, for a total reduction of 133 burden hours per year. **Therefore, the USPTO estimates that this collection has a total burden reduction of 133 hours per year resulting from program changes.**

16. Project Schedule

The USPTO does not plan to publish this information for statistical use.

After each wave of data collection is completed, a report summarizing the results of the survey will be prepared by the USPTO's contractor. At the end of each year of data collection, a more in-depth summary report will be prepared by Westat to discuss changes in examination quality across the waves of data collection. The primary audience of this report is the USPTO.

The primary goal is to measure change in examination quality over a fixed period of time. Respondents will be asked to evaluate their perceptions of examination quality and their recent interactions with the USPTO.

The USPTO estimates a start date of January 1, 2010, for the various activities related to the renewed Customer Panel Quality Survey. A projected schedule for the initial survey under this clearance is provided below:

Wave 12 (January 2010)

Task	Due Date
Assemble pre-notification letters and survey booklet packages	Week of January 4th
Launch CPQS web survey	Monday, January 11th
Mail pre-notification letters	Monday, January 11th
Mail survey booklet packages	Monday, January 18th
Mail reminder postcards	Monday, February 1st
Send e-mail reminder	Monday, February 1st

Begin telephone non-response prompting	Monday, February 8th
Close data collection	Monday, March 1st
Deliver Quarterly report to USPTO	Monday, March 22nd

17. Display of Expiration Date of OMB Approval

The Customer Panel Quality Survey includes 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.

List of References

- A. Pre-notification letter
- B. Thank you/Reminder postcard
- C. Suggested Script for Prompting Telephone Calls
- D. The USPTO Information Quality Guidelines
- E. Customer Panel Quality Survey (paper and electronic survey)