

**OMB Clearance Request
for the
Ombudsman Pilot Program Survey**
(August 18, 2010)

A. Survey Background

The United States Patent and Trademark Office (USPTO) designed and developed the Patents Ombudsman Program in response to customer feedback that the prosecution of patent applications does not always proceed in accordance with established procedures. In some situations, the patent applicants, attorneys, and agents have felt that examination has stalled and their efforts to move their applications forward through the normal channels have not been effective. The objectives of the Patents Ombudsman Program are: (1) to facilitate complaint-handling for pro se applicants and applicant's representatives whose applications have stalled in the examination process; (2) to track complaints to ensure each is handled within ten business days; (3) to provide feedback and early warning alerts to USPTO management regarding training needs based on complaint trends; and (4) to build a database of frequently asked questions accessible to the public that give commonly seen problems and effective resolutions.

Implementation of the program is scheduled for Spring 2010. The program will be piloted for a one-year period. After the one-year period, the USPTO may extend the pilot program based on a comprehensive process evaluation.

B. Survey Purpose

The proposed survey is a key component of the process evaluation, providing a program monitoring system and identifying potential opportunities for program enhancement. This survey is being conducted by the USPTO's Ombudsman Program and will be developed, administered, and summarized by USPTO personnel. A survey is the only way the USPTO can gain consistent, reliable, and representative information from the customers choosing to use the Ombudsman Program. The USPTO will use the data gathered from the survey to address the questions of whether to continue the program, and if it is to be continued, what modifications need to be made to increase its effectiveness. The USPTO also envisions using data collected from this initial survey as baseline metrics for comparison in any future process or summative evaluations of the program.

There are no statutes or regulations requiring the USPTO to conduct this usage and satisfaction measurement. The USPTO will use the survey instrument to implement Executive Order 12862 of September 11, 1993, *Setting Customer Service Standards*, published in the *Federal Register* on September 14, 1993 (Vol. 58, No. 176).

C. Survey Design

The Ombudsman Program Survey is a voluntary survey. Due to the nature of customer use of the system and lack of e-mail addresses, the survey will be a mail-based survey. The USPTO believes this will be a one-time assessment of current user activities, needs, and satisfaction levels.

A survey packet containing a cover letter, a one-page questionnaire, and a postage-paid pre-addressed return envelope will be mailed to potential respondents.

The survey questionnaire will be designed for completion in five (5) minutes and contain the following questions:

- How satisfied were you with the following:
 - Receiving prompt response from the Ombudsman Office after your initial inquiry?
 - Timeliness of USPTO in addressing the issue raised to the Ombudsman Office?
 - Ability of the Ombudsman Office to put you in contact with the right USPTO personnel responsible for facilitating your inquiry?
 - Ease of use of the program for initiating an inquiry?
 - Overall satisfaction with the Ombudsman Program?

[Scale used: Very Dissatisfied; Dissatisfied, Neutral; Satisfied; Very Satisfied]

- How likely are you to recommend the Ombudsman Program to other USPTO customers that have issues similar to your?

[Scale used: Definitely Would Not; Probably Would Not; May or May Not; Probably Would; Definitely Would]

Only limited demographic data will be collected:

- How many inquiries have you initiated with the Ombudsman Office?
[One (1); Two (2); Three or More (3+)]
- Please indicate in which Technology Field the majority of your inquiries were made:

[Chemical (TCs 1600/1700); Electrical (TCs 2100/2400/2600/2800); Mechanical (TCs 3600/3700); Designs (TC 2900)]

D. Respondent Pool

The respondent pool covers all customers that request the Ombudsman Program's assistance in facilitating the examination of a patent. The USPTO expects 200-250 actual users of the Ombudsman Program per week during the pilot period. It is unknown how many unique customers there will be during the one-year pilot period. Program users will be sampled only once regardless of the number of times they used the program. The sampling frame will be constructed by extracting all records in the Ombudsman database and then subjecting it to a matching program to identify repeat users. Customers' first usage of the system will be identified as the primary record and all duplicate records will be removed before the sample selection process. The survey instrument will collect data regarding the number of inquiries made by each customer for any post-stratification needs.

The respondent pool for this survey does not cover non-users of the program since use of the Ombudsman Program is not necessary for the examination of a patent. The evaluation is focused on the process from the users' perspective. If necessary, the USPTO will use other avenues to address questions of why some customers use the system and others do not.

E. Sampling Method

It is unknown how many customers will be repeat users of the system, but the population of unique customers will be large enough to warrant random sampling to make inferences for the population as a whole. Dependent on the population size of the users, a random sample will be generated to ensure 95% confidence level with a sampling error of +/-5% for survey findings. To achieve this accuracy level, the maximum number of completed surveys needed is 384. Assuming a 60% response rate, at most 640 users ($384/0.60$) will be sampled. If the population is small enough that the finite population correction factor can be used, the sample size will be slightly smaller.

F. Collection Procedures

The surveys will be mailed to program users. The mailing address will be gathered from the contact information associated with the patent application in question. The survey packets will contain a postage-paid return envelope for use in returning the completed survey. The survey period will be open for a period of five (5) weeks. Customers that do not respond within the initial 3 weeks (allowing for returns to be processed) will receive a second survey package requesting participation.

G. Expected Response Rate

The USPTO has not conducted a survey on patent customers that use an optional mechanism for advancing prosecution and does not have an accurate baseline for estimating the response rate of this survey. However, the USPTO has surveyed its customers in the past on different topics, and given the nature of the close personal

contact with the office for this project plus the brevity of the questionnaire, the USPTO is estimating a response rate of 60%.

The USPTO believes that both professionals and paraprofessionals will complete these surveys, at a rate of 75% of the current professional rate of \$325 per hour and 25% of the para-professional rate of \$100 per hour. The professional hourly rate used for the calculation is the median rate for attorneys in private firms as published in the 2009 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This report summarized the results of a survey with data on hourly billing rates. The para-professional hourly rate comes from the 2008 National Utilization and Compensation Survey, published in March 2008 by the National Association of Legal Assistants (NALA). The hourly rate for professionals, calculating 75% of \$325, totals \$244, while the hourly rate for the para-professionals, calculating 25% of \$100, totals \$25, for a combined hourly rate of \$269.

The USPTO estimates that the respondent cost burden for this collection will be \$8,608 per year (384 responses * 0.083 hrs per response * \$269). These are fully loaded rates.

H. Follow-up Procedures Employed

Sampled customers not responding within the initial three (3) weeks will be sent a second survey package seeking their participation. There will not be any additional follow-up conducted for this survey.

I. Assurance of Confidentiality

The data collected from this survey will be confidential. Responses will be used to compile summary statistical reports only. The USPTO will only report the aggregated data and the frequency of responses, not the individual responses or comments about the survey. Assurances will be included on the survey form and in the cover letter. The survey is voluntary and is not mandated by law. The survey forms will be retained per the USPTO's record retention schedule.

J. Analysis Plan

In addition to generating descriptive statistics such as frequencies and variances of each survey item, bivariate correlations will be generated to identify relationships between variables. Quantitative analyses are conducted using SPSS® software. Summary and analysis programs are performed in batch mode using SPSS® command syntax created prior to the close of data collection to ensure timely release of survey data. Ad-hoc and exploratory analyses are performed as needed throughout the analysis and reporting period. Survey reporting will be primarily limited to frequencies and cross-tabulations of survey items against demographic variables (frequency of use and technology fields). Any perceived differences will be tested for statistical significance using methods appropriate for the data collected (Chi Square, z-tables, etc.).