

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Admittance to Practice and Roster of Registered Patent**  
**Attorneys and Agents Admitted to Practice Before the**  
**United States Patent and Trademark Office (USPTO)**  
**OMB CONTROL NUMBER 0651-0012**  
**May 2010**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

This collection of information is required by 35 U.S.C. 2(b)(2)(D), which permits the United States Patent and Trademark Office (USPTO) to establish regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the USPTO. This statute also permits the USPTO to require information from applicants that shows that they are of good moral character and reputation and have the necessary qualifications to assist applicants with the patent process and to represent them before the USPTO.

The USPTO administers the statute through 37 CFR 1.21, 10.14, 10.170, 11.5-11.14 and 11.28. These rules address the requirements to apply for the examination for registration and to demonstrate eligibility to be a registered attorney or agent before the USPTO. The Office of Enrollment and Discipline (OED) collects information to determine the qualifications of individuals entitled to represent applicants before the USPTO in the preparation and prosecution of applications for a patent. The OED also collects information to administer and maintain the roster of attorneys and agents registered to practice before the USPTO. Information concerning registered attorneys and agents is published by the OED in a public roster that can be accessed through the USPTO web site.

The information in this collection is used by the USPTO to review applications for the examination for registration and to determine whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

*NOTE that the USPTO is approved to collect a fee under 37 CFR 11.8 and is seeking continued approval to collect that fee. The USPTO has not implemented the changes from that final rule or the new information collection activities associated with that rulemaking; however, we continue to include the estimates of that burden in this request. The USPTO at this time is not collecting that fee but is retaining an estimated burden for the fee collection. If the agency chooses to begin collecting the fee, it will inform the public.*

*PLEASE NOTE ALSO that the USPTO is requesting continued approval for items currently approved but not collected that are associated with 37 CFR 11.13 and were*

introduced as collection items on June 24, 2004 by the final rule 0651-AB55, *Changes to Representation of Others Before the United States Patent and Trademark Office* (60 Fed.Reg. 35428). The Office of Management and Budget (OMB) has previously approved the collection of these items. The USPTO has not implemented the changes from that proposed rule or the new information collection activities associated with that rulemaking; however, we continue to include the estimates of that burden in this request.

*If the agency determines that it will not implement the Rule and/or determines that the fee under 37 CFR 11.8 will never be collected, the agency will request a removal of the burden estimates from this collection.*

Five new items are being introduced since the last approval:

Two new items with an associated form:

- PTO-158T Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent, and
- PTO-158LS Application for Registration in the USPTO Law School Program for Law Student to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c).

Three new items with no associated form:

- Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions);
- Electronic change of address submissions,
- Record keeping costs (a copy of every document submitted to OED in connection with an application for registration).

Table 1 identifies the proposed statutory and regulatory provisions that require the USPTO to collect this information:

**Table 1: Information Requirements for Attorneys and Agents Registered to Practice Before the USPTO**

Requirement	Statute	Rule
<b>ITEMS FOR WHICH FEES CURRENTLY ARE COLLECTED</b>		
Application for Registration to Practice Before the United States Patent and Trademark Office	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6 and 11.7
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident	35 U.S.C. 2(b)(2)(D)	37 CFR 11.6(c) and 11.7
Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent	35 U.S.C. 2(b)(2)(D)	37 CFR 11.14(c)
Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.14(c)

Registration Examination to Become a Registered Practitioner	35 U.S.C. 2(b)(2)(D)	37 CFR 11.7(b)(1)(ii)
Undertakings Completed by Former USPTO Employees who Served in the Patent Examining Corps Who Desire to Register to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.10(b)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.10(b)
Data Sheet completed by Patent Attorneys and Agents registering to practice before the United States Patent and Trademark Office	35 U.S.C. 2(b)(2)(D)	37 CFR 11.5 and 11.11
Oath or Affirmation	35 U.S.C. 2(b)(2)(D)	37 CFR 11.8
Reinstatement to the Register	35 U.S.C. 2(b)(2)(D)	37 CFR 11.11
Written request for reconsideration and further review of disapproval notice of application	35 U.S.C. 2(b)(2)(D)	37 CFR 11.2(c) and (d)
Petitions to the Director of the Office of Enrollment and Discipline under 37 CFR 11.12(c)	35 U.S.C. 2(b)(2)(D)	37 CFR 10.170
<b>ITEMS FOR WHICH FEES CURRENTLY ARE NOT COLLECTED</b>		
Petition for reinstatement after disciplinary removal under 37 CFR 11.7(h)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.7(h)
Annual Practitioner Maintenance Fee	35 U.S.C. 2(b)(2)(D)	37 CFR 1.21(a)(2)
Annual Fee, Limited Recognition	35 U.S.C. 2(b)(2)(D)	37 CFR 11.9
Voluntary Inactive Status	35 U.S.C. 2(b)(2)(D)	37 CFR 11.11
Request for restoration to active status from voluntary inactive status	35 U.S.C. 2(b)(2)(D)	37 CFR 11.11
Balance of annual fee due on restoration to active status from voluntary inactive status	35 U.S.C. 2(b)(2)(D)	37 CFR 11.8
Delinquency fee for annual fee	35 U.S.C. 2(b)(2)(D)	37 CFR 11.8
Reinstatement Fee (fee required to be paid after the due date of the required annual fee)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.11
Sponsor Application for USPTO Continuing Legal Education (CLE)	35 U.S.C. 2(b)(2)(D)	37 CFR 11.13
Certification of Attendance at USPTO-approved CLE Training	35 U.S.C. 2(b)(2)(D)	37 CFR 11.13
Practitioner Request for Paper Version of CLE	35 U.S.C. 2(b)(2)(D)	37 CFR 11.13
On-Line Version of the seminar CLE	35 U.S.C. 2(b)(2)(D)	37 CFR 11.12
Paper Version of the CLE	35 U.S.C. 2(b)(2)(D)	37 CFR 11.13
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	35 U.S.C. 2(b)(2)(D)	37 CFR 11.28

## 2. Needs and Uses

This information in this collection is used by the Director of OED to determine whether the applicant for registration is of good moral character and repute; has the necessary

legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of applications for patent grants.

The information supplied by an applicant seeking to apply for the examination for registration and/or to request that they be included on the Register of Patent Attorneys and Agents is used by the USPTO to review applicants for the examination and to determine whether an applicant may be added to, or an existing practitioner may remain on, the Register of Patent Attorneys and Agents.

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 would 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 information is used by the public and by the USPTO. There are eight forms associated with this collection.

**Table 2: Needs and Uses of Information Collected from Registering Attorneys and Agents**

Form and Function	Form #	Needs and Uses
<b>ITEMS FOR WHICH FEES CURRENTLY ARE COLLECTED</b>		
Application for Registration to Practice Before the United States Patent and Trademark Office (Ref. A)	Form PTO-158	<ul style="list-style-type: none"> <li>• Used by domestic applicants to apply for registration.</li> <li>• Used by practitioners to ensure that all of the necessary information is provided to the USPTO.</li> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to register applicants.</li> </ul>
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (Ref. B)	Form PTO-158A	<ul style="list-style-type: none"> <li>• Used by foreign applicants to apply for registration.</li> <li>• Used by practitioners to ensure that all of the necessary information is provided to the USPTO.</li> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to register applicants.</li> </ul>

<p>Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (Ref. C)</p>	<p>Form PTO-158T</p>	<ul style="list-style-type: none"> <li>• Used by foreign applicants to apply for recognition to practice in trademark cases.</li> <li>• Used by foreign applicants to show they have met all the necessary requirements to prosecute an application for trademark registration.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements for trademark prosecution cases.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to recognize applicants.</li> </ul>
<p>Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) (Ref. D)</p>	<p>Form PTO-158LS</p>	<ul style="list-style-type: none"> <li>• Used by students to show that they are enrolled in a Law School participating in an Intellectual Property Law Clinic Program.</li> <li>• Used by students to show they have met all the necessary requirements in coursework in patent and trademark prosecution.</li> <li>• Used by the USPTO to determine whether the students have the required courses necessary to participate in the USPTO Law School Program.</li> <li>• Used by the USPTO to accept students into the USPTO Law School Program.</li> </ul>
<p>Registration Examination to Become a Registered Practitioner</p>	<p>No Form Associated</p>	<ul style="list-style-type: none"> <li>• Used by domestic applicants to apply for registration.</li> <li>• Used by domestic applicants to ensure that all of the necessary information is provided to the USPTO.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant possesses good moral character.</li> <li>• Used by the USPTO to register applicants.</li> </ul>
<p>Undertaking Under 37 CFR 11.10(b) Ref. (E)</p>	<p>Form PTO/275</p>	<ul style="list-style-type: none"> <li>• Used by applicants who are former employees of the USPTO to agree in writing that they will not aid in the prosecution or preparation of any papers or applications associated with applications reviewed while in the employ of the USPTO.</li> <li>• Used by applicants who are former employees of the USPTO to apply for a waiver in the scope of the undertaking to specify areas where they may not aid in the prosecution or preparation of any papers or applications associated with applications reviewed while in the employ of the USPTO.</li> <li>• Used by the USPTO to determine whether the applicant is a former USPTO employee.</li> </ul>
<p>Data Sheet – Register of Patent Attorneys and Agents (Ref. F)</p>	<p>Form PTO-107A</p>	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
<p>Oath or Affirmation (Ref. G)</p>	<p>Form PTO-1209</p>	<ul style="list-style-type: none"> <li>• Used by all applicants requesting to be admitted to practice before the USPTO.</li> <li>• Used by the USPTO to admit an applicant to practice before the USPTO.</li> </ul>

Reinstatement to the Register (Ref. F)	Form PTO-107A	<ul style="list-style-type: none"> <li>Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Written Request for Reconsideration and Further Review of Disapproval Notice of Application	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to submit a written request for reconsideration of a disapproval notice for admission to the registration examination.</li> <li>Used by the public to request further review or consideration of their application.</li> <li>Used by the applicant to appeal to the Director of the USPTO for admission to the registration examination.</li> <li>Used by the USPTO to reconsider a disapproval notice for admission to the registration examination.</li> <li>Used by the USPTO to grant admission to the registration examination after further review and reconsideration.</li> </ul>
Petition to the Director of the Office of Enrollment and Discipline under 37 CFR 11.12(c)	No Form Associated	<ul style="list-style-type: none"> <li>Used by the public to request in writing that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived by the Director in an extraordinary situation, when justice requires.</li> <li>Used by the USPTO to determine whether a request that a requirement of the regulations, which is not a requirement of the statutes, be suspended or waived by the Director in an extraordinary situation, when justice requires, should be granted.</li> </ul>
Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	No Form Number	<ul style="list-style-type: none"> <li>Used by applicants and practitioners (as required) for requesting (1) reconsideration of a decision by OED staff and (2) petitions.</li> <li>Used by applicants and practitioners (as required) to expedite the processing of applications, documents and correspondence.</li> <li>Used by the USPTO to provide faster processing of applications and correspondence.</li> </ul>
Change of address – electronic submission (Ref. K)	Electronic Submission Format	<ul style="list-style-type: none"> <li>Used by practitioners to maintain current roster contact information with the USPTO.</li> <li>Used by the USPTO to maintain the Official Roster of Attorneys and Agents.</li> </ul>
<b>ITEMS FOR WHICH FEES CURRENTLY ARE NOT COLLECTED</b>		
Petition for reinstatement after disciplinary removal under 37 CFR 11.7(h)	No Form Associated	<ul style="list-style-type: none"> <li>Used by a practitioners or agents to apply for recognition or registration after disbarment, suspension on ethical grounds, or resignation pending disciplinary proceedings in any other jurisdiction; for asserting rehabilitation following denial of a previous application on moral character grounds, or on application for recognition of registration after conviction of a felony or a crime involving moral turpitude or breach of fiduciary duty; and on petition for reinstatement after exclusion or suspension on ethical grounds, or exclusion on consent from practice before the USPTO.</li> <li>Used by the USPTO to process requests for reinstatement after disciplinary removal.</li> </ul>

Annual Practitioner Maintenance Fee (Ref. H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Annual Fee, Limited Recognition (Ref. H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Voluntary Inactive Status (Ref. H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Request for restoration to active status from voluntary inactive status (Ref. H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>

Balance due on restoration to active status from voluntary inactive status (Ref. H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Delinquency fee for annual fee (Attachment H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Reinstatement Fee (fee required to be paid after the due date of the required annual fee) (Ref. H)	Form PTO-2126	<ul style="list-style-type: none"> <li>• Used by domestic applicants to request that they be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by applicants and registered practitioners to provide updated information such as addresses.</li> <li>• Used by registered practitioners to respond to periodic surveys to verify current address and status.</li> <li>• Used by the USPTO to determine whether the applicant can be included on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to determine whether the attorney or agent may remain on the Register of Patent Attorneys and Agents.</li> <li>• Used by the USPTO to update current address and/or status of applicants and registered practitioners.</li> </ul>
Sponsor application for USPTO Continuing Legal Education (CLE) (Ref. I)	Form PTO-2149	<ul style="list-style-type: none"> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> </ul>
Certification of Attendance at USPTO-approved CLE Training (Ref. J)	Form PTO-2150	<ul style="list-style-type: none"> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> </ul>
Practitioner request for paper version of CLE	No Form Associated	<ul style="list-style-type: none"> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> </ul>
On-line version of the seminar CLE	No Form Associated	<ul style="list-style-type: none"> <li>• Used by practitioners to show they have met all of the necessary requirements.</li> <li>• Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> </ul>



Paper Version of the CLE	No Form Associated	<ul style="list-style-type: none"> <li>Used by practitioners to show they have met all of the necessary requirements.</li> <li>Used by the USPTO to determine whether the applicant meets all of the necessary requirements.</li> </ul>
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	No Form Associated	<ul style="list-style-type: none"> <li>Used by practitioners or agents to apply for a motion to be held in abeyance after a disciplinary proceeding because of a current disability or addiction.</li> <li>Used by the USPTO to process requests for holding a disciplinary proceeding in abeyance because of a current disability or addiction.</li> </ul>

### 3. Use of Information Technology

The USPTO does not use automated, electronic, mechanical, or other technological collection techniques for the majority of the collection of this information.

At the present time, the USPTO does provide the option of fillable forms for the Application Form (PTO-158) and the Undertaking Form (PTO-275). This means that the respondent may type directly into the form on the computer. After typing the information into the form, the form will have to be printed locally, signed, and then submitted to the USPTO in accordance with the instructions in the General Requirements Bulletin. It is possible that the USPTO may provide this capability for all of the forms in this collection as it moves toward full electronic filing.

In June 2009 OED implemented online accounts for registered practitioners. Registered practitioners are able to update their contact information by this method, or they may elect to continue to complete and submit a paper Change of Address form. This feature gives the practitioner full control over their address information. OED does not change or retype the information.

At implementation, all active practitioners were mailed two letters: one contained ID information and the other contained password information. Since implementation, account information is sent to newly registered practitioners and to practitioners who request a re-mailing.

After receiving their two letters, practitioners go online to the OED On-Line Change of Address for Practitioners website to login to the Registered Practitioner Sign In. After completing their information, OED updates the Official Roster of Patent Attorneys and Agents.

The information that is collected by the USPTO to include the attorneys and agents recognized to practice before the USPTO on the register can be accessed by the public through the USPTO's website. When the applicant clicks on the link to the Roster of Patent Attorneys and Agents, the "Patent Attorneys and Agents Registered to Practice before the USPTO" page will open. From this page, the applicant can search for registered patent attorneys and agents through a search engine, by geographical region, or by searching through the entire list of registered patent attorneys and agents. The actual attorney names are all formatted in the same manner, regardless of the

search conducted: last name, street address, city, state, zip code, telephone number (optional), registration number, and an indication of attorney/agent/government employee status.

If the USPTO is notified by the patent office of another country that a registered patent agent is no longer registered or no longer in good standing before the patent office of that country, and does not show good cause why his or her name should not be removed from the register, the Director of OED shall promptly remove the name from the register and publish that the name has been removed. The Director of OED will also remove the names of patent agents who are no longer living in the country in which they are registered and publish that the names have been removed.

The Director of OED can publish on the Internet the names and business addresses of all individuals seeking registration or recognition who pass the examination or for whom examination has been waived, in addition to publishing a notice in the *Official Gazette of the United States Patent and Trademark Office* to solicit information bearing on their moral character and reputation. The Director of OED also publishes notices of administrative suspensions.

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

The information in this collection is received prior to any other use by the USPTO. The business address of the applicant for registration may be duplicated on individual patent applications. For example, an address to which correspondence should be mailed is required with each application for a patent, and in some cases may, in fact, consist of the same information required by this collection. Furthermore, the address required on each patent application is specific to each applicant for the patent and not necessarily to the attorney or agent.

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

This collection of information does not impose a significant economic impact on small entities or small businesses.

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

This information is collected only at the time of filing for recognition to practice before the USPTO or to update the roster of registered practitioners as needed (attorneys or agents can submit updates to their roster information by letter). It could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not be able to admit registered practitioners to practice before the USPTO or keep the roster of registered practitioners updated.

#### **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 11, 2009 (74 Fed Reg. 65733). The comment period ended on February 9, 2010. No public comments were received.

The USPTO has long-standing relationships with groups from who patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, 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 under this program.

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

This information collection does not involve a payment or gift to any respondent. Response to this information collection is necessary to be recognized by the USPTO as a registered attorney or agent.

## **10. Assurance of Confidentiality**

Confidentiality is governed by statute 35 U.S.C. 122 and regulations 37 CFR 1.11 and 1.14. This collection contains information of a confidential (personal) nature, which is subject to the Privacy Act. This information is collected on Forms PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office, PTO/275 Undertaking Under 37 CFR 11.10(b), and PTO-107A Data Sheet – Register of Patent Attorneys and Agents. Privacy Act Statements are included on all of these forms. A Systems of Records Notice was published in the *Federal Register* on November 16, 2005 (70 Fed Reg. 69520). Administrative controls, such as storage of records in lockable metal file cabinets or in metal file cabinets in secured rooms or premises, or electronic files stored in secure premises with access limited to those whose official duties require access, are used to safeguard this information as appropriate.

## **11. Justification for Sensitive Questions**

The USPTO does request information of a sensitive nature on Forms PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office, PTO-158A Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) By a Foreign Resident, PTO-158T Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c), PTO-158LS Application for Registration in the USPTO Law School Program for Law Students to

Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c), and PTO-107A Data Sheet – Register of Patent Attorneys and Agents.

35 U.S.C. 31 requires that attorneys, agents, and others possess good moral character and reputation before they are allowed to represent applicants. The information requested is used in making a determination of the suitability of the applicant as a potential registered patent attorney or agent. On the application forms and on the data sheet, the USPTO informs the applicant that candor and truthfulness are considered to be significant elements of fitness relevant to practicing before the USPTO, and that they should provide all information, even if it is unfavorable. If the applicant answers “Yes” to any of the questions, the USPTO also requests that the applicant provide a written statement detailing all of the facts of the situation and any associated documentation. The USPTO also warns the applicant on the form that failure to disclose any of the requested information may result in either denial of registration or disciplinary proceedings under 37 CFR 11.22 if the applicant becomes a registered patent attorney or agent. The applicant also certifies by his or her signature that all of the information provided in the application is true and correct. The applicant is additionally warned that any willfully false statement or certification is considered to be a criminal offense and is punishable by law under 18 U.S.C. 1001.

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

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

- **Respondent Calculation Factors**  
The USPTO estimates that it receives approximately 93,340 responses annually.
- **Burden Hour Calculation Factors**  
The USPTO estimates that it will take the public from approximately 1 minute (0.02 hours) to 40 hours, depending upon the complexity of the situation, to gather the necessary information, prepare the appropriate form or documents, and submit the information to the USPTO.
- **Cost Burden Calculation Factors**  
The cost to respondents for taking the registration examination is estimated to be at the rate of \$39 per hour. The USPTO estimates that the remaining items in this collection will primarily be supplied by professionals (patent attorneys and agents). The cost of providing the requested information by each individual respondent is realistically projected to be \$50.00. However, one could consider the time spent in providing this information as billable hours lost to any attorney. To arrive at a high-end figure, the cost burden would be derived by multiplying the burden hours by \$325 per hour, which is the professional rate for attorneys in private forms as published in a report by the 2009 Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This information, however, is not billable to the private firm, in that it is not related to any specific application, but rather to the overall practice of the attorney or agent. This is a fully-loaded hourly rate.

**Table 3: Burden Hour/Burden Cost to Respondents**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
<b>ITEMS FOR WHICH FEES CURRENTLY ARE COLLECTED</b>					
Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam) <b>Form PTO-158</b>	0.50	4,420	2,210	\$325.00	\$718,250.00
Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived) <b>Form PTO-158</b>	0.50	100	50	\$325.00	\$16,250.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived) <b>Form PTO-158A</b>	0.50	100	50	\$325.00	\$16,250.00
Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived) <b>Form PTO-158T</b>	0.50	25	13	\$325.00	\$4,225.00
Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) (examination waived) (Law School students only) <b>Form PTO-158LS</b>	0.50	60	30	\$325.00	\$9,750.00
Registration Examination to Become a Registered Practitioner	7.00	4,420	30,940	\$39.00	\$1,206,660.00
Undertaking under 37 CFR 11.10(b) <b>PTO/275</b>	0.33	520	172	\$325.00	\$55,900.00
Data Sheet – Register of Patent Attorneys and Agents (individuals passing the registration exam) <b>PTO-107A</b>	0.17	1,995	339	\$325.00	\$110,175.00
Data Sheet – Register of Patent Attorneys and Agents (foreign applicants) <b>PTO-107A</b>	0.17	100	17	\$325.00	\$5,525.00
Data Sheet – Register of Patent Attorneys and Agents (former examiners seeking registration) <b>PTO-107A</b>	0.17	100	17	\$325.00	\$5,525.00
Oath or Affirmation <b>PTO-1209</b>	0.08	2,195	176	\$325.00	\$57,200.00
Reinstatement to the Register <b>PTO-107A</b>	0.17	30	5	\$325.00	\$1,625.00
Written request for reconsideration and further review of disapproval notice of application	1.50	30	45	\$325.00	\$14,625.00
Petition to the Director of the Office of Enrollment and Discipline Under 37 CFR 11.12(c)	0.75	20	15	\$325.00	\$4,875.00

Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	0.02	7,500	150	\$325.00	\$48,750.00
Change of address – electronic submission	0.03	4,200	126	\$325.00	\$40,950.00
<b>ITEMS FOR WHICH FEES CURRENTLY ARE NOT COLLECTED</b>					
Petition for reinstatement after disciplinary removal under 37 CFR 11.7(h)	40.00	4	160	\$325.00	\$52,000.00
Annual Practitioner Maintenance Fee <b>Form PTO-2126</b>	0.17	32,500	5,525	\$325.00	\$1,795,625.00
Annual Fee, Limited Recognition <b>Form PTO-2126</b>	0.17	200	34	\$325.00	\$11,050.00
Voluntary Inactive Status <b>Form PTO-2126</b>	0.17	2,000	340	\$325.00	\$110,500.00
Request for Restoration to Active Status from Voluntary Inactive Status <b>Form PTO-2126</b>	0.17	700	119	\$325.00	\$38,675.00
Balance of Annual Fee Due on Restoration to Active Status from Voluntary Inactive Status <b>Form PTO-2126</b>	0.17	700	119	\$325.00	\$38,675.00
Delinquency Fee for Annual Fee <b>Form PTO-2126</b>	0.17	2,100	357	\$325.00	\$116,025.00
Reinstatement Fee (fee required to be paid after the due date of the required annual fee) <b>Form PTO-2126</b>	0.17	420	71	\$325.00	\$23,075.00
Sponsor Application for USPTO Continuing Legal Education (CLE) <b>Form PTO-2149</b>	1.00	350	350	\$325.00	\$113,750.00
Certification of Attendance at USPTO-approved CLE Training <b>Form PTO-2150</b>	1.00	350	350	\$325.00	\$113,750.00
Practitioner request for paper version of CLE	0.08	100	8	\$325.00	\$2,600.00
On-Line version of the seminar CLE	2.00	28,000	56,000	\$325.00	\$18,200,000.00
Paper version of the CLE	2.00	100	200	\$325.00	\$65,000.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	40.00	1	40	\$325.00	\$13,000.00
<b>Total</b>	- - - -	<b>93,340</b>	<b>98,028</b>	- - - -	<b>\$23,010,260.00</b>

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

There are no capital start-up or maintenance costs associated with this information collection. However, this collection does have (non-hour) costs due to record keeping requirements, filing fees, and mailing costs.

There are record keeping costs for this collection as a result of the Oath which includes a notary public requirement. The average fee for having a document notarized is \$2. The USPTO estimates that it will receive 2,195 responses to this information collection per year as a result of this notary requirement, for a total cost of \$4,390 per year. Also, another record keeping cost is being added into the collection. The General Requirements Bulletin recommends that “applicants should make and keep a copy of every document submitted to the Office in connection with an application for registration.” The USPTO estimates that it will take an applicant approximately 5 minutes (0.08 hours) to print and retain a copy of the submissions and that approximately 4,700 responses will be made per year, for a total of 376 hours. Using the professional rate of \$325 per hour for attorneys in private firms, the USPTO estimates that the record keeping cost associated with this copy requirement will be \$122,200 per year, for a total record keeping cost of \$126,590 (\$4,390 + \$122,200).

The application fees are broken out to demonstrate that the application forms can cover any one of five different categories: as applicable when used for the registration examination fee for the USPTO-administered exam and the computerized exam administered by a commercial entity; as applicable when used for registration fees only (former examiners; examination waived); as applicable when used for registration fees for those who must prove fitness to practice); and as applicable when used for registration fees by a foreign resident (examination waived).

The total annual non-hour cost burden associated with filing fees is \$5,561,840, as outlined in Table 4 below:

**Table 4: Filing Fees – Non-hour Cost Burden**

Item	Responses (a)	Filing fee (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
<b>ITEMS FOR WHICH FILING FEES CURRENTLY ARE COLLECTED</b>			
Non-Refundable Application Fee for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	4,420	\$40.00	\$176,800.00
Non-Refundable Application Fee for Enrollment and/or Reinstatement to Practice Before the United States Patent and Trademark Office under 37 CFR 1.21(a)(10) (those who must prove fitness to practice)	35	\$1,600.00	\$56,000.00
Application Fee for Registration to Practice Before the United States Patent and Trademark Office, as applicable when used for registration fees only (former examiners; examination waived)	100	\$40.00	\$4,000.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	100	\$40.00	\$4,000.00
Application Fee for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney/Agent (examination waived)	25	\$40.00	\$1,000.00

Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) (examination waived; Law School students only)	60	\$0.00	\$0.00
Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by the USPTO (USPTO-administered exam)	20	\$450.00	\$9,000.00
Registration examination fee for administration of computerized examination to become a registered patent practitioner administered by a commercial entity (computer exam)	4,400	\$200.00	\$880,000.00
Undertaking under 37 CFR 11.10(b)	520	\$0.00	\$0.00
Data Sheet – Register of Patent Attorneys and Agents (includes applicants that passed the examination, former examiners, and foreign applicants)	2,195	\$100	\$219,500.00
Oath or Affirmation	2,195	\$0.00	\$0.00
Reinstatement to the Register	30	\$100.00	\$3,000.00
Written request for reconsideration and further review of disapproval notice of application	30	\$130.00	\$3,900.00
Petition to the Director of the Office of Enrollment and Discipline under 11.12(c)	20	\$130.00	\$2,600.00
Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	7,500	\$0.00	\$0.00
Change of address – electronic submission	4,200	\$0.00	\$0.00
<b>Total for Filing Fees Currently Collected \$1,359,800.00</b>			
<b>ITEMS FOR WHICH FILING FEES CURRENTLY ARE NOT COLLECTED</b>			
Petition for reinstatement after disciplinary removal under 11.7(h)	4	\$1,600.00	\$6,400.00
Annual Practitioner Maintenance Fee	32,500	\$118.00	\$3,835,000.00
Annual Fee, Limited Recognition	200	\$118.00	\$23,600.00
Voluntary Inactive Status	2,000	\$25.00	\$50,000.00
Request for restoration to active from voluntary inactive status	700	\$50.00	\$35,000.00
Balance of annual fee due on restoration to active from voluntary inactive status	700	\$93.00	\$65,100.00
Delinquency Fee for annual fee (fee paid after the due date and for CLE)	2,100	\$50.00	\$105,000.00
Reinstatement Fee (required to be paid after the due date of the required annual fee or CLE)	420	\$100.00	\$42,000.00
Sponsor Application for USPTO CLE	350	\$60.00	\$21,000.00
Certification of Attendance at USPTO-approved CLE Training	350	\$0.00	\$0.00
Practitioner request for paper version of CLE program and furnished narrative	100	\$75.00	\$7,500.00
On-line version of the seminar CLE	28,000	\$0.00	\$0.00



Paper version of the CLE	100	\$0.00	\$0.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	1	\$11,440.00	\$11,440.00
<b>Total for Filing Fees Currently Not Collected \$4,202,040.00</b>			
<b>TOTAL</b>	<b>93,375</b>		<b>\$5,561,840.00</b>

There are mailing costs from postage fees that also need to be added into this collection. The General Requirements Bulletin for Admission to the Examination for Registration to Practice in Patent Cases Before the USPTO States that all business with the USPTO should be transacted in writing. Personal attendance is unnecessary. The actions of the OED will be based exclusively on the written record in the USPTO (37 CFR 1.2). All documents may be submitted to the USPTO by first-class mail through the United States Postal Service. All correspondence may include a certificate of mailing for each piece of correspondence enclosed, stating the date of deposit or transmission to the USPTO. Postage costs will range from \$0.44 to \$4.80.

Consequently, the USPTO estimates that it will receive 93,340 responses to this information collection per year subject to mailing costs, for a total cost of \$21,713 per year in postage fees.

**Table 5: Postage Fees – Non-hour Cost Burden**

Item	Responses (a)	Postage Fee (\$) (b)	Total Non-Hour Cost Burden (a) x (b) (c)
<b>ITEMS FOR WHICH POSTAGE FEES CURRENTLY ARE COLLECTED</b>			
Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	4,420	\$0.61	\$2,696.00
Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners; examination waived)	100	\$0.61	\$61.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	100	\$0.44	\$44.00
Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived)	25	\$0.61	\$15.00
Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) (examination waived; Law School students only)	60	\$0.00	\$0.00
Registration Examination to become a registered practitioner	4,420	\$0.00	\$0.00
Undertaking under 37 CFR 11.10(b)	520	\$0.00	\$0.00
Data Sheet – Register of Patent Attorneys and Agents (includes applicants that passed the examination, former examiners, and foreign applicants)	2,195	\$0.44	\$966.00

Oath or Affirmation	2,195	\$0.00	\$0.00
Reinstatement to the Register	30	\$0.44	\$13.00
Written request for reconsideration and further review of disapproval notice of application	30	\$0.61	\$18.00
Petition to the Director of the Office of Enrollment and Discipline under 37 CFR 11.12(c)	20	\$1.73	\$35.00
Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	7,500	\$0.00	\$0.00
Change of address – electronic submission	4,200	\$0.00	\$0.00
<b>Total for Postage Currently Collected \$3,848.00</b>			
<b>ITEMS FOR WHICH POSTAGE FEES CURRENTLY ARE NOT COLLECTED</b>			
Petition for reinstatement after disciplinary removal under 37 CFR 11.7(h)	4	\$0.78	\$3.00
Annual Practitioner Maintenance Fee	32,500	\$0.44	\$14,300.00
Annual Fee, Limited Recognition	200	\$0.44	\$88.00
Voluntary Inactive Status	2,000	\$0.44	\$880.00
Request for restoration to active from voluntary inactive status	700	\$0.44	\$308.00
Balance of annual fee due on restoration to active from voluntary inactive status	700	\$0.44	\$308.00
Delinquency fee for annual fee (fee paid after the due date and for CLE)	2,100	\$0.44	\$924.00
Reinstatement fee (required to be paid after the due date of the required annual fee or CLE)	420	\$0.44	\$185.00
Sponsor application for USPTO CLE	350	\$1.73	\$606.00
Certification of attendance at USPTO-approved CLE training	350	\$0.61	\$214.00
Practitioner request for paper version of CLE program and furnished narrative	100	\$0.44	\$44.00
On-line version of the seminar CLE	28,000	\$0.00	\$0.00
Paper version of the CLE	100	\$0.00	\$0.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction	1	\$4.80	\$5.00
<b>Total for Postage Currently Not Collected \$17,865.00</b>			
<b>TOTAL</b>	<b>93,340</b>	<b>- - - - -</b>	<b>\$21,713.00</b>

Therefore, the total annualized (non-hour) cost burden for this collection from record keeping requirements (\$126,590), filing fees (\$5,561,840), and mailing costs (\$21,713) amounts to \$5,710,143.

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

The burden hours for relevant items are broken out below (and rounded off to arrive at a total) to take into account the different efforts required of the USPTO for handling the files and related tasks, along with any required follow-up activities to process the various components. The USPTO estimates that it takes a GS-9, step 5 and a GS-15, step 5 between 5 minutes (0.08 hours) and 40 hours to process the majority of the information in this collection. The hourly rate for a GS-9, step 5, is currently \$28.04. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is  $\$28.04 + \$8.42$ , for a rate of \$36.46. The hourly rate for a GS-15, step 5, is currently \$67.21. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is  $\$67.21 + \$20.16$ , for a rate of \$87.37.

The USPTO estimates that it will take a GS-15, step 5, 1,500 hours develop and maintain a data bank of 2,000 questions and answers for the registration examination to become a registered practitioner. The hourly rate for a GS-15, step 5, is currently \$67.21. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is  $\$67.21 + \$20.16$ , for a rate of \$87.37.

For the cover pages, there is no processing time for the USPTO. Implementation of the cover pages is a time-saving measure for the USPTO in that it simplifies document identification. However, at the present time, document identification is done by contractor support, General Clerk category. The USPTO estimates that it takes a General Clerk approximately 1 minute (0.02 hours) to process a cover page. The hourly rate for a General Clerk is \$31.25 per hour. This is a fully-loaded hourly rate.

There is no processing time for the USPTO regarding the events associated with an actual address change submitted electronically. The USPTO does not review or otherwise intervene with address changes that practitioners input directly from their own online accounts. However, the USPTO does incur processing time and costs with regard to creating new or resending User ID and Password Notices for practitioner online accounts. The USPTO estimates that it will take a GS-12, step 1, an average of 2 minutes (0.03 hours) for manual activities associated with account management (generating letters, placing orders for automated notices, etc.). The hourly rate for a GS-12, step 1, is currently \$35.88. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour is  $\$35.88 + \$10.76$ , for a rate of \$46.64.

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

**Table 6: Burden Hour/Burden Cost to the Federal Government**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
<b>ITEMS FOR WHICH FEES CURRENTLY ARE COLLECTED</b>					
Application for Registration to Practice Before the United States Patent and Trademark Office (includes both the computerized exam and the USPTO-administered exam)	0.25	4,420	900	\$36.46	\$29,250.00
Application for Registration to Practice Before the United States Patent and Trademark Office (former examiners, examination waived)	0.25	100	25	\$36.46	\$813.00
Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.6(c) by a Foreign Resident (examination waived)	0.25	100	25	\$36.46	\$813.00
Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent (examination waived)	0.25	25	6	\$36.46	\$219.00
Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) (examination waived; Law School Students only)	0.25	60	15	\$36.46	\$547.00
Registration examination to become a registered practitioner	7.00	4,420	24,500	\$36.46	\$796,250.00
Undertaking under 37 CFR 11.10(b)	0.25	520	130	\$36.46	\$4,225.00
Data Sheet – Register of Patent Attorneys and Agents (includes applicants that passed the examination, former examiners, and foreign applicants)	0.25	2,195	549	\$36.46	\$17,843.00
Oath or Affirmation	0.08	2,195	176	\$36.46	\$5,720.00
Reinstatement to the Register GS-15, step 5 GS-9, step 5	40.00 0.50	30	2,400 30	\$87.37 \$36.46	\$186,984.00 \$975.00
Written request for reconsideration and further review of disapproval notice of application GS-15, step 5 GS-9, step 5	8.00 1.50	30	40 8	\$87.37 \$36.46	\$3,116.00 \$260.00
Petition to the Director of the Office of Enrollment and Discipline under 37 CFR 11.12(c) GS-15, step 5 GS-9, step 5	16.00 3.00	20	32 6	\$87.37 \$36.46	\$2,493.00 \$195.00
Cover pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions)	0.02	7,500	150	\$31.25	\$4,688.00
Change of address – electronic submission	0.08	3,484	279	\$46.64	\$13,013.00
<b>ITEMS FOR WHICH FEES CURRENTLY ARE NOT COLLECTED</b>					

Petition for reinstatement after disciplinary removal under 37 CFR 11.12(c)	40.00	4	160	\$77.91	\$12,466.00
Annual Practitioner Maintenance Fee	0.50	32,500	12,460	\$36.46	\$404,950.00
Annual Fee, Limited Recognition	0.50	200	100	\$36.46	\$3,250.00
Voluntary Inactive Status	0.50	2,000	1,000	\$36.46	\$32,500.00
Request for restoration to active from voluntary inactive status		700			
GS-15, step 5	4.00		2,800	\$87.37	\$218,148.00
GS-9, step 5	0.50		350	\$36.46	\$11,375.00
Balance of annual fee due on restoration to active from voluntary inactive status	0.50	700	350	\$36.46	\$11,375.00
Delinquency fee for annual fee	0.50	2,100	1,050	\$36.46	\$34,125.00
Reinstatement Fee (required to be paid after the due date and for CLE)		420			
GS-15, step 5	4.00		1,680	\$87.37	\$130,889.00
GS-9, step 5	0.50		210	\$36.46	\$6,825.00
Sponsor Application for USPTO CLE		350			
GS-15, step 5	20.00		7,000	\$87.37	\$545,370.00
GS-9, step 5	0.50		175	\$36.46	\$5,688.00
Certification of Attendance at USPTO-approved CLE Training	1.00	350	350	\$36.46	\$11,375.00
Practitioner request for paper version of CLE program and furnished narrative	4.00	100	400	\$36.46	\$13,000.00
On-line version of the Seminar CLE		28,000			
GS-15, step 5	0.02		560	\$87.37	\$43,630.00
GS-9, step 5	0.04		1,120	\$36.46	\$36,400.00
Paper version of the CLE		100			
GS-15, step 5	0.52		52	\$87.37	\$4,051.00
GS-9, step 5	1.04		104	\$36.46	\$3,380.00
Practitioner's supporting documentation for a motion to hold in abeyance a disciplinary proceeding because of a current disability or addiction		1			
GS-15, step 5	40.00		40	\$87.37	\$3,116.00
GS-9, step 5	0.50		1	\$36.46	\$33.00
Registration examination program development cost to the Federal Government to develop and maintain a question and answer data bank for the registration examination	1,500.00	60	90,000	\$77.91	\$7,011,900.00
<b>Total</b>	- - - - -	<b>92,684</b>	<b>90,429</b>	- - - - -	<b>\$7,029,601.00</b>

## 15. Reason for Change in Burden

### Summary of Changes Since the Previous Renewal

OMB previously approved this collection in December 2007 with a total of 72,122 responses and 89,475 annual burden hours. With this renewal, the USPTO estimates that the annual responses will be 92,340, with the annual burden hours at 98,028, which

is an increase of 20,218 responses and 8,553 burden hours over the previously approved burden for this collection. This increase is due to both administrative adjustments and program changes.

The total annualized (non-hour) cost burden for this renewal of \$5,710,143 is an increase of \$1,769,219 from the currently approved total of \$3,940,924. The increase in costs for the current renewal is due to an adjustment in responses, the addition of four new requirements into the collection, and an increase in postage costs, due to both administrative adjustments and program changes.

#### Changes from the 60-Day Notice

There have been no changes in the responses, burden hours or respondent cost burden since the publication of the 60-Day Notice for this collection.

Likewise, there has been no change in the total (non-hour) cost burden since the publication of the 60-Day Federal Register Notice.

#### Changes in Respondent Cost Burden

When this collection was approved by OMB in December 2007, the estimated hourly rate for attorneys was \$304. Using that rate, the reported burden hours yielded a respondent cost burden of \$20,707,900.

For this renewal, the USPTO is using the current professional hourly rate of \$325. At this rate, the reported burden hours yield a respondent cost burden of \$23,010,260, which is an increase of \$2,302,360. This increase in respondent cost burden is due to the increase in the estimated hourly professional rate, an adjustment in responses, and the addition of four new requirements into the collection.

#### Changes in Responses and Burden Hours

With this renewal, a total of 8,553 burden hours have been added to the currently approved burden hour total. This increases the total number of burden hours from 89,475 to 98,028 per year as a result of both administrative adjustments and program changes. The increase in burden hours is due to a combination of the revised number of submissions, a re-estimation of the time it takes to complete some of the responses, and four requirements being added into this collection, as a result of administrative adjustments and program changes.

The estimate of the burden hours in this submission differs from the currently approved information collection in the following ways:

- The USPTO believes that the number of Applications for Registration to Practice Before the USPTO submitted per year will increase by 1,105 responses, from 3,600 to 4,705. In addition to the three Applications for Registration all ready

approved, the USPTO is adding two new Applications for Registration into the collection, (1) Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent, and (2) Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c). **Therefore, this submission takes a total burden increase of 503 hours, 460 as an administrative adjustment and 43 as a program change.**

- The USPTO expects that the number of Registration Examinations to Become a Registered Practitioner that are submitted will increase by 920, from 3,500 to 4,420 responses per year. **Therefore, this submission takes a total burden increase of 6,440 hours as an administrative adjustment.**
- The USPTO expects that the number of Reinstatements to the Register that are submitted will decrease by 30, from 60 to 30 responses per year. **Therefore, this submission takes a total burden decrease of 5 hours as an administrative adjustment.**
- The USPTO expects that the number of Written Requests for Reconsideration and Further Review of Disapproval Notice of Application submitted per year will increase by 25 responses, from 5 to 30 responses per year. **Therefore, this submission takes a total burden increase of 37 hours as an administrative adjustment.**
- The USPTO expects that the number of Petitions to the Director of the Office of Enrollment and Discipline under 37 CFR 11.12(c) submitted per year will increase by 18 responses, from 2 to 20 responses per year. **Therefore, this submission takes a total burden increase of 13 hours as an administrative adjustment.**
- The USPTO expects that the number of Annual Practitioner Maintenance Fees submitted per year will increase by 7,580, from 24,920 to 32,500 responses per year. The name of the requirement has been changed from Annual Practitioner Registration Fee. **Therefore, this submission takes a total burden increase of 1,289 hours as an administrative adjustment.**
- The USPTO is adding the requirement Cover Pages used for submitting correspondence to OED (for documents submitted with applications, requests for reconsideration, and petitions) into the collection. The USPTO estimates that it will take 1 minute to complete this requirement and that it will receive 7,500 responses per year. **Therefore, this submission takes a total burden increase of 150 hours as a program change.**
- The USPTO is adding the requirement Change of Address – electronic submission into the collection. The USPTO estimates that it will take 2 minutes

to complete this requirement and that it will receive 4,200 responses per year. **Therefore, this submission takes a total burden increase of 126 hours as a program change.**

**A total of 8,553 burden hours have been added to this collection as a result of administrative adjustments and program changes. The increase in burden hours is due to a combination of the revised number of submissions, a re-estimation of the time it takes to complete some of the responses, and four requirements being added into this collection. This results in a total net burden hour increase of 8,234 hours as an administrative adjustment and 319 hours as a program change.**

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$1,769,219, from \$3,940,924 currently on the OMB inventory to the present \$5,710,143. Even though this collection has a decrease in responses for the Reinstatement to the Register, it is offset by increases in costs is due to adjustments in responses and response times, the addition of new requirements into the collection, an adjustment for filing fees and postage costs, and the addition of recordkeeping costs. **Therefore, the cost burden increase of \$1,646,004 due to administrative adjustments and an increase of \$123,215 due to program changes yield a total increase in annual (non-hour) cost burden of \$1,769,219 for the collection.**

#### **16. Project Schedule**

There is no 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 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. Form PTO-158 Application for Registration to Practice Before the United States Patent and Trademark Office
- B. Form PTO-158A Application for Registration to Practice Before the United States Patent and Trademark Office Under 37 CFR 10.6(c) by a Foreign Resident
- C. Form PTO-158T Application for Reciprocal Recognition to Practice in Trademark Matters Before the United States Patent and Trademark Office Under 37 CFR 11.14(c) by a Foreign Attorney or Agent
- D. Form PTO-158LS Application for Registration in the USPTO Law School Program for Law Students to Practice Before the United States Patent and Trademark Office Under 37 CFR 11.14(c)
- E. Form PTO/275 Undertaking Under 37 CFR 11.10(b)
- F. Form PTO-107A Data Sheet – Register of Patent Attorneys and Agents; Reinstatement to the Register
- G. Form PTO-1209 Oath or Affirmation
- H. Form PTO-2126 Annual Practitioner Registration Fee; Annual Fee, Limited Recognition; Voluntary Inactive Status; Request for Restoration to Active Status from Voluntary Inactive Status; Balance Due on Restoration to Active Status from Voluntary Inactive Status; Delinquency Fee; Reinstatement Fee
- I. Form PTO-2149 Sponsor Application for USPTO Continuing Legal Education (CLE)
- J. Form PTO-2150 Certification of Attendance at USPTO Approved CLE Training
- K. Electronic submission form for Changes of Address for Registered Patent Attorneys and Agents