

SUPPORTING STATEMENT
United States Patent and Trademark Office
Response to Office Action and Voluntary Amendment Forms
(formerly Electronic Response to Office Action
and Preliminary Amendment Forms)
OMB CONTROL NUMBER 0651-0050
(April 2011)

A. JUSTIFICATION

1. Necessity of Information Collection

This collection of information is required by the Trademark Act, 15 U.S.C. § 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use such marks, or intend to use such marks, in interstate commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO). In some cases, the USPTO issues Office Actions to applicants who have applied for a trademark application, requesting additional information that was not provided with the initial submission but is required before the issuance of a registration. Also, the USPTO may determine that the mark is not entitled to registration, pursuant to one or more provisions of the Act. In such cases, the USPTO may issue Office Actions advising applicants of the refusal to register the mark. Applicants reply to these Office Actions by providing the required information and/or by putting forth legal arguments as to why the refusal of registration should be withdrawn.

Applicants may also supplement their applications by providing further information voluntarily in the nature of a Voluntary Amendment Not in Response to USPTO Office Action/Letter. The USPTO has changed the wording of this requirement from “preliminary amendment” to “voluntary amendment” to more accurately explain that applicants may also supplement their applications by providing further information voluntarily.

The request for Reconsideration after Final Office Action is filed after issuance of a final Office Action, but before the deadline for filing an appeal. Filing the Request for Reconsideration early in the six-month response period can eliminate the need for some appeals or petitions and reduce the need for remands on appeal.

Applicants may also file a Post-Publication Amendment in order to submit a proposed amendment to an application that has already been approved for publication, or allowed for registration on the Supplemental Register, by the examining attorney. If an applicant receives a Suspension Inquiry or Letter of Suspension from the USPTO, the applicant may use the Response to Suspension Inquiry or Letter of Suspension to file a reply.

The USPTO administers the Trademark Act through Chapter 37 of the Code of Federal Regulations. These rules allow the USPTO to request and receive information required to process applications. These rules also allow applicants to submit certain amendments to their applications.

The information solicited or received by the USPTO may include the following: substitute drawings or specimens; amendments to marks; changes to the international classification or to the listing of the goods and/or services; changes to the applicant's address or phone number; changes to the applicant's state/country of citizenship; changes to the applicant's entity type; changes to the application filing basis; changes to the correspondence address or e-mail address; information regarding the dates of use of the mark; disclaimers of certain components of the mark; descriptions of the mark; references to related, pre-existing registrations owned by the applicant; translations and transliterations of non-English wording in the mark; descriptions of uses of the mark; consent of an individual, if any, whose name, portrait, or signature is a component of the mark; and information concerning the use of the mark in another form.

The forms in this collection are available in electronic format through the Trademark Electronic Application System (TEAS), which may be accessed through the USPTO Web site. The TEAS forms allow users to pay any fees by credit card, by an authorization to charge a USPTO deposit account, or by electronic funds transfer (EFT). Applicants may also submit the information in paper format by mail, fax or hand delivery, as appropriate.

The USPTO is proposing to include six new items into the inventory at this time to take into account a new method of electronic submission of information for which a dedicated TEAS form is not yet available (i.e., TEAS Global forms). The new information includes: Substitute Trademark/Service Mark Application, Principal Register; Substitute Certification Mark; Substitute Collective Membership Mark; Substitute Collective Trademark/Service Mark; and Petition to Amend Basis Post-Publication. All of these items are available as either TEAS Global or paper submissions. The sixth item is the Request for Reconsideration After Final Office Action and is available in both TEAS and in paper.

The USPTO is revising the title of this collection to remove the word "electronic" and to change the wording from "preliminary amendment" to "voluntary amendment" to more accurately explain that applicants may also supplement their applications by providing further information voluntarily in the nature of a Voluntary Amendment Not in Response to USPTO Office Action/Letter.

This collection includes information that was not submitted with the initial application and is needed by the USPTO to review applications for trademark registration. Table 1 identifies the statutory and regulatory provisions that require the USPTO to collect the information:

Table 1: Information Requirements to Collect Information Submitted After the Initial Trademark Application

| Requirement | Statute | Rule |
|---|--|---|
| Response to Office Action | 15 U.S.C. §§ 1056 and 1062 | 37 CFR Part 2, 2.61(b), 2.62, 2.63, 2.71 and 2.77 |
| Substitute Trademark/Service mark Application, Principal Register | 15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141 | 37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31 |
| Substitute Certification Mark | 15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141 | 37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31 |
| Substitute Collective Membership Mark | 15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141 | 37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31 |
| Substitute Collective Trademark/Service mark | 15 U.S.C. §§ 1051, 1053, 1054, 1056, 1061, 1062, 1091, 1094, 1095, 1126 and 1141 | 37 CFR Part 2, 2.21-2.24, 2.32, 2.34-2.38, 2.41-2.47, 2.51-2.54, 2.56, 2.62-2.63, 2.71-2.77, 2.86 and 7.25-7.31 |
| Voluntary Amendment Not in Response to USPTO Office Action/Letter | 15 U.S.C. §§ 1051 and 1062 | 37 CFR Part 2, 2.71-2.75 and 2.77 |
| Request for Reconsideration After Final Office Action | 15 U.S.C. §§ 1051 and 1062 | 37 CFR Part 2, 2.61(b), 2.62, 2.64, 2.71, 2.72 and 2.75 |
| Post-Publication Amendment | 15 U.S.C. § 1051 | 37 CFR Part 2, 2.71-2.75, 2.77 and 2.84 |
| Petition to Amend Basis Post-Publication | 15 U.S.C. §§ 1051 | 37 CFR Part 2, 2.77 and 2.84 |
| Response to Suspension Inquiry or Letter of Suspension | 15 U.S.C. §§ 1051 and 1062 | 37 CFR Part 2, 2.62 and 2.67 |

2. Needs and Uses

The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. The information is available at USPTO facilities and can also be accessed at the USPTO's Web site. Additionally, the USPTO provides the information to other entities, including Patent and Trademark Depository Libraries (PTDLs). The PTDLs maintain the information for use by the public.

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 this information collection and its supporting statement comply with all applicable information quality guidelines, i.e., the OMB and specific operating unit guidelines.

This proposed collection of information will result in information that will be collected, maintained, and used in a way consistent with all applicable OMB and USPTO Information Quality Guidelines. (See Reference A.)

Table 2 lists the information identified in this collection and explains how this information is used by the public and by the USPTO:

Table 2: Needs and Uses of Information Submitted After the Initial Trademark Application

| Form and Function | Form # | Needs and Uses |
|---|----------|--|
| <p>Response to Office Action (TEAS) Response to Office Action (Paper)</p> <p>Substitute Trademark/Service mark Application, Principal Register (TEAS Global) Substitute Trademark/Service mark Application, Principal Register (Paper)</p> <p>Substitute Certification Mark (TEAS Global) Substitute Certification Mark (Paper)</p> <p>Substitute Collective Membership Mark (TEAS Global) Substitute Collective Membership Mark (Paper)</p> <p>Substitute Collective Trademark/Service mark (TEAS Global) Substitute Collective Trademark/Service mark (Paper)</p> <p>(Ref. B)</p> | PTO-1957 | <ul style="list-style-type: none"> Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the application for registration of a trademark/service mark, collective membership mark, or a certification mark is incomplete, and/or to submit arguments in response to a refusal of registration. Used by the public to submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the wrong application form was used. Used by the public to pay additional fees. Used by the USPTO to collect information that the applicant did not supply in the original application for registration of a trademark/service mark, collective membership mark, or a certification mark, and which the USPTO needs to complete the review of these applications. |
| <p>Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS) Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper)</p> <p>(Ref. C)</p> | PTO-1966 | <ul style="list-style-type: none"> Used by the public to voluntarily submit information to the USPTO, prior to examination, that was not submitted in the original application for registration of a trademark/service mark, collective membership mark, or a certification mark. Used by the public, prior to examination, to voluntarily submit amendments to the information submitted in the original application for registration of a trademark/service mark, collective membership mark, or a certification mark. Used by the USPTO to review an application for registration of a trademark/service mark, collective membership mark, or a certification mark. |
| <p>Request for Reconsideration After Final Office Action (TEAS) Request for Reconsideration After Final Office Action (Paper)</p> <p>(Ref. D)</p> | PTO-1960 | <ul style="list-style-type: none"> Used by the public to request reconsideration of an examining attorney's final refusal or requirement. Used by the USPTO to streamline and promote efficiency in the process once a final action has issued in an application for trademark registration. Used by the USPTO to eliminate the need for some appeals or petitions, and reduce the need for remands of applications on appeal. |
| <p>Post-Publication Amendment (TEAS) Post-Publication Amendment (Paper)</p> <p>Petition to Amend Basis Post-Publication (TEAS Global) Petition to Amend Basis Post-Publication (Paper)</p> <p>(Ref. E)</p> | PTO-1771 | <ul style="list-style-type: none"> Used by the public to submit a proposed amendment to an application that has already been approved for publication or allowed for registration on the Supplemental Register by the examining attorney. Used by the public to submit a petition to amend the basis after publication. Used by the USPTO to determine whether a proposed amendment is acceptable and whether republication of the mark is required. |

| Form and Function | Form # | Needs and Uses |
|---|----------|---|
| Response to Suspension Inquiry or Letter of Suspension (TEAS) Response to Suspension Inquiry or Letter of Suspension (Paper) (Ref. F) | PTO-1822 | <ul style="list-style-type: none"> • Used by the public to submit a response to a suspension inquiry or letter of suspension received from the USPTO. • Used by the USPTO to consider responses from applicants to actions related to suspended applications. |

3. Use of Information Technology

TEAS provides a useful service for all trademark filers. TEAS forms are completed online and transmitted to the USPTO electronically via the Internet. The TEAS forms include “Help” instructions, as well as a “Form Wizard” that tailors the form to the particular characteristics of the application and the mark in question, based on responses provided by the user to questions posed by the Wizard. The forms filed are received within seconds after transmission, and a confirmation of filing is immediately issued to the user by e-mail.

Users do not affix digital signatures to the TEAS forms. Instead, these forms are signed using a combination of alphanumeric characters that the user selects and types between two forward slashes. TEAS forms can be signed in this manner, or the text form of the application can be e-mailed to a second party who can then electronically sign the application. The forms can also be signed by hand by printing the signature page of the form, signing it in ink, scanning the signed page, and then transmitting the entire form and scanned signature page to the USPTO.

Please note that electronic forms can only be submitted via TEAS; filers may not e-mail their own forms to the USPTO.

The TEAS Global Forms are an interim workaround as the USPTO develops additional specific TEAS forms covering items that are currently collected only in paper. A TEAS Global Form will allow the user to submit documents electronically by identifying a document type through a drop-down list, entering text in a free-text box, and attaching files in JPG or PDF format. This allows for electronic filing of documents for which there is not currently a dedicated TEAS form.

The USPTO also maintains an online database called Trademark Document Retrieval (TDR), which features images of each of the documents that make up the “electronic file wrapper” of a particular trademark application or registration. Currently, images of virtually all pending trademark applications are present in TDR, and TDR also features images of many trademark registration files. Over time, the USPTO will upload images of the files of all live trademark registrations into TDR. Another online record system provided by the USPTO is the Trademark Application and Registration Retrieval (TARR) system, which provides users with information regarding the status of trademark applications and registrations. The data in the TARR system is updated daily.

In addition to providing a system that allows the electronic transmission of trademark submissions, the USPTO also provides the public with online access to various trademark records. One such online product is the Trademark Electronic Search System (TESS), a web-based record of registered marks and marks for which applications for registration have been submitted. TESS can be used by potential applicants for trademark registration to assist in the determination of whether a particular mark may be available. The data in TESS is identical to the data reviewed by examining attorneys at the USPTO in their determination of whether marks for which registration is sought are confusingly similar to marks in existing registrations or to marks in pending applications for registration. TESS allows the user to choose from four different search tools, is updated daily, and is easy to use.

These systems are all accessible through the Trademark Electronic Business Center (TEBC) on the USPTO Web site. The TEBC provides descriptions of these systems, and the systems feature online "Help" programs. Thus, the USPTO offers a single source for a variety of systems useful both for making submissions to the USPTO and for tracking the status of these submissions.

4. Efforts to Identify Duplication

This collection does not solicit any data already available at the USPTO. The information collected is information that was requested by the USPTO in an Office Action, information that an applicant did not provide in the original application, arguments made by the applicant about why registration should not be refused, an amendment submitted by an applicant after an application is approved for publication, or information and/or arguments submitted by an applicant in response to the initial or continued suspension of an application.

5. Minimizing the Burden to Small Entities

The USPTO expects that the submission of the information provided places no undue burden on small businesses or other small entities. The same information is required from every customer and is not available from any other source.

6. Consequences of Less Frequent Collection

Less frequent collection of this information is not possible. The information is collected either in response to a USPTO Office Action or submitted voluntarily. The request for reconsideration is the applicant's response to a substantive refusal to register and arguments made by the applicant about why registration should not be refused; and if the information were not collected, the public would not be able to submit amendments after an application has been approved for publication or respond to actions related to suspensions.

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 November 13, 2009 (74 Fed. Reg. 58599). The public comment period ended on January 12, 2010. The USPTO received no public comments in response to the Notice.

Large and well-organized bar associations frequently communicate their views to the USPTO. Also, the Trademark Public Advisory Committee (T-PAC) was created by the American Inventors Protection Act of 1999 to advise the Director of the USPTO on the agency's operations, including its goals, performance, budget, and user fees. The T-PAC includes nine voting members who are appointed by and serve at the pleasure of the Secretary of Commerce. The statute also provides non-voting membership on the Committee for the agency's three recognized unions. Members include inventors, lawyers, corporate executives, entrepreneurs, and academicians with significant experience in management, finance, science, technology, labor relations, and intellectual property issues. The members of the T-PAC reflect the broad array of USPTO's stakeholders and embrace the USPTO's e-government initiative. This diversity of interests is an effective tool in helping the USPTO nurture and protect the intellectual property that is the underpinning of America's strong economy.

9. Payment or Gifts to Respondents

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

10. Assurance of Confidentiality

The initial application for registration of a trademark is open to public inspection. The information collected from the applicant in response to the items in this collection is also available for inspection by the public. Confidentiality is not required in the processing of this information.

Apart from the substantive components and burden statements, the TEAS forms also include a link to the USPTO's Web Privacy Policy. The "Privacy Policy Statement" link is located above the PRA Burden Statement found at the end of the "Wizard" and at the end of the forms themselves. The Web Privacy Policy Statement explains how the USPTO handles any personal information collected from the public through the Web site, and how it handles e-mails. Additionally, the statement also explains what information is collected through the USPTO's Kids Pages, and whether and why the USPTO uses cookies to collect information.

11. Justification for Sensitive Questions

None of the required information is considered to be of a sensitive nature.

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 expects that it will receive approximately 224,183 responses to this information collection annually.
- Burden Hour Calculation Factors**
 The USPTO expects that it will take the public approximately 10 minutes (0.17 hours) to 35 minutes (0.58 hours) to gather the necessary information, create the document, and submit the completed request, depending upon the type of request and the method of submission (electronic or paper).
- Cost Burden Calculation Factors**
 In 2009 the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA) published a report that summarized the results of a survey with data on hourly billing rates. The professional rate of \$325 per hour used in this submission is the median rate for attorneys in private firms as published in that report. The USPTO expects that the information in this collection will be prepared by attorneys. This is a fully loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondents for Information Collected After Submission of the Initial Trademark Application

| Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yr) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|---|--------------|--------------------------|--|------------------------|---|
| Response to Office Action (TEAS) | 0.45 | 173,000 | 77,850 | \$325.00 | \$25,301,250.00 |
| Response to Office Action (Paper) | 0.53 | 8,650 | 4,585 | \$325.00 | \$1,490,125.00 |
| Substitute Trademark/Service mark Application, Principal Register (TEAS Global) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Substitute Trademark/Service mark Application, Principal Register (Paper) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Substitute Certification Mark (TEAS Global) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Substitute Certification Mark (Paper) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Substitute Collective Membership Mark (TEAS Global) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Substitute Collective Membership Mark (Paper) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Substitute Collective Trademark/Service mark (TEAS Global) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |

| Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yr) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|---|--------------|--------------------------|--|------------------------|---|
| Substitute Collective Trademark/Service mark (Paper) | 0.50 | 1 | 1 | \$325.00 | \$325.00 |
| Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS) | 0.28 | 9,600 | 2,688 | \$325.00 | \$873,600.00 |
| Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper) | 0.33 | 480 | 158 | \$325.00 | \$51,350.00 |
| Request for Reconsideration After Final Office Action (TEAS) | 0.50 | 15,400 | 7,700 | \$325.00 | \$2,502,500.00 |
| Request for Reconsideration After Final Office Action (Paper) | 0.58 | 770 | 447 | \$325.00 | \$145,275.00 |
| Post-Publication Amendment (TEAS) | 0.33 | 2,900 | 957 | \$325.00 | \$311,025.00 |
| Post-Publication Amendment (Paper) | 0.41 | 145 | 59 | \$325.00 | \$19,175.00 |
| Petition to Amend Basis Post-Publication (TEAS Global) | 0.17 | 3,000 | 510 | \$325.00 | \$165,750.00 |
| Petition to Amend Basis Post-Publication (Paper) | 0.25 | 150 | 38 | \$325.00 | \$12,350.00 |
| Response to Suspension Inquiry or Letter of Suspension (TEAS) | 0.17 | 9,600 | 1,632 | \$325.00 | \$530,400.00 |
| Response to Suspension Inquiry or Letter of Suspension (Paper) | 0.25 | 480 | 120 | \$325.00 | \$39,000.00 |
| Total | - - - - | 224,183 | 96,752 | - - - - | \$31,444,400.00 |

13. Total Annualized Cost Burden

There are no operation, maintenance or record keeping costs associated with this information collection. Customers incur postage costs when submitting non-electronic information to the USPTO by mail through the United States Postal Service. The USPTO expects that the majority (98%) of the paper forms are submitted to the USPTO via first-class mail. The USPTO estimates that these submissions will typically weigh approximately one ounce and that the first-class postage rate for these submissions is 44 cents. Out of 10,679 paper submissions, the USPTO estimates that 10,465 will be mailed, for a total non-hour respondent cost burden of \$4,607 in postage costs.

Table 4: Postage Costs for Information Collected After Submission of the Initial Trademark Application

| Item | Responses (a) | Postage Costs (\$) (b) | Total Non-Hour Cost Burden (a) x (b) (c) |
|---|------------------|------------------------------|---|
| Response to Office Action | 8,477 | \$0.44 | \$3,730.00 |
| Substitute Trademark/Service mark Application, Principal Register | 1 | \$0.44 | \$1.00 |

| Item | Responses (a) | Postage Costs (\$ (b) | Total Non-Hour Cost Burden (a) x (b) (c) |
|---|------------------|-----------------------------|---|
| Substitute Certification Mark | 1 | \$0.44 | \$1.00 |
| Substitute Collective Membership Mark | 1 | \$0.44 | \$1.00 |
| Substitute Collective Trademark/Service mark | 1 | \$0.44 | \$1.00 |
| Voluntary Amendment Not in Response to USPTO Office Action/Letter | 470 | \$0.44 | \$207.00 |
| Request for Reconsideration after Final Office Action | 755 | \$0.44 | \$332.00 |
| Post-Publication Amendment | 142 | \$0.44 | \$62.00 |
| Petition to Amend Basis Post-Publication | 147 | \$0.44 | \$65.00 |
| Response to Suspension Inquiry or Letter of Suspension | 470 | \$0.44 | \$207.00 |
| Total | 10,465 | - - - | \$4,607.00 |

There are no filing fees associated with this collection. However, filing fees that were incurred but not paid when another document was submitted may be provided together with responses to Office Actions, requests for reconsideration, or voluntary amendments. The USPTO calculates these fees as part of other information collections containing those items.

14. Annual Cost to the Federal Government

The USPTO expects that it takes a GS-7, step 5 employee between 6 minutes (0.10 hours) and 15 minutes (0.25) to process the items in this collection. The hourly rate for a GS-7, step 5, is currently \$22.92 according to the U.S. Office of Personnel Management's (OPM's) wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-7, step 5, is \$29.80 (\$22.92 + \$6.88).

Table 5 calculates the processing hours and costs of this information collection to the Federal Government:

Table 5: Burden Hour/Burden Cost to the Federal Government for Information Collected After Submission of the Initial Trademark Application

| Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yr) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|---|--------------|--------------------------|--|------------------------|---|
| Response to Office Action (TEAS) | 0.20 | 173,000 | 34,600 | \$29.80 | \$1,031,080.00 |
| Response to Office Action (Paper) | 0.25 | 8,650 | 2,163 | \$29.80 | \$64,457.00 |
| Substitute Trademark/Service mark Application, Principal Register (TEAS Global) | 0.20 | 1 | 1 | \$29.80 | \$30.00 |

| Item | Hours (a) | Responses (yr) (b) | Burden (hrs/yr) (c) (a) x (b) | Rate (\$/hr) (d) | Total Cost (\$/hr) (e) (c) x (d) |
|---|--------------|--------------------------|--|------------------------|---|
| Substitute Trademark/Service mark Application, Principal Register (Paper) | 0.25 | 1 | 1 | \$29.80 | \$30.00 |
| Substitute Certification Mark (TEAS Global) | 0.20 | 1 | 1 | \$29.80 | \$30.00 |
| Substitute Certification Mark (Paper) | 0.25 | 1 | 1 | \$29.80 | \$30.00 |
| Substitute Collective Membership Mark (TEAS Global) | 0.20 | 1 | 1 | \$29.80 | \$30.00 |
| Substitute Collective Membership Mark (Paper) | 0.25 | 1 | 1 | \$29.80 | \$30.00 |
| Substitute Collective Trademark/Service mark (TEAS Global) | 0.20 | 1 | 1 | \$29.80 | \$30.00 |
| Substitute Collective Trademark/Service mark (Paper) | 0.25 | 1 | 1 | \$29.80 | \$30.00 |
| Voluntary Amendment Not in Response to USPTO Office Action/Letter (TEAS) | 0.13 | 9,600 | 1,248 | \$29.80 | \$37,190.00 |
| Voluntary Amendment Not in Response to USPTO Office Action/Letter (Paper) | 0.15 | 480 | 72 | \$29.80 | \$2,146.00 |
| Request for Reconsideration after Final Office Action (TEAS) | 0.20 | 15,400 | 3,080 | \$29.80 | \$91,784.00 |
| Request for Reconsideration after Final Office Action (Paper) | 0.25 | 770 | 193 | \$29.80 | \$5,751.00 |
| Post-Publication Amendment (TEAS) | 0.20 | 2,900 | 580 | \$29.80 | \$17,284.00 |
| Post-Publication Amendment (paper) | 0.23 | 145 | 33 | \$29.80 | \$983.00 |
| Petition to Amend Basis Post-Publication (TEAS Global) | 0.20 | 3,000 | 600 | \$29.80 | \$17,880.00 |
| Petition to Amend Basis Post-Publication (Paper) | 0.23 | 150 | 35 | \$29.80 | \$1,043.00 |
| Response to Suspension Inquiry or Letter of Suspension (TEAS) | 0.10 | 9,600 | 960 | \$29.80 | \$28,608.00 |
| Response to Suspension Inquiry or Letter of Suspension (paper) | 0.13 | 480 | 62 | \$29.80 | \$1,848.00 |
| Total | - - - - | 224,183 | 43,634 | - - - - | \$1,300,294.00 |

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this collection in April of 2006. In April of 2008 OMB approved a proposed addition that added in two new TEAS forms along with their paper equivalents, which increased the number of responses and burden hours for the collection.

This collection is currently approved with a total of 124,800 responses and 21,545 burden hours per year. For this renewal, the USPTO expects that the total annual responses will be 224,183 and the total annual burden hours will be 96,752, an increase

of 99,383 responses and 75,207 burden hours. This increase in burden hours is due to program changes, administrative adjustments, and increased workload due to an increase in application filings.

The total annual (non-hour) cost burden for this renewal of \$4,607 is an increase of \$3,090 over the currently approved total of \$1,517. The increase in annual costs is due to both program changes and administrative adjustments.

Summary of Changes Since the 60-Day Notice

The 60-Day *Federal Register* Notice, published in November 2009, reported that the USPTO estimated it would receive 208,360 responses resulting in 57,416 burden hours per year. After publication of that notice, the USPTO revised its estimate as to how many of these submissions would be made. The revised estimate has increased the number of responses to office actions and decreased the responses for the remaining items in the collection. With this renewal, the USPTO is adding in paper equivalents for the response to office action and voluntary amendment forms. The USPTO is also adding in four substitute applications and a petition to amend basis post-publication in a TEAS Global format along with paper equivalents, along with a TEAS request for reconsideration form and its paper equivalent. These changes result in the present 224,183 responses and 96,752 burden hours being reported for this submission. It also accounts for an additional \$13,645,440 in respondent cost burden, from \$17,798,960 reported in the 60-Day *Federal Register* Notice to the present \$31,444,400.

Change in Respondent Cost Burden

When the renewal of this collection was approved in April 2006, the estimated hourly rate for respondents was \$286 for the reported 19,958 burden hours, yielding a respondent cost burden of \$5,707,988.

For this renewal, the USPTO is using the current professional hourly rate of \$325. At this rate, the 96,752 burden hours yield a respondent cost burden of \$31,444,400, which is an increase of \$25,736,412 over the currently approved burden at the previous hourly rate. This increase in respondent cost burden is due to both the increase in total burden hours for the collection and the increase in the estimated hourly rate.

Changes in Responses and Burden Hours

The USPTO expects that the annual responses for this renewal will increase by 99,383, from 124,800 to 224,183. Consequently, the USPTO expects that the total annual burden hours will increase by 75,207, from 21,545 to 96,752. This increase in burden hours is due to an increase in responses and new items being added into the collection. **In sum, this information collection has a total burden increase of 75,207 hours due to program changes and administrative adjustments, as follows:**

- The USPTO expects that the number of TEAS Response to Office Actions submitted per year will increase by 63,000 responses, from 110,000 to 173,000.

Therefore, this submission takes a burden increase of 59,150 hours as an administrative adjustment.

- The USPTO is adding the paper equivalent of the Response to Office Actions into the collection. The USPTO estimates that it will take 32 minutes to complete this requirement and that it will receive 8,650 responses per year. **Therefore, this submission takes a total burden increase of 4,585 hours as a program change.**
- The USPTO is adding the Substitute Trademark/Service mark Application, Principal Register in the TEAS Global format into the collection. The USPTO estimates that it will take 21 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Substitute Trademark/Service mark Application, Principal Register in paper format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Substitute Certification Mark in the TEAS Global format into the collection. The USPTO estimates that it will take 21 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Substitute Certification Mark in paper format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Substitute Collective Membership Mark in the TEAS Global format into the collection. The USPTO estimates that it will take 21 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Substitute Collective Membership Mark in paper format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Substitute Collective Trademark/Service mark in the TEAS Global format into the collection. The USPTO estimates that it will take 21

minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**

- The USPTO is adding the Substitute Collective Trademark/Service mark in paper format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 1 response per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO expects that the number of TEAS Voluntary Amendments Not in Response to USPTO Office Action/Letter (item renamed in this submission) submitted per year will increase by 2,200 responses, from 7,400 to 9,600. **Therefore, this submission takes a burden increase of 1,430 hours as an administrative adjustment.**
- The USPTO is adding the Voluntary Amendments Not in Response to USPTO Office Action/Letter in paper format into the collection. The USPTO estimates that it will take 20 minutes to complete this requirement and that it will receive 480 responses per year. **Therefore, this submission takes a burden increase of 158 hours as a program change.**
- The USPTO is adding the TEAS Request for Reconsideration After Final Office Action into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 15,400 responses per year. **Therefore, this submission takes a burden increase of 7,700 hours as a program change.**
- The USPTO is adding the Request for Reconsideration After Final Office Action in paper format into the collection. The USPTO expects that it will take 35 minutes to complete this requirement and that it will receive 770 responses per year. **Therefore, this submission takes a burden increase of 447 hours as a program change.**
- The USPTO expects that the number of TEAS Post-Publication Amendments submitted per year will increase by 2,000 responses, from 900 to 2,900. **Therefore, this submission takes a burden increase of 732 hours as an administrative adjustment.**
- The USPTO expects that the number of Post-Publication Amendments in paper format submitted per year will decrease by 755 responses, from 900 to 145. **Therefore, this submission takes a burden decrease of 211 hours as an administrative adjustment.**
- The USPTO is adding the Petition to Amend Basis Post-Publication in the TEAS Global format into the collection. The USPTO estimates that it will take 10

minutes to complete this requirement and that it will receive 3,000 responses per year. **Therefore, this submission takes a burden increase of 510 hours as a program change.**

- The USPTO is adding the Petition to Amend Basis Post-Publication in paper format into the collection. The USPTO expects that it will take 15 minutes to complete this requirement and that it will receive 150 responses per year. **Therefore, this submission takes a burden increase of 38 hours as a program change.**
- The USPTO expects that the number of TEAS Response to Suspension Inquiry or Letter of Suspensions submitted per year will increase by 6,800 responses, from 2,800 to 9,600. **Therefore, this submission takes a burden increase of 1,156 hours as an administrative adjustment.**
- The USPTO expects that the number of Response to Suspension Inquiry or Letter of Suspensions in paper format submitted per year will decrease by 2,320 responses, from 2,800 to 480. **Therefore, this submission takes a burden decrease of 496 hours as an administrative adjustment.**

A total of 75,207 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, changes in the time it takes to complete some of the responses, and 14 requirements being added into this collection. This results in a total net burden increase of 61,761 hours as an administrative adjustment and 13,446 hours as a program change.

Changes in Annualized (Non-hour) Costs

For this renewal, the USPTO expects that the total annual (non-hour) costs will increase by \$3,090, from \$1,517 currently reported on the OMB inventory to the present \$4,607. This increase is due to eight new requirements being added to the collection, offset by a decrease in the number of submissions for two existing items requiring postage. **Therefore, this collection has an increase in annual (non-hour) cost burden of \$3,090, with an increase of \$4,338 due to program changes offset by a decrease of \$1,248 due to administrative adjustments.**

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 the date on which OMB's approval of this information collection expires.

18. Exception to the Certificate Statement

No exceptions to the certificate statement are included in this collection of information.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.

REFERENCES

- A. USPTO Information Quality Guidelines
- B. PTO-1957 Response to Office Action (TEAS)
Substitute Trademark/Service mark Application, Principal Register (TEAS Global)
Substitute Certification Mark (TEAS Global)
Substitute Collective Mark (TEAS Global)
Substitute Collective Trademark/Service mark (TEAS Global)
- C. PTO-1966 Voluntary Amendment Not in Response to USPTO Office Action/Letter
- D. PTO-1960 Request for Reconsideration After Final Office Action
- E. PTO-1771 Post-Publication Amendment
- F. PTO-1822 Response to Suspension Inquiry or Letter of Suspension