

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Humanitarian Program**  
**OMB CONTROL NO. 0651-00xx**  
**January 2012**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (USPTO) is launching a voluntary pilot program to incentivize the distribution of patented technologies or products to address humanitarian needs. The USPTO plans to collect information from Applicants that describes what actions they have taken with their patented technology to address humanitarian needs among an impoverished population, or how they have furthered research by others on technologies for humanitarian purposes. It is expected that inventions from any field of technology may participate.

This pilot program is a follow-up to the responses received from the agency's "Request for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System" published September 20, 2010.

**Table 1: Statute and Rule Citations**

| Requirement                      | Statute        | Rule         |
|----------------------------------|----------------|--------------|
| Humanitarian Program Application | 35 U.S.C. §131 | No rule cite |

**2. Needs and Uses**

Applicants will submit applications describing how their actions satisfy the competition criteria to address humanitarian issues.

Submissions will be publicly available. Applications may be up to five pages, and applicants may supplement the application with additional supporting material if they wish. Judges will review application and may review the supplemental material at their discretion.

**Table 2: Needs and Uses**

| Form and Function                | Form #         | Needs and Uses  |
|----------------------------------|----------------|---|
| Humanitarian Program Application | No Form Number | <ul style="list-style-type: none"> <li>• Used by the applicant to apply for participation in Humanitarian pilot program.</li> <li>• Used by external judges to recommend award recipients.</li> <li>• Used by a selection committee to select award recipients.</li> <li>• Used by the USPTO to award a certificate to selected recipients.</li> <li>• Used by the applicant to supply requested information</li> </ul> |

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.

### **3. Use of Information Technology**

Applications will be submitted electronically through the [www.challenge.gov](http://www.challenge.gov) website.

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

This information is collected to determine whether the applicant is eligible for pilot program. It does not duplicate information or collection of data found elsewhere.

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

No significant impact is placed on small entities.

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

This information is collected only as required to process an application for participation in the pilot program. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not collected, the USPTO would not be able to present awards.

### **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 USPTO published a Federal Register Notice on September 20, 2010, entitled "Request for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System" (75 Fed. Reg. 57261). Public comments have been received and have been considered in the development of the program and

collection of information. Comments are posted to the agency website at <http://www.uspto.gov/patents/law/comments/humanitarian.jsp>.

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

This information collection does involve an award to select respondents. For patent holders whose applications are chosen as the best examples of advancing humanitarian goals, the USPTO will award them a certificate for acceleration of certain matters before the agency.

## **10. Assurance of Confidentiality.**

The USPTO will comply with the Privacy Act of 1974.

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

None of the information to be collected 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 to be an estimated \$706,000 based on the following factors:

- **Respondent Calculation Factors**  
The USPTO estimates that it will receive 1,000 applications per year.
- **Burden Hour Calculation Factors**  
The USPTO estimates that it takes the public approximately 4 hours to complete the application, depending on the nature of the information. This includes the time to gather the necessary information, prepare the application and submit it and any supplemental supporting materials, to the USPTO.
- **Cost Burden Calculation Factors**  
Respondent costs are estimated at two rates:
  - \$122 per hour: the mean billing rate for paralegals with the Advanced Certified Paralegal credential (source: Table 3.2, 2010 *National Utilization and Compensation Survey Report* published by the National Association of Legal Assistance, October 2010).
  - \$340 per hour: the median billing rate for attorneys in private firms, (source: page 8 of the 2011 *Report of the Economic Survey from the Law Practice Management Committee* of the American Intellectual Property Law Association (AIPLA)).

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

| Item                             | Hours<br>(a) | Responses<br>(yr)<br>(b) | Burden<br>(hrs/yr)<br>(c)<br>(a) x (b) | Rate<br>(\$/hr)<br>(d) | Total Cost<br>(\$/hr)<br>(e)<br>(c) x (d) |
|----------------------------------|--------------|--------------------------|--|------------------------|---|
| Humanitarian Program Application |              |                          |  |                        |   |
| - Paralegal                      | 3.00         | 1.000                    | 3,000                                  | \$122                  | \$366,000                                 |
| - Attorney                       | 1.00         | 1.000                    | 1,000                                  | \$340                  | \$340,000                                 |
| <b>Total</b>                     | <b>4.00</b>  | <b>1000</b>              | <b>4,000</b>                           | <b>- - - -</b>         | <b>\$706,000</b>                          |

**13. Total Annualized Cost Burden**

There are no postage, operation or maintenance costs associated with this information collection. All applications will be received electronically.

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

The USPTO's total estimated cost for processing the information in this collection is estimated at \$ 2,573 per year. The estimated cost for processing the applications is as follows:

It is estimated that a GS-5, step 1, will take 5 minutes (0.08 hours) to review the applications for inappropriate material. The hourly rate for a GS-9, step 1, is currently \$24.74 according to the U.S. Office of Personnel Management's 2011 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-5, step 1 is \$32.16 (\$24.74 + \$7.42).

**Table 4: Burden Hour/Burden Cost to the Federal Government**

| Item                             | Hours<br>(a)     | Responses<br>(yr)<br>(b) | Burden<br>(hrs/yr)<br>(c)<br>(a) x (b) | Rate<br>(\$/hr)<br>(d) | Total Cost<br>(\$/hr)<br>(e)<br>(c) x (d) |
|----------------------------------|------------------|--------------------------|--|------------------------|---|
| Humanitarian Program Application | .08              | 1000                     | 80                                     | \$32.16                | \$2,573                                   |
| <b>Total</b>                     | <b>- - - - -</b> | <b>1000</b>              |  | <b>- - - - -</b>       | <b>\$2,573</b>                            |

**15. Reason for Change in Burden**

This is a new collection of information.

## **16. Project Schedule**

There is no plan to publish this information for statistical use. The pilot program start date is currently estimated as early calendar year 2012. Applications are expected to be collected twice a year for the pilot. This schedule may be adjusted in the future.

## **17. Display of Expiration Date of OMB Approval**

The form in this information collection will display the OMB Control Number and the OMB 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.