

SUPPORTING STATEMENT
United States Patent and Trademark Office
Substantive Submissions Made During the Prosecution
of the Trademark Application
OMB CONTROL NUMBER 0651-0054
(July 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 registration of trademarks, service marks, collective trademarks and collective service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the United States Patent and Trademark Office (USPTO).

Such individuals and businesses may also submit various communications to the USPTO, including requests to amend their registrations to delete goods or services that are no longer being used by the registrant. Registered marks remain on the register for ten years and can be renewed, but will be canceled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce within specific deadlines. Registrants may also surrender a registration and, in limited situations, petition the Director to reinstate a registration that has been cancelled.

The rules implementing the Trademark Act are set forth in 37 CFR Part 2. These rules mandate that each register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. The Federal trademark registration process may thereby lessen the filing of papers in court and between parties.

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 in the inventory at this time to take into account a new method of electronic submission of information when a TEAS form having dedicated data fields is not yet available (i.e., TEAS Global forms). The new information includes: Response to Intent-to-Use (ITU)/Divisional Unit Office Action, Response to Petition to Revive Deficiency Letter, Petition to the Director Under Trademark Rule 2.146, Due Diligence Petition Under Trademark Rule 2.66, Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA, and Request to Divide Application. With the introduction of the TEAS Global Forms, the information in this collection can be collected in three different formats: paper format, electronically using the original TEAS forms, or electronically using the TEAS Global Forms. Information regarding the Request to Divide was previously collected in paper form, but is now being offered in the TEAS Global format as well, with the name changed to Request to Divide Application.

Table 1 identifies the statutory and regulatory provisions pursuant to which the USPTO collects the information:

Table 1: Information Requirements for Substantive Submissions Made During Prosecution of the Trademark Application

Requirement	Statute	Rule
Trademark/Service Mark Allegation of Use (Statement of Use/Amendment to Allege Use)	15 U.S.C. § 1051(c) and (d)(1)	37 CFR Part 2, 2.76, 2.86 and 2.88
Request for Extension of Time to File a Statement of Use	15 U.S.C. § 1051(d)(2)	37 CFR Part 2, 2.89
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.61-2.66
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request	15 U.S.C. § 1051(d)(4)	37 CFR Part 2, 2.66, 2.88, and 2.89
Request to Delete Section 1(b) Basis, Intent to Use	15 U.S.C. § 1123	37 CFR Part 2, 2.35
Request for Express Abandonment (Withdrawal) of Application	15 U.S.C. § 1123	37 CFR Part 2, 2.68
Request to Divide Application	15 U.S.C. § 1123	37 CFR Part 2, 2.87
Response to Intent-to-Use (ITU) Divisional Unit Office Action	15 U.S.C. § 1123	37 CFR Part 2, 2.87
Response to Petition to Revive Deficiency Letter	15 U.S.C. §§ 1051(d)(4), 1062(b), and 1123	37 CFR Part 2, 2.61, 2.63-2.66, 2.88, and 2.89
Petition to the Director Under Trademark Rule 2.146	15 U.S.C. § 1123	37 CFR Part 2, 2.35, 2.63, 2.84, 2.101, 2.102, 2.146, 2.165, 2.176 and 2.186
Due Diligence Petition Under Trademark Rule 2.66	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.66 and 2.146
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA	15 U.S.C. §§ 1062(b) and 1123	37 CFR Part 2, 2.35, 2.66, and 2.77

2. Needs and Uses

The USPTO uses the information described in this collection to process the substantive submissions made during prosecution of the trademark application. 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 Ref. A, the *USPTO Information Quality Guidelines*.)

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 Substantive Submissions Made During Prosecution of the Trademark Application

Form and Function	Form #	Needs and Uses
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS) (Ref. B)	PTO Form 1553	<ul style="list-style-type: none"> Used by the public to electronically complete and file a notification to the USPTO that a mark for which registration is sought is in use in commerce. Used by the USPTO to review electronically filed applications for registration.
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	PTO Form 1553	<ul style="list-style-type: none"> Used by the public to notify the USPTO that a mark for which registration is sought is in use in commerce. Used by the USPTO to complete processing of applications for registration.
Request for Extension of Time to File a Statement of Use (TEAS) (Ref. C)	PTO Form 1581	<ul style="list-style-type: none"> Used by the public to electronically complete and file a request for a six-month extension of time to file a statement that the mark for which registration is sought is in use in commerce. Used by the USPTO to grant an extension of time to electronically file statements that the mark for which registration is sought is in use in commerce.
Request for Extension of Time to File a Statement of Use (Paper)	PTO Form 1581	<ul style="list-style-type: none"> Used by the public to request a six-month extension of time to file a statement that the mark for which registration is sought is in use in commerce. Used by the USPTO to grant an extension of time to file a statement that the mark for which registration is sought is in use in commerce.
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS) (Ref. D)	Form 2194	<ul style="list-style-type: none"> Used by the public to electronically complete and file a petition to the USPTO to revive an application that was abandoned because of a failure to submit a timely response to an office action. Used by the USPTO to process electronically filed petitions to revive an application that was abandoned because of a failure to submit a timely response to an office action.

Form and Function	Form #	Needs and Uses
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition the USPTO to revive an application that was abandoned because of a failure to submit a timely response to an office action. Used by the USPTO to process a request to revive an application that was abandoned because of a failure to submit a timely response to an office action.
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS) (Ref. E)	Form 2195	<ul style="list-style-type: none"> Used by the public to electronically complete and file a petition to revive an application that was abandoned because of a failure to file a timely statement of use or extension request. Used by the USPTO to process electronically filed petitions to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to petition the USPTO to revive an application that was abandoned because of a failure to file a timely statement of use or extension request. Used by the USPTO to process a petition to revive an application that was abandoned because of a failure to file a timely statement of use or extension request.
Request to Delete Section 1(b) Basis, Intent to Use (TEAS) (Ref. F)	Form 2200	<ul style="list-style-type: none"> Used by the public to electronically complete and file a request to delete a particular statutory filing basis, section 1(b) basis, from an entire class of goods and/or services from an application. Used by the USPTO to process electronically filed requests to delete a section 1(b) basis from an application.
Request to Delete Section 1(b) Basis, Intent to Use (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to submit a request to delete a particular statutory filing basis, section 1(b) basis, from an entire class of goods and/or services from an application. Used by the USPTO to process requests to delete a section 1(b) basis from an application.
Request for Express Abandonment (Withdrawal) of Application (TEAS) (Ref. G)	Form 2202	<ul style="list-style-type: none"> Used by the public to electronically complete and file a request to withdraw an application. Used by the USPTO to process electronically filed requests to withdraw an application.
Request for Express Abandonment (Withdrawal) of Application (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to submit a request to withdraw an application. Used by the USPTO to process requests to withdraw an application.
Request to Divide Application (TEAS Global) (Ref. H)	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to electronically request that an application for registration that identifies multiple goods and/or services be divided into two or more separate applications. Used by the USPTO to process electronic requests for applications for registration that identify multiple goods and/or services to be divided into two or more separate applications.
Request to Divide Application (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to request that an application for registration that identifies multiple goods and/or services be divided into two or more separate applications. Used by the USPTO to process requests for applications for registration that identify multiple goods and/or services to be divided into two or more separate applications.
Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global) (Ref. I)	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to electronically submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the request to divide is incomplete. Used by the public to electronically pay additional fees. Used by the USPTO to collect information that the applicant did not supply in the original request to divide and which the USPTO needs to complete the review of these requests.

Form and Function	Form #	Needs and Uses
Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	No Form Associated	<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 request to divide is incomplete. Used by the USPTO to collect information that the applicant did not supply in the original request to divide and which the USPTO needs to complete the review of these requests.
Response to Petition to Revive Deficiency Letter (TEAS Global) (Ref. J)	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to electronically submit information in response to an Office Action received from the USPTO after it is determined from the initial review that the petition to revive is incomplete. Used by the public to electronically pay additional fees. Used by the USPTO to collect information that the applicant did not supply in the original petition and which the USPTO needs to complete the review of the petition.
Response to Petition to Revive Deficiency Letter (Paper)	No Form Associated	<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 petition to revive is incomplete. Used by the USPTO to collect information that the applicant did not supply in the original petition and which the USPTO needs to complete the review of the petition.
Petition to the Director Under Trademark Rule 2.146 (TEAS Global) (Ref. K)	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to electronically file a petition to the Director pursuant to Trademark Rule 2.146. Used by the USPTO to process electronic petitions to the Director filed pursuant to Trademark Rule 2.146.
Petition to the Director Under Trademark Rule 2.146 (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to file a petition to the Director pursuant to Trademark Rule 2.146. Used by the USPTO to process electronic petitions to the Director filed pursuant to Trademark Rule 2.146.
Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global) (Ref. L)	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to electronically file a petition to revive an application that was abandoned because of a failure to file a response to an Office Action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment. Used by the USPTO to process electronic petitions to revive an application that was abandoned because of a failure to file a response to an office action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment.
Due Diligence Petition Under Trademark Rule 2.66 (Paper)	No Form Associated	<ul style="list-style-type: none"> Used by the public to file a petition to revive an application that was abandoned because of a failure to file a response to an Office Action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment. Used by the USPTO to process petitions to revive an application that was abandoned because of a failure to file a response to an office action or a timely statement of use or extension request when the petition is filed more than two months after the issue date of the notice of abandonment.
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global) (Ref. M)	TEAS Global Form	<ul style="list-style-type: none"> Used by the public to electronically file a petition to the USPTO to revive an application that was abandoned because of a failure to submit a timely response to a Notice of Allowance and to request deletion of a basis or of specified goods and/or services. Used by the USPTO to process electronic petitions to revive an application that was abandoned because of a failure to submit a timely response to an office action that also included a request to delete a basis or specified goods and/or services.

Form and Function	Form #	Needs and Uses
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	No Form Associated	<ul style="list-style-type: none"> • Used by the public to file a petition to the USPTO to revive an application that was abandoned because of a failure to submit a timely response to a Notice of Allowance and to request deletion of a basis or of specified goods and/or services. • Used by the USPTO to process a petition to revive an application that was abandoned because of a failure to submit a timely response to an office action that also included a request to delete a basis or specified goods and/or services.

3. Use of Information Technology

The USPTO provides online electronic forms through the Web-accessible Trademark Electronic Application System (TEAS). 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 via e-mail to the user.

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. Additionally, filers who submit drawings of marks that are not “standard character” drawings must attach digitized images of these drawings to their submissions.

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 method allows for electronic filing of documents when there is not currently a TEAS form with dedicated data fields for the particular purpose.

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 has 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 for 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 information is collected only when allegations of use, requests for extension of time to file a statement of use, petitions to revive abandoned applications, requests to delete section 1(b) basis, intent to use, requests for express abandonment, requests to divide, responses to intent-to-use (ITU) divisional unit office action, responses to petition to revive deficiency letter, petitions to the director under trademark rule 2.146, due diligence petitions under trademark rule 2.66, and petitions to revive with request to delete section 1(b) basis or to delete ITU goods/services after NOA are submitted to the USPTO. This collection does not solicit any data already available at the USPTO. This collection does not create a duplication of effort.

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

This information collection could not be conducted less frequently, since the information is collected only when voluntarily submitted by the public. If the information were not collected, the public would not be able to allege use of a trademark/service mark, request an extension of time to file a statement of use, petition to revive abandoned applications, request that a section 1(b) basis be deleted from their applications, request

express abandonment, file a request to divide an application, or file the other responses and petitions in this collection. The information could not be collected less frequently. If this information was not collected, the USPTO could not comply with the requirements of the Trademark Act, 15 U.S.C. § 1051 and 37 CFR Part 2.

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 March 1, 2011 (76 Fed Reg. 11208). The public comment period ended on May 2, 2011. No public comments were received.

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 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

Trademark applications and registrations are open to public inspection. Confidentiality is not required in the processing of trademark applications.

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 website, 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 in this collection 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 289,521 responses per year for this collection, with 279,139 responses (96.5%) filed electronically.
- Burden Hour Calculation Factors**
 The USPTO estimates that it will take the public an average of 5 to 30 minutes (0.08 to 0.50 hours) to complete the collections of information described in this submission, depending on the nature of the information. This includes time to gather the necessary information, create the documents, and either complete and electronically file the associated form or mail the completed request.
- 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, although some submissions may be prepared by *pro se* applicants and registrants. This is a fully loaded hourly rate.

Table 3: Burden Hour/Burden Cost to Respondents for Substantive Submissions Made During Prosecution of the 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)
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS) (PTO Form 1553)	0.25	73,525	18,381	\$325.00	\$5,973,825.00
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	0.33	4,361	1,439	\$325.00	\$467,675.00
Request for Extension of Time to File a Statement of Use (TEAS) (PTO Form 1581)	0.13	176,715	22,973	\$325.00	\$7,466,225.00
Request for Extension of Time to File a Statement of Use (Paper)	0.17	4,531	770	\$325.00	\$250,250.00
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS) (PTO Form 2194)	0.20	15,396	3,079	\$325.00	\$1,000,675.00

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	0.25	810	203	\$325.00	\$65,975.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS) (PTO Form 2195)	0.17	810	138	\$325.00	\$44,850.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	0.20	43	9	\$325.00	\$2,925.00
Request to Delete Section 1(b) Basis, Intent to Use (TEAS) (PTO Form 2200)	0.08	1,380	110	\$325.00	\$35,750.00
Request to Delete Section 1(b) Basis, Intent to Use (Paper)	0.17	69	12	\$325.00	\$3,900.00
Request for Express Abandonment (Withdrawal) of Application (TEAS) (PTO Form 2202)	0.08	5,548	444	\$325.00	\$144,300.00
Request for Express Abandonment (Withdrawal) of Application (Paper)	0.17	277	47	\$325.00	\$15,275.00
Request to Divide Application (TEAS Global)	0.13	5,211	677	\$325.00	\$220,025.00
Request to Divide Application (Paper)	0.17	261	44	\$325.00	\$14,300.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)	0.50	2	1	\$325.00	\$325.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	0.50	1	1	\$325.00	\$325.00
Response to Petition to Revive Deficiency Letter (TEAS Global)	0.20	100	20	\$325.00	\$6,500.00
Response to Petition to Revive Deficiency Letter (Paper)	0.25	5	1	\$325.00	\$325.00
Petition to the Director Under Trademark Rule 2.146 (TEAS Global)	0.25	310	78	\$325.00	\$25,350.00
Petition to the Director Under Trademark Rule 2.146 (Paper)	0.33	16	5	\$325.00	\$1,625.00
Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)	0.25	140	35	\$325.00	\$11,375.00
Due Diligence Petition Under Trademark Rule 2.66 (Paper)	0.33	7	2	\$325.00	\$650.00
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)	0.50	2	1	\$325.00	\$325.00
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	0.50	1	1	\$325.00	\$325.00
Total	- - - -	289,521	48,471	- - - -	\$15,753,075.00

13. Total Annualized (Non-hour) Cost Burden

There are no capital start-up, maintenance, or record keeping costs. There is, however, non-hour cost burden in the way of filing fees and postage costs.

Filing fees of \$37,276,200 are associated with this collection. Filing fees are based on per class filing of goods and services; therefore, the total filing fees can vary depending on the number of classes. The filing fees shown here are the minimum fees associated with this information collection.

Table 4 calculates the filing fees associated with this collection of information:

Table 4: Filing Fees – Non-hour Cost Burden for Substantive Submissions Made During Prosecution of the Trademark Application

Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS)	73,525	\$100.00	\$7,352,500.00
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	4,361	\$100.00	\$436,100.00
Request for Extension of Time to File a Statement of Use (TEAS)	176,715	\$150.00	\$26,507,250.00
Request for Extension of Time to File a Statement of Use (Paper)	4,531	\$150.00	\$679,650.00
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS)	15,396	\$100.00	\$1,539,600.00
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	810	\$100.00	\$81,000.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS)	810	\$100.00	\$81,000.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	43	\$100.00	\$4,300.00
Request to Delete Section 1(b) Basis, Intent to Use (TEAS)	1,380	\$0.00	\$0.00
Request to Delete Section 1(b) Basis, Intent to Use (Paper)	69	\$0.00	\$0.00
Request for Express Abandonment (Withdrawal) of Application (TEAS)	5,548	\$0.00	\$0.00
Request for Express Abandonment (Withdrawal) of Application (Paper)	277	\$0.00	\$0.00
Request to Divide Application (TEAS Global)	5,211	\$100.00	\$521,100.00
Request to Divide Application (Paper)	261	\$100.00	\$26,100.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)	2	\$0.00	\$0.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	1	\$0.00	\$0.00
Response to Petition to Revive Deficiency Letter (TEAS Global)	100	\$0.00	\$0.00

Item	Responses (yr) (a)	Filing fee* (\$) (b)	Total Non-Hour Cost Burden (yr) (a) x (b) (c)
Response to Petition to Revive Deficiency Letter (Paper)	5	\$0.00	\$0.00
Petition to the Director Under Trademark Rule 2.146 (TEAS Global)	310	\$100.00	\$31,000.00
Petition to the Director Under Trademark Rule 2.146 (Paper)	16	\$100.00	\$1,600.00
Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)	140	\$100.00	\$14,000.00
Due Diligence Petition Under Trademark Rule 2.66 (Paper)	7	\$100.00	\$700.00
Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)	2	\$100.00	\$200.00
Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	1	\$100.00	\$100.00
Total	289,521	- - - -	\$37,276,200.00

*Note: All fees listed are based on per class filing.

Applicants and registrants 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 of submissions for these paper forms are made via first class mail. First class postage is 44 cents. Therefore, a total estimated mailing cost of \$4,569 is incurred for this collection.

Table 5 calculates the postage costs for the substantive submissions made during prosecution of the trademark application:

Table 5: Postage Costs for Substantive Submissions Made During Prosecution of the Trademark Application

Item	Responses (yr) (a)	Postage Costs (b)	Total Cost (yr) (a) x (b)
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use)	4,361	\$0.44	\$1,919.00
Request for Extension of Time to File a Statement of Use	4,531	\$0.44	\$1,994.00
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action	810	\$0.44	\$356.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request	43	\$0.44	\$19.00
Request to Delete Section 1(b) Basis, Intent to Use	69	\$0.44	\$30.00
Request for Express Abandonment (Withdrawal) of Application	277	\$0.44	\$122.00
Request to Divide Application	261	\$0.44	\$115.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action	1	\$0.44	\$1.00
Response to Petition to Revive Deficiency Letter	5	\$0.44	\$2.00

Item	Responses (yr) (a)	Postage Costs (b)	Total Cost (yr) (a) x (b)
Petition to the Director Under Trademark Rule 2.146	16	\$0.44	\$7.00
Due Diligence Petition Under Trademark Rule 2.66	7	\$0.44	\$3.00
Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA	1	\$0.44	\$1.00
Total	10,382	- - - -	\$4,569.00

In sum, the total annual non-hour cost burden for this collection in the form of filing fees (\$37,276,200) and postage costs (\$4,569) amounts to \$37,280,769.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-7, step 5 employee between 11 and 14 minutes to process an allegation of use. The direct rate of pay for a GS-7, step 5 is \$22.92. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-7, step 5 is \$22.92 + \$6.88, for a rate of \$29.80.

The USPTO estimates that it takes a GS-11, step 5 employee between 6 and 11 minutes to process an extension request, between 6 and 11 minutes to process a request to delete a section 1(b) filing basis, between 3 and 9 minutes to process a petition to revive, between 24 and 30 minutes to process a response to an ITU Office action, and between 24 and 30 minutes to process a request to divide an application. The current hourly rate for a GS-11, step 5 is \$33.92. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-11, step 5 is \$33.92 + \$10.18, for a rate of \$44.10.

The USPTO estimates that it takes a GS-12, step 5 employee between 30 and 45 minutes to process a due diligence petition under Trademark Rule 2.66, between 15 and 18 minutes to process a petition to revive with request to delete a section 1(b) filing basis or to delete ITU goods/services after NOA, and between 15 and 18 minutes to process a response to a petition to revive deficiency letter. The current hourly rate for a GS-12, step 5 is \$40.66. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-12, step 5 is \$40.66 + \$12.20, for a rate of \$52.86.

The USPTO estimates that it takes a GS-13, step 5 employee between 2 and 6 minutes to process a request for express abandonment. The current hourly rate for a GS-13, step 5 is \$48.35. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the cost per hour for a GS-12, step 5 is \$48.35 + \$14.51, for a rate of \$62.86.

The USPTO estimates that it takes a GS-15, step 5 employee between 30 and 45 minutes to process a petition under Trademark Rule 2.146. The current hourly rate for a GS-15, step 5 is \$67.21. When 30% is added to account for a fully loaded hourly rate

(benefits and overhead), the cost per hour for a GS-12, step 5 is \$67.21 + \$20.16, for a rate of \$87.37.

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 for Substantive Submissions Made During Prosecution of the 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)
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (TEAS)	0.18	73,525	13,235	\$29.80	\$394,403.00
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Paper)	0.23	4,361	1,003	\$29.80	\$29,889.00
Request for Extension of Time to File a Statement of Use (TEAS)	0.10	176,715	17,672	\$44.10	\$779,335.00
Request for Extension of Time to File a Statement of Use (Paper)	0.18	4,531	816	\$44.10	\$35,986.00
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (TEAS)	0.05	15,396	770	\$44.10	\$33,957.00
Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Paper)	0.15	810	122	\$44.10	\$5,380.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (TEAS)	0.05	810	41	\$44.10	\$1,808.00
Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Paper)	0.15	43	6	\$44.10	\$265.00
Request to Delete Section 1(b) Basis, Intent to Use (TEAS)	0.10	1,380	138	\$44.10	\$6,086.00
Request to Delete Section 1(b) Basis, Intent to Use (Paper)	0.18	69	12	\$44.10	\$529.00
Request for Express Abandonment (Withdrawal) of Application (TEAS)	0.03	5,548	166	\$62.86	\$10,435.00
Request for Express Abandonment (Withdrawal) of Application (Paper)	0.10	277	28	\$62.86	\$1,760.00
Request to Divide Application (TEAS Global)	0.40	5,211	2,084	\$44.10	\$91,904.00
Request to Divide Application (Paper)	0.50	261	131	\$44.10	\$5,777.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)	0.40	2	1	\$44.10	\$44.00
Response to Intent-to-Use (ITU) Divisional Unit Office Action (Paper)	0.50	1	1	\$44.10	\$44.00
Response to Petition to Revive Deficiency Letter (TEAS Global)	0.25	100	25	\$52.86	\$1,322.00

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 Petition to Revive Deficiency Letter (Paper)	0.30	5	2	\$52.86	\$106.00
Petition to the Director Under Trademark Rule 2.146 (TEAS Global)	0.50	310	155	\$87.37	\$13,542.00
Petition to the Director Under Trademark Rule 2.146 (Paper)	0.75	16	12	\$87.37	\$1,048.00
Due Diligence Petition Under Trademark Rule 2.66 (TEAS Global)	0.50	140	70	\$52.86	\$3,700.00
Due Diligence Petition Under Trademark Rule 2.66 (Paper)	0.75	7	5	\$52.86	\$264.00
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)	0.25	2	1	\$52.86	\$53.00
Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (Paper)	0.30	1	1	\$52.86	\$53.00
Total	- - - - -	289,521	36,497	- - - - -	\$1,417,690.00

15. Reason for Change in Burden

Summary of Changes Since the Previous Renewal

This information collection was approved by OMB in September of 2008 with a total of 228,115 responses and 34,684 burden hours per year. With this renewal, the USPTO estimates that the responses will be 289,521 and the burden hours 48,471, which is an increase of 61,406 responses and 13,787 burden hours from the currently approved burden for this collection.

The USPTO estimates that the total annual (non-hour) cost burden will increase by \$9,321,801 for this renewal, from \$27,958,968 currently reported on the OMB inventory to the present \$37,280,769 per year.

Summary of Changes Since the 60-Day Notice

The 60-Day *Federal Register* Notice, published in March 2011, reported that the USPTO estimated it would receive 289,519 responses resulting in 48,469 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 the paper copies of the Response to Intent-to-Use (ITU) Divisional Unit Office Action and the Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA from 0 to 1. These changes result in the present 289,521 responses and 48,471 burden hours being reported for this submission. It also accounts for an additional \$650 in respondent cost burden, from

\$15,752,425 reported in the 60-Day Federal Register Notice to the present \$15,753,075.

Change in Respondent Cost Burden

In 2008, the estimated hourly rate for attorneys was \$310. Using that rate, the reported burden hours yielded a respondent cost burden of \$10,752,040. This renewal reports an estimated hourly rate of \$325 for a respondent cost burden of \$15,753,075, an increase of \$5,001,035. This increase is due to an increase in the estimated hourly rate for attorneys, 11 additional requirements being added to the collection, as well as an increase in total burden hours from 34,684 to 48,471.

Changes in Response and Burden Hours

The increase in burden hours for this renewal is due to a revised number of responses and time estimates as an administrative adjustment and the addition of 11 new items into the collection as a program change, as follows:

- The USPTO estimates that the number of TEAS Trademark/Service Mark Allegations of Use (Amendments to Allege Use/Statements of Use) submitted per year will increase by 18,533 responses, from 54,992 to 73,525. **Therefore, this submission takes a burden increase of 8,482 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Trademark/Service Mark Allegations of Use (Amendments to Allege Use/Statements of Use) submitted per year will decrease by 6,114 responses, from 10,475 to 4,361. **Therefore, this submission takes a burden decrease of 866 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests for Extension of Time to File a Statement of Use submitted per year will increase by 59,286 responses, from 117,429 to 176,715. **Therefore, this submission takes a burden increase of 5,359 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Requests for Extension of Time to File a Statement of Use submitted per year will decrease by 5,680 responses, from 10,211 to 4,531. **Therefore, this submission takes a burden decrease of 966 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Petitions to Revive Abandoned Applications – Failure to Respond Timely to an Office Action submitted per year will increase by 7,381 responses, from 8,015 to 15,396. **Therefore, this submission takes a burden increase of 2,438 hours as an administrative adjustment.**

- The USPTO estimates that the number of paper Petitions to Revive Abandoned Applications – Failure to Respond Timely to an Office Action submitted per year will decrease by 1,194 responses, from 2,004 to 810. **Therefore, this submission takes a burden decrease of 198 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Petitions to Revive Abandoned Applications – Failure to File Timely Statements of Use or Extension Requests submitted per year will decrease by 7,205 responses, from 8,015 to 810. **Therefore, this submission takes a burden decrease of 503 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Petitions to Revive Abandoned Applications – Failure to File Timely Statements of Use or Extension Requests submitted per year will decrease by 1,961 responses, from 2,004 to 43. **Therefore, this submission takes a burden decrease of 392 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests to Delete Section 1(b) Basis, Intent to Use submitted per year will increase by 280 responses, from 1,100 to 1,380. **Therefore, this submission takes a burden increase of 55 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Requests to Delete Section 1(b) Basis, Intent to Use submitted per year will decrease by 125 responses, from 194 to 64. **Therefore, this submission takes a burden decrease of 2 hours as an administrative adjustment.**
- The USPTO estimates that the number of TEAS Requests for Express Abandonment (Withdrawal) of Application submitted per year will decrease by 952 responses, from 6,500 to 5,548. Even though there was a decrease in responses, the time increased causing an increase in burden hours. **Therefore, this submission takes a burden increase of 119 hours as an administrative adjustment.**
- The USPTO estimates that the number of paper Requests for Express Abandonment (Withdrawal) of Application submitted per year will decrease by 4,409 responses, from 4,686 to 277. **Therefore, this submission takes a burden decrease of 281 hours as an administrative adjustment.**
- The USPTO is adding the Request to Divide in the TEAS Global format into the collection. The USPTO estimates that it will take 8 minutes to complete this requirement and that it will receive 5,211 responses per year. **Therefore, this submission takes a total burden increase of 677 hours as a program change.**

- The USPTO estimates that the number of paper Requests to Divide submitted per year will decrease by 1,729 responses, from 1,990 to 261. **Therefore, this submission takes a burden decrease of 115 hours as an administrative adjustment.**
- The USPTO is adding the Response to Intent-to-Use (ITU) Divisional Unit Office Action in the TEAS Global format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 2 responses per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Response to Intent-to-Use (ITU) Divisional Unit Office Action in the paper format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 1 responses per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Response to Petition to Revive Deficiency Letter in the TEAS Global format into the collection. The USPTO estimates that it will take 12 minutes to complete this requirement and that it will receive 100 responses per year. **Therefore, this submission takes a total burden increase of 20 hours as a program change.**
- The USPTO is adding the Response to Petition to Revive Deficiency Letter in the paper format into the collection. The USPTO estimates that it will take 15 minutes to complete this requirement and that it will receive 5 responses per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Petition to the Director Under Trademark Rule 2.146 in the TEAS Global format into the collection. The USPTO estimates that it will take 15 minutes to complete this requirement and that it will receive 310 responses per year. **Therefore, this submission takes a total burden increase of 78 hours as a program change.**
- The USPTO is adding the Petition to the Director Under Trademark Rule 2.146 in the paper format into the collection. The USPTO estimates that it will take 20 minutes to complete this requirement and that it will receive 16 responses per year. **Therefore, this submission takes a total burden increase of 5 hours as a program change.**
- The USPTO is adding the Due Diligence Petition Under Trademark Rule 2.66 in the TEAS Global format into the collection. The USPTO estimates that it will take 15 minutes to complete this requirement and that it will receive 140 responses per year. **Therefore, this submission takes a total burden increase of 35 hours as a program change.**

- The USPTO is adding the Due Diligence Petition Under Trademark Rule 2.66 in the paper format into the collection. The USPTO estimates that it will take 20 minutes to complete this requirement and that it will receive 7 responses per year. **Therefore, this submission takes a total burden increase of 2 hours as a program change.**
- The USPTO is adding the Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA in the TEAS Global format into the collection. The USPTO estimates that it will take 30 minutes to complete this requirement and that it will receive 2 responses per year. **Therefore, this submission takes a total burden increase of 1 hour as a program change.**
- The USPTO is adding the Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA in the 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 previous submission included an Other Petitions category. The USPTO is proposing to delete that requirement and is introducing specific petitions outlined above in its place. **Therefore, this collection takes a burden decrease of 165 hours as a program change.**

A total of 13,787 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, one requirement being deleted from the collection, and 11 requirements being added into the collection. **This results in a total net burden increase of 13,130 hours as an administrative adjustment and 657 hours as a program change.**

Changes in Annualized (Non-hour) Costs

For this renewal, the USPTO estimates that the total annual (non-hour) costs will increase by \$9,321,801, from \$27,958,968 currently reported on the OMB inventory to the present \$37,280,769. This increase is due to adjustments in responses, the addition of 11 new requirements, and an adjustment for postage fees, offset by a deletion of one requirement. **Therefore, this collection has an increase in annual (non-hour) cost burden of \$9,321,801, with an increase of \$8,803,297 due to administrative adjustments, and a net increase of \$518,504 in program changes.**

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

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. USPTO Information Quality Guidelines
- B. TEAS Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use) (Form 1553)
- C. TEAS Request for Request for Extension of Time to File a Statement of Use (Form 1581)
- D. TEAS Petition to Revive Abandoned Application – Failure to Respond Timely to Office Action (Form 2194)
- E. Petition to Revive Abandoned Application – Failure to File Timely Statement of Use or Extension Request (Form 2195)
- F. TEAS Request to Delete Section 1(b) Basis, Intent to Use (Form 2200)
- G. TEAS Request for Express Abandonment (Withdrawal) of Application (Form 2202)
- H. Request to Divide Application (TEAS Global)
- I. Response to Intent-to-Use (ITU) Divisional Unit Office Action (TEAS Global)
- J. Response to Petition to Revive Deficiency Letter (TEAS Global)
- K. Petition to the Director Under Trademark Rule 2.146 (TEAS Global)
- L. Due Diligence Under Trademark Rule 1.66 (TEAS Global)
- M. Petition to Revive with Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA (TEAS Global)