

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Representative and Address Provisions**  
**OMB CONTROL NUMBER 0651-0035**  
**(September 2011)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

Under 35 U.S.C. § 2 and 37 CFR 1.31-1.32, 1.510, and 1.915, a patent applicant, assignee of record, or third party requester may grant power of attorney to a person who is registered to practice before the United States Patent and Trademark Office (USPTO) to act for them in a patent, application, or reexamination proceeding. A power of attorney may be revoked, and a registered practitioner may withdraw as attorney or agent of record, under 37 CFR 1.36.

37 CFR 1.33 provides for the applicant, assignee, or practitioner of record to supply a correspondence address and daytime telephone number for receiving notices, official letters, and other communications from the USPTO related to a patent, application, or reexamination proceeding. In addition, third party requesters or practitioners of record for third party requesters must supply a correspondence address so that (i) patent owners can comply with the statutory mandate of service under 35 U.S.C. §§ 304 and 314 and (ii) the USPTO can comply with the statutory mandate under 35 U.S.C. § 314 of sending copies of reexamination communications to third party requesters.

The USPTO's Customer Number practice permits applicants, assignees, practitioners of record, and third party requesters to change the correspondence address or representatives of record for a number of patents, applications, or reexamination proceedings with one change request instead of filing separate requests for each patent, application, or reexamination proceeding. Customers may request a Customer Number from the USPTO and associate this Customer Number with a correspondence address or a list of registered practitioners. Any changes to the address or practitioner information associated with a Customer Number will be applied to all patents, applications, and reexamination proceedings associated with that Customer Number.

The Customer Number practice is optional, in that changes of correspondence address or power of attorney may be filed separately for each patent, application, or reexamination proceeding without using a Customer Number. However, a Customer Number associated with the correspondence address for a patent application is required in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. The PAIR system gives authorized individuals secure online access to application status information, but only for patent applications that are linked to a Customer Number. Customer Numbers may be associated with U.S. patent applications as well as international Patent Cooperation Treaty

(PCT) applications. The use of a Customer Number is also required in order to grant power of attorney to more than ten practitioners or to establish a separate “fee address” for maintenance fee purposes that is different from the correspondence address for a patent or application.

In addition to the forms offered by the USPTO to assist customers with providing the information in this collection, customers may also format requests using a Customer Number Upload Spreadsheet to designate or change the correspondence address or fee address for a list of patents, applications, or reexamination proceedings by associating them with a Customer Number. The Customer Number Upload Spreadsheet must be submitted to the USPTO on a computer-readable diskette or compact disc (CD), accompanied by a signed cover letter requesting entry of the address changes for the listed patents, applications, and reexamination proceedings. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO Web site to assist them in preparing the spreadsheet in the proper format. The Customer Number Upload Spreadsheet may not be used to change the power of attorney for patents, applications, or reexamination proceedings.

This information collection includes the information necessary to submit a request to grant or revoke power of attorney for an application, patent, or reexamination proceeding, and for a registered practitioner to withdraw as attorney or agent of record. This collection also includes the information necessary to change the correspondence address for an application, patent, or reexamination proceeding, to request a Customer Number and manage the correspondence address and list of practitioners associated with a Customer Number, and to designate or change the correspondence address or fee address for one or more patents, applications, or reexamination proceedings by using a Customer Number.

Table 1 provides the specific statutes and regulations authorizing the USPTO to collect the information discussed above:

**Table 1: Information Requirements for Representative and Address Provisions**

Requirement	Statute	Rule
Power of Attorney	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.510, and 1.915
Revocation of Power of Attorney	35 U.S.C. § 2	37 CFR 1.36(a)
Withdrawal as Attorney or Agent	35 U.S.C. § 2	37 CFR 1.36(b)
Authorization to Act in a Representative Capacity	35 U.S.C. § 2	37 CFR 1.31, 1.32, 1.34
Petition to Grant or Revoke Power of Attorney by Fewer than All the Applicants	35 U.S.C. § 2	37 CFR 1.17(h), 1.32(b)(4), 1.36(a)
Change of Correspondence Address	35 U.S.C. §§ 2, 304, and 314	37 CFR 1.33
Request for Customer Number or Customer Number Data Change	35 U.S.C. § 2	37 CFR 1.32 and 1.33

Requirement	Statute	Rule
Customer Number Upload Spreadsheet	35 U.S.C. § 2	37 CFR 1.33 and 1.363
Request to Update a PCT Application with a Customer Number	35 U.S.C. § 2	37 CFR 1.33

## 2. Needs and Uses

The public uses this information collection to grant or revoke power of attorney, to withdraw as attorney or agent of record, to authorize a practitioner to act in a representative capacity, to change a correspondence address, to request a Customer Number, and to change the data associated with a Customer Number. This collection is necessary so that the USPTO knows who is authorized to take action in an application, patent, or reexamination proceeding and where to send correspondence regarding an application, patent, or reexamination proceeding.

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., 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.

Table 2 outlines how this collection of information is used by the public and the USPTO:

**Table 2: Needs and Uses of Information Collection for Representative and Address Provisions**

Form and Function	Form #	Needs and Uses
Power of Attorney to Prosecute Applications Before the USPTO	PTO/SB/80	<ul style="list-style-type: none"> <li>Used by an assignee to appoint an attorney or agent in all applications in which the assignee is the assignee of record of the entire interest and to change the correspondence address for the applications.</li> <li>Used by the USPTO to determine who is authorized to act on behalf of the assignee and to change the correspondence address for the applications.</li> </ul>
Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81	<ul style="list-style-type: none"> <li>Used by an applicant or assignee of record of the entire interest in an application to appoint an attorney or agent and to change the correspondence address for the identified application.</li> <li>Used by an applicant or assignee of record of the entire interest in an application to revoke all previous powers of attorney in an application, to grant a new power of attorney, and to change the correspondence address for the identified application.</li> <li>Used by the USPTO to determine who is authorized to act on behalf of the applicant or assignee, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified application.</li> </ul>

Form and Function	Form #	Needs and Uses
Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81A	<ul style="list-style-type: none"> <li>• Used by an inventor or patent owner to appoint an attorney or agent and to change the correspondence address for the identified patent.</li> <li>• Used by an inventor or patent owner to revoke all previous powers of attorney in a patent, to grant a new power of attorney in the patent, and to change the correspondence address for the identified patent.</li> <li>• Used by the USPTO to determine who is authorized to act on behalf of the inventor or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address for the identified patent.</li> </ul>
Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81B	<ul style="list-style-type: none"> <li>• Used by an inventor or patent owner to appoint an attorney or agent and to change the correspondence address in a reexamination proceeding.</li> <li>• Used by an inventor or patent owner to revoke all previous powers of attorney in a reexamination proceeding, to grant a new power of attorney, and to change the correspondence address in the reexamination proceeding.</li> <li>• Used by the USPTO to determine who is authorized to act on behalf of the inventor or patent owner, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.</li> </ul>
Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address	PTO/SB/81C	<ul style="list-style-type: none"> <li>• Used by a third party requester to appoint an attorney or agent and to change the correspondence address in a reexamination proceeding.</li> <li>• Used by a third party requester to revoke all previous powers of attorney in a reexamination proceeding, to grant a new power of attorney, and to change the correspondence address in the reexamination proceeding.</li> <li>• Used by the USPTO to determine who is authorized to act on behalf of a third party requester, to process a request to revoke a power of attorney and to grant a new power of attorney, and to change the correspondence address in a reexamination proceeding.</li> </ul>
Request for Withdrawal as Attorney or Agent and Change of Correspondence Address	PTO/SB/83	<ul style="list-style-type: none"> <li>• Used by a practitioner to withdraw as the attorney or agent of record for an application and to change the correspondence address for the identified application.</li> <li>• Used by the USPTO to process the withdrawal request and to change the correspondence address for the identified application.</li> </ul>
Authorization to Act in a Representative Capacity	PTO/SB/84	<ul style="list-style-type: none"> <li>• Used by a practitioner of record to indicate that another registered practitioner has authority to take action in an application without granting a power of attorney to the named practitioner.</li> <li>• Used by the USPTO to determine who is authorized to take action in an application.</li> </ul>
Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> <li>• Used by an applicant or assignee to request that power of attorney in an application be allowed to be revoked by fewer than all the applicants or assignees of the entire interest.</li> <li>• Used by the USPTO to determine whether the request to revoke power of attorney should be granted.</li> </ul>
Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	No Form	<ul style="list-style-type: none"> <li>• Used by an applicant or assignee to request that power of attorney in an application be allowed to be granted by fewer than all the applicants or assignees of the entire interest.</li> <li>• Used by the USPTO to determine whether the request to grant power of attorney should be granted.</li> </ul>

Form and Function	Form #	Needs and Uses
Change of Correspondence Address – Application	PTO/SB/122	<ul style="list-style-type: none"> <li>Used by an applicant, assignee, or practitioner of record to change the correspondence address of a single application to either a specified correspondence address or the correspondence address associated with a specified Customer Number.</li> <li>Used by a patentee, assignee, or practitioner of record to change the correspondence address of a single patent to either a specified correspondence address or the correspondence address associated with a specified Customer Number.</li> <li>Used by the USPTO to process a request to change the correspondence address for an application or patent.</li> </ul>
Change of Correspondence Address – Patent	PTO/SB/123	
Patent Owner Change of Correspondence Address – Reexamination Proceeding	PTO/SB/123A	<ul style="list-style-type: none"> <li>Used by a practitioner of record or patent owner to change the correspondence address in a reexamination proceeding to either a specified correspondence address or the correspondence address associated with a specified Customer Number.</li> <li>Used by the USPTO to process a request to change the correspondence address in a reexamination proceeding.</li> </ul>
Third Party Requester Change of Correspondence Address – Reexamination Proceeding	PTO/SB/123B	<ul style="list-style-type: none"> <li>Used by a third party requester or practitioner of record for a third party requester to change the correspondence address in a reexamination proceeding to either a specified correspondence address or the correspondence address associated with a specified Customer Number.</li> <li>Used by the USPTO to process a request to change the correspondence address in a reexamination proceeding.</li> </ul>
Request for Customer Number Data Change	PTO/SB/124	<ul style="list-style-type: none"> <li>Used by the applicant, assignee, practitioner of record, or third party requester to change the correspondence address or list of registered practitioners associated with an existing Customer Number.</li> <li>Used by the USPTO to process a request for a Customer Number data change.</li> </ul>
Request for Customer Number	PTO/SB/125	<ul style="list-style-type: none"> <li>Used by the public to request a Customer Number and associate a correspondence address or list of registered practitioners with that Customer Number.</li> <li>Used by the USPTO to assign new Customer Numbers and associate a specified address and a list of registered practitioners with a new Customer Number.</li> </ul>
Customer Number Upload Spreadsheet	None	<ul style="list-style-type: none"> <li>Used by an applicant, assignee, practitioner of record, or third party requester to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings by using a Customer Number.</li> <li>Used by the USPTO to process a request to change the correspondence address or fee address for a list of applications, patents, and/or reexamination proceedings.</li> </ul>
Request to Update a PCT Application with a Customer Number	PTO-2248	<ul style="list-style-type: none"> <li>Used by an applicant to associate an already established PCT paper application with an existing Customer Number.</li> <li>Used by the USPTO to process a request to associate an existing PCT application with a Customer Number.</li> </ul>

### 3. Use of Information Technology

The forms associated with this collection may be downloaded from the USPTO Web site in Portable Document Format (PDF), filled out electronically, and then either printed for mailing or submitted online to the USPTO.

Customers may submit a batch request in spreadsheet format to designate or change the correspondence address or fee address for a list of patents, applications, or reexamination proceedings by associating them with a Customer Number. The Customer Number Upload

Spreadsheet file must be submitted to the USPTO on a computer-readable diskette or compact disc (CD) with a signed cover letter requesting entry of the address changes. The spreadsheet and cover letter must be mailed to the USPTO and cannot be filed electronically. Customers may download a Microsoft Excel template with instructions from the USPTO Web site to assist them in preparing the spreadsheet in the proper format. At this time, the USPTO has no plans to allow electronic submission of the Customer Number Upload Spreadsheets. Use of the Customer Number Upload Spreadsheet reduces the chance of errors and ensures that the USPTO avoids changing the address data for the wrong patent, application, or reexamination proceeding.

The other items in this collection may be submitted to the USPTO online through EFS-Web. EFS-Web is the USPTO's web-based patent application and document submission system that allows customers to file patent applications and associated documents electronically through their standard web browser without downloading special software, changing their document preparation tools, or altering their workflow processes. Typically, the customer will prepare the forms or documents as standard PDF files and then upload them to the USPTO servers using the secure EFS-Web interface. For one item in this collection, the Request for Withdrawal as Attorney or Agent, the customer may choose to enter the information directly into the EFS-Web interface screens instead of using the PDF form. EFS-Web offers many benefits to filers, including immediate notification that a submission has been received by the USPTO, automated processing of requests, and avoidance of postage or other paper delivery costs.

To protect the confidentiality, authenticity, and integrity of electronic submissions, the USPTO employs Public Key Infrastructure (PKI) technology for secure electronic communications with its customers. All electronic submissions are automatically encrypted prior to transmission to ensure confidentiality of the submission contents. After the electronic package has been received by the USPTO, the EFS server uses digital signature technology to verify that the package contents have not been altered and generates an electronic acknowledgment receipt that is immediately returned to the customer.

Customers must have a Customer Number that is associated with the correspondence address for a patent application in order to access private information about the application using the Patent Application Information Retrieval (PAIR) system, which is available through the USPTO Web site. PAIR allows authorized individuals secure and immediate online access to up-to-date patent application status and history information, but only for patent applications that are linked to a Customer Number. PAIR also offers public access to non-private information about issued patents and published applications.

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

This information is collected only when a respondent grants or revokes power of attorney in an application, withdraws as attorney of record, changes a correspondence address or fee address, requests a Customer Number, or changes data associated with a Customer Number. This information is not collected elsewhere. However, if a customer submits Customer Number forms containing a large amount of data, such as associating Customer

Number data with a large number of patents or applications, the USPTO may in some cases contact the customer and request that the data be resubmitted using the Customer Number Upload Spreadsheet format in order to facilitate accurate uploading of the data into USPTO databases.

Additionally, the Customer Number Upload Spreadsheet instructs the user to provide both the Customer Number and the correspondence address associated with the Customer Number. This correspondence address is already on file with the Customer Number, but the USPTO requests this information in order to verify that the Customer Number submitted is correct for associating the patents and applications listed on the spreadsheet.

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

This collection of information does not impose a significant economic impact on small entities or small businesses. The same information is required of every applicant and is not available from any other source.

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

This information is collected only when an applicant, assignee, or practitioner of record submits an application, or when an applicant, assignee, practitioner of record, or third party requester designates or changes their representative or correspondence address, or requests a Customer Number. This information collection could not be conducted less frequently. If the collection of information were not conducted, the USPTO would not know who is authorized to take action in an application, patent, or reexamination proceeding and could not communicate with the applicant, assignee, practitioner of record, third party requester or authorized representative concerning the application, patent, or reexamination proceeding.

## **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 May 10, 2011 (76 Fed. Reg. 27020). The comment period ended on July 11, 2011. No public comments were received.

The USPTO has long-standing relationships with groups from whom patent application data is collected, such as the American Intellectual Property Law Association (AIPLA), as well as patent bar associations, independent inventor groups, and users of our public facilities. Their views are expressed in regularly scheduled meetings and considered in developing proposals for information collection requirements. There have been no comments or concerns expressed by these or similar organizations concerning the time to provide the information required under this program.

## 9. Payment or Gifts to Respondents

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

## 10. Assurance of Confidentiality

Confidentiality of patent applications is governed by statute (35 U.S.C. § 122) and regulation (37 CFR 1.11 and 1.14). The USPTO has a legal obligation to maintain the confidentiality of the contents of unpublished patent applications and related documents. For secure electronic access to PAIR, the USPTO employs digital certificates and PKI technology to permit only authorized individuals to access private patent application information and to maintain the confidentiality and integrity of the information as it is transmitted over the Internet. Upon publication of an application or issuance of a patent, the patent application file is made available to the public, subject to the provisions for providing only a redacted copy of the file contents. The entire file of a reexamination proceeding is available to the public.

## 11. Justification for Sensitive Questions

None of the required information in this collection is considered to be sensitive.

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

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

- **Respondent Calculation Factors**  
The USPTO estimates that it will receive approximately 592,315 responses per year for this collection, with approximately 25% of these responses submitted by small entities.
- **Burden Hour Calculation Factors**  
The USPTO estimates that it will take the public approximately 3 minutes (0.05 hours) to 1.5 hours to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or document, and submit the completed request to the USPTO.
- **Cost Burden Calculation Factors**  
The USPTO uses a professional rate of \$340 per hour for respondent cost burden calculations, which is the median rate for attorneys in private firms as shown in the 2011 *Report of the Economic Survey* published by the American Intellectual Property Law Association (AIPLA).

The USPTO uses a paraprofessional rate of \$122 per hour for respondent cost burden calculations, which is the average rate for paralegals as shown in the 2010



*National Utilization and Compensation Survey* published by the National Association of Legal Assistants (NALA).

The estimated costs for preparing Requests for Withdrawal as Attorney or Agent (PTO/SB/83) and the two petitions in this collection are based on the professional rate, while the costs for the remaining items are based on the paraprofessional rate.

**Table 3: Burden Hour/Burden Cost to Respondents for Representative and Address Provisions**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)	0.05	3,600	180	\$122.00	\$21,960.00
Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81)	0.05	433,000	21,650	\$122.00	\$2,641,300.00
Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A)	0.05	500	25	\$122.00	\$3,050.00
Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B)	0.05	400	20	\$122.00	\$2,440.00
Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C)	0.05	100	5	\$122.00	\$610.00
Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83)	0.20	760	152	\$340.00	\$51,680.00
Authorization to Act in a Representative Capacity (PTO/SB/84)	0.05	1,400	70	\$122.00	\$8,540.00
Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	1.00	15	15	\$340.00	\$5,100.00
Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	1.00	10	10	\$340.00	\$3,400.00
Change of Correspondence Address for Application or Patent (PTO/SB/122/123)	0.05	140,000	7,000	\$122.00	\$854,000.00
Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A)	0.05	130	7	\$122.00	\$854.00

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Third Party Requester Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123B)	0.05	90	5	\$122.00	\$610.00
Request for Customer Number Data Change (PTO/SB/124)	0.20	2,400	480	\$122.00	\$58,560.00
Request for Customer Number (PTO/SB/125)	0.20	7,100	1,420	\$122.00	\$173,240.00
Customer Number Upload Spreadsheet	1.50	1,700	2,550	\$122.00	\$311,100.00
Request to Update a PCT Application with a Customer Number (PTO-2248)	0.25	1,110	278	\$122.00	\$33,916.00
<b>Totals</b>	.....	<b>592,315</b>	<b>33,867</b>	.....	<b>\$4,170,360.00</b>

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

The total (non-hour) respondent cost burden for this collection is estimated to be \$64,916 per year, which includes \$10,000 in filing fees and \$54,916 in postage.

#### Filing Fees

The two petitions in this collection have associated filing fees under 37 CFR 1.17(f), for a total of \$10,000 per year:

- 15 Petitions Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants at \$400 each: \$6,000
- 10 Petitions to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants at \$400 each: \$4,000

#### Postage Costs

Two types of non-electronic submissions have associated first-class postage costs when submitted by mail, for a total of \$54,916 per year:

- 59,062 non-electronic responses (not including Customer Number Upload Spreadsheets) at \$0.88 postage: \$51,975
- 1,700 Customer Number Upload Spreadsheets at \$1.73 postage: \$2,941

### 14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-5, step 1 employee approximately 3 to 12 minutes (0.05 to 0.20 hours) to process the information in this collection, except for the Customer Number Upload Spreadsheet. The USPTO estimates that the cost of a GS-5, step 1

employee is \$21.23 per hour (GS hourly rate of \$16.33 with 30% (\$4.90) added for benefits and overhead).

The USPTO estimates that it takes 25 minutes (0.42 hours) to process the Customer Number Upload Spreadsheet. The spreadsheets are currently processed by contractors at an average estimated cost of \$28.44 per hour.

Table 4 calculates the burden hours and costs to the Federal Government for processing this information collection:

**Table 4: Burden Hour/Cost to the Federal Government for Representative and Address Provisions**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80)	0.05	3,600	180	\$21.23	\$3,821.00
Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81)	0.05	433,000	21,650	\$21.23	\$459,630.00
Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A)	0.05	500	25	\$21.23	\$531.00
Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B)	0.05	400	20	\$21.23	\$425.00
Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C)	0.05	100	5	\$21.23	\$106.00
Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83)	0.05	760	38	\$21.23	\$807.00
Authorization to Act in a Representative Capacity (PTO/SB/84)	0.05	1,400	70	\$21.23	\$1,486.00
Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants	0.20	15	3	\$21.23	\$64.00
Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants	0.20	10	2	\$21.23	\$42.00
Change of Correspondence Address for Application or Patent (PTO/SB/122/123)	0.05	140,000	7,000	\$21.23	\$148,610.00
Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A)	0.05	130	7	\$21.23	\$149.00

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Third Party Requester Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123B)	0.05	90	5	\$21.23	\$106.00
Request for Customer Number Data Change (PTO/SB/124)	0.20	2,400	480	\$21.23	\$10,190.00
Request for Customer Number (PTO/SB/125)	0.20	7,100	1,420	\$21.23	\$30,147.00
Customer Number Upload Spreadsheet	0.42	1,700	714	\$28.44	\$20,306.00
Request to Update a PCT Application with a Customer Number (PTO-2248)	0.05	1,110	56	\$21.23	\$1,189.00
<b>Totals</b>	.....	<b>592,315</b>	<b>31,675</b>	.....	<b>\$677,609.00</b>

## 15. Summary of Changes in Burden Since the Previous Renewal

### Interim Approvals

- Notice of Action, December 2008: Addition of supplemental forms associated with power of attorney (PTO/SB/81A/81B/81C) and change of correspondence address (PTO/SB/123A/123B). The addition of these forms did not affect the total responses for this collection, but the total burden increased by 2 hours (due to rounding).
- Notice of Action, August 2010: Revision of two Customer Number forms (PTO/SB/124/125) to reflect revised procedures for associating PKI certificates with Customer Numbers. There were no changes in burden.

### Changes from the 60-Day *Federal Register* Notice

The estimated hourly rate of \$340 for attorneys used by the USPTO in this submission comes from the 2011 *AIPLA Report of the Economic Survey*. The 60-Day *Federal Register* Notice used the previous attorney rate of \$325 from the 2009 report. This change impacts the estimated respondent cost burden for preparing the Request for Withdrawal as Attorney or Agent (PTO/SB/83) and the petitions included in this collection. The 60-Day *Federal Register* Notice indicated a total respondent cost burden of \$4,167,705, which has increased by \$2,655 to \$4,170,360 for this submission due to the updated attorney rate.

### Change in Respondent Cost Burden

The total respondent cost burden has increased by \$1,129,730, from \$3,040,630 to \$4,170,360, from the previous renewal of this collection in November 2008, due to:

- **Increases in estimated hourly rates.** The 2008 renewal used an estimated rate of \$310 per hour for attorneys to prepare the Request for Withdrawal as Attorney or Agent (PTO/SB/83) and the petitions, and an estimated rate of \$90 per hour for paraprofessionals to prepare the other items in the collection. For the current renewal, the USPTO is using updated rates of \$340 per hour for attorneys and \$122 per hour for paraprofessionals.
- **Increases in estimated burden hours.** The total estimated burden hours have increased from 33,357 in the 2008 renewal to 33,867 for the current renewal due to increases in the estimated annual responses for this collection.

#### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses will increase by 23,413 (from 568,902 to 592,315) and the total burden hours will increase by 508 (from 33,359 to 33,867) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- **Increase of 100 estimated annual responses** for the Power of Attorney to Prosecute Applications Before the USPTO (PTO/SB/80) from 3,500 to 3,600; a **burden increase of 5 hours.**
- **Increase of 7,400 estimated annual responses** for the Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81) from 425,600 to 433,000; a **burden increase of 370 hours.**
- **Decrease of 250 estimated annual responses** for the Patent – Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81A) from 750 to 500; a **burden decrease of 13 hours.**
- **Decrease of 250 estimated annual responses** for the Reexamination – Patent Owner Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81B) from 650 to 400; a **burden decrease of 13 hours.**
- **Decrease of 450 estimated annual responses** for the Reexamination – Third Party Requester Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address (PTO/SB/81C) from 550 to 100; a **burden decrease of 23 hours.**
- **Increase of 10 estimated annual responses** for the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) from 750 to 760; a **burden increase of 2 hours.**

- **Increase of 50 estimated annual responses** for the Authorization to Act in a Representative Capacity (PTO/SB/84) from 1,350 to 1,400; a **burden increase of 2 hours**.
- **No change** to the previously approved estimated annual responses and burden hours for the Petition Under 37 CFR 1.36(a) to Revoke Power of Attorney by Fewer than All the Applicants and the Petition to Waive 37 CFR 1.32(b)(4) and Grant Power of Attorney by Fewer than All the Applicants.
- **Increase of 19,673 estimated annual responses** for the Change of Correspondence Address forms for Applications and Patents (PTO/SB/122 and PTO/SB/123) from 120,327 to 140,000; a **burden increase of 984 hours**.
- **Decrease of 620 estimated annual responses** for the Patent Owner Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123A) from 750 to 130; a **burden decrease of 31 hours**.
- **Decrease of 560 estimated annual responses** for the Third Party Requester Change of Correspondence Address – Reexamination Proceeding (PTO/SB/123B) from 650 to 90; a **burden decrease of 28 hours**.
- **Increase of 400 estimated annual responses** for the Request for Customer Number Data Change (PTO/SB/124A/124B) from 2,000 to 2,400; a **burden increase of 80 hours**.
- **Decrease of 1,400 estimated annual responses** for the Request for Customer Number (PTO/SB/125A/125B) from 8,500 to 7,100; a **burden decrease of 280 hours**.
- **Decrease of 300 estimated annual responses** for the Customer Number Upload Spreadsheet from 2,000 to 1,700; a **burden decrease of 450 hours**.
- **Decrease of 390 estimated annual responses** for the Request to Update a PCT Application with a Customer Number (PTO-2248) from 1,500 to 1,110; a **burden decrease of 97 hours**.

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

For this renewal, the USPTO estimates that the total annual (non-hour) costs will decrease by \$192,262 (from \$257,178 to \$64,916), with a \$32,080 decrease due to program changes and a \$160,182 decrease due to administrative adjustments, as follows:

## **Program Changes:**

- **No change** in the estimated total filing fees of \$10,000 for the petitions included in this collection.
- **Decrease of \$28,080.** This collection was previously approved with a total of \$28,080 in annual (non-hour) costs for recordkeeping associated with printing and retaining a copy of the acknowledgment receipt for electronic submissions. The USPTO is removing these recordkeeping costs from this collection because keeping a copy of the acknowledgment receipt is a suggestion and not a requirement.
- **Decrease of \$4,000.** This collection was previously approved with a total of \$4,000 in capital start-up costs associated with submitting the Customer Number Upload Spreadsheet on diskette or CD to the USPTO by mail. The USPTO is removing these costs from this collection because these supplies (blank media and padded envelopes) are customary and usual costs of business operations and not major investment activities.

## **Administrative Adjustments:**

- **Decrease of \$160,182.** This collection is currently approved with a total of \$215,098 in postage costs. The USPTO has adjusted the estimated postage costs to \$54,916 based on two factors. First, submissions by mail have greatly decreased since the previous renewal in 2008, from approximately 45% to 10% of responses, resulting in a decrease in the expected number of mailed submissions from 257,106 to 60,762 per year. Second, first-class postage rates have increased slightly since 2008. This small increase in postage rates partially offsets the decrease in expected mailed submissions.

### **16. Project Schedule**

The USPTO does not 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 expiration date of OMB approval.

### **18. Exception to the Certificate Statement**

This collection of information does not include any exceptions to the certificate statement.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection of information does not employ statistical methods.