

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Public Key Infrastructure (PKI) Certificate Action Form
OMB CONTROL NUMBER 0651-0045
(August 2010)

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0045 Public Key Infrastructure (PKI) Certificate Action Form. The USPTO is revising the Certificate Action Form (PTO-2042), which is included in this collection.

The USPTO allows customers to file patent applications and related documents electronically through the Web-based Electronic Filing System (EFS-Web) and to access their applications online through the Private Patent Application Information Retrieval (PAIR) system. In order to take full advantage of the online patent application systems offered by the USPTO, users must obtain a public key infrastructure (PKI) certificate and then associate the PKI certificate with a USPTO customer number.

The USPTO is streamlining the procedure for associating a PKI certificate with a customer number. Typically, practitioners or *pro se* inventors would submit a Certificate Action Form (PTO-2042) to the USPTO in order to associate their PKI certificates with a customer number. Users may request a new customer number from the USPTO or change the address or practitioners for an existing customer number by submitting a Request for Customer Number (PTO/SB/125) or Request for Customer Number Data Change (PTO/SB/124), which are approved under OMB Control Number 0651-0035.

Under the revised procedure, practitioners or inventors listed on these Request for Customer Number forms would automatically have their existing PKI certificates associated with the indicated customer number (or deleted from the customer number, in the case of deleted practitioners) without having to submit a separate Certificate Action Form.

The revised procedure will have the following effects:

- When a practitioner submits a Request for Customer Number (PTO/SB/125), the practitioner provides a list of practitioners (indicated by registration numbers) to be associated with the new customer number. The USPTO will then automatically associate any existing PKI certificates belonging to the listed practitioners with the new customer number. Similarly, if the Request for Customer Number is submitted by a *pro se* inventor, then the USPTO will automatically associate any existing PKI certificate belonging to the inventor with the new customer number. The revised procedure eliminates the need for

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practitioners or inventors to submit a subsequent Certificate Action Form (PTO-2042) to associate their PKI certificates with the new customer number.

- Users may add a practitioner to an existing customer number by submitting a Request for Customer Number Data Change (PTO/SB/124). The USPTO will then automatically associate the practitioner's existing PKI certificate with the customer number, which eliminates the need for the practitioner to submit a separate Certificate Action Form (PTO-2042) to associate the PKI certificate with the customer number. If a user submits a Request for Customer Number Data Change (PTO/SB/124) in order to delete a practitioner from a customer number, the USPTO will also disassociate the deleted practitioner's PKI certificate from the customer number.
- Users may request a new PKI certificate and a new customer number at the same time by submitting both a Request for Customer Number (PTO/SB/125) and a Certificate Action Form (PTO-2042). The USPTO will automatically associate the new PKI certificate with the new customer number.

Summary of Changes

In order to accommodate the revised procedure, the USPTO will revise the text on the Certificate Action Form (PTO-2042) to indicate that users who are requesting a new PKI certificate will have the new certificate associated with the customer numbers that the user provides on the form. The proposed revision to the Certificate Action Form (PTO-2042) clarifies the new procedure for users of the form and does not change the information being collected.

Changes in Burden

The USPTO estimates that it will receive approximately 10% fewer Certificate Action Forms per year due to the elimination of the need to submit a separate Certificate Action Form to associate PKI certificates with customer numbers in certain instances as explained above. Consequently, the new procedure will result in the following burden changes for this information collection:

Burden Type	Currently approved	Proposed change	New estimates
Responses	4,126	-206	3,920
Hours	1,383	-103	1,280
Recordkeeping costs	\$4,126	-\$412	\$3,714
Postage costs	\$866	-\$49	\$817
Annual (non-hour) costs	\$4,992	-\$461	\$4,531

The USPTO estimates that the number of annual responses for the Certificate Action Form will decrease by 206, from 2,063 to 1,857, and that the total burden hours for this

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form will decrease by 103, from 1,032 to 929. **Therefore, this collection takes a decrease of 206 responses and 103 burden hours as a program change.**

This collection is currently approved with \$4,126 in recordkeeping costs due to the notarization requirement for authenticating the signatures on the Certificate Action Form. The USPTO estimates that the average fee for having a signature notarized is \$2. Based on the reduced estimate of 1,857 signed Certificate Action Forms submitted annually under the new procedure, the recordkeeping costs for this collection will be \$3,714. **Therefore, this collection takes a decrease of \$412 in annual (non-hour) costs as a program change.**

This collection is also currently approved with \$866 in postage costs for submitting the signed Certificate Action Form to the USPTO by mail. The Certificate Action Form cannot be faxed or submitted electronically because it requires an original notarized signature for identity verification. The USPTO estimates that the first-class postage cost for a mailed Certificate Action Form will be 44 cents and that it will receive 1,857 mailed responses annually under the new procedure, for a total postage cost of approximately \$817 per year. This decrease in total postage costs is primarily due to the reduced number of responses for the Certificate Action Form but is partially offset by an increase in the estimated postage cost from 42 cents to 44 cents since this collection was last submitted to OMB for approval. **Therefore, this collection takes a net decrease of \$49 in annual (non-hour) costs, with a decrease of \$86 as a program change partially offset by an increase of \$37 as an administrative adjustment.**

In summary, the USPTO estimates that the proposed changes for this collection will result in the following total burden changes:

- Decrease of 206 responses as a program change
- Decrease of 103 burden hours as a program change
- Net decrease of \$461 in annual (non-hour) costs, with a decrease of \$498 as a program change partially offset by an increase of \$37 as an administrative adjustment

Therefore, this collection would have the following revised total burden:

- 3,920 responses
- 1,280 hours
- \$4,531 in annual (non-hour) costs