

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patent and Trademark Resource Centers Metrics
OMB CONTROL NO. 0651-00xx
(January 5, 2012)

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) first started its network of libraries in 1871 when federal statute (35 U.S.C. 12) first provided for the distribution of printed patents to libraries for use by the public. As designated by the USPTO these libraries (previously known as Patent and Trademark Depository Libraries) receive and house copies of U.S. patents and patent and trademark materials, make them freely available to the public, and actively disseminate patent and trademark information.

The USPTO has undertaken a revitalization of the Patent and Trademark Depository Library Program to reflect the new 21st Century electronic approach to customer services. As a part of this revitalization, the name will change to Patent and Trademark Resource Center Program and the nationwide network of libraries will be known as Patent and Trademark Resource Centers (PTRCs). The PTRCs include academic, public, and state libraries and one special research library. These centers provide services to a variety of customers, including inventors, intellectual property attorneys and agents, business people, researchers, entrepreneurs, students, and historians.

Recognition as a PTRC is authorized under the provisions of 35 U.S.C. § 2(a)(2), which provides that the USPTO shall be responsible for disseminating to the public information with respect to patent and trademarks. In order to be designated as a PTRC, libraries must fulfill the following requirements:

- assist the public in the efficient use of patent and trademark information resources;
- provide free access to patent and trademark resources provided by the USPTO;
- provide metrics on the use of patent and trademark services provided by the member library as stipulated by the USPTO;
- provide metrics on outreach efforts conducted by the member library as stipulated by the USPTO; and
- send representatives to attend the USPTO-hosted PTRC training seminars.

Since the USPTO is now requiring that the PTRCs provide metrics on their outreach services and the use of their patent and trademark services in order to participate in the Patent and Trademark Resource Centers Program, the USPTO is submitting this new information collection to the Office of Management and Budget (OMB) for review under the PRA. The information collected through this new information collection will enable the USPTO to more effectively train the PTRC staff who, in turn, provide assistance and training to public customers in the areas of patents and trademarks. As the PTRCs continue to move away from the physical distribution of hard copy information, the USPTO is interested in what types of new and different services the PTRC of the future should offer its customers.

Table 1 identifies the statutory and regulatory provisions that require the USPTO to collect this information:

Table 1: Information Requirements for Patent and Trademark Resource Centers (PTRCs) Metrics

Requirement	Statute	Rule
Patent and Trademark Resource Centers (PTRCs) Metrics	35 U.S.C. § 2 (a)(2)	N/A

2. Needs and Uses

This new information collection only has one form, an electronic worksheet developed by the USPTO to collect metrics concerning the use of patent and trademark services and public outreach efforts from PTRC network libraries.

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.

Table 2 outlines how these collections of information are used by the PTRCs and by the USPTO:

Table 2: Needs and Uses for Patent and Trademark Resource Centers (PTRCs) Metrics

Form and Function	Form #	Needs and Uses
PTRC Metric Worksheet	Electronic Worksheet (No Form Number)	<ul style="list-style-type: none"> Used by the PTRCs to provide metrics to the USPTO on a quarterly basis concerning the public's use of the member library's patent and trademark services. Used by the PTRCs to provide metrics to the USPTO on a quarterly basis concerning the member library's public outreach efforts. Used by the USPTO to more effectively train the PTRC staff. Used by the USPTO to determine what types of new and different services that the PTRCs should provide in the future.

3. Use of Information Technology

The metrics will only be collected electronically from the PTRCs, using the electronic worksheet developed by the USPTO. The metrics will be collected on the USPTO's behalf by a third-party vendor. The PTRCs will be given a password via e-mail to input their information.

The metrics are automatically tabulated by the vendor software. A government employee who is a member of the PTRC program office staff will be responsible for downloading the tabulated metrics. This employee and the program manager will have access to the information. The information will be kept by the vendor until deleted by the program office. The downloaded information will be kept according to the agency's record retention guidelines.

The revitalization of the Patent and Trademark Depository Library Program into the PTRCs highlights a major shift in focus from the "paper depository" concept to an expansion of access to electronic information and specialized training to meet the information needs of 21st century patent and trademark customers. A wide range of information is available electronically at the PTRCs, such as currently issued U.S. patents, procedural manuals, and electronic patent and trademark search products, to name just a few examples. The PTRCs also provide web-based tutorials on various topics, such as how to conduct a preliminary U.S. patent search.

4. Efforts to Identify Duplication

This information is collected from the PTRCs on a quarterly basis. It does not duplicate information or collection of data found elsewhere.

5. Minimizing the Burden to Small Entities

The PTRCs are not considered small entities so this section does not apply.

6. Consequences of Less Frequent Collection

The USPTO is collecting this information on a quarterly basis from the PTRCs in order to more effectively train the PTRC staff and to determine what types of new and different services the PTRCs should offer their customers in the future. This information is not collected elsewhere. If this information were not collected quarterly, the USPTO would not be able to obtain data necessary to meet the needs of its patent and trademark customers.

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 *Federal Register* Notice published on August 30, 2011 (76 Fed. Reg. 53885). The public comment period ended on October 31, 2011. One public comment was received.

Although the comment was received regarding the individual Patent and Trademark Resource Centers providing their customers with an online customer satisfaction survey, the agency is not at this time seeking to do this. We will consider these comments if and when the agency decides to request that the individual Patent and Trademark Resource Centers administer an online customer satisfaction survey to their customers.

The USPTO has long-standing relationships with groups from whom patent and trademark information is collected, such as the American Intellectual Property Law Association (AIPLA), the Patent Public Advisory Committee (P-PAC), the Trademark Public Advisory Committee (T-PAC), and the Patent and Trademark Depository Library Association, as well as patent bar associations, 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 required 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 is not required in either the collection or processing of the metric information.

11. Justification for Sensitive Questions

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

12. Estimate of Hour and Cost Burden to Respondents

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

- **Respondent Calculation Factors**

The USPTO estimates that it will receive 324 responses to this information collection per year, with approximately 81 libraries reporting their metrics once per quarter. All responses are submitted electronically.

- **Burden Hour Calculation Factors**

The USPTO estimates that it takes the public approximately 30 minutes (0.50 hours) to complete the worksheet. This includes the time to gather the necessary information, prepare the worksheet, and submit it to the USPTO.

- **Cost Burden Calculation Factors**

The USPTO expects that librarians will supply the information in this collection, at an estimated hourly rate of \$27. This is the mean hourly wage for librarians as reported in the May 2010 by the Bureau of Labor Statistics.

Table 3: Burden Hour/Burden Cost to Respondents for Patent and Trademark Resource Centers Metrics

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
PTRC Metric Worksheet	0.50	(81 x 4) = 324	162	\$27.00	\$4,374.00
Total	- - - -	324	162	- - - -	\$4,374.00

13. Total Annualized Cost Burden

There are no annualized (non-hour) costs associated with this information collection.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-13 step 9 three minutes (0.05 hours) to process a worksheet. The current hourly rate for a GS-13 step 9 is \$54.04 (source: U.S. Office of Personnel Management, Washington, D.C. locality salary table). When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-13, step 9 is \$70.25 (\$54.04 + \$16.21).

Table 6 calculates the processing hours and costs of this information collection to the Federal Government:

Table 6: Annual Burden Hour/Burden Cost to the Federal Government

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
PTRC Metric Worksheet	.05	(81 x 4) = 324	16	\$70.25	\$1,124.00
Total	- - - - -	324	16	- - - - -	\$1,124.00

The USPTO's total estimated cost for processing the information in this collection is \$1,124 per year.

15. Reason for Change in Burden

In order to be designated as a PTRC, libraries must provide the USPTO with metrics concerning the use of the library's patent and trademark services and on their outreach efforts. Due to this requirement, the USPTO is submitting this new information collection to OMB for review under the PRA.

The USPTO estimates that this new information collection will add 324 responses and 162 burden hours per year to the USPTO's information collection inventory due to a program change, with a total respondent cost burden of \$4,374 per year.

The USPTO does not expect this collection to have any annualized (non-hour) costs.

16. Project Schedule

There is no plan to publish this information for statistical use.

17. Display of Expiration Date of OMB Approval

The worksheet in this information collection will display the OMB Control Number and the OMB expiration date.

18. Exception to the Certificate Statement

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection of information does not employ statistical methods.