

**SUPPORTING STATEMENT**  
**United States Patent and Trademark Office**  
**Public User ID Badging**  
**OMB CONTROL NUMBER 0651-0041**  
**(February 3, 2012)**

**A. JUSTIFICATION**

**1. Necessity of Information Collection**

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. § 41(i)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers.

The USPTO issues online access cards to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access card by completing the application at the Public Search Facility reference desk and providing proper identification. The plastic online access cards include a bar-coded user number and an expiration date. Users may renew their cards by validating and updating the required information and may obtain a replacement for a lost card by providing proper identification.

The USPTO also offers free training courses to assist the public with using the advanced electronic search systems available at the facility. In January 2011, the USPTO discontinued the \$120 fee for users requesting private instruction for the online search systems available at the Public Search Facility. Therefore, the private instruction fee is being deleted from this collection.

Under the authority provided in 41 CFR Part 102-81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with photograph. The security badges include a color photograph of the user and must be worn at all times while at the USPTO facilities.

**2. Needs and Uses**

The public uses this information collection to obtain online access cards and security identification badges for the Public Search Facility and other office areas at the USPTO, or to sign up for user training classes. The applications for online access cards and security identification badges are completed on site and handed to a USPTO staff member for entry into the system and issuance of the card or badge. Renewal or replacement of online access cards or security badges requires the user's information to be verified and updated

as necessary. User training registration forms may be mailed, faxed, e-mailed, or hand delivered to the USPTO.

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

**Table 1: Needs and Uses of Information Collection for Public User ID Badging**

Form and Function	Form #	Needs and Uses
Application for Public User ID (Online Access Card)  Conduct in Public Information Facilities	PTO-2030	<ul style="list-style-type: none"> <li>Used by the public to request an online access card.</li> <li>Used by the public to learn the rules of conduct and to agree to follow them.</li> <li>Used by the USPTO to identify the status of any existing online access cards for the user.</li> </ul>
Issue Online Access Card	PTO-2030	<ul style="list-style-type: none"> <li>Used by the public to access the search facility and its online systems.</li> <li>Used by the USPTO to manage the use of the facility and its services.</li> </ul>
Renew Online Access Card	PTO-2030	<ul style="list-style-type: none"> <li>Used by the public to renew an online access card.</li> <li>Used by the USPTO to update the user record.</li> </ul>
Replace Online Access Card	PTO-2030	<ul style="list-style-type: none"> <li>Used by the public to replace a lost or forgotten online access card.</li> <li>Used by the USPTO to update the user record and issue a replacement online access card.</li> </ul>
User Training Registration Forms	No Form Numbers	<ul style="list-style-type: none"> <li>Used by the public to register for classes in using the online search systems.</li> <li>Used by the USPTO to collect registrations for user training classes.</li> </ul>
Security Identification Badges for Public Users	PTO-2224	<ul style="list-style-type: none"> <li>Used by the public to request a security identification badge for access to USPTO public facilities.</li> <li>Used by the USPTO to process requests for security identification badges and issue the badge to the user.</li> </ul>
Renew Security Identification Badges for Public Users	PTO-2224	<ul style="list-style-type: none"> <li>Used by the public to renew a security identification badge for access to USPTO public facilities.</li> <li>Used by the USPTO to process requests to renew security identification badges for public users.</li> </ul>
Replace Security Identification Badge	PTO-2224	<ul style="list-style-type: none"> <li>Used by the public to replace a lost security identification badge.</li> <li>Used by the USPTO to update the user record</li> </ul>

Form and Function	Form #	Needs and Uses
		and issue a replacement security identification badge.

### 3. Use of Information Technology

Currently, the USPTO does not use automated, electronic, mechanical, or other technologies to collect the information in this collection. The paper applications for the online access cards and the security identification badges are completed on site and handed to a USPTO staff member to enter into the electronic systems and issue the plastic access card or security badge. Users must present proper identification and sign the application form. The electronic database permits lost or replacement access cards and badges to be quickly reissued upon confirming the identity of the requestor and updating any changed information as necessary. The online access cards include a user number and corresponding bar code.

For the security identification badges, the USPTO also takes color digital photographs of the users to allow USPTO staff to verify the badge wearer's identity on sight. These digital photographs are stored in the electronic badging database to facilitate the replacement of security badges as needed without retaking the photograph.

Since the information collected for the online access cards and security identification badges must be verified in person, the USPTO does not plan to collect this information electronically. The USPTO has no plans to disseminate this information electronically or otherwise. Customers may download user training registration forms from the USPTO web site, but at this time the USPTO is not collecting the completed class registration forms electronically. If the USPTO later develops a means for electronic class registration, the USPTO will develop the associated forms and submit them to OMB for review and approval as necessary.

### 4. Efforts to Identify Duplication

This information is collected only when a customer requests an online access card, security identification badge, or registers for a training class. Customers must provide standard identifying information when making these requests, but these requests may only be filed in the USPTO and are not collected elsewhere. Safeguards within the database software discourage the issuing of multiple online access cards or security badges to the same person. Replacement online access cards and security identification badges may be issued upon verifying the user's personal information and updating the database as necessary.

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

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

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

This information is collected only when the public user accesses the public facilities at the USPTO or when the user registers for a training class. The information for the online access cards and security identification badges is collected only once, on the first visit, and allows subsequent visits while the user's card and badge are valid. Obtaining a security identification badge will allow users to access the public facilities without having to manually sign in each time they enter. Annual renewal of the access card or security badge, or replacement when necessary, requires validating and updating the minimum information as necessary in order to maintain the user records.

If the information for online access cards and security identification badges were not collected, public access to accurate and complete search collections would be at risk and the USPTO would not be able to identify and contact users who abuse their search privileges. Therefore, this collection of information could not be conducted less frequently.

## **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 October 7, 2011 (76 Fed. Reg. 62387). The public comment period ended on December 6, 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 required to provide the information required under this program.

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

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

## **10. Assurance of Confidentiality**

Due to the fact that personal information, such as personal addresses and telephone numbers, is collected, and that a digital photograph of the user is taken and stored in a database, this information collection has been examined under the Privacy Act. An amended Privacy Act System of Records Notice entitled "PAT/TM-14 Users of Public Facilities of the Patent and Trademark Office" for the public user identification system was published in the *Federal Register* on December 28, 1999 (64 Fed. Reg. 72640). An additional Privacy Act System of Records Notice entitled "PAT/TM-18 USPTO Identification and Security Access Control Systems" for security identification badges for individuals who access USPTO facilities was published in the *Federal Register* on December 14, 2004 (69 Fed. Reg. 74502).

Records for public users are kept in secured premises with physical and electronic access to the information limited to staff members whose official duties require it. The information is available to the extent required by law and as allowed under the Freedom of Information Act (FOIA) and the Privacy Act. Personal addresses, personal telephone numbers, and the digital photographs are kept confidential; business addresses or telephone numbers could be provided in response to a FOIA request. Completed user training forms are retained and organized by class date, not by name or other personal identifier.

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

The identifying information being collected is necessary in order to issue a unique online access card for public search facility users and a photo identification badge for access to the public facilities of the USPTO. The photograph of the user is considered essential for visually confirming that the security badge is being used by the individual to whom it was issued. Digitally-stored photographs have become a basic part of all identification badges and have been used for several years in similar systems such as the Reader Identification Card at the Library of Congress. The online access cards issued by the Public Search Facility and the identification badges issued by the Office of Security at the USPTO are necessary in order to protect the integrity of the patent and trademark collections and maintain proper physical security at the USPTO facilities.

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

Table 2 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 10,003 responses per year for this collection.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately five to ten minutes (0.08 to 0.17 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request.

- **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 USPTO estimates that approximately 1/3 of the users responding to this collection are attorneys and 2/3 paraprofessionals. Using 1/3 of the professional rate of \$340 per hour for attorneys in private firms and 2/3 of the paraprofessional rate of \$122 per hour, the estimated rate for respondents to this collection is approximately \$194 per hour. Using this estimated rate of \$194 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be approximately \$191,866 per year.

**Table 2: Burden Hour/Burden Cost to Respondents for Public User ID Badging**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Application for Public User ID (Online Access Card) (PTO-2030)	0.08	2,330	186	\$194.00	\$36,084.00
Issue Online Access Card	0.17	2,095	356	\$194.00	\$69,064.00
Renew Online Access Card	0.08	1,059	85	\$194.00	\$16,490.00
Replace Online Access Card	0.08	145	12	\$194.00	\$2,328.00
User Training Registration Forms	0.08	74	6	\$194.00	\$1,164.00
Security Identification Badges for Public Users (PTO-2224)	0.08	1,000	80	\$194.00	\$15,520.00
Renew Security Identification Badges for Public Users	0.08	3,200	256	\$194.00	\$49,664.00
Replace Security Identification Badge	0.08	100	8	\$194.00	\$1,552.00
<b>Totals</b>	.....	<b>10,003</b>	<b>989</b>	.....	<b>\$191,866.00</b>

### 13. Total Annualized Cost Burden

The total annual (non-hour) cost burden for this collection is estimated to be \$1,502, which includes \$1,500 in fees and \$2 in postage.

#### Fees

- 100 replacement security identification badges per year at \$15 each: \$1,500

## Postage Costs

- A total of 4 training forms per year will be mailed at \$0.45 postage: \$2

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

The USPTO estimates that it takes a GS-8, step 1 employee approximately five minutes (0.08 hours) to process an application for an online access card, to issue the online access card, to process a renewal or replacement card, or to process a user training registration form. The current hourly rate for a GS-8, step 1 employee is \$22.40. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-8, step 1 employee is \$29.12 (\$22.40 + \$6.72).

The USPTO estimates that it takes a GS-6, step 3 employee approximately five minutes (0.08 hours) to process and issue a new security identification badge for public users. Processing a renewal or replacement badge takes approximately one minute (0.02 hours). The current hourly rate for a GS-6, step 3 employee is \$19.41. When 30% is added to account for a fully-loaded hourly rate (benefits and overhead), the hourly rate for a GS-6, step 3 employee is \$25.23 (\$19.41 + \$5.82).

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

**Table 4: Burden Hours/Burden Costs to the Federal Government for Public User ID Badging**

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/yr) (e) (c) x (d)
Application for Public User ID (Online Access Card)	0.08	2,330	186	\$29.12	\$5,416.00
Issue Online Access Card	0.08	2,095	168	\$29.12	\$4,892.00
Renew Online Access Card	0.08	1,059	85	\$29.12	\$2,475.00
Replace Online Access Card	0.08	145	12	\$29.12	\$349.00
User Training Registration Forms	0.08	74	6	\$29.12	\$175.00
Security Identification Badges for Public Users	0.08	1,000	80	\$25.23	\$2,018.00
Renew Security Identification Badges for Public Users	0.02	3,200	64	\$25.23	\$1,615.00
Replace Security Identification Badge	0.02	100	2	\$25.23	\$50.00
<b>Total</b>	-----	<b>10,003</b>	<b>603</b>	-----	<b>\$16,990.00</b>

### **15. Reason for Change in Burden**

#### Summary of Changes Since the Previous Renewal

OMB previously approved the renewal of this information collection in April of 2009 with

10,500 responses, 1,045 burden hours, and \$1,982 in annual (non-hour) costs. There have been no interim approvals.

For this renewal, the USPTO estimates that the total annual responses will be 10,003 and the total annual burden hours will be 989. This decrease of 56 burden hours is due to administrative adjustments.

The currently approved annual (non-hour) cost burden for this collection is \$1,982. For this renewal, the USPTO estimates that the total annual (non-hour) costs will be \$1,502. This decrease of \$480 is due to a program change.

#### Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$14,216, from \$177,650 to \$191,866, from the previous renewal of this collection in April of 2009 due to:

- **Increase in estimated hourly rate.** The 2009 renewal used an estimated rate of \$170 per hour for a combination of attorneys and paraprofessionals to prepare the items in this collection. For the current renewal, the USPTO is using the updated rate of \$194 per hour for respondents to this collection.
- **Decrease in estimated burden hours.** The total estimated burden hours have decreased from 1,045 in the 2009 renewal to 989 for the current renewal due to a decrease in the estimated number of annual filings for this collection.

#### Changes in Responses and Burden Hours

For this renewal, the USPTO estimates that the total annual responses will decrease by 497 (from 10,500 to 10,003) and the total burden hours will decrease by 56 (from 1,045 to 989) from the currently approved burden for this collection. These changes are due to the following administrative adjustments:

- **Decrease of 223 estimated annual responses** for the Application for Public User ID (Online Access Card) from 2,553 to 2,330; a **burden decrease of 18 hours**.
- **Decrease of 187 estimated annual responses** for the Issue Online Access Card from 2,282 to 2,095; a **burden decrease of 32 hours**.
- **Decrease of 67 estimated annual responses** for the Renew Online Access Card from 1,126 to 1,059; a **burden decrease of 5 hours**.
- **Decrease of 20 estimated annual responses** for the Replace Online Access Card from 165 to 145; a **burden decrease of 1 hour**.



## Changes in Annual (Non-Hour) Costs

For this renewal, the USPTO estimates that the annual (non-hour) costs will decrease by \$480, from \$1,982 to \$1,502, due to a program change, as follows:

- **Decrease of \$480.** This collection is currently approved with a total of \$1,980 in fees. For this renewal, the USPTO estimates that total fees will decrease to \$1,500 as a program change. The \$120 fee for the 4 users who request private instruction for the online search systems available at the Public Search Facility is being deleted from this collection. With the elimination of this fee, this collection no longer has any fees associated with training for the online search systems.

### **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.

### **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.