

SUPPORTING STATEMENT
United States Patent and Trademark Office
Patents for Humanity Program (formerly Humanitarian Program)
OMB CONTROL NO. 0651-0066
(July 6, 2012)

A. JUSTIFICATION

1. Necessity of Information Collection

The United States Patent and Trademark Office (USPTO) is conducting a voluntary pilot program to incentivize the distribution of patented technologies or products to address humanitarian needs. This pilot program is open to any patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees. The USPTO plans to collect information from applicants that describe what actions they have taken with their patented technology to address humanitarian needs among an impoverished population, or how they have furthered research by others on technologies for humanitarian purposes. Applications will be considered in four categories: Medical Technology, Food and Nutrition, Clean Technology, and Information Technology. It is expected that inventions from any field of technology will be eligible for the program, as long as they are applied to one of the four categories.

This pilot program is a follow-up to the responses received from the agency's "Request for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System" published September 20, 2010. On February 8, 2012, the USPTO published a notice in the *Federal Register* announcing the pilot program and outlining the procedures for participation in it. The USPTO plans to review the results from this pilot program to determine whether it should be extended.

In order to participate in this program, applicants must submit an application describing how their actions satisfy the competition criteria to address humanitarian issues electronically through the <http://patentsforhumanity.challenge.gov> website. Submitted applications will be available on the public website after being screened for inappropriate material.

The applications will be reviewed by external judges. A selection committee composed of representatives from other federal agencies and laboratories will make recommendations for the awards based on the judges' reviews. Those applicants who are selected for an award will receive a certificate redeemable to accelerate select matters before the USPTO and public recognition for their efforts, including an awards ceremony at the USPTO. The certificates can be redeemed to accelerate one of the following matters: an *ex parte* reexamination proceeding, including one appeal to the Board of Patent Appeals and Interferences (BPAI) from that proceeding; a patent application, including one appeal to the BPAI from that application; or an appeal to the

BPAI of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which generated the appeal. The certificates cannot be transferred to other parties.

The USPTO obtained an emergency clearance from OMB for this collection, which was approved on January 25, 2012. This approval expires on July 31, 2012, so the USPTO is resubmitting this collection to OMB to extend the approval. Since the submission of the emergency clearance, the USPTO has determined that the petition to extend the redemption period of the humanitarian awards certificate requires approval from OMB and has included it in the renewal submission.

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

Table 1: Information Requirements for Patents for Humanity Program

Requirement	Statute	Rule
Humanitarian Program Application	35 U.S.C. § 3(a)(2)	37 CFR 1.102
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	35 U.S.C. § 3(a)(2)	37 CFR 1.102

2. Needs and Uses

The USPTO has developed two application forms that applicants can use to apply for participation in the Patents for Humanity Pilot Program. One application covers the humanitarian uses of technologies or products and the other application covers humanitarian research. In addition, there is a form that allows applicants to provide their contact information which the USPTO uses to notify applicants that they have been selected for an award. These applications may be up to five pages long and can be supplemented with additional supporting materials. The applications must be submitted electronically through the <http://patentsforhumanity.challenge.gov> website.

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.

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

Table 2: Needs and Uses for Patents for Humanity Program

Form and Function	Form #	Needs and Uses
Humanitarian Program Application	No Form Number	<ul style="list-style-type: none">• Used by the applicant to apply for participation in the Patents for Humanity Program.• Used by the applicant to provide their contact information to the USPTO.• Used by external judges to recommend award recipients.• Used by the selection committee to make recommendations for award recipients.• Used by the USPTO to award a certificate to the selected recipients.
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	No Form Associated	<ul style="list-style-type: none">• Used by the certificate holder to petition the USPTO to extend the redemption period of the certificate after it expires.• Used by the USPTO to grant the extension of the redemption period for the certificate.

3. Use of Information Technology

The applications for participation in the Patents for Humanity Pilot Program are submitted electronically through the Challenge.gov website. After the applications are screened for inappropriate material, they will be available on the public website.

4. Efforts to Identify Duplication

This information is collected when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees apply for participation in the Patents for Humanity Pilot Program. It does not duplicate information or collection of data found elsewhere.

5. Minimizing the Burden to Small Entities

No significant impact is placed on small entities.

6. Consequences of Less Frequent Collection

This information is collected only when patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licensees apply for participation in the Patents for Humanity Pilot Program. This information is not collected elsewhere. Therefore, this collection of information could not be conducted less frequently. If this information were not collected, the USPTO would not be able to present the awards and fulfill the requirements of the pilot program.

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 was published on March 13, 2012 (77 Fed. Reg. 14766). The public comment period ended on May 14, 2012. No public comments were received.

The USPTO published a *Federal Register* Notice on September 20, 2010, entitled “Requests for Comments on Incentivizing Humanitarian Technologies and Licensing Through the Intellectual Property System” (75 Fed. Reg. 57261). Public comments have been received and have been considered in the development of the program and collection of information. Comments are posted to the agency website at <http://www.uspto.gov/patents/law/comments/humanitarian.jsp>.

In addition, the USPTO consults with the Public Advisory Committees, which were created by statute in the American Inventors Protection Act of 1999 to advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on the management of the patent and trademark operations. The Advisory Committees consist of the United States citizens chosen to represent the interests of the diverse users of the USPTO. The Advisory Committees review the policies, goals, performance, budget, and user fees of the patent and trademark operations, respectively, and advise the Director on these matters.

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. Views expressed by these groups are 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 involve an award to select respondents. For patent holders whose applications are chosen as the best examples of advancing humanitarian goals, the USPTO will award them a certificate for acceleration of certain matters before the agency.

10. Assurance of Confidentiality

The USPTO will comply with the Privacy Act of 1974.

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 1,010 responses to this information collection per year, with an estimated 333 (33%) submitted by small entities. All of the responses are submitted electronically.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

- **Burden Hour Calculation Factors**

The USPTO estimates that it will take the public approximately four hours to complete the humanitarian program application and one hour to complete the petition to extend the redemption period, depending on the nature of the information. These estimated times include gathering the necessary information, preparing the application or petition and any supplemental supporting materials, and submitting the completed request.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

- **Cost Burden Calculation Factors**

The USPTO expects that both attorneys and paralegals will complete the applications for the humanitarian program and that attorneys will complete the petitions to extend the redemption period. The USPTO uses a professional rate of \$371 per hour for the attorney respondent cost burden calculations, which is the mean rate for attorneys in private firms as shown in the *2011 Report of the Economic Survey* published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA). The USPTO uses a paraprofessional hourly rate for \$122 for the paralegal respondent cost burden calculations, which is the mean billing rate for paralegals with the Advanced Certified Paralegal credential as shown in the *2010 National Utilization and Compensation Survey Report* published by the National Association of Legal Assistance, October 2010.

Based on the Agency's long-standing institutional knowledge of and experience with the type of information collected, the Agency believes \$371 is an accurate estimate of the cost per hour to collect this information.

Table 3: Burden Hour/Burden Cost to Respondents for Patents for Humanity Program

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Humanitarian Program Application		1,000			
• Attorney	1.00		1,000	\$371.00	\$371,000.00
• Paralegal	3.00		3,000	\$122.00	\$366,000.00

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 Extend the Redemption Period of the Humanitarian Awards Certificate	1.00	10	10	\$371.00	\$3,710.00
Total	- - - -	1,010	4,010	- - - -	\$740,710.00

13. Total Annualized Cost Burden

The USPTO expects that there will be no annual (non-hour) cost burden associated with the humanitarian program applications or the petitions for extension.

14. Annual Cost to the Federal Government

The USPTO estimates that it takes a GS-9, step 1, approximately 5 minutes (0.08 hours) to review the applications for inappropriate material. The hourly rate for a GS-9, step 1, is currently \$24.74 according to the U.S. Office of Personnel Management's (OPM's) 2011 wage chart, including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-9, step 1 is \$32.16 (\$24.74 + \$7.42).

The USPTO estimates that it takes a GS-11, step 1, approximately 15 minutes (0.25 hours) to review the petitions to extend the redemption period of the humanitarian awards certificate. The hourly rate for a GS-11, step 1 is currently \$29.93 according to the U.S. Office of Personnel Management's (OPM's) 2011 wage chart including locality pay for the Washington, DC area. When 30% is added to account for a fully loaded hourly rate (benefits and overhead), the rate per hour for a GS-11, step 1 is \$38.91 (\$29.93 + \$8.98).

Estimates are based upon agency long-standing institutional knowledge of and experience with processing the type of information collected and the length of time necessary to process similar or like information.

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

Table 4: Burden Hour/Burden Cost to the Federal Government for Patents for Humanity Program

Item	Hours (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a) x (b)	Rate (\$/hr) (d)	Total Cost (\$/hr) (e) (c) x (d)
Humanitarian Program Application	0.08	1,000	80	\$32.16	\$2,573.00
Petition to Extend the Redemption Period of the Humanitarian Awards Certificate	0.25	10	3	\$38.91	\$117.00
Total	- - - -	1,010	83	-----	\$2,690.00

The USPTO's total estimated cost for processing the information in this collection is \$2,690 per year.

15. Reason for Change in Burden

Summary of Changes Since the Emergency Clearance

OMB approved the emergency clearance of this information collection on January 25, 2012 with 1,000 responses, 4,000 burden hours, and \$0 in annual (non-hour) costs.

Since USPTO plans to conduct the Patents for Humanity Program pilot program past the expiration of the emergency clearance, which occurs on July 31, 2012, the USPTO is resubmitting this collection to extend the approval. For this renewal, the USPTO estimates that the total annual responses will be 1,010 and the total annual burden hours will be 4,010. This increase of 10 burden hours is due to a program change.

As with the emergency clearance, the USPTO estimates that annual (non-hour) cost burden for this collection will remain at \$0.

Changes Since the Publication of the 60-Day *Federal Register* Notice

In the 60-Day *Federal Register* Notice published on March 13, 2012 (77 Fed. Reg. 14766), the USPTO estimated that the total annual respondent cost burden for this collection would be \$709,400. This cost burden was calculated using the median hourly rate of \$340 for attorneys and the mean hourly rate of \$122 for paralegals.

Since the publication of the 60-Day, the USPTO has determined that using the mean hourly rate for the attorneys would provide a more accurate picture of the respondent cost burden. The mean hourly rate for attorneys is \$371. Using this rate, the USPTO estimates that the total annual respondent cost burden for this collection will be \$740,710. This is an increase of \$31,310 over the total annual respondent cost burden estimated in the 60-Day *Federal Register* Notice.

Change in Respondent Cost Burden

The total respondent cost burden for this collection has increased by \$34,710, from \$706,000 to \$740,710, from the emergency clearance of this collection in January of 2012 due to:

- **Increase in estimated hourly rate.** The emergency clearance used the estimated median hourly rate of \$340 for the attorneys and an estimated mean hourly rate of \$122 for the paralegals to prepare the humanitarian program application. For the current submission, the USPTO is using the mean hourly rate for the attorneys instead of the median hourly rate. The USPTO estimates that the mean hourly rate for the attorneys will be \$371.

- **Addition of new information requirement to the collection.** Since the submission of the emergency clearance, the USPTO has determined that the petition to extend the redemption period of the humanitarian awards certificate should be added to this collection. The USPTO estimates that attorneys, at the mean hourly rate of \$371, will take approximately one hour to prepare these submissions and that 10 of them will be submitted per year.

Changes in Responses and Burden Hours

For this submission, the USPTO estimates that the total annual responses will increase by 10 (from 1,000 to 1,010) and the total burden hours will increase by 10 (from 4,000 to 4,010) from the currently approved burden for this collection. These changes are due to the following program change:

- **Increase of 10 estimated annual responses** due to the addition of the petition to extend the redemption period of the humanitarian awards certificate to the collection; a **burden increase of 10 hours.**

16. Project Schedule

There is no plan to publish this information for statistical use. No special publication of the items discussed in this justification statement is planned. The pilot program start date is currently estimated as early calendar year 2012. Applications are expected to be collected twice a year for the pilot. This schedule may be adjusted in the future.

17. Display of Expiration Date of OMB Approval

The form 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.